

Amendments To An existing Valid Planning Permission

Can I amend my planning permission?

You can make an application to amend an existing planning permission provided:

- The amendment is **minor** in nature;
- That you have not completed the works to which the original planning permission relate; and
- In cases where works have not yet commenced, that the original planning permission has not expired.

Any amendments that do not meet the above would need to be submitted as a fresh application.

Is there a fee for amending my planning permission.

Yes, every application to make minor amendments to a planning permission will incur a fee as set out in the Town Planning (General Procedures) Regulations.

Do I need to serve notice or advertise again

You will need to serve notice of your application on any other owner of the land to which the application relates. There may be additional notification requirements depending on the circumstances and if in doubt applicants are advised to contact the Department of Town Planning and Building Control for further advice. In any event, once an application is received it will be reviewed and if considered necessary you will be advised of any additional notification requirements.

You should remember that only **minor** amendments can be made to planning permission. Therefore, if full public participation requirements were applicable to the amendment it is likely that the amendment would not be considered minor and a fresh application would be required.

What are minor amendments?

The Town Planning Act states that a minor amendment “...is one whose scale and nature does not have a material effect on the overall scheme of the development and results in a development which is not, in the opinion of the Commission, substantially different from the one which has been approved”.

It is not possible to provide a definitive definition of what is a “minor amendment” as this will be dependent on the context of the overall scheme. A minor amendment in one context may not be minor in another. The Commission will therefore need to base its judgement on fact and degree, taking into account the likely impact of the amendment on the local environment. The judgement will be made on the effect on the whole development and not just part of it. Cumulative effects of previous amendments will also need to be assessed against the original permission.

The decision on whether an amendment is a “minor amendment” for the purposes of the Act is the Development and Planning Commission’s and is final. If the Commission

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determines that an amendment is not a “minor amendment” then the applicant would need to submit a fresh application.

Common tests used for determining the acceptability of an amendment to an approved scheme under the ‘minor amendments’ procedure include:

- Would the proposed amendment materially alter the development from what was described on the planning permission
- Is the proposed change material/significant in terms of its scale in relation to the original approval?
- Does the proposed amendment modify any use which was originally approved?
- Would the proposed amendment result in a materially detrimental impact in visual or amenity terms?
- Would the interests of any third party or body who participated in, or was informed of, the original application be disadvantaged in any way?
- Would the amendment be contrary to any relevant development plan policy?
- Is the proposed change contrary to a restrictive condition on the original permission?
- Would there be significant increases in site coverage, building heights or site levels?
- Would there be additional and/or repositioned windows/doors/openings that would have an impact on neighbouring properties?
- Would there be any change to the external materials which would adversely affect the character or appearance of the development or erode the quality of what was originally approved?
- Would the amendments reverse design improvements secured in the original application?
- Would there be a greater impact on existing trees or would it reduce the quality of a proposed landscaping scheme?
- Would there be any alteration to the application site (red line) boundary?

What is the effect of a grant of permission?

Where an application for a “minor amendment” is approved a supplemental planning permission will be issued under the original application reference number. The

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Planning permission will describe the new permission setting out all conditions related to it. The permission will repeat the relevant conditions from the original planning permission, unless they have been discharged.