



Subject:	Consultation on Review of Planning Fees
Date:	11 th November 2025
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Ed Baker, Planning Manager (Development Management)

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	The Department for Infrastructure (DfI) is consulting on its review of planning fees, namely the proposed introduction of fees for the following types of application: <ul style="list-style-type: none">• Non-Material Changes• Discharges of Condition
1.2	DfI is also seeking views on whether any other application types, which are currently not charged for, should also attract a fee.
1.3	This report considers the issues and proposes the Council's response to the consultation. It is for notation and comment ahead of consideration by the Strategic Policy and Resources Committee.

2.0	Recommendations																				
2.1	The Committee is asked to note the report ahead of consideration by the Strategic Policy and Resources Committee.																				
3.0	Main report																				
	<u>Background</u>																				
3.1	Most planning applications submitted to the Council attract a planning fee, however, several application types currently do not, even though they can be quite time consuming and costly for the Council to process.																				
3.2	Dfl is proposing to introduce a flat rate planning fee of £115 for the following types of application, for which there is currently no charge: <ul style="list-style-type: none">• Non-Material Changes• Discharges of Condition																				
3.3	In addition, the consultation is asking whether there are any other planning application types which are not currently charged for, but which should attract a fee, including but not limited to the following: <ul style="list-style-type: none">• Tree Preservation Order• Proposal of Application Notice (PAN)• Pre-application discussions																				
3.4	The introduction of fees for applications for Non-Material Changes and Discharges of Condition would be made through amendments to the Planning (Fees) Regulations (Northern Ireland) 2015.																				
3.5	The public consultation opened on 1 st October 2025 and closes on 23 rd December 2025. A copy of the public consultation document is provided at Appendix 1 .																				
	<u>Assessment</u>																				
3.6	Belfast City Council is one of several NI councils that have advocated the introduction of planning fees for Non-Material Change (NMC) and Discharge of Condition (DOC) applications for many years. This is in the context of the not insignificant resources that councils expend on processing such applications each year.																				
3.7	Dfl is proposing to introduce a flat rate fee of £115 for both application types, equivalent to the minimum fee charged for such applications in some UK jurisdictions. Table 1 below shows the number of NMC and DOC applications that the Council has received over the last three years.																				
	<table><tr><th>Application type</th><th>2022/23</th><th>2023/24</th><th>2024/25</th><th>Total</th></tr><tr><td>NMC</td><td>65</td><td>78</td><td>77</td><td>220</td></tr><tr><td>DOC</td><td>239</td><td>235</td><td>245</td><td>719</td></tr><tr><td>Total</td><td>304</td><td>313</td><td>322</td><td>939</td></tr></table>	Application type	2022/23	2023/24	2024/25	Total	NMC	65	78	77	220	DOC	239	235	245	719	Total	304	313	322	939
Application type	2022/23	2023/24	2024/25	Total																	
NMC	65	78	77	220																	
DOC	239	235	245	719																	
Total	304	313	322	939																	
	Table 1: volume of NMC and DOC applications received by Belfast City Council																				

3.8

Table 2 below shows the income that would have been received by the Council over the last three years had the proposed fee of £115 been applied retrospectively. This would have amounted to around £36k per annum. However, this projection is caveated by the fact that the introduction of a fee for Discharge of Condition applications may result in more discharge of condition requests to be grouped under a single application, to save costs. This could result in fewer Discharge of Condition applications and lower overall fee income.

Application type	2022/23	2023/24	2024/25	Total
NMC	£7,475	£8,970	£8,855	£25,300
DOC	£27,485	£27,025	£28,175	£82,685
Total	£34,960	£35,995	£37,030	£107,985

Table 2: Projected fee income if the proposed fee of £115 was retrospectively applied

Non-Material Change applications

3.9

Section 67 of the Planning Act (Northern Ireland) 2011 (“the Act”) permits the Council to approve a “non-material change” to a planning permission to facilitate relatively minor and inconsequential amendments to an approved scheme. This dispenses with the requirement for applicants to submit a whole new planning application, therefore, saving time and costs for both applicants and the council. This provision also permits the imposition of new conditions as well as to remove or alter existing conditions. Where approved, the NMC amends the original planning permission; it does not create a new standalone permission.

3.10

There is no legal definition of a “non-material change”. Guidance is provided by DfI’s [Development Management Practice Note 25: Non-Material Changes](#).

3.11

As shown in Table 1 above, the Council receives around 70 applications for Non-Material Changes each year. The complexity of the amendments proposed by NMC applications can vary considerably and can be time consuming for the Council to deal with, especially where the proposals relate to largescale Local and Major applications (depending on the scale and nature of the proposed changes). The Council is also responsible for processing applications for Non-Material Changes to regionally significant permissions granted by DfI. Therefore, the principle of a charge for NMC applications is welcomed.

3.12

However, officers have the following concerns about the proposal to introduce a flat rate £115 fee for all NMC applications:

- Firstly, it is considered unreasonable and disproportionate that the fee to amend more complex applications, such as permissions for Major and large-scale Local proposals, is the same as the fee for amending a householder or minor applications.
- Secondly, planning fees in NI should work towards genuine cost recovery and a flat rate fee of £115 would not cover the Council’s costs in processing NMC applications. DfI acknowledges that further work should be undertaken by councils and DfI around cost recovery to inform more appropriate fees across the board.

3.13

Consideration should be given to separate rates for NMC applications for householder, Local and Major planning permissions, with an increasing scale of charges respectively, Alternatively, consideration could be given to the NMC fee being a percentage of the original application fee.

	<p><u>Discharge of Condition applications</u></p>
3.14	<p>Section 52 of the Act enables a council to impose conditions on a planning permission. Guidance on the use of condition is provided by DfI's Development Management Practice Note 20: Use of Planning Conditions. The Council may only impose a condition where it meets all of the six tests, namely that the condition is:</p> <ol style="list-style-type: none"> 1. necessary; 2. related to planning; 3. relevant to the development permitted; 4. enforceable; 5. precise; and 6. reasonable in all other respects.
3.15	<p>Some conditions require submission and approval of further information to the Council before a specified trigger point being met, typically prior to commencement of development or occupation. This process is referred to as the “discharge of conditions”.</p>
3.16	<p>Examples include the submission and approval of the following information:</p> <ul style="list-style-type: none"> • details of external materials (e.g. brick, stonework, render and roof tiles) • landscaping details (e.g. tree planting and boundary treatment) • a final remediation strategy to deal with contaminated land • details of the precise window specification to ensure appropriate sound-proofing if the development is next to a busy road or other noise source.
3.17	<p>As a general principle, the Council's Planning Service seeks to avoid the use of DOC conditions where possible by front-loading the submission of the information as part of the original application. This saves time and costs later down the line; however, this approach is not always possible as often the information will only be available – or the developer is only willing to provide it – post-decision once the planning permission is in place.</p>
3.18	<p>Like NMCs, DfI is proposing to introduce a flat-rate £115 fee for DOC applications.</p>
3.19	<p>Officers have similar concerns to the proposed flat-rate fee of £115 for NMC applications:</p> <ul style="list-style-type: none"> • the charge for the DOC application is the same, irrespective of the scale and complexity of the development and nature of the conditions. For example, a householder would pay the same fee for approval of external materials for a domestic extension as a developer would pay for the discharge of a series of complex conditions (such as land contamination, archaeology and drainage) associated with a Major development. This is considered unfair, particular as the proposed fee would represent a third (33%) of the original planning fee for a householder application. In comparison, for a largescale Major application, the fee might represent only 0.1% of the cost of the original application. • in a similar vein, it is proposed that the same fee applies irrespective of the number of conditions that require to be discharged; therefore, a DOC application to discharge a single condition on a householder permission would attract the same fee as a DOC application to discharge a dozen conditions relating to a complex Major permission.

	<ul style="list-style-type: none"> • in practice, the Council deals with very few DOC applications for Householder permissions and it would be more appropriate to waive the fee for such applications, with a higher charge rate proposed for discharging conditions associated with more complex proposals. • the flat rate fee of £115 would not cover the Council's actual costs in processing such applications and would not represent anywhere near cost recovery. • the DOC process often requires engagement with consultations for their expert technical advice, such as the Council's Environmental Health service or Government Departments such as DfI Roads, DfI Rivers, DfC HED and DAERA NIEA. This consultation process can be very involved and time consuming for consultees and the proposal does not address income for consultees to cover their staff costs in assessing the information and advising the Council on its suitability. Officers are of the clear view that a service should only be charged where a responsive and quality service is provided. The current fee proposal does not address consultee resources and would not speed up the DOC process. Informal feedback to the Council from agents is that applicants would generally be prepared to pay a higher fee if it would guarantee a quicker decision.
3.20	Similar to the NMC fee proposals, further work should be undertaken by councils and DfI around cost recovery to inform more appropriate fees for DOC applications.
3.21	Officers recommend that there should be no charge for DOC applications relating to householder permissions. A fee higher than £115 should be introduced for DOC applications for Local permissions (excluding householders) with a higher fee for Major applications. A fee should be introduced per condition rather than a flat rate fee irrespective of the number of conditions. Correct adherence to the six tests for conditions (see par. 3.14) would ensure that the system is not abused with conditions unnecessarily added.
	<u>Other application types</u>
3.22	<p>In addition, DfI is asking for views on whether fees should be introduced for the following application types, which are currently not charged.</p> <ul style="list-style-type: none"> • Tree Preservation Orders (TPOs) – the Council receives about 130 applications for works to trees each year. Officers are concerned that the introduction of a fee could deter tree owners from making such applications or to not undertake necessary tree maintenance works because of the cost of making an application. Therefore, it is recommended that there continues to be no fee payable for an application for works to a protected tree (i.e. a tree subject to a TPO or within a Conservation Area). • Proposal of Application Notices (PANs) – legislation requires applicants for Major development to submit a PAN to the Council that sets out the applicant's proposals for Pre-Application Community Consultation. Councils have 21 days to assess the proposals, advising of any necessary further steps. There are both administrative and professional costs associated with the assessment of PAN applications and an appropriate flat-rate fee could be introduced to recover typical costs. • Pre-Application Discussions (PADs) – the Council already charges for PADs (as a discretionary service) and has been doing so since 2017. It similarly charges for Planning Performance Agreements (PPAs) – a project management tool used to support the efficient and timely handling of more complex planning applications. BCC would not want to see standardisation of such costs across all councils as the resources attributed to such discussions and how each PAD is treated will be at the discretion of each Planning Authority.

3.23	<p>The DfI consultation also asks if there are any other application types that currently do not attract a planning fee for which councils recommend that charging is introduced. Officers advise that fees could also be introduced for the following application types:</p> <ul style="list-style-type: none"> • EIA screening – where an applicant asks the Council to give a formal “screening” opinion as to whether a proposal is “Environmental Impact Assessment” (EIA) development. Applications for EIA development are required to be supported by an Environmental Statement and normally only relate to very large-scale and complex development proposals. The EIA screening process invariably involves engagement with internal and external consultees and can be a complex and time-consuming technical process to complete. • EIA scoping – where it is accepted that a proposal is “EIA development” and the applicant asks the Council to give a formal “scoping” opinion as to the required content of the Environmental Statement that will accompany the planning application. Similarly, the EIA scoping process invariably involves engagement with internal and external consultees and can be a complex process. • Discharge of planning obligations contained in a Section 76 planning agreement (MDPA) – there is currently no charge for the Council assessing information required by a Section 76 planning application, such as the submission and approval of a Travel Plan, open space management plan or Employability and Skills Plan. It is similar to the process of discharging conditions and should be charged.
3.24	<p>Applications for Listed Building Consent and Conservation Area Consent (DCA) are historically not charged for in NI, England and Wales. Like applications for works to trees, it is assumed that the reason is not to deter applicants from making such important applications. Nevertheless, the processing of these applications does have costs implications for the Council. Further targeted consultation should take place with a range of stakeholders should DfI consider introducing planning fees for Listed Building Consent and Conservation Area Consent applications.</p>
	<p><u>Other matters</u></p>
3.25	<p>It is proposed that councils should be able, if they so wish, to set their own fees for Non-Material Change and Discharge of Condition applications. This recognises that the costs associated with the processing of such applications will vary from council to council, particularly for a large built-up urban area such as Belfast where issues such as land contamination are prevalent.</p>
3.26	<p>The Council would express its disappointment that DfI did not carry out any pre-consultation with councils ahead of publication of the consultation. As can be seen from this report, whilst the principle of charging for NMC and DOC applications is accepted, there are a range of concerns about the specific proposals and factors that will need to be considered. These could have been addressed, and more developed proposals consulted on, had there been prior engagement with councils and wider development industry (planning agents, architects and developers).</p>
3.27	<p>For the reasons set out in this report, it is considered that the proposals to charge for NMC and DOC applications should be developed further before charging is introduced.</p>

4.0	Financial & Resource Implications
4.1	The NI Audit Office and Public Accounts Committee reports (2022) recognise the financial unsustainability of the NI planning system. Planning Authority costs typically outstrip planning income through planning fees by a significant margin. The introduction of charging for Non-Material Change and Discharge of Condition applications is welcomed in principle, however, the proposals do not represent actual cost recovery. Further work is required by councils and DfI, with input from consultees and the development industry, to refine the proposed charging model for these and all other application types.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts have been identified.
6.0	Appendices – Documents Attached
	Appendix 1 – DfI public consultation document