

Renewal of Planning Permission

Purpose

The purpose of this guidance is to provide an overview of the legislation that provides for renewal of planning permission applications and to set out the procedures for dealing with applications submitted to the Council for renewal of permission.

Legislative Background

Section 54(5) of The Planning Act (Northern Ireland) 2011 prohibits the extension of the time limit of a planning permission to be extended by a Section 54 application to develop land without compliance with conditions previously attached.

Article 3(5)(a) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 (hereinafter referred to as the GDPO) makes provision to apply to renew planning permission prior to the expiration of the time limit for implementation of the planning permission where the development previously granted has not yet begun. Applications submitted after that date cannot be processed as a renewal. In the case of outline permission, a renewal application must be applied for prior to the expiration of the time period for submission of reserved matters. Article 3(5) states that an application for renewal of planning permission shall be made in writing and give sufficient information to identify the previous grant of planning permission and any condition. There is no provision in the legislation to allow a renewal of an approval of reserved matters. However, as an alternative, an applicant may wish to submit a full application as a renewal of the previous approval of outline and reserved matters applications combined.

There is no limitation in the legislation regarding the number of occasions an application for renewal of planning permission can be submitted.

Applications for renewal of planning permission should be made shortly before the expiration of the extant planning permission. Applications for renewal submitted too early may be rejected as the application would be premature as it would still have a reasonable time to run.

Article 8 of the GDPO requires notification of all applications in at least one newspaper circulating in the locality and to serve notice of the application to any identified occupier on neighbouring land in accordance with the procedures set out in Article 8(2), this includes renewal of planning permission applications. The application is also listed on Planning section of Council's website.

Article 13 of the GDPO requires consultation with statutory consultees before the determination of the renewal planning application.

Regulation 3 of Schedule 1 Part 1 of The Planning (Fees) Regulations (Northern Ireland) 2015 and as amended, sets out the fee payable for an application to renew planning permission shall be one-quarter of the amount that would normally be payable.

This legislation is available to view on the Department for Infrastructure website via the following link [Current Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk) .

Application and Determination Procedure

How do I apply to renew planning permission?

Developers who are not in a position to commence development within the required timeframe may choose to apply to renew planning permission prior to the expiration of the time limit for implementation of the planning approval.

Anyone can apply to Council's Planning Department to renew planning permission; you are not required to be the applicant of the extant planning permission. However, the renewal application cannot include any amendments to the proposed development subject to the extant planning permission.

A renewal application must include:

- letter referring to the extant planning permission and give sufficient information to identify the previous grant of planning permission and
- the appropriate fee.

The application fee as set out in The Planning (Fees) Regulations (Northern Ireland) 2015 as amended, available to view via this link <https://www.infrastructure-ni.gov.uk/articles/current-planning-legislation#toc-5> otherwise the application will be deemed to be invalid and returned within 3 working days if the outstanding information to accompany the application is not received within that timeframe.

The Council has the power under Article 3(6) to subsequently require further information or plans to be submitted if required to enable it to determine the application. This may include a direction to submit updated reports/assessments should the original approved reports/assessments be considered outdated. It is therefore important to consider the relevance of previous approved reports and whether these require to be updated and submitted with the renewal planning application. The submission of updated reports/assessments at the initial



submission stage will assist in improving the processing time of the assessment of the renewal planning application. If they are not received at this stage and we subsequently have to request these, this will result in delays to the processing of the application.

Where a renewal of a major application is submitted, further Pre-Application Community Consultation is not required.

Does a consultation take place on an application for renewal of planning permission?

Under Article 8 of the GPDO, notification of the application is required in at least one newspaper circulating in the locality in which the land to which the application relates is situated. Article 8 also requires that notice is served of the application to any identified occupier on neighbouring land in accordance with Article 8(2) of the GDPO. In addition, the application is published in the Planning section of Council's website in the Schedule of Applications – Applications Advertised section available to view via the following link

<https://www.causewaycoastandglens.gov.uk/live/planning/schedule-of-applications/applications-advertised> .

Consultation with statutory consultees is also required on renewal of planning permission applications under Article 13 of the GDPO.

How will a renewal application be considered?

On receipt of the renewal letter clearly identifying the extant planning permission to which the renewal application relates, the Planning Department will consider if there has been some material change in planning circumstances since the original permission was granted (for example a change to the relevant planning policy, publication of new policy guidance, changes to flood risk maps or highway safety, material to the renewal application).

To ascertain if there has been any change in planning circumstances, the case officer will:

- Undertake consultation as required under Article 13 of the GDPO
- Undertake notification of the application as required under Article 8 of the GDPO
- Undertake a site visit if considered necessary
- Consider relevant planning history
- Consider relevant planning policy
- Any other material issues relevant to the proposed development, such as issues raised in representations.



If we are satisfied that there has been no change in planning circumstances, we will grant a renewal of planning permission. If there is a change of planning circumstances, we may require further information/updated reports/assessments to be submitted to assist in the determination of the application. If the change of planning circumstances are considered to be significantly adverse, such as a change in planning policy, this may result in the refusal of the renewal of planning permission.

Where renewal of planning permission is to be granted, the time limit for commencement of development may be reduced if renewal of planning permission has been granted on 2 or more applications. Conditions of the previous extant permission may be changed where circumstances have changed since the previous grant of planning permission and the renewal of planning permission application is to be granted.

Determination of an application for renewal of planning permission

On receipt of a valid application for renewal of planning permission, we shall input the information onto the Planning Portal and validate the application on submission of all of the required information and fee. The appointed case officer will consider whether a site visit is necessary.

In determining an application for renewal of planning permission, we can only consider the proposed development that was subject to the extant planning permission. Any changes to the approved development cannot be considered under a renewal application. A fresh planning application is required in such instances.

The case officer will issue the statutory consultations and undertake the notification procedures. The case officer will consider the relevant planning history, planning policy and other material considerations relevant to the proposed development and prepare a report for discussion with an authorised officer.

Both the case officer and authorised officer will record their agreement on the Development Management Officer Report and consider the determination of the application in accordance with the Scheme of Delegation for the Planning Department. A copy of the agreed assessment report will be published on the Planning Portal. Depending on how the Scheme of Delegation for the Planning Department applies to the proposal, the application may be determined by the Planning Committee.

Where an application is refused, in whole or in part, we will set out in the decision notice the full reason for our decision including a statement to advise the applicant that they can appeal the decision to the PAC under section 58 of the Planning Act (Northern Ireland) 2011.



The decision will be inputted into the Planning Portal by the case officer and the application and associated plans passed to an authorised officer for checking and signing of the decision notice. Once signed the decision notice and associated plans will be published on the Planning Portal and the agent will be advised that the decision has been issued and available to view on the Planning Portal. Any information/evidence no longer required may be returned to the applicant.

Planning Register

Section 242 of The Planning Act (Northern Ireland) 2011 sets out the requirements for the information to be placed on the planning register which includes renewal of planning applications. Article 24 of the GDPO sets out that the information placed on the register shall contain brief details including the date of issue, any variation and any revocation or expiry as the case may be.

Revocation or modification of a renewal of planning permission

We can revoke/modify a renewal of planning permission under Section 68 of the Planning Act (Northern Ireland) 2011 if, having regard to the local development plan and to other material considerations, consider it expedient to do so. The statutory procedures for revoking/modifying a planning permission are set out in Sections 69-71 of the Act.

Renewal of planning permission applications and Environmental Impact Assessment and Habitats Regulation Assessment

Where an application is submitted to renew a proposal which was previously accompanied by an environmental statement (EIA development), the renewal application must be accompanied by an environmental statement. Under Regulation 15 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 (the Regulations), where such an application for renewal of planning permission is submitted without an environmental statement, the Council shall notify the applicant that an environmental statement is required.

An application may be submitted to renew a proposal which was previously subject to a screening determination (under Regulation 8 or 12 of the Regulations), where it was determined that an environmental statement was not required i.e. the development is not EIA development. Under Regulation 12 of the Regulations, the Council may rely on the previous screening determination that an environmental statement is not required i.e. the development is not EIA development. However, if



there has been a change in circumstances, such as a recent environmental designation or there has been a significant passage of time since the previous screening determination was undertaken, the Council shall undertake a new screening determination. This may result in the development requiring an environmental statement i.e. the development is determined EIA development.

All planning applications, including applications for renewal of planning permission, are subject to screening by the Council under Regulation 43 of The Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended). This is to determine whether the project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). If Stage 2 Appropriate Assessment is required, the Council may request further information from the applicant.