Working **together** for
fairness, justice and **safety**

CONSULTATION ON THE DRAFT PLANNING FEES (DEEMED PLANNING APPLICATIONS AND APPEALS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2026

This consultation begins on 3rd November 2026

This consultation closes on 12th January 2027



Department of Justice
An Roinn Dlí agus Cirt
Männystrie O tha Laa

1. INTRODUCTION

1.1 The Planning Appeals Commission (PAC) is an independent body, set up under the Planning Act (Northern Ireland) 2011, which deals with a wide range of land use planning issues and related matters. PAC makes decisions on appeals against Council decisions on a wide range of planning and environmental matters. These may be made by a single Commissioner (a single decision) or by a panel of not fewer than four Commissioners (a panel decision).

1.2 The Water Appeals Commission (WAC) is a separate body which exercises a wide range of functions in relation to water, fisheries and drainage legislation. Its proceedings are governed by The Water and Sewerage Services (NI) Order 1973 as amended, although there are no detailed procedural rules to be followed. The WAC has generally two types of functions – inquiry and appellate. These arise under the 1973 Order; the Water (NI) Order 1999 as amended, the Water and Sewerage Regulations (NI) 1973, the Drainage (NI) Order 1973, the Drainage (Environmental Impact Assessment) Regulations (NI) 2001 and the Fisheries Act (NI) 1966.

1.3 The Northern Ireland Courts and Tribunal Service (NICTS) has responsibility for the administration of PAC/WAC, and the Department of Justice (DoJ), following consultation with PAC/WAC, has the power to create rules regulating its procedure.[1]

1.4 The Planning Fees (Deemed Planning Applications and Appeals) Regulations (Northern Ireland) 2015 (”the Regulations”) prescribe the fees to be charged for planning appeals and deemed planning applications from 1 April 2015. The Regulations only affect the work of PAC. These fees were last uplifted on 13th August 2025.[2]

1.5 It is important that amended fees to be charged for planning appeals and deemed planning applications reflect the changes to administration costs for such

[1] The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76)
[2] SR 2025 No. 137

appeals and applications and take into account any changes to the planning fees charged by Councils and the Department for Infrastructure (DfI).

1.6 In August 2025 DoJ consolidated into one instrument the 1.99%,12.3% and 4% uplifts that DfI had already applied. During the process to match these fees, DfI made a further inflationary uplift of approximately 2.1% across all planning fee categories from 1st April 2025.

1.7 PAC is currently undertaking a Planning Appeal Fee review; it is, therefore, proposed that there will be no increase to the planning appeal fee under these draft Regulations. The Planning Appeal fee shall remain at £150, and this will be reviewed again at the next uplift.

1.8 This consultation, therefore, concerns amendments to the Regulations regarding the fees to be charged for planning appeals and deemed planning applications to keep pace with DfI's 2025 uplift. It is considered that the initial increase of 2.1% is required at this time as the fees applying to PAC should keep pace with Council and DfI planning fees.

1.9 DfI intend to make a further inflationary uplift across all planning fee categories in 2026. DfI increase their fees every year and we would be grateful to hear any views on whether in the future the DoJ should continue to consult on the fee increase or simply apply the same uplift as DfI has done without the need for a consultation. This would enable DoJ to more easily keep pace with DfI's yearly uplift.

2. THE DRAFT PLANNING FEES (DEEMED PLANNING APPLICATIONS AND APPEALS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2025

2.1 The proposed amendments to the Regulations change the fees charged for planning appeals and deemed planning applications prescribed within the Regulations to reflect the changes to administration costs for such appeals and applications.

2.2 The proposed amendments to the Regulations are comprised of the increase of 2.1% and are as follows:

- Where an application is deemed to have been made for an Environmental Impact Assessment development, the fee payable in respect of the deemed application is amended from £12,664 to £12,930.

- The fee for an appeal to the appeals commission remains at £150.

- In relation to the erection of a dwellinghouse:
    - Where the development comprises a single dwelling house, the fee is amended from £1,014 to £1,035.
    - For two or more dwelling houses, where the number of dwelling houses comprised in the development is 50 or fewer:
        - the fee for two dwelling houses is amended from £1,191 to £1,215; and
        - The fee for each additional dwelling house is amended from £425 to £434.
    - Where the number of dwelling houses comprised in the development exceeds 50:
        - For two or more dwelling houses, the fee is amended from £21,591 to £22,047;

        - the fee for each additional dwelling house in excess of 50 dwelling houses is amended from £126 to £129; and
        - subject to a maximum in total, which is amended from £316,577 to £323,133.

- In relation to the extension, improvement or alteration of an existing dwelling house:
    - The fee is amended from £340 to £347 for each dwelling.

- In relation to the erection of industrial, commercial, community and other buildings, other than dwelling houses covered above:
    - Where no floor space is created in the development the fee is increased from £216 to £220;
    - Where the area of gross floor space created by the development does not exceed 40 sq. m the fee is increased from £216 to £220;
    - Where the area of gross floor space created by the development exceeds 40 sq. m but does not exceed 75 sq. m the fee is increased from £425 to £434.
    - Where the area of gross floor space created by the development exceeds 75 sq. m but does not exceed 3750 sq. m the fee is increased from £425 to £434 for each 75sq. m of that area.
    - Where the area of gross floor space created by the development exceeds 3750 sq. m, the fee is amended from £21,250 to £21,700. The additional fee of £126 in relation to each 75 sq. m in excess of 3750 sq. m is amended to £129 and the maximum fee is amended from £316,468 to £322,915.

- In relation to the erection, alteration or replacement of plant and machinery including telecommunications equipment, a single wind turbine and wind farms:
    - Where the site area does not exceed 5 hectares the fee is amended from £425 to £434 for each 0.1 hectare of the site area.

- Where the site area exceeds 5 hectares the fees are amended from:
  - £21,250 to £21,700;
  - £126 to £129 for each additional 0.1 hectare in excess of 5 hectares;
  - subject to a maximum in total which has changed from £316,468 to £322,915.

- In relation to the erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses:
  - The fee is amended from £1,130 to £1,153 for each 500 sq. m of floor space subject to a maximum which is amended from £14,979 to £15,287.

- In relation to the winning and working of peat:
  - The fee is amended from £1,887 to £2,294 for each 5 hectares of the site area subject to a maximum which is amended from £40,464 to £41,292.

- In relation to the winning and working of minerals (other than peat), the carrying out of any operations connected with exploratory drilling for oil or natural gas, and the use of land for the disposal of refuse or waste materials for the deposit of material remaining after minerals have been extracted from land or the use of land for the storage of minerals in the open:
  - The fee is amended from £435 to £444 per 0.1 hectare of the site area subject to a maximum which is amended from £48,720 to £49,728.

- In relation to the construction of single level car parks, service roads and other means of access on land used for the purpose of a single undertaking, where the development is required for a purpose incidental to the existing use of the land:
  - The fee is amended from £301 to £307.

- In relation to the continuance of a use of land or the retention of buildings or works on land, without compliance with a condition, subject to which a previous planning permission has been granted (including a condition requiring discontinuance of the use of the removal of the building or works at the end of the specified period):
    - The fee is amended from £301 to £307.

- In relation to material change of use:
    - Where the use relates to a dwelling house the fee is amended from:
        - £825 to £842 for the first dwelling house;
        - £301 to £307 for each additional dwelling house;
        - subject to a maximum which is amended from £15,050 to £15,350.
    - For any other use, the fee is amended from £301 to £307 for each 75 sq. m of floorspace subject to a maximum fee which is amended from £15,050 to £15,350.

- Any other development not falling within categories 1 to 10, the fee is amended from £990 to £1,010.

3 PURPOSE OF CONSULTATION

3.1 The purpose of this consultation is to seek views on the uplift in fees contained in the draft Planning Fees (Deemed Planning Applications and Appeals) (Amendment) Regulations (Northern Ireland) 2026.

3.2 A list of those notified of this consultation is at Appendix 1. This list is not meant to be exhaustive and responses are welcomed from anyone with an interest in or views on this consultation paper.

4. NEXT STEPS

4.1 The Department will consider the responses to this consultation and, depending upon the outcome of that consideration, will take forward the draft Regulations.

5. IMPACT

5.1 Section 75 of the Northern Ireland Act 1998 requires that all public authorities in Northern Ireland comply with a statutory duty to:

- have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status, or sexual orientation, gender, and those with or without a disability and those with or without dependents; and
- have regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group.

5.2 In addition, public authorities are also required to meet legislative obligations under the Disability Discrimination (Northern Ireland) Order 2006,[3] particularly in the formation of public policy making.

5.3 The Department is committed to fulfilling those obligations and proposals arising from this paper have been subjected to screening to determine impact on equality of opportunity, good relations and other statutory duties (see screening form at Appendix 4). The proposals have also been screened for rural needs impact (see Appendix 5). The Department welcomes views on these screening documents.

5.4 The Department has carried out a regulatory impact screening exercise and considers that a regulatory impact assessment is unnecessary as the amended procedural Rules will not have a direct or indirect impact on businesses. The Department does, however, welcome views on this.

[3] S.I. 2006 No.312 (N.I.1)

6. HOW TO RESPOND

6.1 The consultation will run from 3rd November 2026 and all responses should be submitted by 12th January 2027. Appendix 3 provides a template for completion by respondents which is also available on the Department's website. Responses can be sent by e-mail or post as below.

6.2 For queries and responses to the consultation please contact:

Civil Justice and Judicial Policy Division
Access to Justice Directorate
Department of Justice
Unit 2 Knockview House,
Stormont Estate
Belfast
BT4 3SJ

Tel: *028 9016 9539*
Textphone: *028 9052 7668*
Email: AToJ.Consultation@justice-ni.gov.uk

6.3 When responding, please state whether you are making a submission as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Additional copies and alternative formats

6.4 An electronic copy of this document is available to view and download from the consultation section of the Department of Justice website (http://www.justice-ni.gov.uk).

6.5 You may make copies of this document without seeking permission and if

you require further printed copies, we would invite you to access the document through our website. If you do not have access to the internet and require us to provide you with further copies, please contact us with your specific request.

6.6 Copies in other formats, including Braille, large print or audio cassette may be made available on request. If it would assist you to access the document in an alternative format, or a language other than English, please let us know and we will do our best to assist you

Freedom of information and General Data Protection Regulations

6.7 The Department intends to publish a summary of responses on its website on completion of the consultation process. Any contact details that will identify a respondent as a private individual will be removed prior to publication.

6.8 All information will be handled in accordance with the General Data Protection Regulations (GDPR). Respondents should be aware that the Department's obligations under the Freedom of Information Act 2000 may require that any responses, not subject to specific exemptions under the Act, be disclosed to other parties on request.

6.9 For further information about Freedom of Information and GDPR please contact the Information Commissioner's Office at https://ico.org.uk.

Complaints

6.10 Any comments, queries or concerns about the way this exercise has been conducted should be sent to the following address:

Standards Unit
Department of Justice
Knockview Buildings
Stormont Estate
Belfast
BT4 3SJ

or e-mail to standardsunit@justice-ni.gov.uk

Appendix 1 – List of Consultees

This consultation document has been sent to the following organisations:

Northern Ireland local Councils

Health and Safety Executive for Northern Ireland

Department for Infrastructure

Department of Agriculture, Environment and Rural Affairs

Department for the Economy

Northern Ireland Housing Executive

Environmental and Planning Law Association for Northern Ireland

Royal Town Planning Institute

Royal Society of Ulster Architects

The Bar of Northern Ireland

The Law Society of Northern Ireland

Matrix Planning Consultancy

MKA Planning

OTS Planning

CMI Planners

TA Gourley

Tom Wilson Planning

Barney McKevitt

Ross Planning

Donaldson Planning

Lee W Kennedy

MBA Planning

Appendix 2 – The Planning Fees (Deemed Planning Applications and Appeal) (Amendment) Regulations (Northern Ireland) 2026

STATUTORY RULES OF NORTHERN IRELAND

2026 No. 0000

PLANNING FEES

The Planning Fees (Deemed Planning Applications and Appeals) (Amendment) Regulations (Northern Ireland) 2026

Made - - - - XX 2026
Coming into force - - XX 2026

The Department of Justice makes the following Regulations in exercise of the powers conferred on it by sections 223(7) of the Planning Act (Northern Ireland) 2011.

Citation and commencement

These Regulations may be cited as the Planning Fees (Deemed Planning Applications and Appeals) (Amendment) Regulations (Northern Ireland) 2026 and shall come into operation on XX month 2026.

Interpretation

In these regulations—

"the 2011 Act" means the Planning Act (Northern Ireland) 2011;

"deemed application" means an application for planning permission deemed to have been made under section 145(5) of the 2011 Act;

"dwellinghouse" means a building or part of a building which is used as a single private dwellinghouse, and for no other purpose;

"glasshouse" means a building which—

has not less than three quarters of its total area comprised of glass or other translucent material;

is designed for the production of flowers, fruit, vegetables, herbs or other horticultural produce; and

is used, or is to be used, solely for the purposes of agriculture;

"relevant enforcement notice" to relation to any deemed application means the enforcement notice stating the matters to which that deemed application relates;

"use of land" includes use of land for the winning and working of minerals.

Amendment of the Planning Fees (Deemed Planning Applications and Appeals) Regulations (Northern Ireland) 2015

The Planning Fees (Deemed Planning Applications and Appeals) Regulations (Northern Ireland) 2015 are amended as follows.

Amendment of Regulation 7

In regulation 7 omit "£12,664" and insert "£12,930".

Amendment of SCHEDULE

For the Schedule substitute:

"SCHEDULE

Reg 3(2)

Fees in Respect of Deemed Applications

PART 1

General Provisions

1. The fee payable under regulation 3(2) in respect of a deemed application shall be calculated in accordance with the provisions of Part 2 and (where applicable) paragraphs 4 to 7.

2. Where a deemed application relates to development stated in the relevant enforcement notice to have been carried out without planning permission, the amount of the fee payable shall be calculated in accordance with the provisions of Part 2 as if the deemed application were one for permission to carry out that development.

3. In this Schedule—

(a) references to the development to which any deemed application relates shall be construed as references to the use of land or the operations (as the case may be) to which the relevant enforcement notice relates;

(b) references to the floor space or the number of dwellinghouses to be created by the development shall be construed as references to the floor space or the number of dwellinghouses to which that enforcement notice relates; and

(c) references to the purposes for which it is proposed that the floor space shall be used shall be construed as references to the purposes for which floor space was stated to be used in the enforcement notice.

4. Where in respect of any category of development specified in Part 2, the fee is to be calculated by reference to the site area—

(a) that area shall be taken as consisting of the site area to which the relevant enforcement notice relates; and

(b) where the area referred to in sub-paragraph (a) is not an exact multiple of the unit of measurement specified in respect of the relevant category of development, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated, for the purposes of calculating the fee, as a complete unit.

5.—(1) In relation to development within category 3, 5 or 10(b) specified in Part 2, the area of gross floor space to be created by the development shall be ascertained by external measurement of the floor space, whether or not it is to be bounded (wholly or partly) by external walls of a building.

(2) In relation to development within category 3 or 10(b) 10(c) where the area of gross floor space is not an exact multiple of 75 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 75 shall be treated as being 75 square metres.

(3) In relation to development within category 5 where the area of gross floor space is not an exact multiple of 500 square metres, the area remaining after division of the total number of square metres of gross floor space by the figure of 500 shall be treated as being 500 square metres.

6.—(1) Subject to the provisions in sub-paragraph 6(2) and paragraph 7(1), where a deemed

application relates to more than one of the categories of development specified in Part 2—

(a) an amount shall be calculated, in accordance with this Schedule, in respect of development which is within each category; and

(b) the total of the amounts calculated for each of the categories of development shall be the fee.

(2) Where a building is to contain floor space which it proposes to use for the purposes of providing common access or common services or facilities for persons occupying or using that building for development within category 1 and for persons occupying or using it for development within category 3 and or category 5 (such floor space being referred to below as "common floor space"), the category 3 and or category 5 floor space shall be assessed, in relation to that building, as including such proportion of the common floor space as the category 3 and or category 5 floor space in the building bears to the gross floor space in the building.

7.—(1) Subject to the provisions of paragraph 6, where a deemed application relates to development which is within more than one of the site-based categories (4, 6 and 7)—

(a) an amount shall be calculated, in accordance with this Schedule, in respect of the development which is within each category; and

(b) the highest of the amounts so calculated shall be the fee.

PART 2

Scale of fees

Category of development	*Fee payable*
1. The erection of a dwellinghouse.	Where the development comprises a single dwellinghouse, £1,035. For two or more houses— (a) where the number of dwellinghouses comprised in the development is 50 or fewer, £1,215 for two dwellinghouses and £434 for each additional dwellinghouse; (b) where the number of dwellinghouses comprised in the development exceeds 50, £22,047; and an additional £129 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £323,133.
2. The extension, improvement or alteration of an existing dwellinghouse, including the erection of a building or the carrying out of other operations within the curtilage of a dwellinghouse for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary or a curtilage of an existing dwellinghouse.	£347 for each dwelling.
3. The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 1.	(a) where no floor space is created by the development, £220; (b) where the area of the gross floor space created by the development does not exceed 40 sq.m., £220; (c) where the area of the gross floor space comprised in the development exceeds 40 sq.m., but does not exceed 75 sq.m., £434;

	(d) where the area of the gross floor space comprised in the development exceeds 75 sq.m., but does not exceed 3,750 sq.m., £434 for each 75 sq.m. of that area; (e) where the area of the gross floor space comprised in the development exceeds 3,750 sq.m., £21,700; and an additional £129 for each 75 sq.m., in excess of 3,750 sq.m., subject to a maximum in total of £322,915.
4. The erection, alteration or replacement of plant and machinery including telecommunications equipment, a single wind turbine and wind farms.	(a) where the site area does not exceed 5 hectares, £434 for each 0.1 hectare of the site area; (b) where the site area exceeds 5 hectares, £21,700; and an additional £134 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £322,915.
5. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses.	£1,153 for each 500 sq.m. of floor space subject to a maximum of £15,287.
6. The winning and working of peat.	£2,294 for each 5 hectares of the site area subject to a maximum of £41,292.
7. (a) The winning and working of minerals (other than peat). (b) The carrying out of any operations connected with exploratory drilling for oil or natural gas. (c) The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land or the use of land for the storage of minerals in the open. (d) The carrying out of any other operation not coming within any of the above categories or within category 8.	£444 per 0.1 hectare of the site area subject to a maximum of £49,728.
8. The construction of single level car parks, service roads and other means of access on land used for the purpose of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£307.
9. The continuance of a use of land or the retention of buildings or works on land, without compliance with a condition subject to which a previous planning permission has been granted (including a condition requiring discontinuance of the use of the removal of the building or works at the end of the specified period).	£307.
10. Material change of use.	(a) Where the use relates to a dwellinghouse, £874 for the first dwellinghouse and £319 for each additional dwellinghouse subject to a maximum of £15,350; (b) for any other change of use, £307 for

	each 75 sq.m. of floor space subject to a maximum of £15,350.”
11. Any other development not falling within categories 1 to 10.	£1,010.

Sealed with the Official Seal of the Department of Justice on date

Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Planning Fees (Deemed Planning Applications and Appeals) Regulations (Northern Ireland) 2015 by uplifting applicable fees.

Appendix 3 - Questionnaire for Respondents

Please Note this form should be returned with your response to ensure that we handle your response appropriately.

1. Name/Organisation

Title Mr ☐ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ ***Please tick as appropriate***

Surname

Forename

2. Postal Address

Postcode	**Phone**
Email	

3. Permissions* - I am responding as…** ***(choose one)

An Individual ☐	**An Organisation ☐**

(a) Do you agree to your response being made available to the public? Are you content for your response to be made available? **Please tick as appropriate** ☐ **Yes** ☐ **No**	(b) The name of your organisation ***will be*** made available to the public Are you content for your response to be made available? **Please tick as appropriate** ☐ **Yes** ☐ **No**

COMMENTS

Comments on the draft Planning Fees (Deemed Planning Applications and Appeals) (Amendment) Regulations (Northern Ireland) 2026
Comments:

Department of Justice,
Civil Justice and Judicial Policy Division,
Access to Justice Directorate,
Department of Justice,
Unit 2 Knockview House,



Stormont Estate,
Belfast.
BT4 3SX

http://www.justice-ni.gov.uk