

NON-MATERIAL CHANGES

Purpose

The purpose of this guidance is to provide an overview of the legislation that provides for non-material changes i.e. small changes to existing extant planning permissions and to set out advice and examples of what the Council will not accept as a non-material change. Extant planning permissions include those where the time limit is yet to expire and those where development has lawfully begun. An application may be submitted before development has started, while development is ongoing or where development is complete.

This Information Note accompanies Development Management Practice Note 25 None-Material Change, published by the Department for Infrastructure.

Legislative Background

Section 67 of The Planning Act (Northern Ireland) 2011 provides the primary legislative powers for the Council to make changes to a planning application relating to land in its district if it is satisfied that the proposed change is not material. In deciding whether a change is material, Council will consider the effect of the change together with any previous changes.

In making a Non-Material Change to the original application, Council has the power to

- (a) impose new conditions
- (b) remove or alter existing conditions

Article 7 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 sets out the provisions for applying for a non-material change.

Who can apply for a Non-Material Change?

A NMC application can only be made by, or on behalf of, a person with an estate in the land to which the NMC application relates.

Notice must be served on any other person who has an interest in the land to which the application relates.



How do I apply for a Non-Material Change?

A non-material change form (NMC1) should be completed and submitted to Council's Planning Department. This NMC 1 form is available to download from the Department of Infrastructure website via the following link <https://www.infrastructure-ni.gov.uk/publications/planning-application-form-nmc1-non-material-change>

If you are not the sole owner of the land, you should submit a copy of the notification served on other interested persons.

You can apply online via the Regional IT System or submit 1 copy of the revised drawings at a scale of 1:50, 1:100 or 1:200. If the proposed amendment affects the position of the development, a site plan at a scale of 1:500 should also be submitted.

A Design and Access Statement is not required as this is not a planning application.

There is no planning fee for a non-material change.

The submitted NMC1 form and all other information submitted shall be uploaded to the Planning Portal for members of the public to view. Unlike a planning application, non-material change applications are not subject to advertisement or neighbour notification. However, any representations received will be considered in the assessment of the materiality of the proposed changes. The letter of decision will also be uploaded to the Planning Portal. Please refer to the Planning Department Development Management Privacy Notice for further information on how we manage your personal data

<https://www.causewaycoastandglens.gov.uk/uploads/general/planning-portal-privacy-notice.pdf> .

What will be considered an acceptable non-material change?

There is no statutory definition of what constitutes a non-material change. The Council will consider the fact and degree of the proposed change along with the context of the development and its impact on the adjacent surrounding area. The assessment will be made based on the original planning permission and will take account of any previous non-material changes. What may be considered to be non-material in one development may be material in another.

Non-material changes cannot be applied to Listed Building Consents, Demolition in a Conservation Area Consents or Advertisement Consents.

As the changes sought to the planning permission must be non-material, consultations and publicity should not be necessary and it would not be appropriate for there to be effects which would need to be considered under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 or The



Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended).

What will be considered to assess the materiality of the proposed changes?

The following considerations will apply to assess the materiality of the change:

- the proposal is for a small change to the development already granted
- the proposal is not contrary to planning policies and the adopted Development Plan
- the proposal is not to vary a condition or non-compliance of a condition on the original permission
- the proposal would require consideration under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017
- the proposal would require consideration under The Conservation (Natural Habitats etc.) Regulations (Northern Ireland) 1995 (as amended)
- the proposal does not change the description or nature of the development originally approved
- the proposal does not require consultation with a consultee
- the proposal does not increase the curtilage or extent of the site originally approved
- the proposal does not move the development closer to any other building located outside the extent of the application site originally approved where there is another building adjacent the site
- the proposal does not potentially result in creating an unacceptable relationship with neighbouring properties
- the proposal does not have an unacceptable detrimental impact on visual amenity
- the proposal does not introduce a fundamental change to the design or external appearance of the original planning permission, for example increase in ridge height; change to the external materials that is not in keeping with the character of the area; significant increase to the size of the building originally approved
- the proposal does not conflict with planning policy

This list is not exhaustive as it will depend on the merits of the proposed changes and the context of the site.

Where changes are material a new planning application should be submitted for assessment.



How will the decision issue?

The decision will issue in writing and will describe the non-material changes sought. The original planning decision remains and should be read with the non-material change. The conditions of the original permission would apply unless amended, altered or removed by the non-material change.

Where the Council determines not to make a non-material change to an existing planning permission a planning application should be submitted for the proposed changes.

Planning Register

A copy of the letter shall be placed on the Planning Register as it should be read in conjunction with the original planning permission.