

Application to Modify or Discharge a Planning Agreement

Official Use	
Application No.	_____
Fee Received	£ _____
Receipt No.	_____

This form is specifically designed to be downloaded and completed offline. If completing a printed version, please use black ink and block capitals as the document will be scanned once received by the Planning Authority.

This form is only to be used for requests to modify or discharge a Planning Agreement made under Section 77 of the Planning Act (Northern Ireland) 2011.

You are advised to read the notes at the end of this form before completing and submitting the application to the relevant Planning Authority. To find contact details for the Planning Authorities, including the postal or e-mail address to send offline applications to, please check their website or visit www.nidirect.gov.uk/contacts/planning-offices-ni.

If you would rather make this application online, you can do so on the Planning Portal (<https://submissions.planningsystemni.gov.uk/app/>).

Please note that when you submit a planning application the information you provide including all plans, maps, drawings, forms and associated assessments will appear on the Planning Register which is publicly available and, along with any other associated documentation (with the exception of personal telephone numbers, personal e-mail addresses or sensitive personal data), may also be published online on the Planning Portal (<https://planningregister.planningsystemni.gov.uk/>). The Planning Authority will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available on the Planning Portal. To request a hard copy, please contact the Data Protection Officer for the relevant Planning Authority.

Section A

Applicant's name and address

Agent's name and address (if applicable)

Name:		Name:	
Address:		Address:	
Town/City:		Town/City:	
Postcode:		Postcode:	
Tel:		Tel:	
Mobile:		Mobile:	
E-mail:		E-mail:	
Your Ref.:		Your Ref.:	

Section B

Under [Section 77 of the Planning Act \(Northern Ireland\) 2011](#) a planning agreement may not be modified or discharged except:

- by agreement between the relevant authority and the person or persons against whom the agreement is enforceable; or
- in accordance with [this section](#) and [section 78](#).

Interest in the Land

Please state the applicant's interest in the land (e.g. owner, lessee, occupier, trustee or other). An application is only permitted by someone who either has an interest in the land, or else is acting on the behalf of someone else who does.

If the applicant is not the owner, please give the name(s) and address(es) of anyone you know who has an estate in the lands. Please also include the nature of their estate (if known).

Have the owner(s) been informed of the application?

Yes

No

Section C - Site Address

Give the full postal address of the land to which the Planning Agreement relates. If you cannot provide a postcode, then please give the most accurate site description you can in order to help locate the site.

Section D - Details of Existing Agreement

Please provide the description of the existing Agreement as shown on the decision letter. Please complete as fully as possible, giving sufficient information to allow the Planning Authority to identify the existing Agreement.

What is the planning application reference number?

This is the reference number of the original agreed proposal.

Date on which the Agreement was entered into

Has any work already started?

Yes

No

If Yes, please state when the work was started

Please describe the nature of the works already started

Has the work already been completed? Yes No

If 'Yes' please state when the work was completed

Section E - Clause(s) – Variation / Discharge

For your existing Planning Agreement, please indicate what you now wish to do

Discharge

Modify

If Discharge, are you requesting to discharge only part of a clause? Yes No

If yes, which part(s) of the current clauses does this application now want to become discharged?

Reason for this application to discharge the original Agreement?

If Modify, please state which clause(s) of the existing Agreement you wish to modify?

Please state the reason(s) for wanting to modify the original Agreement?

If you would like a clause to be varied, please state clearly how it should be rephrased. Example: If you wanted to change the opening hours for your premises: 'Variation to clause 3 to allow opening of the premises between 08:00 to 23:30 Monday to Fridays, 08:00 to 00:30 on Saturdays and 14:00 to 22:00 on Sundays.'

Section F - Authority Employee / Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes No

Are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes No

If you have answered yes to either of the above questions, you / the applicant / the applicant's spouse or partner may have a duty to declare an interest in this application under the Authority's code of conduct or scheme of delegation. If necessary, a council officer may be in touch with you to confirm details.

Declaration

I / We apply to modify / discharge a Planning Agreement made under Section 77 of the Planning Act (Northern Ireland) Order 2011.

I / We confirm that, to the best of my / our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the persons giving them.

Signature of *Applicant / Agent _____ Date _____

On behalf of _____

** Delete as appropriate*

Guidance Notes for Applicants

Introduction

Section 77 of the Planning Act (Northern Ireland) 2011 provides that a Planning Agreement may be modified or discharged by agreement between the parties at the end of the period of five years, beginning with the date the Agreement was entered into.

After the expiry of five years, an application for modification or discharge can be made. The Council, or as the case may be, the Department upon receipt of such an application will either decide that the Planning Agreement should continue to have effect without modification, discharge the Agreement, or modify the Agreement.

Where the Planning Authority has failed to respond to an application within the appropriate time limits or has refused to modify or discharge an agreement, there is a right of appeal to the Planning Appeals Commission.

This form is to be used for the modification or discharge of a Planning Agreement made under Section 77 of the Planning Act (Northern Ireland) 2011. The following guidance notes are in the same order as the questions on the form.

Applicant/Agent Details

The applicant is the name of the person for whom the application is being made. If you are using an agent to submit this application, all future correspondence will be sent to them.

Interest in the Land

Please tick the relevant box and give exact details of your interest in the land.

Site Address

Please give the full postal address of the site. If you cannot provide a postcode, then please give the most accurate site description you can in order to help locate the site.

Details of Agreement to be modified or discharged

Please complete as fully as possible, giving sufficient information to allow the Planning Authority to identify the existing Agreement.

Clause(s) – Variation / Discharge

Please complete the appropriate fields to indicate whether you are applying for modification or discharge of the Agreement and provide full details of the request. You should note that the Planning Authority can only consider and approve the modifications as stated in the application form.

Reasons for applying for either modification or discharge of an agreement should be given in full - continue on a separate sheet if necessary.

Council Employee / Elected Member Interest

You must declare whether the applicant or agent is a member of the council's staff, an elected member of the Council or related to a member of staff or elected member of the Council.

Serving elected members or planning officers who submit their own planning applications should play no part in their determination and such applications should be determined by the planning committee rather than by planning officers under delegated powers.

For the purposes of this question, "related to" means related by birth or otherwise closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias on the part of the decision-maker in the council.

Declaration

Please ensure the application form is signed and dated.

Certificate of Compliance

The applicant is required to give notice of the application to any other person against whom, on the day 21 days before the date of this application, the agreement is enforceable. You must take reasonable steps to find out the name and address of such person(s).

Where the names and addresses of all such persons are not known the applicant must, during the 21 day period immediately preceding this application, publish a notice in the newspaper. The form and content of the notice to be published in the paper or served on the person(s) mentioned above is prescribed in Regulation 3 of the Planning (Modification and Discharge of Planning Agreements) Regulations (Northern Ireland) 2015.

Consultation

On receipt of an application to modify or discharge a Planning Agreement made to the Department, the Department is required by legislation to consult with the appropriate Council for the area. Details of your application will be forwarded to the relevant Council and they will be given 4 weeks within which to comment. No recommendation can be made by the Department until this 4 week consultation period has expired.