

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

PRESCRIBED NOTICES AND CERTIFICATES

Regulation 3(4)

PART 1

NOTICE OF AN APPLICATION TO MODIFY OR DISCHARGE  
A PLANNING AGREEMENT UNDER SECTION 77 OF  
THE PLANNING ACT (NORTHERN IRELAND) 2011

*(Notice to be given by applicant)*

Take notice that *(insert name of applicant)*

is applying to the *(insert name of relevant authority)* to modify/discharge the planning agreement described below

**Planning Agreement**

Agreement: *(insert brief description of the planning agreement which the applicant wishes to have modified or discharged)*

Land to which the planning agreement relates: *(insert address or location of the land)*

Date on which the planning agreement was entered into: *(insert relevant date)*

Any person against whom the planning agreement is enforceable who wishes to make representations about this application should write to the *(insert name of relevant authority)* at *(insert address)* by *(insert date giving period of 21 days beginning with the date of service or publication of the notice, as the case may be.)*

Signature of Applicant or Agent.....  
Date.....

Regulation 3(5)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## PART 2

### CERTIFICATE OF COMPLIANCE WITH THE NOTIFICATION REQUIREMENTS IN REGULATION 3

#### Certificate A

I certify that on the day 21 days before the date of the accompanying application the planning agreement to which the application relates was enforceable against no person other than the applicant.

Signature of Applicant or Agent.....  
Date.....

#### Certificate B

I certify that the applicant has given notice to each person against whom, on the day 21 days before the date of the accompanying application, the planning agreement to which the application relates was enforceable as listed below.

<i>Person on whom notice was served</i>	<i>Address at which notice was served</i>	<i>Date on which notice was served</i>

Signature of Applicant or Agent.....  
Date.....

#### Certificate C

I certify that:

- \*the applicant cannot issue a Certificate A or B in respect of the accompanying application;
- \*the applicant has given notice to the persons listed below, being persons against whom, on the day 21 days before the date of the application, the planning agreement to which the application relates was enforceable.

<i>Person on whom notice was served</i>	<i>Address at which notice was served</i>	<i>Date on which notice was served</i>

- The applicant has taken reasonable steps to ascertain the name and address of every person against whom, on the day 21 days before the date of the application, the planning agreement to which the application relates was enforceable and who has not been given notice of the application but has been unable to do so. The steps taken were as follows — *(insert description of the steps taken)*.
- Notice of the application, as attached to this certificate, has been published in the *(insert name of the local newspaper/s in which the notice was published)* on *(date of publication)*.

Signature of Applicant or Agent.....  
Date.....

\* delete as appropriate

## SCHEDULE 2

Regulation 7

### TRANSITIONAL PROVISIONS

1. In this Schedule –

“1972 Act” means the Local Government Act (Northern Ireland) 1972(1);

(1) 1972 c.9 (N.I.) as amended by 2014 c.8 (N.I.)

“Article 40 Agreement” means a planning agreement under Article 40 of the Planning (Northern Ireland) Order 1991(2);

“appropriate council” means the council in whose district the land to which the planning agreement relates is situated;

“predecessor council” means a district council constituted under section 1 of the 1972 Act as in force on the day before the coming into operation of these Regulations;

“successor council” means a district council constituted under section 1 of the 1972 Act on the day on which these Regulations come into operation, and a council is a successor council if the whole or major part of the land to which the Article 40 Agreement relates is incorporated within its district.

#### General

2. Subject to paragraphs 3 and 4 an Article 40 Agreement shall be treated as a planning agreement made and enforceable by the appropriate council under section 76; and the appropriate council may modify or discharge that agreement under section 77.

3. The Article 40 Agreement relating to George Best Belfast City Airport between Belfast City Airport Limited and the Department of the Environment dated 14 October 2008 shall be treated as a planning agreement made and enforceable by the Department under section 76; and the Department may modify or discharge that agreement under section 77.

4. Where a predecessor council was a party to an Article 40 Agreement that agreement shall be treated as a planning agreement between the Department and the successor council made and enforceable by the Department under section 76; and the Department may modify or discharge that agreement under section 77.

5. Anything done by, to or in relation to the Department (including legal proceedings) in connection with an Article 40 Agreement shall be treated as if it had been done by, to or in relation to the appropriate council, or as the case may be, the Department in connection with a planning agreement.