SUSTAINABLE NI

Response to the Department for Infrastructure consultation

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

Consultation closes: 6 November 2026

1. About this response

Sustainable NI is an independent charity that has worked since 1998 to accelerate Northern Ireland's transition to a sustainable future by providing information and practical support across the public, private and community sectors. We facilitate the Northern Ireland Sustainable Development Forum, a network of officers leading sustainability and climate action in local government and the wider public sector, and provide the secretariat for the All-Party Group on Climate Action.

We bring a cross-sectoral, long-term, whole-system view rather than the interest of any one developer or technology. Our members are largely councils and public sector organisations. Councils are the planning authorities that will decide most of the applications affected by these changes, and they also carry statutory climate duties.

Our response therefore focuses on two things:

- whether the revised Schedule will help Northern Ireland deliver the renewable energy, storage and low carbon heat it needs to meet the Climate Change Act (Northern Ireland) 2022, and
- whether communities will still be given a say on the developments most likely to affect them.

2. Summary of our position

We welcome the consultation and support the Department's policy direction. Grouping energy development by what it does (generating, storing or transporting energy) rather than by named technology is sensible. It should mean the Schedule does not need to be rewritten every time a new technology arrives.

The Schedule decides which planning route an application follows, not whether it is approved. Applications classed as "major development" must go through Pre-Application Community Consultation (PACC), meaning the developer has to hold at least one public event and run a dedicated website before an application is submitted. Moving a type of development below the major threshold removes that requirement. For smaller renewable schemes, a 12-week pre-application process can be a significant burden, and we think this is a reasonable trade-off. Where the change does reduce formal consultation, we suggest ways to keep communities informed.

The main points in our response are:

a. We support higher thresholds for generation. Raising the major threshold for electricity generation from 5MW to 10MW will help speed up renewable projects. The Regulations should define "capacity" clearly so there is no dispute about which schemes fall above or below it.

b. We support the battery storage threshold. Battery storage is essential to a renewables-based grid, and the time it takes to get planning permission is one of the main barriers to building it. We support the

proposed 200 megawatt-hour threshold. Outside the scope of these Regulations, we ask the Department to publish a short practice note setting out standard fire safety requirements for battery sites, so that councils can decide applications quickly and with confidence.

c. Hazardous storage should always be major development. Measuring chemical storage, such as hydrogen, by the energy it holds means a site could store enough hazardous material to be regulated as a major accident hazard and still be classed as local development. We recommend that any energy storage needing hazardous substances consent is automatically major, as is all below-ground chemical storage.

d. Peat and fossil fuel extraction should face the highest scrutiny. We strongly support all oil and gas proposals being major development. We ask that the same applies to all peat extraction, because peatlands are among Northern Ireland's most important carbon stores.

e. The geothermal threshold should not catch ordinary heat pumps. A 200 metre drilling threshold risks treating a ground source heat pump for a school or business as major development. That would slow down the roll-out of low carbon heating schemes.

f. Carbon capture needs a clearer definition. As drafted, the threshold only applies to underground storage of carbon, not to the plants that capture it.

g. Related guidance would help implement the changes. Some of our recommendations concern planning guidance rather than the Regulations themselves. We have set these out separately in section 4.

h. The rural impact assessment should show its working. Most of the development affected by these changes is in the countryside. We expect the changes to benefit rural areas, but the assessment should set out the effects rather than conclude there are none.

3. Answers to the consultation questions

Question 1 — Respondent information

Are you responding as an individual or an organisation?

We are responding as an organisation: Sustainable NI.

Question 2 — Class 2 Energy Infrastructure

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

No. We support the overall approach and the proposed thresholds for generation and battery storage. We have answered No because we are asking for changes to how chemical and underground storage is classified, and for a definition of capacity.

We welcome the new heat generation category (10MW for major development and 30MW for regional significance). Heat networks will be central to decarbonising heat in Northern Ireland, and they now have a clear place in the Schedule. We also support all onshore works linked to offshore wind being major development, and retaining the current thresholds for power lines and pipelines. Grid reinforcement is essential to the energy transition, and early engagement on new lines is vital to public confidence.

Electricity generation: we support the increase from 5MW to 10MW for major development, and from 30MW to 75MW for regional significance. We would ask the Department to:

- **Define capacity.** State whether "capacity" means the installed capacity or the maximum amount that can be exported to the grid. For solar farms, these figures can differ considerably, and uncertainty will lead to disputes.
- **Explain how combined sites are treated.** Solar farms are increasingly built with batteries alongside. We suggest each part is tested against its own threshold, and the whole proposal is major if any part is.
- **Review the single threshold over time.** A 10MW wind farm and a 10MW solar farm have very different landscape and visual effects. We accept the Department's preference for one simple measure, but ask that this is reviewed using the monitoring we propose below.

Battery storage: we support the threshold. Under it, most battery schemes will be local development, decided by councils without formal pre-application consultation. We also support defining electricity storage by function, as the draft Regulations do. Fire safety is the concern communities raise most often about battery sites. As paragraph 2.8 of the consultation makes clear, that is a matter for the planning application rather than for the Schedule. Our support for the threshold assumes it will be handled well at that stage, and in section 4 we suggest guidelines to address fire safety concerns.

Chemical storage, including hydrogen: link it to hazardous substances consent. Measuring chemical storage by the energy it contains does not reflect how hazardous it is. For example, sites holding 5 tonnes or more of hydrogen are regulated as major accident hazard sites. Yet 5 tonnes of hydrogen holds only around 170 megawatt-hours of energy, well below both proposed thresholds for chemical storage. Under the proposals, a site could therefore be regulated as a major accident hazard but still be treated as local development for planning purposes.

We recommend that the Department:

- Makes any energy storage that requires hazardous substances consent major development, whatever its stored energy capacity.
- Makes all below-ground chemical storage major development. The consultation recognises that underground storage raises groundwater, ground stability and long-term containment issues at smaller scales. Proposals for underground gas storage at Islandmagee showed the level of public concern these schemes can raise.

Thermal and mechanical storage: we support the proposed thresholds. Where thermal storage serves a heat network, it should be assessed together with that network, not separately.

Question 3 — Class 3 Transport Infrastructure

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

Yes. We support the clearer layout, and we note that no thresholds are changing. One minor point:

- Guidance should confirm whether "transit ways" includes greenways and other walking and cycling routes. Clarity here helps support the shift to sustainable transport.

Question 4 — Class 4 Waste Infrastructure

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

Yes. We welcome all hazardous waste proposals becoming major development. We also welcome replacing the current threshold for incineration and chemical treatment of 100 tonnes per day (about 36,500 tonnes a year) with 25,000 tonnes a year, and adding landfill to this category. Together, these changes mean more waste facilities will involve the community before an application is submitted.

One further point:

Developments that fit more than one class. Some proposals sit in two classes at once. An anaerobic digestion plant, for example, both treats waste and generates energy. The Regulations should state that a proposal is major development if it meets the threshold in any class that applies to it.

Question 5 — Class 5 Extractive Industry

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

No. We support most of the proposals, but we ask for two changes.

Oil and gas: strongly supported. We strongly support any proposal to explore for or extract oil and gas being major development, with the Department consulted in every case. This is consistent with the Petroleum Exploration and Licensing (Repeal) Bill, introduced to the Assembly on 13 April 2026, which would ban licences for onshore oil and gas exploration and production. The Schedule should be kept in line with the Bill as it progresses.

Geothermal energy: keep ordinary heat pumps out of scope. We welcome a dedicated geothermal category. Geothermal energy could provide a significant amount of Northern Ireland's low carbon heat. However, a ground source heat pump draws heat from boreholes, which are commonly 100 to 200 metres deep and sometimes deeper. A 200 metre threshold could therefore treat a heat pump for a school, leisure centre or business as major development, requiring a full public consultation process. That would add cost and delay to exactly the kind of low carbon heat we need more of. We recommend either:

1. excluding closed-loop ground source heat pump systems from this category, or
2. setting the major development threshold at 500 metres, with a higher threshold for regional significance.

Peat extraction: make all proposals major development. Healthy peatlands store large amounts of carbon. When they are dug up or drained, that carbon is released into the atmosphere. The Northern Ireland Peatland Strategy 2021–2040 aims to protect and restore peatlands. A 2 hectare threshold for major development, and a 150 hectare threshold for regional significance, do not reflect that aim. We recommend all peat extraction is major development and that the regional significance threshold is lowered considerably.

We note that no changes are proposed for quarries or underground mining.

Question 6 — Class 8 Business, Industry, Storage and Distribution

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

No. We support creating a category for carbon capture, and the change to regulation 3(b), but we have three concerns.

The description and the threshold do not match. The new category is called "Carbon Capture Installations", but the threshold only applies to storing carbon underground. A plant that captures carbon dioxide and

sends it elsewhere by pipeline may not be covered. We recommend that the Department clarifies whether capture plants are covered.

Using captured carbon to extract more oil is not climate action. Paragraph 9.1 gives enhanced oil recovery as an example of using captured carbon. This means pumping carbon dioxide underground to force out more oil. Using captured carbon to extend fossil fuel extraction would contradict the proposed ban on onshore oil and gas. We would ask the Department to remove this example.

Data centres. We would encourage the Department to consider a threshold for data centres based on how much electricity they use. Data centres could place significant demands on Northern Ireland's already constrained electricity grid and on water supply.

Question 7 — Class 9 All Other Development

Do you agree with the amendment proposals outlined in Class 9 – All Other Development to the Schedule of the Development Management Regulations?

Yes. Removing "wholly" and "single" makes the category clearer. We would ask that guidance explains how mixed-use schemes, with elements in several classes, should be classified so that councils screen them consistently.

Monitoring and review

The consultation does not include a general question. We would ask the Department to consider the following alongside our answers above.

We recommend the Department publishes data on the number and type of applications in each category two years after the changes come into force, and reviews the thresholds against that evidence. This would show whether the new thresholds are speeding up renewable energy deployment as intended, and whether any category needs adjusting.

4. Related matters for the Department's wider planning work

The points in this section fall outside the scope of this consultation. The Department has said (paragraph 2.8) that the acceptability of development, including its environmental and safety effects, will continue to be assessed through the planning application process. The points below concern that process. They follow directly from the threshold changes, so we raise them here briefly.

a. A practice note on battery storage fire safety

At present, each council has to work out case by case what to ask for on fire safety at battery sites. That creates uncertainty and delay for developers and councils, and leaves communities unsure whether the risks have been considered. A short practice note, setting out standard requirements and planning conditions, would let a well-designed scheme be approved more quickly.

The practice note could be based on the updated guidance from the National Fire Chiefs Council (NFCC) for grid-scale battery storage (December 2025), which is written for UK fire and rescue services. This would keep the demand on the Northern Ireland Fire and Rescue Service to a single review of the draft, rather than a role in individual applications. Requirements could include:

- **Distance from homes and workplaces.** The NFCC proposes a starting distance of 30 metres between battery units and occupied buildings, based on the US NFPA 855 standard. This can be reduced where measures such as blast walls show it is safe.

- **Proof that a fire will not spread.** Where the US UL 9540A test shows a fire in one unit does not spread to the next, units can be placed about 1 metre apart rather than 6 metres. This makes sites safer and smaller.
- **An emergency response plan prepared by a competent fire engineer**, shared with the Northern Ireland Fire and Rescue Service for information before the site begins operating. Victoria, in Australia, takes a similar notification approach.
- **Water for firefighting, and containment of contaminated water**, so that water used to fight a fire does not reach rivers and loughs. Given the pressures on Lough Neagh, this matters particularly in Northern Ireland.
- **A fire break of at least 10 metres**, kept clear of vegetation, as required in Victoria.
- **Remote monitoring**, with the operator able to have someone on site within four hours of an incident, as recommended in New York State.

Detailed matters, such as the final battery model, could be secured by planning condition before construction. Battery technology changes quickly, and requiring every detail at application stage would slow decisions down.

b. Linked and neighbouring schemes

A higher generation threshold means more schemes will sit just below it, and some may come forward in phases or as neighbouring sites. We are not asking for these to be made major development. We suggest that applicants are asked to declare any related, neighbouring or phased schemes, including those sharing a grid connection, and that guidance reminds councils to assess their combined effects. This builds on the existing requirement to consider cumulative effects when deciding whether an Environmental Impact Assessment is needed.

c. Encourage engagement below the threshold

Where thresholds rise, guidance should encourage developers of local-scale energy projects to engage with communities before applying, and to offer community benefit. The energy transition depends on public support, and early engagement is how that support is built.

d. Support council capacity

Raising the regionally significant thresholds means councils will decide more large energy projects. We support decisions being taken locally, but councils will need access to specialist expertise on energy, landscape, ecology and grid matters. We would ask the Department to set out how this will be supported.

5. Concerns about the impact assessments

Rural needs

The consultation concludes that the proposals would have no differential impact on rural areas or rural communities. We do not think that conclusion is correct.

Wind and solar farms, battery storage sites, quarries, peat extraction and geothermal drilling are almost all located in the countryside, so the effects of these changes, positive and negative, fall mainly on rural areas. We think the changes are likely to benefit rural communities overall. Farm and community-owned renewable schemes will face a simpler route to a decision. At the same time, rural residents will see fewer schemes go through formal pre-application consultation.

We support the changes but ask the Department to set out these effects in its assessment under the Rural Needs Act (Northern Ireland) 2016 and publish its reasoning, rather than concluding there is no differential impact.

Climate and environment

The consultation includes equality screening and a preliminary regulatory impact assessment, but no assessment of climate or environmental effects. The Department has a duty to further sustainable development, under section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 and section 5 of the Planning Act (Northern Ireland) 2011, and must work towards the targets in the Climate Change Act (Northern Ireland) 2022.

Thresholds that help renewable generation, storage and heat networks move faster support those duties. Thresholds that let high-carbon or high-risk development avoid scrutiny do not. We would ask the Department to set out how the revised Schedule supports its sustainable development duty and climate targets.

6. Offer of further engagement

Sustainable NI would be glad to support the next stage of this work. Specifically, we can:

- Convene council members of the Northern Ireland Sustainable Development Forum to discuss the changes and implementation guidance.
- Help develop good practice guidance on community engagement for local-scale energy projects that fall below the major threshold.
- Help the Department brief the All-Party Group on Climate Action ahead of the Assembly's consideration of the amending Regulations.

We would be happy to discuss any part of this response.

Sustainable NI
info@sustainableni.org