



Subject:	Consultation on proposed changes to the Classes and Thresholds in the Schedule to the Planning (Development Management) Regulations (Northern Ireland) 2015 by the Department for Infrastructure
Date:	15 th September 2026
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
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Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
If Yes, when will the report become unrestricted?	
After Committee Decision	☐
After Council Decision	☐
Some time in the future	☐
Never	☐

Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report or Summary of Main Issues
1.1	To report on the Department for Infrastructure's latest public consultation on its review of the Development Management Regulations. The Department is seeking views on its proposed changes to the classes and thresholds in the Schedule of the Regulations. These relate to the definition of <i>Major development</i> and the thresholds for requiring councils to consult the Department as to whether the application is deemed of <i>regional significance</i> and determined by the Department.
1.2	The Committee is asked to agree the Council's response to the consultation.
2.0	Recommendation
2.1	That the Committee notes the content of the report and agrees the Council's response as set out in this report (paragraph 3.13 to 3.46). The Committee is asked to give delegated authority to the Director of Planning and Building Control to finalise the Council's response in line with this report and any additional comments made by the Committee.

3.0	Main Report
	<u>Background</u>
3.1	The Planning (Development Management) Regulations (Northern Ireland) 2015 (“the Regulations”) set out a range of provisions including, but not limited to, the following: • Hierarchy of development – the definition of Major development. • Regionally significant applications – the development thresholds for when councils are required to consult DfI on whether it considers the proposal to be regionally significant and wishes to “call-in” in the application for its determination. • Proposal of Application Notices (PANs) – the content of PAN applications required to be made to the Council. PAN applications set out the proposals for Pre-application Community Consultation relating to applications for Major Development. • Pre-application Community Consultation – requirements for Pre-application Community Consultation including holding a public event and publicising the proposal in a newspaper. • Duty to decline to determine applications where section 27 is not complied with – specifying a period of 21 days for a council to require additional information before declining to determine an application for Major development where the requirements of the PAN process were not followed. • Pre-Determination Hearings – the requirement to hold a Pre-Determination Hearing for applications notified to DfI but which it has returned to the council for determination.
3.2	A copy of the current Regulations is provided at Appendix 1 .
3.3	The Department for Infrastructure (DfI) previously undertook public consultation on proposed changes to the Regulations between December 2023 and March 2024.
3.4	The Committee considered and agreed the Council’s response to this earlier consultation at its 13 th February 2024 meeting (item 16). The Committee delegated authority to the Director of Planning and Building Control to respond to the public consultation as per the assessment outlined within the report. A copy of the response is provided at Appendix 2 .
	<u>Subsequent changes to the Regulations</u>
3.5	Following the previous public consultation, DfI subsequently made changes to the Regulations through the Planning (Miscellaneous Amendments) Regulations (Northern Ireland) 2025, enacting the following changes:
3.6	i. that councils are only required to produce an Annual Monitoring Report in respect of its Local Development Plan once its Local Policies Plan has been adopted; ii. to require applicants for planning permission for Major development to maintain a website in respect of Pre-Application Community Consultation; and iii. removal of the requirement for councils to hold mandatory Pre-Determination Hearings under certain circumstances.
3.7	DfI refers to these changes as “Phase 1” of its review of the Regulations.

	<u>Public Consultation on Phase 2 of DfI's review of the Regulations</u>
3.8	Following engagement workshops with council officers, elected members, planning agents and other stakeholders from across the region in Autumn 2025, DfI has issued a fresh public consultation on specific proposals to amend the classes and thresholds in the Schedule to the Regulations. The consultation runs from 14th August to 9th October 2026. A copy of the public consultation document is provided at Appendix 3.
3.9	DfI is seeking views on its proposed changes to the following: • Regulation 2 – hierarchy of development • Regulation 3 – DfI's jurisdiction in relation to developments of regional significance • Schedule – Major development thresholds (i.e. definition of Major development)
3.10	DfI states that these changes are part of a wider package of measures delivering change through the regional Planning Improvement Programme (PIP), brought forward by DfI, local government and other stakeholders, in response to the 2022 NI Audit Office and NI Assembly Public Accounts Committee reviews of the NI planning system.
3.11	DfI is aiming to encourage a more proportionate and responsive approach to processing planning applications, with resources and decision-taking mechanisms tailored according to the scale and complexity of the proposed development. The objective of the proposed changes is to ensure that the classes of development and corresponding thresholds in the Schedule remain fit for purpose and relevant for current and future development trends.
3.12	DfI confirms that it would retain the ability to call-in any application at any point in the process, where appropriate.
	<u>Assessment</u>
3.13	Officers advise that the proposed changes to the classes and thresholds are largely technical in nature, and in the most part relate to infrastructure, commercial uses and industrial processes. The proposals affect the following classes only: • Class 2 – Energy Infrastructure • Class 3 – Transport Infrastructure • Class 4 – Waste Infrastructure • Class 5 – Extractive Industry • Class 8 – Business, Industry, Storage and Distribution • Class 9 – Any other development Class 2 – Energy Infrastructure
3.14	DfI describes the proposed changes as moving away from individually described developments to the fundamental purpose of the technology in question. The revised class includes generation; storage and transmission; and the types of development within that class including heat or electricity generation, thermal, electrical, mechanical or chemical storage. The changes are in part intended to future proof new technologies.
3.15	<i>Major development thresholds:</i> these include an increase from 5mw to 10mw for heat and electricity generation stations. There would be a new threshold of 200 mw hours for energy storage, 500 mw hours for below ground storage of energy in chemical form and 1 gw per hour for chemical energy storage. Other thresholds would remain the same.

3.16	<i>Regionally significant development thresholds:</i> the threshold for electricity generating stations would increase from 30 mw to 75 mw, likely meaning that more applications would be determined by councils. There would also be new thresholds to reflect the new sub-classes.
3.17	<i>Officer assessment:</i> the proposed changes seek to provide greater clarity around the different forms of energy infrastructure and future proof new technologies. The changes are of a technical nature and no objection is offered.
	Class 3 – Transportation
3.18	No changes are proposed to the thresholds for Major and regionally significant development. However, DfI proposes to separate the various sub-classes and adjust the formatting.
3.19	<i>Officer assessment:</i> the proposed changes seek to provide greater clarity around the different forms of transport infrastructure and are supported.
	Class 4 – Waste infrastructure
3.20	DfI proposes to change some of the thresholds. It also proposes to change the description of the class to include land-fill of non-hazardous waste.
3.21	<i>Major development thresholds:</i> DfI proposes to remove the annual 25,000 tonnes threshold for waste management facilities for hazardous waste so that all such facilities are classified as Major development. It also proposes to change the threshold for incineration and chemical treatment facilities from 100 tonnes per day (i.e. 36,500 tonnes per annum) to 25,000 tonnes per annum. There are no proposals to change the threshold for waste water treatment plants.
3.22	<i>Officer assessment:</i> it is understood that smaller waste management facilities would likely have a capacity of at least 15,000 tonnes per annum and so the removal of the current threshold of 25,000 tonnes could result in more schemes being classified as Major development, however, the number of such applications is likely to be limited. The change to the threshold for incineration and chemical treatment facilities could similarly increase the number of Major applications in this category but again is unlikely to be very significant. The changes are of a technical nature and no objection is offered.
	Class 5 – Extractive industry
3.23	DfI proposes to change the title of this class from “Minerals” to “Extractive Industry”, along with reformatting the layout and descriptions. The proposals also include the introduction of a new sub-class of “Exploration or extraction of geothermal energy”.
3.24	<i>Major development thresholds:</i> no changes are proposed to the current thresholds. A threshold is introduced for the proposed new sub-classes of “exploration or extraction of geothermal energy” (“where the drilling is or exceeds 200m”); and “petroleum and natural gas” (“any proposals relating to the exploration or extraction of hydrocarbons”).
3.25	<i>Regionally significant thresholds:</i> similarly, there are new thresholds for the new sub-classes of “exploration or extraction of geothermal energy” (“where the drilling is or exceeds 500m”); and “petroleum and natural gas” (“any proposals relating to the exploration or extraction of hydrocarbons”).

3.26	<i>Officer assessment:</i> the proposed changes to this class relate to the introduction of the sub-classes and their associated major and regionally significant thresholds. It is considered that these changes are of a technical nature and no objection is raised. Class 8 – Business, industry, storage and distribution
3.27	DfI proposes to introduce a new sub-class for carbon capture installations as these installations are often associated with industrial activities. Carbon capture and storage (CCS) is a process by which carbon dioxide (CO₂) from industrial installations and other large-scale emission sources is separated before it is released into the atmosphere, then transported to a long-term storage location. The CO₂ is captured from a large point source, such as power stations, cement or steel plants, or natural gas processing facilities and is typically stored in a deep geological formation.
3.28	<i>Major development thresholds:</i> no changes are proposed to the current thresholds. However, all proposed carbon capture installations involving underground storage / sequestration of carbon would be considered Major development, as well as require consultation with DfI to consider whether the proposal would be regionally significant.
3.29	<i>Officer assessment:</i> the introduction of the new sub-class for carbon capture installations recognises that such underground development could give rise to particular and significant environmental impacts, which would warrant pre-application community consultation and additional assessment time through a Major application. The changes are of a technical nature and no objection is offered. Class 9 – Any other developments
3.30	DfI proposes to amend the description to: ‘<i>Development not falling within any class or sub-class of development described in Parts 1 – 8 above.</i>’ This removes the words “wholly” and “single” from the current class description to clarify the requirement and threshold.
3.31	<i>Officer assessment:</i> it is understood that this change is to remove any ambiguity as to whether a mixed-use development that comprises uses falling under different classes, but individually falling below the threshold for that class, would be Major development under class 9. This change is therefore welcomed. In addition, officers consider it beneficial for the Department to substitute “Parts” for “Classes”, the latter being more consistent with section 2 of the Schedule, which describes the table as setting out the “classes” of development belonging to the category of Major development (rather than “parts”). Major housing development
3.32	At the Autumn 2025 workshops with stakeholders, DfI presented proposals to amend Class 6 Housing, lowering the threshold for Major housing development from the current 50 residential units to 25 residential units. Officers expected this change to be reflected in the public consultation, but it is not included.
3.33	Officers advise that smaller developments of 25 to 49 residential units (currently classified as Local development) can have similar impacts on communities as Major development, particularly in tight inner urban sites in Belfast compared with greenfield development on the edge of the city. There may therefore be merit in reducing the threshold for Major housing development to 25 residential units to increase mandatory public engagement at the pre-application stage, helping to shape better development with communities. Such a change would also reflect the fact that slightly smaller housing schemes can be equally as complex to assess and process. Officers would therefore suggest that the lowering of the residential Major development threshold should be further considered.

3.34	DfI has confirmed to officers that it has not included proposals to lower the threshold for Major housing development in this consultation because of the need for further policy development in this area. Other points
3.35	If it is the Department's intention to retain an ability to call in any application at any time, it is considered that it should issue clear guidance in the interests of certainty and transparency as to the circumstances when it would exercise such powers and at what point in the application process.
3.36	In its response to the previous public consultation (see Appendix 2), the Council raised the following additional points. Officers consider that these points should be repeated in its response to the current public consultation.
3.37	The consequence of development being classified as "Major" is twofold. 1. that the applicant is required to carry out formal pre-application community consultation before submitting the application to the council; 2. that the decision on the application cannot be delegated to officers but must be made by the planning committee.
3.38	DfI has suggested that proposals for Major development '<i>...require considerably more assessment and processing resources than local developments which, by comparison, are less complex and, on the whole, raise fewer public interest issues.</i>' (par. 2.2).
3.39	However, this is not always the experience of the Council's Planning Service. Applications for Local development, such as housing schemes of less than 50 residential units, can often be equally complex and sometimes raise more public interest issues than Major applications. Consideration should be given to the requirement for mandatory secondary "lighter touch" pre-application community consultation on certain scale Local applications. Local applications can have a significant impact on local people, particularly in locations such as Belfast which comprise many areas of tight-knit and dense communities where changes to the built environment can have considerable consequences. There should be a formal opportunity for those communities to engage with developers to help shape proposals for the better.
3.40	Conversely, there are examples of Major development proposals, such as larger commercial buildings on industrial estates, where the value of mandatory pre-application community consultation is questionable. There should be the provision for the council to advise that pre-application community consultation is not required in specific cases or for a council to be able to publish "local guidance" on when pre-application community consultation is necessary (this would be criteria based similar to a scheme of delegation) so that the application process can be expedited, where appropriate.
3.41	Officers recognise that consideration of these issues cannot be separated from the work to date of the regional Planning Engagement Partnership, which published its report: Planning Your Place: Getting Involved in March 2022. The report made various recommendations on how to improve public engagement in the planning process including the pre-application community consultation process.

3.42	It is noteworthy that the Council's Planning Service no longer places emphasis on whether a proposal falls under the "Major" or "Local" development categories, but whether a proposal is of "strategic" importance to the city. For example, there are many examples of Local applications which are of strategic significance to Belfast and Major applications which are not necessarily of strategic importance, classified as "technical Major applications" by virtue of their scale, particularly those relating to change of use of a large area of land.
3.43	Regarding category 7 'Retailing, Community, Recreation & Culture', consideration should be given to splitting 'Retailing' into a separate category since retail development presents distinct issues from the other forms of development in this category including retail impact.
3.44	Consideration should be given to increasing the 1 ha threshold for Major developments to 2 ha as some Major applications are considered "technical Major applications" because of their scale but not their impact. Typically, this relates to proposals for a change of use of land or proposals such as "environmental improvements" relating to public realm. Minor applications
3.45	Officers would welcome the introduction of a third category of development, perhaps titled "Minor" development, for smaller scale proposals such as householder, advertisement, Listed Building Consent and Conservation Area Consent applications. This recognises that the definition of "Local" development is currently far too wide, ranging for an application for single storey extension or satellite dish to 49 dwelling units, and does not permit meaningful interrogation of performance. There should in turn be an even shorter statutory target for determination of such Minor applications, which is less than the 15 weeks average processing time currently prescribed to Local applications (in GB, there has been a target of 8 weeks to process smaller scale applications).
3.46	Consideration should also be given to removing the requirement for all applications for Major development to be decided by a planning committee. This should be a matter for each council to decide and set out in its scheme of delegation.
4.0	Financial & Resource Implications
4.1	The proposals include increases to some of the thresholds for regionally significant applications, which could mean more applications being processed by the Council. The NI planning system does not operate on a cost-recovery basis with planning fees set regionally and do not cover the cost of delivery of the Council's planning functions. Therefore, the proposals could result in some additional costs to the Council. However, this needs to be offset by the desirability of the Council determining such applications and context of local accountability.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	There are no equality or good relations / rural needs implications associated with this report.
6.0	Appendices – Documents Attached
	Appendix 1 – current Development Management Regulations. Appendix 2 – Council's response to the 2023/24 public consultation Appendix 3 – DfI consultation review document