



**Committee for Infrastructure**

# **Review of Planning: Regionally Significant Developments and Judicial Reviews**

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Report: NIA 187/22-27 Committee for Infrastructure.

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# Powers and Membership

## Powers

The Committee for Infrastructure is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and under Assembly Standing Order 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department for Infrastructure (DfI) and has a role in the initiation of legislation.

The Committee has the power to:

- consider and advise on departmental budgets and annual plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee Stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on matters brought to the Committee by the Minister of Infrastructure.

## Membership

The Committee has 9 members, including a Chairperson and Deputy Chairperson, with a quorum of five Members. The membership of the Committee is as follows:

- Mr Peter Martin MLA (Chairperson)<sup>1</sup>
- Mr John Stewart MLA (Deputy Chairperson)
- Mr Stephen Dunne MLA
- Mrs Sinéad Ennis MLA<sup>2</sup>

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<sup>1</sup> With effect 19 September 2025, Mr Peter Martin replaced Mrs Deborah Erskine.

<sup>2</sup> With effect 18 May 2026, Mrs Sinéad Ennis replaced Mr Cathal Boylan.

- Mr Harry Harvey MLA<sup>3</sup>
- Mr Maolíosa McHugh MLA<sup>4</sup>
- Mr Andrew McMurray MLA<sup>5</sup>
- Mr Peter McReynolds MLA
- Mr Justin McNulty MLA<sup>6</sup>

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<sup>3</sup> With effect 23 September 2025, Mr Harry Harvey replaced Mr Keith Buchanan.

<sup>4</sup> With effect 24 November 2025, Mr Maolíosa McHugh replaced Miss Nicola Broagn.

<sup>5</sup> With effect 23 April 2024, Mr Andrew McMurray replaced Mr Patrick Brown.

<sup>6</sup> With effect 8 September 2025, Mr Justin McNulty replaced Mr Mark Durkan.

# **List of Abbreviations and Acronyms used in this Report**

BCC: Belfast City Council

CEF: Construction Employers Federation

DCSDC: Derry City and Strabane District Council

DAERA: Department of Agriculture, Environment and Rural Affairs

DfI: Department for Infrastructure

FODC: Fermanagh and Omagh District Council

FSB: Federation of Small Businesses

JR: Judicial Review

LCCC: Lisburn and Castlereagh City Council

MEADC: Mid and East Antrim District Council

NIAO: Northern Ireland Audit Office

NIEA: Northern Ireland Environment Agency

NILGA: Northern Ireland Local Government Association

NMDDC: Newry Mourne and Down District Council

PAC: Planning Appeals Commission

RaISe: Northern Ireland Assembly Research and Information Service.

RSD: Regionally Significant Developments

SES: Shared Environmental Services

SIB: Strategic Investment Board



## **Executive Summary**

1. Recognising the impact on economic and social development of delays in the planning system in Northern Ireland, the Committee agreed to undertake a short, sharp review of an aspect of planning that aligned with the responsibilities of the Department for Infrastructure. This was to examine the operation of Regionally Significant Developments. In view of the role of Judicial Reviews (JRs) on major capital projects, the Committee also agreed to take views on these matters.
2. The Committee took written submissions from a range of stakeholders, held a stakeholder event to discuss the key issues and heard evidence from the Department on the operation and challenges of processing Regionally Significant Developments.
3. The Committee considered the evidence received and deliberated upon potential solutions to key challenges. Acknowledging the ongoing Planning Improvement Programme being undertaken by the Department and a scoping exercise for developing planning legislation in a future mandate, the Committee has agreed a number of recommendations intended to inform and assist in those endeavours.

# Introduction

4. The Committee decided to undertake a thematic review with relevant stakeholders. It is recognised that the area of planning law and administration is complex and multi-faceted and the Committee gave thought as to what contribution a review might make in terms of the evolving conversation on planning. Given the existing workload of the Committee, a short, sharp review was designed to extract a number of themes which could be subject to further exploration with the Department.
5. The Committee is conscious that its successor committee may wish to look at work in this area and undertaking smaller reviews is intended to help inform discussions in future around any further review or inquiry work in this area. As this is a review, the intention was to collate and extract a number of views, identify areas of consensus and points of difference. The Committee is not making firm recommendations for policy change in this area but is extracting areas which the Committee would like the Department to consider and respond to. In turn, these responses will help to inform the future work of the Committee in this area.
6. At its meeting of 11 March 2026, the Committee agreed to undertake a short, sharp review into aspects of planning to conclude by the summer recess. The Committee agreed to look in detail at:
  - a. Regionally Significant Developments; and
  - b. Judicial Reviews of major capital projects.
7. The Department for Infrastructure has overall policy responsibility for planning, although the majority of planning decisions are taken at local councils. However, the Department is responsible for planning decisions for Regionally Significant Developments and has the power to ‘call in’ applications from local councils<sup>7</sup>. Disputed planning applications can also be subject to Judicial Review.

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<sup>7</sup> ‘Call in’ is provided for by s.29 of the Planning Act 2011.

8. The role of the Department in relation to 'Regionally Significant Developments' is provided for in s.26 of the Planning Act 2011, which defines such developments as those which would<sup>8</sup>:

(a) be of significance to the whole or a substantial part of Northern Ireland or have significant effects outside Northern Ireland, or

(b) involve a substantial departure from the local development plan for the area to which it relates.

9. The Northern Ireland Audit Office describes such developments as<sup>9</sup>:

*those applications which are considered to 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.*

10. At its meeting of 20 March 2026, the Committee agreed:

- a. Terms of reference;
- b. Call for evidence;
- c. An indicative timetable; and
- d. To task the Assembly Research and Information Service (RaISe) to provide a stakeholder list for a targeted call for evidence.

11. Terms of reference were agreed as follows:

- a. Examine the operation of planning decisions for Regionally Significant Developments in Northern Ireland;
- b. Identify challenges in the effectiveness and timeliness of planning decisions for Regionally Significant Developments;
- c. Examine the impact of Judicial Reviews on planning decisions for major capital projects;
- d. Identify potential improvements to the operation of planning decisions for Regionally Significant Developments, including the role of Judicial Reviews; and

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<sup>8</sup> Planning Act 2011, s.26(4).

<sup>9</sup> NI Audit Office, *Planning in Northern Ireland*, 1 February 2022, p.26.

- e. Make recommendations for improvement.
12. A targeted call for evidence was sent to the organisations listed on the stakeholder list, to:
- a. Hear views on the effectiveness and timeliness of planning decisions for Regionally Significant Projects;
  - b. Hear views on Judicial Reviews of planning decisions on major capital projects; and
  - c. Hear views on how planning decisions for Regionally Significant Projects can be improved.
13. The Committee received responses from 13 organisations. Links to these submissions are at Appendix 3.
14. A stakeholder event was held at Parliament Buildings on 5 May 2026 with representatives from the following:
- a. Build Homes NI;
  - b. Gravis Planning;
  - c. Planning Appeals Commission;
  - d. Retail NI;
  - e. NI Chamber of Commerce;
  - f. Construction Employers Federation;
  - g. Ulster Farmers' Union;
  - h. Belfast City Council



*Stakeholder event at Parliament Buildings 5 May 2026*

15. Oral evidence was received by the Department on 3 June 2026.

## Recommendations

16. It is acknowledged that the Committee has not undertaken a detailed inquiry into the planning process. However, recommendations from this review can provide general proposals for consideration by the Department for the Planning Improvement Programme and consideration for future planning legislation and policy.

### General

17. Recommendations arising from the review regarding regionally significant developments are as follows:
- The Department for Infrastructure should consider fresh planning legislation which makes the planning process more efficient and effective, whilst also protecting individuals who have a view on any given application. Models for legislation could examine both the Planning and Infrastructure Act 2025 (England and Wales) and the Planning and Development Act 2024 (Republic of Ireland).
  - Mandatory pre-application consultation should be considered to ensure local community understanding and buy-in.
  - The introduction of planning performance agreements should be considered to ensure accountability for processes.
  - Acknowledging the co-ordination role of the Planning Statutory Consultee Forum, a more structured cross-departmental central consultee unit should be considered to centralise expertise and ensure closer control over the consultation process.
  - The threshold for classes of development within renewable/energy sectors should be re-examined to ensure that, given technological advances in terms of energy creation, they are reflective of this new technology.
  - A 28 day limit for statutory consultees should be given due consideration.

- There should be a review of the threshold for regionally significant planning applications to ensure planning considerations are situated at the appropriate level.

## **Judicial Reviews**

18. Legislation and policy in relation to judicial matters fall outside of the remit of the Department for Infrastructure. However, the review took evidence on the role of Judicial Reviews and the Committee made the following recommendations:

- The number of Judicial Reviews that can be taken on any given application should be limited.
- The timescale for taking a Judicial Review should be reduced from 3 months to 6 weeks.
- Specialised planning courts should be considered to concentrate expertise and knowledge and make planning cases more efficient.

## **Consideration of Evidence**

19. There was general agreement among stakeholders and respondents to the review that the potential jeopardy of delays and uncertainty in the planning system in Northern Ireland deters investment (stakeholder event, NILGA, BCC, Law Society, NMDDC, FSB). While delays were raised as a significant issue, there was also a recognition that speed should not be at the expense of robust environmental assessments, transparency and community consultation (Community Places, NILGA).
20. Participants at the stakeholder event disagreed whether major planning applications are better made by the Department or by local councils and some written responses expressed a preference for the latter (Belfast International Airport, BCC). Councils also expressed a view that the review should include the process of 'call-in', where applications that would otherwise have been

processed at a local council are taken by the Department (LCCC, DCSDC, DCSDC).

21. The Committee is cognisant that the Planning Improvement Programme is being undertaken by the Department is ongoing and NILGA expressed a view that the review should be aligned with that process.

### **Challenges in the effectiveness and timeliness of planning decisions for Regionally Significant Developments**

22. There was broad agreement that the planning system is complex, particularly regarding requirements linked to climate change, environments and habitat regulations (stakeholder event, CEF, FODC, MEABC, NILGA, DCSDC). Connected with this is the concern regarding the resourcing and experience of staff dealing with applications (stakeholder event, MEABC). Another consequence of complexity is the standard of applications, which lack the necessary detail and accuracy (stakeholder event, PAC, FODC). Participants at the stakeholder event also suggested there was a lack of co-ordination between agencies that would be necessary to address some of this complexity.
23. A significant cause of delay for applications was said to be responses from statutory consultees, particularly in relation to responses from NIEA, DAERA and SES for environmental considerations (stakeholder event, NILGA, BCC, FODC, MEABC, DCSDC). The Construction Employers Federation (CEF) also cited applications delayed due to referral to the Planning Appeals Commission (PAC).
24. Fermanagh and Omagh District Council (FODC) stated that the 'call-in' process has been a cause for delay, which, opines NILGA, lacks clear and transparent criteria. According to Mid and East Antrim Borough Council (MEABC), additional stages are added to the process when applications are called in by the Department, causing further delay. Derry City and Strabane District Council further states that communication from the Department on called in applications is poor.

25. A lack of community buy-in was raised as an issue, as this raises vulnerability to challenge of applications (stakeholder event, Community Places). Another concern that was raised at the stakeholder event was that agricultural land is treated differently in the Republic of Ireland for planning purposes, which is not the case for Northern Ireland. The lack of wastewater provision was also raised as an issue (FODC, MEABC). While this matter is not being considered as part of this review of planning processes, the Committee has remained engaged on the issue.

## **Impact of Judicial Reviews on planning decisions for major capital projects**

26. The potential for Judicial Review (JR) was raised as a cause for a risk-averse culture and uncertainty about the application process (NILGA, BCC, MEABC, DCSDC). Participants at the stakeholder event were also of the opinion that the bar for JRs is lower in Northern Ireland than in other jurisdictions. The time commitment from decision-makers to defend JRs has a knock-on effect on the capacity to process other applications in a timely manner (FODC, MEABC, DCSDC).
27. The poor standard of applications was mentioned as a reason why they were more vulnerable to JR (stakeholder event, Community Places).

## **Potential Remedies**

28. A range of suggestions were made to the Committee as to how the planning system for Regionally Significant Developments can be improved:
- a. Improved community buy-in would reduce the extent of challenge to planning applications. This could be achieved by early engagement with stakeholders, such as mandatory pre-application consultation (stakeholder event, Community Places, MEABC, PAC).
  - b. A review of the statutory consultee process (NILGA). Reforms may include consideration of which consultees are absolutely necessary (BCC), assumption of consent if there is no reply within a set timescale (stakeholder event), statutory response times for consultees (FODC,

MEABC), charges for consultee pre-application advice (BCC) or the procurement of specialist advice (BCC).

- c. Establishment of a central multi-disciplinary team in the Department to handle large projects (stakeholder event, BCC).
- d. Prioritisation of Regionally Significant Developments along the lines of legislation in Great Britain<sup>10</sup> and proposed legislation in the Republic of Ireland<sup>11</sup>(stakeholder event, CEF).
- e. Review of environmental regulations (PAC).
- f. Introduction of enforceable planning performance agreements (BCC).
- g. Review of the threshold for Regionally Significant Developments (FODC).
- h. Changes to the call-in procedure, such as clarification of the criteria for call-in (NILGA) or establishing time limits for called in projects (DCSDC).
- i. Introduction of clear, up to date planning policy (MEABC).
- j. Improved communication in relation to planning applications, including reasons for delays (DCSDC).

29. Suggested improvements to the Judicial Review process were as follows:

- a. Raising the bar for JRs (stakeholder event).
- b. Introduction of third party appeals (stakeholder event, Community Places, DCSDC, FODC).
- c. Reduction of the time limit for a JR from three months to six weeks (CEF).
- d. Triage of JRs according to specific criteria (FSB).

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<sup>10</sup> Planning and Infrastructure Act 2025.

<sup>11</sup> Critical Infrastructure Bill 2026.

- e. Introduction of specialised planning courts (FSB).

## Links to Appendices

### Appendix 1: Minutes of Proceedings

View Minutes of Proceedings of Committee meetings related to the report

[11 March 2026](#)

[18 March 2026](#)

[25 March 2026](#)

[15 April 2026](#)

[29 April 2026](#)

[6 May 2026](#)

[27 May 2026](#)

[3 June 2026](#)

[10 June 2026](#)

[17 June 2026](#)

1 July 2026

### Appendix 2: Minutes of Evidence

View Minutes of Evidence from evidence sessions related to the report

[Department for Infrastructure 3 June 2026](#)

### Appendix 3: Written submissions

View written submissions received in relation to the report

[Construction Employers Federation \(CEF\);](#)

[Community Places;](#)

[NI Audit Office;](#)

[Belfast International Airport;](#)

[Lisburn and Castlereagh City Council \(LCCC\);](#)

[The Planning Appeals Commission;](#)

[Belfast City Council;](#)

[The Law Society;](#)

[Mid and East Antrim Borough Council;](#)

[Fermanagh and Omagh District Council;](#)

[NI Local Government Association \(NILGA\);](#)

[Derry City and Strabane District Council;](#) and

[The Federation of Small Businesses.](#)

## **Appendix 4: Other Documents relating to the report**

View other documents in relation to the report

[NI Audit Office, Major Capital Projects, 19 December 2019](#)

[NI Audit Office, Planning in Northern Ireland, 1 February 2022](#)

[NI Audit Office, the Judicial Review Process in Northern Ireland, 4 July 2023](#)

[NI Audit Office, Major Capital Projects Follow-up Report, 27 February 2024](#)

## **Appendix 5: List of Witnesses that gave evidence to the Committee**

- Mrs Kathryn McFerran, DfI
- Mrs Rosemary Daly, DfI
- Ms Nicole Thompson, DfI

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