

PUBLIC CONSULTATION

Review of the Classes and Thresholds Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015

August 2026



© Crown copyright, Department for Infrastructure 2026

You may use and re-use this information (not including logos) under the terms of the Open Government Licence.

Email enquiries regarding the re-use of this information to: psi@nationalarchives.gsi.gov.uk.

Contents

1	Responding to this consultation document	4
1.1	Consultation Period	4
1.2	How to Respond.....	4
1.3	Freedom of Information Act 2000 - Confidentiality of responses.....	5
1.4	Impact Assessments	6
2	Introduction	6
3	Structure of the consultation	8
4	Regulations 2 and 3, and the Schedule (Major Development Thresholds) to The Planning (Development Management) Regulations (Northern Ireland) 2015	9
5	Class 2 - Energy Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.....	13
6	Class 3 - Transport Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.....	20
7	Class 4 - Waste Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.....	22
8	Class 5 - Extractive Industry in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.....	24
9	Class 8 - Business, Industry, Storage and Distribution in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.	26
10	Class 9 - Any Other Development in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.....	27
11	Draft Statutory Rule amending The Planning (Development Management) Regulations (Northern Ireland) 2015	29

1 Responding to this consultation document

The Department for Infrastructure would like to invite views and contributions from partners and stakeholders on this targeted consultation on potential changes to the **Classes and Thresholds in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015** (the Development Management Regulations), as set out in this document.

1.1 Consultation Period

The targeted consultation will run for 8 weeks from **14 August to the 9 October 2026**.

1.2 How to Respond

The preferred way to respond to this targeted consultation is **online** via the **NI Direct - Citizen Space** website using the link below:

<https://consultations2.nidirect.gov.uk/dfi-1/review-of-the-classes-and-thresholds>

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 Email or postal address below or by calling 0300 200 7830.

Written responses should reflect the structure of the consultation document as far as possible with references to question numbers where relevant. Where these cannot be submitted via Citizen Space, they can be sent to us by:

1. **Email:**

Legislation.Planning@infrastructure-ni.gov.uk

2. **Post:**

Public Consultation
Review of the Classes and Thresholds in the Schedule to The Planning
(Development Management) Regulations (NI) 2015
Regional Planning Governance and Legislation
Department for Infrastructure
3rd Floor, James House
2 - 4 Cromac Avenue, The Gas Works
Belfast BT7 2JA

The Department welcomes submissions up to 5.00pm Friday 9 October 2026; unfortunately, responses received after this date will not be considered.

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

1.3 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 (in a redacted form). 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.

1.4 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 a 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](#).

The Department has determined that there would be no differential impact in rural areas or on rural communities. It also determined 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.

2 Introduction

- 2.1 This targeted consultation invites views from partners and stakeholders on potential changes to the Classes and Thresholds in the Schedule to **The Planning (Development Management) Regulations (Northern Ireland) 2015** ('the Development Management Regulations'). These potential changes focus on the following aspects of the Development Management Regulations:

- regulation 2 (Hierarchy of developments);

- regulation 3 (Department's jurisdiction in relation to developments of regional significance); and
- Schedule (Major development thresholds).

2.2 Changes to the Development Management Regulations are part of a wider package of measures delivering change through the **Planning Improvement Programme**¹ ('PIP'), brought forward by the **Department for Infrastructure** ('the Department'), local government and other stakeholders. This is one of many measures being brought forward that aim to create an efficient, effective and equitable planning system, trusted to deliver high quality, sustainable inclusive and healthy places.

2.3 The PIP includes actions and measures recommended through the review of the implementation of the **Planning Act (Northern Ireland) 2011** ('the 2011 Act'), which was required under section 228 of the 2011 Act. The recommendations emerged from numerous proposals, suggested revisions and recommendations for change or improvement submitted following the Call for Evidence.

2.4 In relation to the Development Management Regulations, the Department confirmed in its Review Report² that it would undertake a review of the classes of development, existing thresholds and categories of development to determine the need for revisions.

2.5 In December 2023 the Department issued an initial consultation paper on the review of the Development Management Regulations. The consultation was designed to obtain views and comments on a number of aspects including Pre-Application Community Consultation (PACC), Pre-Determination Hearings (PDHs) and various classes and thresholds for determining the hierarchy of development proposals in Northern Ireland. The review was separated into two phases, phase one which covered legislative amendments to the Development Management Regulations, PACC and PDH's provisions and procedures came into operation on the 1 August 2025. This targeted consultation represents the second phase of the review of the Development Management Regulations and specifically relates to the classes and thresholds schedule.

¹ <https://www.infrastructure-ni.gov.uk/topics/planning/planning-improvement-programme>

² <https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report>

- 2.6 Following the initial public consultation in December 2023, the Department hosted two workshops in Autumn 2025 to discuss the responses and the proposed changes. As a result of this process and having considered the very helpful, knowledgeable and informative input from all stakeholders, the Department has drafted the proposed amendments to the Schedule.
- 2.7 While some amendments are minor and reflect simple changes to the descriptions, thresholds or metrics, the responses received have resulted in other more fundamental amendments. Conscious these somewhat more significant changes will be unexpected and will represent a shift from the previous format, the Department has decided to hold a further 8-week targeted consultation period to obtain views on the proposed changes.
- 2.8 The classifications and thresholds set out in the Schedule form part of a screening framework. Their purpose is to determine whether a proposed development falls within the category of major, or regionally significant development, and therefore the procedural route it will follow within the planning system. They do not in themselves determine whether a proposal is acceptable in planning terms, nor do they assess the merits of an application or the extent to which any impacts may be mitigated. The acceptability of any development, including its environmental, social and economic effects, will continue to be assessed in full through the planning application process, in accordance with relevant policy, legislation and consultation requirements.
- 2.9 While the classifications aim to provide clarity and provide for future technologies, through broad and consistent categories, it is recognised that no system can capture every scenario precisely. Accordingly, safeguards remain in place. The Department retains the ability to call in applications where appropriate, and proposals falling to be screened by the Department may still be screened out and returned for determination by the councils. This ensures that the system remains flexible, proportionate, and capable of responding to the particular circumstances of individual developments.

3 Structure of the consultation

- 3.1 This targeted consultation sets out the aims and various amendment proposals to the Classes and Thresholds in the Schedule to the Development Management Regulations and seeks views and feedback on the proposed changes.

- 3.2 Section 4 of this consultation document explores the aims and key issues supporting regulations 2 and 3 relating to the hierarchy of development, which provide the thresholds and criteria for the category of major development, and developments prescribed for the purpose of section 26(1) of the 2011 Act. The consultation outlines a series of questions relating to proposals to amend the classes of development and their thresholds and criterion as set out in the *Major Development Thresholds* Schedule. The aim is to ensure they are relevant, fit for purpose and take account of future development trends.

Details of the Respondent

Q.1: Respondent Information:

Are you responding as an individual or an organisation?

Individual

☐

Organisation

☐

Please provide your organisation's name:

4 Regulations 2 and 3, and the Schedule (Major Development Thresholds) to The Planning (Development Management) Regulations (Northern Ireland) 2015

Introduction

- 4.1 Section 25 of the 2011 Act introduced a hierarchy of development within the planning system, establishing development as one of two categories, major or local. The aim of the hierarchy is 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 development³.
- 4.2 Proposals for major development, which tend to be more economically, environmentally and socially significant, are likely to require considerably more assessment and processing

³ Para 5.40 Strategic Planning Policy Statement (SPPS)

resources than local developments which, by comparison, are less complex and, on the whole, are likely to raise fewer public interest issues.

- 4.3 The Development Management Regulations set out the categories of development and the relevant thresholds or criteria for each class. The Schedule provides clarity for prospective applicants and planning authorities about which process a proposed development should follow and which developments require consultation with the community during the pre-application phase.
- 4.4 In the Development Management Regulations, there are nine classes of development identified in Column 1 of the table in the Schedule (Major Development Thresholds), each with a threshold or criterion to establish major development. They also identify thresholds or criteria for major development which may be considered regionally significant under section 26(1).

Major development

- 4.5 Major developments have important economic, social, and environmental implications for a council area. With potential to deliver important benefits for the local community, planning applications for major development will be given appropriate resources to avoid undue delay and risk to investment decisions⁴.
- 4.6 Regulation 2 of the Development Management Regulations confirms that major development is the relevant class of development which meets or exceeds the threshold or criterion outlined in Column 2 of the table in the Schedule. Planning applications for major development are submitted to the appropriate council, however they can also be called-in for determination by the Department under section 29 of the 2011 Act.
- 4.7 All major development is subject to section 27 of the 2011 Act and PACC must be undertaken prior to the submission of the planning application. In defining the classes and thresholds for major development, the aim is to achieve a balanced approach to the types of application that would most affect the community without over-burdening users of the system or the public by over-consultation.

⁴ Para 5.45 Strategic Planning Policy Statement (SPPS)

4.8 Community consultation is an essential part of an effective and inclusive planning system. The aim of PACC is to inform local communities about forthcoming development proposals, allowing them the opportunity to view and comment on the emerging design proposals, and for the developer to take any comments into consideration, before a formal planning application is submitted. The intention is to add value and improve the quality of the proposed development, by addressing community issues, improving understanding, and mitigating potential negative impacts, where possible⁵. The process aims to encourage trust and more open, positive working relationships from the earliest stages in the development management process. The Department has brought forward legislative change to the Development Management Regulations PACC provisions and procedures, which came into operation on the 1 August 2025, to allow for a dual approach to PACC which now involves:

- A statutory requirement to hold at least one in-person public community consultation event, ensuring that those who prefer or need face-to-face engagement are not excluded.
- Developers being required to provide a dedicated website to display draft proposals and collect feedback at pre-application stage.

4.9 We appreciate that not everyone has easy access to the internet, and this approach ensures that no one is left out, retaining accessibility for all, while also embracing digital tools that can broaden participation and accessibility to information to make the process more transparent and inclusive. It also brings Northern Ireland into line with other jurisdictions, such as Scotland and Wales, where digital engagement is now a core part of pre-application consultation, helping to modernise planning practice and reach a wider audience.

Major development of regional significance

4.10 Regionally significant developments form the top tier of development proposals which have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which potentially have significant effects beyond Northern Ireland or involve a substantial departure from a local development plan (LDP)⁶.

⁵ Development Management Practice Note 10 - <https://www.infrastructure-ni.gov.uk/publications/development-management-practice-notes>

⁶ Para 5.44 Strategic Planning Policy Statement (SPPS)

4.11 Regulation 3 of the Development Management Regulations confirms that development prescribed for the purposes of section 26(1) is major development which meets or exceeds the threshold or criterion outlined in Column 3 of the relevant class of development within the Schedule to the Development Management Regulations. Where the thresholds are met or exceeded it does not automatically equate to the application being considered regionally significant, it is a prompt to enter into consultations with the Department and follow the procedures outlined in section 26 of the 2011 Act.

4.12 Planning applications for major development deemed regionally significant⁷ are submitted to and determined by the Department. They are also subject to section 27 of the 2011 Act and require PACC.

Local development

4.13 Local developments comprise all other developments (other than permitted development⁸) that do not fall within the category of major development. The vast majority of local development proposals are for residential and minor commercial applications and are determined by councils.

Potential changes

4.14 The objective of bringing forward the proposed changes is to ensure that the classes of development and the corresponding thresholds in the Schedule remain fit for purpose and relevant for current and future development trends. The questions focus on specific proposals to amend the classes and thresholds as set out in the Development Management Regulations based on a previous public consultation and a number of tailored workshops and stakeholder events carried out by the Department.

Schedule classes and thresholds

4.15 In addition, since the Development Management Regulations were introduced in 2015, new technologies and types of development have been emerging which do not fall clearly into the current classes of development. Similarly, it is timely to evaluate whether the current thresholds are reasonable and proportionate to enable local communities to engage on

⁷ Confirmed by a notice issued under section 26(4) of the Planning Act (NI) 2011

⁸ <https://www.legislation.gov.uk/nisr/2015/70/contents/made>

complex development proposals which may impact them, whilst ensuring there is a balanced approach to timely decision-making.

- 4.16 When considering the amendments to the Schedule, and in particular the *Energy Infrastructure* class, the Department was very conscious of the speed at which technology, specifically in the renewable energy sector, has been changing. This prompted us to think about how future technologies would be captured by the present schedule. To avoid constant future amendments to accommodate new or novel technologies, it was important that the classes and descriptions were broad enough but also that they remain relevant. This also offered the opportunity to make the schedule easier to understand, require less interpretation around development types and make the screening process more transparent.

The Planning (Development Management) Regulations (Northern Ireland) 2015 Classes and Thresholds Proposed Amendments

5 Class 2 - Energy Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.

- 5.1 The class of *Energy Infrastructure* has been largely redesigned in a move away from individually described developments and towards the fundamental purpose of the technology in question. The class includes *generation*, *storage* and *transmission*, and the types of development within that class include *heat* or *electricity generation*, and *thermal*, *electrical*, *mechanical*, or *chemical storage*. These elementary groupings are designed to ensure that whatever the development, now or in the future, it can be accommodated by the Schedule.
- 5.2 The thresholds have been considered with regard to their potential environmental, land use, safety and energy system impacts. Single, capacity-based thresholds have been used for each type of development, rather than multiple or hybrid metrics to provide consistency and in keeping with the aim of simplification.
- 5.3 The following sets out the rationale behind the proposed classifications and thresholds for energy-related development. The system is intended to:

- Provide clarity and proportionality in how energy projects are assessed;
- Ensure communities and stakeholders are appropriately consulted on developments of varying scale; and
- Create a robust, future-proof framework capable of accommodating existing and emerging renewable energy technologies.

5.4 The energy sector is undergoing rapid technological change, the proposed revised Class 2 - *Energy Infrastructure* table has been deliberately designed to be broad, flexible, and sector-agnostic, ensuring that technologies not yet widely deployed, such as next-generation batteries, advanced hydrogen systems, long-duration thermal storage, or novel renewable generation technologies, can nevertheless fit within the framework without future legislative overhaul.

5.5 *Energy infrastructure* currently incorporates several types of development including electricity generating stations, electrical power lines, storage, extraction, and pipelines. Each type of development has a different threshold for both major development and consideration as regionally significant development under section 26(1).

5.6 Whilst the growth in traditional renewable energy technologies, such as wind and solar, is likely to continue, new viable energy technologies and solutions may emerge in the coming years which merit new or adapted energy infrastructure descriptions. In tandem, it is likely that new electricity support technologies and infrastructure may also be required to support a flexible and resilient renewables-based electricity network.

5.7 The thresholds are intended to ensure that developments are classified in a way that reflects their scale, likely impacts and strategic importance, so that projects with the greatest potential impacts are subject to the appropriate level of planning scrutiny. They are primarily based on energy storage capacity Mega-watt hour ('MWh') or Giga-watt hour ('GWh'), as this provides a consistent and comparable measure of the size and contribution of different technologies, and generally correlates with physical infrastructure, land use and environmental effects. The levels have been set to strike a balance between capturing genuinely significant infrastructure as major development, while avoiding disproportionate regulation of smaller or emerging projects, and cognisant of scale in a Northern Ireland context. The approach also maintains broad consistency across different technology types, so that similar-scale developments are treated in a comparable way, while allowing for

proportionate variation where impacts arise differently, such as between above-ground and below-ground forms. It is recognised that applying a single framework across a wide and evolving range of technologies is inherently challenging, and the thresholds therefore represent a pragmatic, high-level structure designed to accommodate diverse proposals within a limited number of clear and workable categories.

Revised Classes and Thresholds - Generation

- 5.8 The first revised development type relates to *Generation* and covers any technology that produces electricity or heat, regardless of fuel source. By defining *generation* by functional output rather than technology type, the framework ensures that established technologies (wind, solar, biomass, gas and combined heat power) are captured and that emerging technologies (advanced geothermal, marine energy, hybrid renewable parks, or future net-zero fuels) are automatically included.
- 5.9 The Department proposes introducing a new description under *Generation for the construction of an onshore heat generating station*, with the proposed threshold being set at 10 Mega-watt ('MW') for Major Development and 30MW for the purpose of section 26(1) Major Development proposals.
- 5.10 The Department proposes changing the current threshold for *the construction of an onshore electricity generating station* from 5MW to 10MW for Major Development and from 30MW to 75MW for Major Developments prescribed for the purpose of section 26(1), this would include but is not limited to development related to solar PV, wind farms and geothermal.
- 5.11 For *onshore development associated with offshore electricity generating stations*, it is proposed that all such development falls within the Major Development category, with a 75MW threshold applied for classification as Major Developments prescribed for the purpose of section 26(1).
- 5.12 Using output-based definitions (e.g. "electricity-generating station" and "heat-generating station") ensures that *generation* is categorised by its functional output rather than specific technology. This means both today's technologies and tomorrow's (e.g. floating offshore wind landfall substations, new bioenergy systems, solar-thermal concentrators) are naturally included.

5.13 After considering the various responses to this question in the initial public consultation, the Department will not be bringing forward any proposals to establish a separate wind farm description under *Generation*. The Department considers the newly proposed categorisation of the development types and updated threshold parameters for *the construction of an onshore electricity generating station* will give appropriate coverage for wind farms and other development proposals.

Revised Classes and Thresholds - Energy storage

5.14 The second revised development type is *Energy storage*, and the Department proposes 4 distinct types within this description which will appropriately cater for new technologies now and in the future. The 4 proposed new energy storage types as set out below will include *thermal, electrical, mechanical* and *chemical*.

5.15 *Energy storage* is essential to renewable integration and is rapidly diversifying into thermal, electrical, mechanical, and chemical solutions. By defining storage functionally rather than technologically, the class accommodates current systems (battery energy storage, pumped heat storage, mechanical flywheels) and future innovations (including long-duration technologies such as compressed CO₂ energy storage).

Thresholds and Metrics for *Energy storage*

5.16 GWh and MWh are the preferred metrics for energy storage because they directly measure the total amount of usable energy a system can deliver, rather than its instantaneous power output. These metrics are considered to scale proportionately with the environmental and operational impacts of storage installation, such as land take, infrastructure size and safety requirements, and they also reflect the contribution the facility can make to the wider energy system in terms of duration, resilience, and flexibility. Using stored energy metrics ensures consistent comparison across different technologies, present and future, and provides a clear indicator of the strategic value of a storage project.

5.17 We propose introducing a *Thermal energy storage* description for *the development of a facility for the storage of energy in thermal form above and below ground* - this will include hot water tanks and district heat systems. Part of the rationale for this development type was to establish a meaningful measurement for the threshold. We therefore propose introducing a MWh/GWh measurement for this activity and setting a 200MWh threshold for

Major Development and a 1GWh threshold for Major Developments prescribed for the purpose of section 26(1), for above and below ground thermal energy storage facilities.

- 5.18 Under the development type of *Electricity storage* we propose introducing a description '*the development of an electricity storage facility which consists of battery energy storage*'. This threshold will also be measured in MWh/GWh and we propose a threshold of 200MWh for Major Development and a 1GWh threshold for Major Developments prescribed for the purposes of section 26(1) development proposals.
- 5.19 To be certain that all aspects of *Energy storage* are covered appropriately we propose introducing a development type *Mechanical energy storage* to cover '*development of a facility for the storage of energy in mechanical form*' which would include development for flywheels, pumped hydro and compressed air energy storage, again we propose measuring the threshold in MWh/GWh and the Major Development threshold will be set at 200MWh with the Major Developments prescribed for the purposes of section 26(1) threshold being set at 1GWh.
- 5.20 We also propose introducing a *Chemical energy storage* description '*installations for the above and below ground storage of energy in chemical form*'. The proposal is to be measured in stored energy capacity with the threshold in MWh/GWh. The threshold for **above ground** major development will be set at a stored energy capacity of 1GWh for Major Development and 5GWh for Major Developments prescribed for the purposes of section 26(1) development proposals, while **underground** chemically stored energy capacity will be set at 500MWh for Major Development and 2GWh for Major Developments prescribed for the purposes of section 26(1). Lower thresholds for underground storage reflect the additional geotechnical, groundwater and long-term containment considerations associated with subsurface development, which may give rise to significant planning impacts at comparatively smaller scales.
- 5.21 Energy storage descriptions (*thermal, electrical, mechanical, and chemical*) are internationally recognised classifications. Treating energy storage in this way ensures the framework remains relevant as new storage chemistries and long-duration solutions become commercially viable.

Revised Classes and Thresholds – Transmission and distribution

5.22 Under the *Energy infrastructure* class we will also propose maintaining the development type ‘electrical power lines and pipelines’, but with a new heading under *Transmission and distribution* with no proposed changes to the current thresholds or descriptions.

Additional information

5.23 Part of the overall proposals includes the transfer of the *Extractive* development classification from Class 2 *Energy Infrastructure* to the Class 5 *Extractive Industry*; this matter will be covered as part of question 5.

5.24 In arriving at these proposals the Department has carefully considered all the responses to the initial public consultation, along with other information gathering exercises and specific discussions with key stakeholders.

5.25 Table 1 below sets out the proposed changes to the Major Development Thresholds for Class 2 Energy Infrastructure.

Table 1.

SCHEDULE

Major Development Thresholds - Class 2 Energy Infrastructure

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
2. Energy Infrastructure - Generation		
Heat generating stations The construction of an on-shore heat generating station (when constructed or extended).	Where its capacity is or exceeds 10 megawatts.	Where its capacity is or exceeds 30 megawatts.
Electricity generating stations The construction of an on-shore electricity generating station (when constructed or extended).	Where its capacity is or exceeds 10 megawatts.	Where its capacity is or exceeds 75 megawatts.
Onshore development associated with the construction of an off-shore electricity generating station	All proposals.	Where its capacity is or exceeds 75 megawatts.
Energy Infrastructure - Storage		
Thermal Energy Storage The development of a facility for the storage of energy in thermal form above or below ground	Where its capacity is or exceeds 200 megawatt-hours.	Where the total maximum stored thermal energy capacity exceeds 1 gigawatt-hour.
Electricity Storage* The development of an electricity storage facility which consists of Battery Energy Storage	Where its capacity is or exceeds 200 megawatt-hours.	Where the rated energy storage capacity exceeds 1 gigawatt-hour.
Mechanical Energy Storage The development of a facility for the storage of energy in mechanical form	Where its capacity is or exceeds 200 megawatt-hours.	Where the maximum stored mechanical energy capacity exceeds 1 gigawatt-hour.
Chemical Energy Storage Installations for the above ground storage of energy in chemical form (Excluding Battery Energy Storage)	Where its stored energy capacity is or exceeds 1 gigawatt-hour.	Where the total maximum energy content of stored materials exceeds 5 gigawatt-hours.
Installations for the below ground storage of energy in chemical form (Excluding Battery Energy Storage)	Where its stored energy capacity is or exceeds 500 megawatt-hours.	Where the total maximum energy content of stored substances exceeds 2 gigawatt-hours.
Energy Infrastructure - Transmission / distribution		
Pipelines Pipelines for the transport of gas/oil/chemicals or for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations	With a diameter of more than 400 millimetres or a length of more than 20 kilometres.	With a diameter of more than 800 millimetres or a length of more than 40 kilometres.
Electrical power lines The installation of an electrical power line.	Where the voltage exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more than one customer.	Where the voltage: -is 110 kilovolts double circuit overhead line; or -is or exceeds 275 kilovolts, and a length of more than 15 kilometres.

* Definition in the regulations to be finalised.

Q.2: Do you agree with the amendment proposals outlined in Class 2 - Energy Infrastructure to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

6 Class 3 - Transport Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.

- 6.1 The *Transport infrastructure* class covers the construction of new or replacement railway lines, airport runways, port and harbour installations, waterways and transit ways. There have been no proposed changes to the current thresholds for Major Development or Major Developments prescribed for the purpose of section 26(1) for this class. However, we have taken the opportunity to separate the various sub-classes and change the format, setting out the unique thresholds to the various descriptions under this class.
- 6.2 Table 2 below sets out the proposed changes to the Major Development Thresholds for Class 3 Transport Infrastructure.

Table 2.

SCHEDULE

Major Development Thresholds – Class 3 Transport Infrastructure

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
3. Transport infrastructure. Construction of new or replacement:		
a) Railway Lines	The area of works is or exceeds 1 kilometre in length or 1 hectare.	a) Lines for long-distance railway traffic
b) Airport Runways	The area of works is or exceeds 1 kilometre in length or 1 hectare	b) the runway length is or exceeds 2100 metres
c) Port and Harbour Installations	The area of works is or exceeds 1 kilometre in length or 1 hectare	c) trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.
d) Waterways and transit ways	The area of works is or exceeds 1 kilometre in length or 1 hectare	d) Inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 tonnes.

Q.3: Do you agree with the amendment proposals outlined in Class 3 - Transport Infrastructure to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

7 Class 4 - Waste Infrastructure in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.

- 7.1 Class 4 of the Schedule to the Development Management Regulations covers development and construction of facilities related to waste infrastructure for the purpose of waste management, treatment or disposal and also waste water treatment plants.
- 7.2 The Development Management Regulations prescribe a Major Development threshold for installations for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of more than 25,000 tonnes. The Department proposes removing this threshold and instead requiring consultation with the Department for all development proposals within this class. However, the Department proposes no change to the separate threshold for Major Development prescribed for the purposes of section 26(1), under which an installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of or more than 100,000 tonnes is treated as a development of regional significance.
- 7.3 The Development Management Regulations prescribe a Major Development threshold for waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day. The Regulations also prescribe for the purposes of section 26(1), a threshold for waste disposal installations for the incineration or chemical treatment of non-hazardous waste with a capacity for an annual intake exceeding 100,000 tonnes. The Department proposes changing the Major Development threshold from 100 tonnes per day to a capacity for an annual intake exceeding 25,000 tonnes. No change is proposed to the threshold prescribed for the purposes of section 26(1). The Department also proposes changing the description of the class to include landfill of non-hazardous waste.
- 7.4 Table 3 below sets out the proposed changes to the Major Development Thresholds for Class 4 Waste Infrastructure.

Table 3.

SCHEDULE

Major Development Threshold – Class 4 Waste Infrastructure

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
4. Waste infrastructure.		
Construction of facilities for use for the purpose of waste management, disposal, recovery, or treatment.	Any proposal for hazardous waste.	Where the annual intake capacity of hazardous waste exceeds 100,000 tonnes per annum.
Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9(5)) or landfill of non-hazardous waste (as defined in regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005).	Where the annual intake capacity of non-hazardous waste exceeds 25,000 tonnes per annum.	Where the annual intake capacity of non-hazardous waste exceeds 100,000 tonnes per annum.
Waste water treatment plants	With a capacity exceeding 50,000 population equivalent.	With a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(5).

Q.4: Do you agree with the amendment proposals outlined in Class 4 - Waste Infrastructure to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

8 Class 5 - Extractive Industry in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.

- 8.1 The Department proposes re-formatting this Class by firstly changing the Class title from *Minerals* to *Extractive Industry*, along with reformatting the layout and descriptions. The proposals also include the introduction of a new subclass of *Exploration or extraction of geothermal energy* as well as the transfer of the *Extraction* subclass from Class 2 *Energy Infrastructure* to the newly titled Class 5 *Extractive Industry*.
- 8.2 While the layout of the subclasses for *Quarries and Open Cast Mining*, *Peat Extraction* and *Underground Mining* has been updated the Department proposes no changes to the thresholds for either Major Development or Major Development prescribed for section 26(1).
- 8.3 The Department proposes adding an additional subclass for the *Exploration and extraction of geothermal energy* to Class 5 *Extractive Industry*, and establishing a Major Development threshold for drilling of 200m and setting the threshold at 500m for Major Developments prescribed for section 26(1) development proposals.
- 8.4 The Department also proposes transferring the *Extraction* subclass from Class 2 *Energy Infrastructure* to the Class 5 *Extractive Industry* class under the heading *Petroleum and Natural Gas*. Both Major Development and section 26(1) development proposals will be categorised as any proposal relating to the exploration or extraction of hydrocarbons, with the Department being consulted on all development proposals under this class, this is considered a more appropriate fit for this type of development.
- 8.5 Table 4 below sets out the proposed changes to the Major Development Thresholds for Class 5 Extractive Industry.

Table 4.

SCHEDULE

Major Development Thresholds - Class 5 Extractive Industry

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
5. Extractive Industry		
Quarries and Open Cast Mining	The area of the site is or exceeds 2 hectares.	The area of the site exceeds 25 hectares.
Peat Extraction	The area of the site is or exceeds 2 hectares.	The area of the site exceeds 150 hectares.
Underground Mining	The area of the site is or exceeds 2 hectares.	The area of the site is or exceeds 2 hectares.
Exploration or extraction of Geothermal Energy	Where the drilling is or exceeds 200m	Where the drilling is or exceeds 500m
Petroleum and natural gas	Any proposal relating to the exploration or extraction of hydrocarbons.	Any proposal relating to the exploration or extraction of hydrocarbons.

Q.5: Do you agree with the amendment proposals outlined in Class 5 - Extractive Industry to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

9 Class 8 - Business, Industry, Storage and Distribution in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.

- 9.1 We propose introducing a sub-class to Class 8 Business, Industry, Storage and Distribution 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. Where the captured CO₂ is used, for example in enhanced oil recovery, the process is more accurately described as carbon capture, utilisation and storage (CCUS), which is a broader term that encompasses CCS and the utilisation of captured CO₂.
- 9.2 Table 5 below sets out the proposed changes to the Major Development Thresholds for Class 8 Business, Industry, Storage and Distribution.

Table 5.

SCHEDULE

Major Development Thresholds - Class 8 Business, Industry, Storage and Distribution

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
8. Business, Industry (Light and General), Storage and Distribution		
According to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.	a) development that comprises 5,000 sq metres or more gross floorspace; or b) the area of the site is or exceeds 1 hectare.	
Carbon Capture Installations	Any proposals related to the underground storage / sequestration of carbon.	Any proposals related to the underground storage / sequestration of carbon.

Q.6: Do you agree with the amendment proposals outlined in Class 8 - Business, Industry, Storage and Distribution to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

10 Class 9 - Any Other Development in the Schedule to The Planning (Development Management) Regulations (Northern Ireland) 2015.

10.1 The Department proposes the following amendment to the Class 9 *All other development* narrative as follows – ‘*Development not falling within any class or sub-class of development described in Parts 1 – 8 above*’. This removes the words “wholly” and “single” from the class description to clarify the requirement and the threshold.

10.2 Table 6 below sets out the proposed changes to the Major Development Thresholds for Class 9 All other Development.

Table 6.

SCHEDULE

Major Development Thresholds - Class 9 All Other Development

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
9. All other development.		
Development not falling within any class or sub-class of development described in Parts 1 to 8 above.	a) development that comprises 5,000 sq metres or more gross floorspace; or b) the area of the site is or exceeds 1 hectare.	

Q.7: Do you agree with the amendment proposals outlined in Class 9 - All Other Development to the Schedule of the Development Management Regulations?

Yes ☐ No ☐

If no, please outline suggestions for change and explain your reasoning.

11 Draft Statutory Rule amending The Planning (Development Management) Regulations (Northern Ireland) 2015

STATUTORY RULES OF NORTHERN IRELAND

2026 No.

PLANNING

The Planning (Development Management) (Amendments) Regulations (Northern Ireland) 2026

Made - - - - - ***

Coming into Operation - ***

The Department for Infrastructure, in exercise of the powers conferred by sections 25(2), and 247(1) and (6) of the Planning Act (Northern Ireland) 2011⁽⁹⁾ makes the following Regulations.

Citation, commencement

1.—(1) These Regulations may be cited as the Planning (Development Management) (Amendments) Regulations (Northern Ireland) 2026 and come into operation on *****.

Amendment to the Planning (Development Management) Regulations (Northern Ireland) 2015

2. — (1) In regulation 3(b) after “5” insert “and 8”.

(2) Substitute the Schedule (Major Development Thresholds) to the Planning (Development Management) Regulations (Northern Ireland) 2015 as set out in these regulations.

Sealed with the Official Seal of the Department for Infrastructure on XXXX



Rosemary Daly
A senior officer of the
Department for Infrastructure

⁽⁹⁾ 2011 c.25 (NI)

SUBSTITUTION OF THE SCHEDULE TO THE PLANNING (DEVELOPMENT MANAGEMENT)
REGULATIONS (NORTHERN IRELAND) 2015

“SCHEDULE

Regulations 2 and 3

Major Development Thresholds

1. In the Table below –

“airport” means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14)⁽¹⁰⁾,

“area of works” includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“floorspace” means floorspace in a building or buildings,

“electricity storage” means a facility that stores electricity within electrochemical battery systems for subsequent discharge as electricity.

2. The Table below sets out the classes of development belonging to the category of major development.

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
1. EIA development.	Development of a description in paragraph; 1, 3, 4, 5, 6, 11, 12, 15, 17, 18, 19, 22, 23, and 24; mentioned in Schedule 1 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.	Development of a description in paragraph 1, 3, 22, 23 and 24 mentioned in Schedule 1 to The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
2. Energy infrastructure.		
Generation:		
<u>Heat generating stations</u> The construction of an on-shore heat generating station (when constructed or extended).	Where its capacity is or exceeds 10 megawatts.	Where its capacity is or exceeds 30 megawatts.
<u>Electricity generating stations</u> The construction of an on-shore electricity generating station (when constructed or extended).	Where its capacity is or exceeds 10 megawatts.	Where its capacity is or exceeds 75 megawatts

Onshore development associated with the construction of an off-shore electricity generating station.	All proposals.	Where its capacity is or exceeds 75 megawatts.
Energy Storage:		
<u>Thermal Energy Storage</u> The development of a facility for the storage of energy in thermal form above or below ground.	Where its capacity is or exceeds 200 megawatt-hours.	Where the total maximum stored thermal energy capacity exceeds 1 gigawatt-hour.
<u>Electricity Storage</u> The development of an electricity storage facility which consists of Battery Energy Storage.	Where its capacity is or exceeds 200 megawatt-hours.	Where the rated energy storage capacity exceeds 1 gigawatt-hour.
<u>Mechanical Energy Storage</u> The development of a facility for the storage of energy in mechanical form.	Where its capacity is or exceeds 200 megawatt-hours.	Where the maximum stored mechanical energy capacity exceeds 1 gigawatt-hour.
<u>Chemical Energy Storage</u> Installations for the above ground storage of energy in chemical form (Excluding Battery Energy Storage).	Where its stored energy capacity is or exceeds 1 gigawatt-hour.	Where the total maximum energy content of stored materials exceeds 5 gigawatt-hours.
Installations for the below ground storage of energy in chemical form (Excluding Battery Energy Storage).	Where its stored energy capacity is or exceeds 500 megawatt-hours.	Where the total maximum energy content of stored substances exceeds 2 gigawatt-hours.
Transmission / distribution:		
<u>Pipelines</u>		
Pipelines for the transport of gas/oil/chemicals or for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.	With a diameter of more than 400 millimetres or a length of more than 20 kilometres.	With a diameter of more than 800 millimetres or a length of more than 40 kilometres.
<u>Electrical power lines</u>		
The installation of an electrical power line.	Where the voltage exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more than one customer.	Where the voltage: -is 110 kilovolts double circuit overhead line; or -is or exceeds 275 kilovolts, and a length of more than 15 kilometres.

3. Transport infrastructure. <u>Construction of new or replacement:</u> a) Railway Lines b) Airport Runways c) Port and Harbour Installations d) Waterways and Transit Ways	The area of works is or exceeds 1 kilometre in length or 1 hectare. The area of works is or exceeds 1 kilometre in length or 1 hectare. The area of works is or exceeds 1 kilometre in length or 1 hectare. The area of works is or exceeds 1 kilometre in length or 1 hectare.	Lines for long-distance railway traffic. Runway length is or exceeds 2,100 metres. Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes. Inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 tonnes.
4. Waste infrastructure. <u>Waste Management Facilities</u> Construction of facilities for use for the purpose of waste management, recovery, treatment or disposal. Waste disposal installations for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC), of the European Parliament and of the Council on waste and repealing certain directives under heading D9) or landfill of non-hazardous waste (as defined in regulation 6 of the Hazardous Waste Regulations (Northern Ireland) 2005). <u>Waste Water</u>	Any proposal for hazardous waste. Where the annual intake capacity of non- hazardous waste exceeds 25,000 tonnes per annum. Waste water treatment plants with a capacity exceeding 50,000 population equivalent.	Where the annual intake capacity of hazardous waste exceeds 100,000 tonnes per annum. Where the annual intake capacity of non- hazardous waste exceeds 100,000 tonnes per annum. Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(5).
5. Extraction Industry. a) Quarries and Open Cast Mining.	The area of the site is or exceeds 2 hectares.	The surface of the site exceeds 25 hectares.

b) Peat Extraction.	The area of the site is or exceeds 2 hectares.	The surface of the site exceeds 150 hectares.
c) Underground Mining.	The area of the site is or exceeds 2 hectares.	The surface of the site is or exceeds 2 hectares.
d) Exploration or extraction of Geothermal Energy.	Where the drilling is or exceeds 200m.	Where the drilling is or exceeds 500m.
e) Petroleum and natural gas.	Any proposal relating to the exploration or extraction of hydrocarbons.	Any proposal relating to the exploration or extraction of hydrocarbons.
6. Housing. Construction of buildings, structures or erections for use as residential accommodation; includes private schemes.	a) development that comprises 50 units or more; or b) the area of the site is or exceeds 2 hectares.	
7. Retailing, Community, Recreation and Culture. (according to Parts A and D of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015). Including cultural and community facilities, retail, leisure and entertainment development.	a) development that comprises 1,000 sq metres or more gross floorspace outside town centres; or b) the area of the site is or exceeds 1 hectare.	
8. Business, Industry (Light and General), Storage and Distribution. (according to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015). Carbon Capture Installations	a) development that comprises 5,000 sq metres or more gross floorspace; or b) the area of the site is or exceeds 1 hectare. Any proposals related to the underground storage / sequestration of carbon.	Any proposals related to the underground storage / sequestration of carbon.
9. All other development. Development not falling within any class or sub-class of development described in Parts 1 to 8 above.	a) development that comprises 5,000 sq metres or more gross floorspace; or b) the area of the site is or exceeds 1 hectare.	