



Research Briefing
**The Planning Series:
14 - Developments of National
Significance**

Author: **Eleanor Warren-Thomas and Elfyn Henderson**
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National Assembly for Wales
Research Service

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Research Briefing

The Planning Series:

14 - Developments of National Significance

This briefing provides a quick guide to Developments of National Significance (DNS) in Wales. It describes what DNS are, why the DNS regime was introduced, and the process of consenting for them. It also explains how communities are involved in the DNS process, whether a DNS decision can be challenged, and provides a list of useful sources of further information.



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1. What are Developments of National Significance?

The **Planning (Wales) Act 2015** introduced a new category of **Developments of National Significance** (DNS) in Wales. These are planning applications submitted to the Welsh Government, rather than local planning authorities. The application process is defined by the **Developments of National Significance (Procedure) (Wales) Order 2016** and subsequent **Regulations**.

DNS are large infrastructure development projects of national importance, and include airports, railways, gas storage facilities, onshore wind electricity generating stations of 10 megawatts or over, and other onshore electricity generating stations of between 10 and 50 megawatts. The full list of DNS categories is set out in the Appendix (taken from **The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016**). The **National Development Framework for Wales**, due to be adopted in 2019 or 2020, will also designate some DNS projects. Decisions about some of these large projects in Wales were formerly made under the UK Government's **Nationally Significant Infrastructure Projects (NSIP)** process, with decisions about smaller projects being taken by local planning authorities.

The DNS application process is managed by Planning Inspectorate Wales (PINS Wales) on behalf of the Welsh Government. Decisions are made in the context of the Welsh Government's **national planning policy** and the local planning authority's Local Development Plan, if it has one in place. This differs from the NSIP process, in which decisions are made on the basis of twelve **National Policy Statements** on energy, transport, water, waste water and waste.

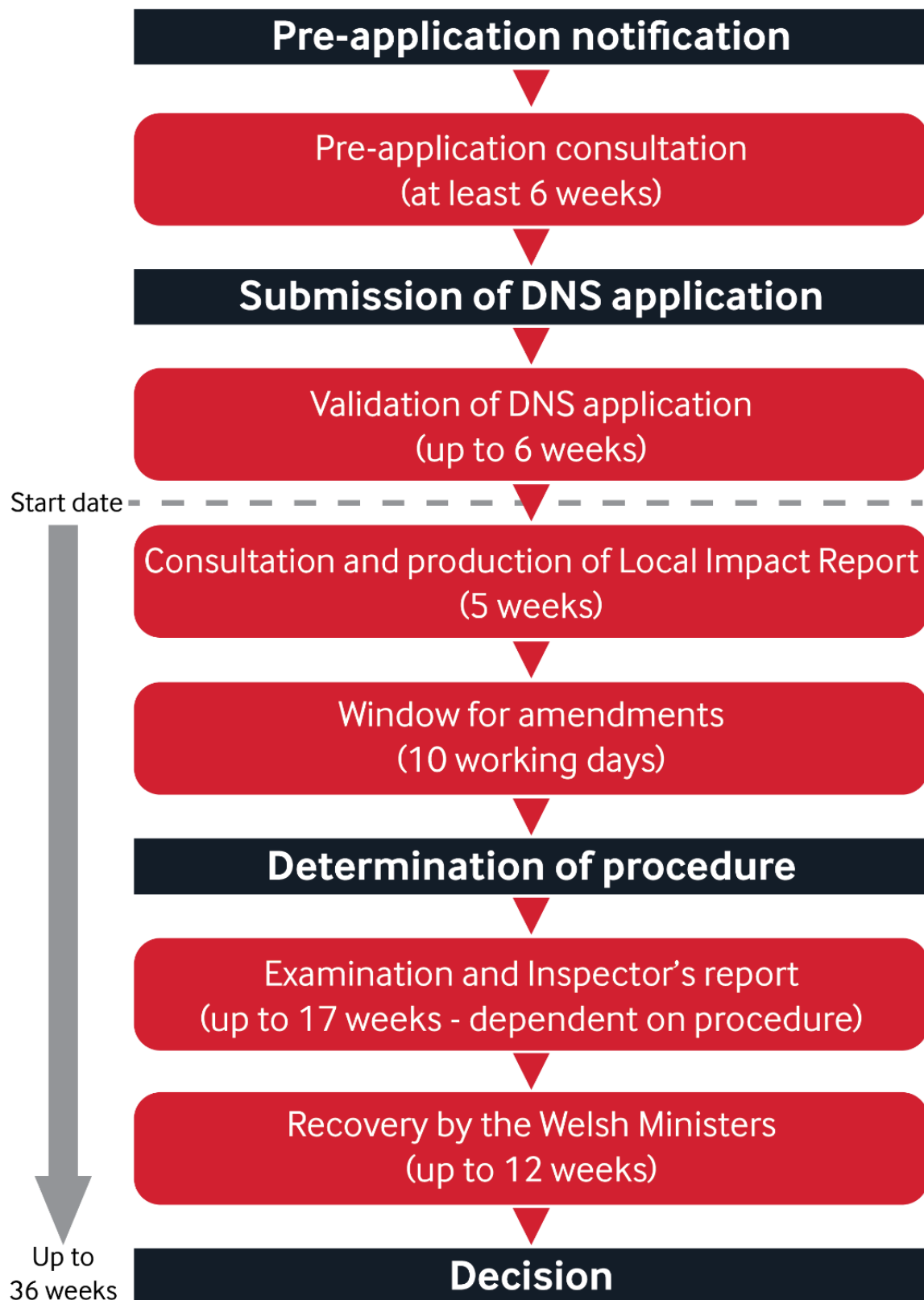
Consent for electricity generating stations under 10 megawatts is dealt with by local planning authorities. Large scale infrastructure projects falling outside the DNS categories (such as non-wind electricity generating stations over 50 megawatts) are dealt with through the UK NSIP process.

The Welsh Government's **Positive Planning Implementation Plan** states that DNS will provide greater certainty and efficiency in the decision making process for nationally significant projects, by providing a decision within a statutory time period (36 weeks).

The Wales Bill, which is currently passing through the UK Parliament, proposes devolving further consenting powers to Wales, including for non-wind electricity generating stations up to 350 megawatts. If this takes place, it is likely that the DNS categories will be expanded to accommodate these further powers.

2. What is the application process for DNS?

The DNS application process is designed to be “front-loaded”, so that as many issues as possible are resolved before the application is submitted to PINS Wales. The process is outlined below.



Pre-notification, notification, and pre-application

At the first statutory stage of the process, a prospective applicant submits a notification of a proposed application, which PINS Wales must accept or not accept within 10 working days. **A fee (£580) must be paid to PINS Wales for the notification.** Applicants are strongly encouraged to engage with stakeholders before this point, during the pre-notification phase. Early engagement with stakeholders before notification and formal consultation processes begin is considered central to making the DNS process effective.

Once PINS Wales has accepted the notification, the applicant has 12 months to submit the application. During these 12 months, the applicant must undertake formal pre-application processes. This requires full engagement with PINS Wales and stakeholders, including local planning authorities, communities, statutory consultees and other interested parties.

At this stage applicants can apply for pre-application advice from PINS Wales, and from the local planning authority. In most cases, PINS Wales will appoint a lead Planning Officer who will coordinate and deliver all written advice. If specialist or technical knowledge is required, an Inspector may also be allocated. In this case, a different Planning Inspector will examine the final application. Pre-application services provided by local planning authorities are charged at £1,500, and those provided by PINS Wales are charged based on the time spent providing the advice, and an hourly rate for a Planning Officer of £55 plus VAT. Advice could include: guidance on the form and content of the application and technical reports, relevant planning policy, planning obligations (**Section 106 agreements**), statutory requirements, and identification of consultees.

Applicants must conduct a formal pre-application consultation lasting at least six weeks, during which they must publicise the project. Applicants must serve written notice to owners or occupiers of land adjoining the site, display site notices, and place a notice in a local newspaper, as minimum requirements. Consultees will include: community consultees (including community councils and councillors from all electoral wards that the project site is within), specialist consultees, and the authorities involved in any secondary consents. PINS Wales is able to provide advice on the specific approach to consultation, which will vary depending on the proposal, and it is expected that most projects will exceed the minimum statutory consultation requirements.

Environmental Impact Assessment (PDF 179 KB) and **Habitats Regulations Assessment (PDF 165 KB)** processes need to be integrated here, during both the pre-notification engagement and the formal consultation activities. Any related consents or licenses required from Natural Resources Wales need to be obtained separately from DNS consent, and should be “twin-tracked” to ensure that any changes to the development as a result of the consents are reflected in the application. If any **secondary consents (PDF 169 KB)** are required, the authority that would usually give consent should be consulted, although the final decision will be made by the Welsh Ministers together with the main application.

Submission of an application

Applications are submitted to PINS Wales. The following fees are payable on submission: initial fee (£15,350); local impact and other report fees (£2,350 or £7,750 depending on report type); fee for examination of an application (£870 or £920 per day depending on examination procedure); fee for any notification of intention to vary the application (£520); and fee for the Welsh Ministers determining an application (£14,700).

Certain connected applications, licenses, orders, notices and consents (secondary consents) can be submitted at the same time. Most of the application documents must be made publicly accessible,

and are published on the PINS Wales website. However, in the case of the Environmental Statement it may sometimes be appropriate for information to be kept confidential, particularly if rare or sensitive species may be at risk of disturbance or damage following publication of the information.

PINS Wales will publish the application documentation on its website, and has a period of 28 days after receiving the application (42 days if accompanied by an Environmental Statement) to decide whether or not to accept it as valid. If accepted as valid, an Inspector is appointed to the application.

If and when an application is accepted, applicants are required to notify particular people and bodies, and publicise the valid application. This is done by giving direct notice to the owners or tenants of land to which the application relates, and publication of a notice in a local newspaper if the owners or tenants cannot be directly contacted. In the case of applications involving underground operations that entail the removal of minerals, publication of a notice in a local newspaper is always required, and in addition, within the 21 days prior to making the application, site notices must be displayed in all communities containing land within the development site, for at least seven days. The notices must include the address of a website where a copy of the application will be published.

Consultation and publicity (representation)

On acceptance of an application, PINS Wales gives written notification to the applicant, and initiates a five week representation period, during which publicity and consultation will be carried out by PINS Wales. Publicity and consultation must take place for at least 21 days, and all consultation responses (“representations”) and the Local Impact Report must be received within the five week time frame.

PINS Wales and the local planning authority share responsibilities to publicise the application to the owners or occupiers of premises in the vicinity of the proposed development, within five working days of acceptance of the application, and for at least 21 days. Publicity must be via: the serving of direct notices to owners and tenants of land in the vicinity of the development, display of site notices, notification of community councils, publication of a notice in a local newspaper, and the maintenance of a website containing details of the development. A copy of the application will be placed in the local planning register.

PINS Wales will try to consult all parties that would usually be contacted during a planning application made to a local authority. [Specialist consultees \(PDF 194 KB\)](#) must be formally consulted, and community councils notified via an email containing links to electronic versions of application documents. Local planning authorities will be notified of the need to produce a Local Impact Report. PINS Wales are not required to contact anyone who has previously made comments during the pre-application stage, or who has expressed interest in being consulted. Interested parties are given the application reference number and are able to follow the progress of the case online, or contact PINS Wales for progress updates if they are unable to access online documentation.

It is expected that most issues will have been resolved during the pre-application stage. Following the consultation period and the submission of the Local Impact Report, there is a 10 day window for amendments, and the determination of procedure. During this time PINS Wales decides whether there are matters that need to be determined through one or more hearing or inquiry sessions, or whether the examination can proceed by way of written representations.

Examination

PINS Wales examines the application and produces a report for the Welsh Government. The Welsh Ministers must make a decision on a DNS within 36 weeks of the date of acceptance of the application by PINS Wales. In order to meet this timescale, PINS Wales must deliver its report to the

Welsh Government within 24 weeks. This allows 17 weeks for examination by PINS Wales, following the five week representation period and 10 day window for amendments and determination of procedure. The Inspector from PINS Wales appointed to examine the application will visit the development site, and hearing or inquiry sessions may be held during this phase. In certain exceptional circumstances the examination timescale may be suspended, such as:

- if there are unresolved legal undertakings between local planning authorities, third parties and applicants (such as disputes over Section 106 agreements);
- if there are significant changes or reviews of policy;
- if an applicant asks to amend the application;
- if supporting documents are found to be inadequate, such as the Environmental Statement;
- if parties required to attend a hearing or inquiry fail to do so; or
- if a new secondary consent is determined by the Welsh Ministers.

Once the Inspector feels they have all the information necessary to reach an informed conclusion, they will produce the report for the Welsh Government. The report will include a recommendation that planning permission be granted or refused. As the final decision rests with the Welsh Ministers, the report may include a list of conditions that the Inspector considers should be imposed if planning permission is granted.

Decision

The Welsh Government has 12 weeks from receipt of the Inspector’s report to issue a decision letter on the DNS application and any associated secondary consents. This letter will normally be sent to any person who has asked to be notified, and whom the Welsh Government considers it reasonable to notify. When made, the decision and the associated Inspector’s Report will be published on the [Welsh Government’s website](#).

3. How can local communities participate in the DNS process?

There are three stages at which communities can have their say on DNS:

- 01.** pre-notification (voluntary on part of the developer, but strongly encouraged as a central part of the process);
- 02.** formal pre-application consultation (six weeks, mandatory); and
- 03.** post-submission representation period (five weeks, mandatory).

The greatest opportunity to influence a DNS project occurs during the voluntary pre-notification phase, by attending events and meetings or talking to the developer. Formal comments or objections (“representations”) can be made during the mandatory pre-application and main representation phases. Finally, if a hearing or inquiry is required to explore any main issues with the application during the examination phase, the public are able to attend. However, only those specifically invited to speak by the Inspector, and who are able to contribute to discussion of the main issue forming the subject of the enquiry or hearing, are able to formally participate in the process.

4. How can a decision on a DNS application be challenged?

There is no right of appeal against the decision of the Welsh Ministers to grant or refuse planning permission for a DNS. A decision may only be challenged in the High Court on grounds from one of three broad classes: illegality, irrationality and procedural impropriety. Such a challenge must be logged within six weeks of the decision.

5. Who makes sure that the development is in accordance with planning permission?

If planning permission is granted by the Welsh Ministers, the local planning authority has sole responsibility for monitoring the implementation of the permission, and ensuring that it complies with the plans and any conditions. The local planning authority has the power to take enforcement action if it considers that the development does not comply with the permission.

6. Where can information about the progress of DNS applications be found?

A [register](#) of DNS projects is maintained by the Welsh Government, which is publicly available.

7. Key sources

Welsh Government

– Welsh Government: [Developments of National Significance](#)

Planning Inspectorate Wales

– PINS Wales: [Guidance on Developments of National Significance](#)

To discuss a particular application or to request information about the DNS process, you can contact PINS Wales using the details below:

The Planning Inspectorate Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

General Enquiry Line: 02920 823866
Email: dns.wales@pins.gsi.gov.uk

Planning Aid Wales

[Planning Aid Wales](#) is a charitable organisation helping [eligible](#) individuals and communities to participate more effectively in the planning system. It provides advisory services, including a helpline.

Planning Portal

The [Planning Portal](#) is the UK Government's planning and building regulations resource. It includes information on the planning system in Wales, although some of the content only applies to England.

Research Service

Other planning briefings produced by the Research Service are available on our website: [Research Service](#).

Appendix – list of DNS categories

Type of development	Size/capacity threshold
Construction, extension or alteration of an electricity generating station (other than an onshore wind generating station)	Expected to have capacity (or increase of capacity) of 10 – 50 megawatts.
Construction, extension or alteration of an onshore wind electricity generating station	Expected to have an installed generating capacity of 10 megawatts or above.
Development relating to underground gas storage facilities	Working capacity (or increase in capacity) of at least 43 million standard cubic metres and/or maximum flow rate (or increase in maximum flow rate) of at least 4.5 million standard cubic metres per day.
Construction or alteration of a Liquefied Natural Gas facility	
Construction or alteration of a gas reception facility	
Airport-related development	Air passenger transport services for at least one million passengers per year, or air cargo transport services for at least 5,000 air transport movements of cargo aircraft per year.
Construction or alteration of a railway	A stretch of track of more than two kilometres in continuous length, wholly or partly in Wales and part of a network operated by an approved operator.
Construction or alteration of a rail freight interchange (including warehouses) but not if part of a military establishment	Capable of handling consignments from more than one consignor to more than one consignee, and handling at least two goods trains per day.
Construction or alteration of a dam or reservoir	Volume of water to be held back by the dam or stored in the reservoir expected to exceed 10 million cubic metres.
Development relating to the transfer of water resources	Volume of water to be transferred as a result of the development is expected to exceed 100 million cubic metres per year.
Construction or alteration of a waste water treatment plant or of infrastructure for the transfer or storage of waste water	Expected to have a capacity exceeding a population equivalent of 500,000, or infrastructure for waste water storage exceeding 350,000 cubic metres.
Construction or alteration of a hazardous waste facility	In the case of hazardous waste disposal by landfill or deep storage, more than 100,000 tonnes per year; in any other case, more than 30,000 tonnes per year.