



Department for

Infrastructure

An Roinn

Bonneagair

Depairtment fur

Infrastructure

www.infrastructure-ni.gov.uk

PUBLIC CONSULTATION

REVIEW OF PLANNING FEES

Date: October 2025



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Responding to this consultation document

How to Respond

The Department for Infrastructure would like to invite views from the public and stakeholders on potential changes to The Planning (Fees) Regulations (Northern Ireland) 2015 as set out in this document.

Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

Responses can be submitted to the Department no later than 23 December 2025 in one of the following ways:

1. Where possible online via Citizen Space:

<https://consultations2.nidirect.gov.uk/dfi-1/public-consultation-review-of-planning-fees>

2. By e-mail to:

Legislation.planning@infrastructure-ni.gov.uk

3. By post to:

Public Consultation
Review of The Planning (Fees) Regulations (NI) 2015
Regional Planning Governance and Legislation
3rd Floor, James House
2-4 Cromac Avenue
The Gasworks
Belfast
BT7 2JA

Copies in other languages and formats, (including Braille, large print etc.), can be made available on request. If it would assist you to access this document

in an alternative format or language other than English, please contact us using the e-mail or postal address below or by calling 0300 200 7830.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should also be directed to the postal or e-mail addresses above.

Freedom of Information Act 2000 - Confidentiality of Responses

The Department may publish a summary of responses following the closing date for receipt of comments. Your response, and all other responses to this publication, may be disclosed on request and/or made available on the DfI website (redacted). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this publication.

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) give the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this publication, including information about your identity, should be made public or treated as confidential. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.

- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

The information you provide in your response, excluding personal information, may be published, or disclosed in accordance with FOIA or EIR. Any personal information you provide will be handled in accordance with the UK-GDPR and will not be published. If you want the non-personal information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA or EIR, we cannot guarantee confidentiality.

For information regarding your personal data, please refer to the DfI Privacy Notice at www.infrastructure-ni.gov.uk/dfi-privacy.

For further details on confidentiality, the FOIA and the EIR please refer to www.ico.org.uk.

Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screenings and an Initial Preliminary Regulatory Impact Assessment have been undertaken and are available to view or download from the Citizen Space web link or the Department's website at the link above.

The Department believes that there would be no differential impact in rural areas or on rural communities. It also considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

Introduction

Purpose of the consultation

- 1.1 This consultation invites views from the public and stakeholders on potential changes to The Planning (Fees) Regulations (Northern Ireland) 2015 (the Fees Regulations). These potential changes focus on the introduction of set fees for non-material changes and discharge of conditions planning applications.
- 1.2 At the time of transfer of the planning functions to local government in April 2015, fees for application types such as non-material changes and discharge of conditions were not introduced as the Department at that time took the decision that the new two-tier planning system would need sufficient time to bed in before any new fees should be introduced.
- 1.3 This resulted in councils processing applications for non-material changes and discharge of conditions without any associated fee being payable.
- 1.4 In the 2022 Review of the Implementation of the Planning Act (NI) 2011 (RIPA) report, the Department considered there is merit in reviewing planning fee categories and the fees themselves to establish if they remain fit for purpose and cover the costs of processing applications in line with the requirements of Managing Public Money (NI). Part of this review is to consider the introduction of new fee categories for applications for non-material changes and discharge conditions.

Longer Term Cost Recovery

- 2.1 As part of the second phase of the planning improvement programme the Department, in collaboration with local government, is scoping the challenges and opportunities around increasing levels of cost recovery to support the longer-term financial sustainability of the planning system. This consultation aims to further gather evidence to help inform future proposals.

Question 1: From the list below, please select the category of respondent most appropriate to you:

Business and development interests ☐

Resident/Community groups/Voluntary organisations ☐

Environment and heritage groups ☐

Political party/Elected representative ☐

Council ☐

Statutory consultee ☐

Applicant ☐

Architect/Planning consultancy/Agent ☐

Other ☐

Please provide your organisation's name:

Non-Material Changes

- 3.1 The Planning Act (NI) 2011 (the 2011 Act) introduced a mechanism by which a council have a formal method of dealing with small changes ('non-material') to approved schemes (Section 67 and Regulation 7 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) (the GDPO)). The introduction of the non-material change procedure under the 2011 Act replaced the otherwise informal process previously used to respond to requests for minor amendments.
- 3.2 An application for a non-material change removes the need for an entirely new planning application to be submitted where only a very small change is sought which does not materially change the nature of the approved development. Such an application, if approved, would form an amendment to the original planning permission and would be subject to the conditions and time limit of the original permission. It would not result in a new planning permission and the existing permission will continue to exist and should be read in conjunction with the non-material change decision letter.
- 3.3 There is no statutory definition of a non-material change. This is because it depends on a range of factors including the context of the overall scheme, the amendments being sought to the original permission and the site-specific circumstances, all of which can vary from one application to another.
- 3.4 Discretion rests with a council as to whether the amendments constitute a non-material change to a planning permission within the scope of the original permission.

- 3.5 Councils in the North have been processing applications for non-material changes but have not been receiving any fee for this work. This has now become a useful mechanism in the planning process to manage minor changes to approved development proposals and in the published official Northern Ireland planning statistics April 2023 – March 2024 there have been 451 non-material change applications.
- 3.6 It has been common practice in the other jurisdictions to include a fee for non-material changes within their specific fee's regulations. This has been in place in Scotland, England and Wales for a significant number of years. Fees in other UK jurisdictions range from £115 to £298, with a reduced fee for householder applications in both England and Wales.
- 3.7 The current fee in England and Scotland of £298 and £238 would be considered a high level to introduce a first-time fee for a non-material change, which is by nature an application where only a very small change is sought, which does not materially change the nature of the approved development.

Proposal

In the public interest of recovering costs in the planning system the Department proposes to amend the current Planning Fees Regulations by introducing a set fee for non-material changes applications.

The Department is proposing to introduce a set fee of £115 for non-material changes applications.

The proposal is to introduce one set fee for non-material changes which will apply to each application for non-material changes and not for each individual change within that request. This will allow an applicant to apply for a number

of non-material changes in one request and only one fee would apply. This aligns with the position in the other jurisdictions.

Question 2: Do you agree with the above proposal to introduce a set fee for non-material changes applications?

Please respond: Yes / No

Please provide additional information in support of your answer:

Question 3: Do you agree with the above proposal to set the fee level at £115 for non-material changes applications?

Please respond: Yes / No

Please provide additional information in support of your answer:

Discharge Of Conditions

- 4.1 Article 12 of the GDPO allows for an application to be made to the council or, as the case maybe, the Department for any consent, agreement or approval required by a condition imposed on a grant of planning permission (other than an application for approval of reserved matters). The relevant planning authority shall give notice to the applicant of its decision on the application within a period of 8 weeks from the date when the application was received by the authority or such a longer period as may be agreed by the applicant and the council or, as the case may be, the Department in writing.
- 4.2 Councils in the North have been processing applications for discharge of conditions but have not been receiving any fee for this work. In the published official Northern Ireland planning statistics April 2023 – March 2024 there have been 1098 discharge of conditions applications.
- 4.3 It has been common practice in the other jurisdictions to include a fee for discharge of conditions within their specific fee regulations. This has been in place in Scotland, England and Wales for a number of years. Fees in the other jurisdictions range from £115 to £298, with a reduced fee for householder applications in both England and Wales.
- 4.4 No fee has currently been prescribed under the Fees Regulations for applications associated with the discharge of planning conditions.
- 4.5 Having considered the position in the other jurisdictions the Department will consult on introducing a fee of £115 for discharge of conditions. This is broadly in line with the fee in Scotland and Wales and will align with the proposal for non-material changes.

Proposal

In the public interest of recovering costs in the planning system the Department proposes to amend the current Planning Fees Regulations by introducing a set fee for discharge of conditions applications.

The Department is proposing to introduce a set fee of £115 for discharge of conditions applications.

A single fee of £115 will apply to each request made to a council or, as the case may be, the Department, for written confirmation of compliance with a condition or conditions attached to a grant of planning permission and will not be based on the number of conditions within each request. This aligns with the position in Scotland, England and Wales.

Question 4: Do you agree with the above proposal to introduce a set fee for discharge of conditions applications?

Please respond: Yes / No

Please provide additional information in support of your answer:

Question 5: Do you agree with the above proposal to set the fee level at £115 for discharge of conditions applications?

Please respond: Yes / No

Please provide additional information in support of your answer:

Question 6: Are there any other planning application types or planning services which are not currently charged for, but which in your view should attract a fee?

Tree Preservation Order ☐

Planning Advice Notice ☐

Pre-Application Discussion ☐

Other ☐

Please provide additional information in support of your answer:

Question 7: Are there any other planning application types or planning services for which the current fee level or structure is inappropriate / insufficient?

Please respond: Yes / No

Please provide evidence in support of your answer:

Question 8: Do you agree with proposals for planning fees to continue to be adjusted annually in line with inflation?

Please respond: Yes / No

Please provide evidence in support of your answer:

Question 9: Do you agree that the Bank of England CPI is the most appropriate index measure to use?

Please respond: Yes / No

Please provide evidence in support of your answer:

