EXPLANATORY MEMORANDUM TO

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

S.R. 2025 No 137

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Justice (DoJ) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 223(7) of the Planning Act (Northern Ireland) 2011 ("the 2011 Act") and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule will amend the Planning Fees (Deemed Planning Applications and Appeals) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 136) ("the 2015 Regulations").

2.2. The amending Regulations will increase the fees payable in relation to applications and appeals to the Planning Appeals Commission ("PAC").

3. Background

3.1. The PAC is an independent body, set up under the 2011 Act, which deals with a wide range of land-use planning issues and related matters. PAC makes decisions on appeals against local council decisions on a wide range of planning and environmental matters. The Northern Ireland Courts and Tribunals Service (NICTS) has responsibility for the administration of PAC, and the DoJ has the power to make Regulations that prescribe its procedure.

3.2. The 2015 Regulations prescribe the fees to be charged for planning appeals and deemed planning applications from 1st April 2015. The fees have not been updated since 2016.

4. Consultation

4.1 A targeted consultation was carried out between 28th October 2024 and 3rd January 2025 asking for views on proposed increases to fees that would bring them more closely into line with Department for Infrastructure fees (i.e. consolidating in one instrument the 1.99%, 12.3% and 4% uplifts that have been applied since 2019). No responses were received to this consultation.

5. Equality Impact

5.1. The Department has concluded that the proposals do not have any adverse impact on any section 75 group and that an equality impact assessment is, therefore, not necessary.

6. Regulatory Impact

6.1. There is no impact on business, charities, social economy enterprises or the voluntary sector. A regulatory impact assessment is not, therefore, necessary.

7. Financial Implications

7.1. The draft Regulations will increase by approximately 19% the fees charged for appeals to the Planning Appeals Commission so that they more closely match the planning fees set by DfI. Such fees contribute towards NICTS running costs and take into account the changes to inflation over the period.

8. Section 24 of the Northern Ireland Act 1998

8.1. It is the view of the Department that the draft Regulations are in compliance with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.