

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**CABINET****23 JULY 2015****REPORT OF THE DIRECTOR OF REGENERATION AND PLANNING****Author: Simon Gale, Service Director Planning****WELSH GOVERNMENT CONSULTATION (No. WG25023)****DEVELOPMENTS OF NATIONAL SIGNIFICANCE****1.0 PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to advise Cabinet of the recently issued Welsh Government Consultation Document 'Developments of National Significance' (which closes on 12 August 2015) and to seek approval to submit the Consultation Response Form, as attached to this report as **APPENDIX A**.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet note the proposed changes to the planning system and approve the appended Consultation Response Form for return to Welsh Government.

3.0 BACKGROUND

- 3.1 At its meeting in February 2014 Cabinet considered a Welsh Government consultation on The Planning (Wales) Bill ('the Bill') and agreed to make comprehensive representations. Since then, the Bill which proposes significant changes to the planning system in Wales, has been in the process of being introduced by Welsh Government. The Bill has been moving through the National Assembly for Wales' legislative process and the Assembly approved the final Bill on 19 May 2015. It is anticipated that the Bill will receive Royal Assent and become an Act in July.
- 3.2 The Bill sets out a statutory purpose for the planning system in Wales and seeks to reinforce its role in helping to support economic prosperity, promote sustainable development and address the challenges posed by climate change, whilst safeguarding our access to a quality environment. In addition it will ensure that the use of land contributes towards sustainable development by improving the economic, social, environmental and cultural well-being of Wales, in accordance with the Well-being of Future Generations (Wales) Act 2015.

- 3.3 As part of the Bill (under Part 4) Welsh Government has introduced a new category of planning application to be known as 'Developments of National Significance' (DNS). These are developments which are few in number but of greatest significance to Wales because of their potential benefits and/or impacts. It is proposed that DNS applications will be determined by Welsh Ministers and not local planning authorities. A 36 determination week period will only start following periods of pre-application notification, pre-application consultation, and validation of the DNS application (which can take up to 6 weeks).
- 3.4 Welsh Government has indicated that they consider that a new DNS procedure will provide more certainty and rigour in the decision making process for such applications.
- 3.5 It is proposed that it will be the Planning Inspectorate (PINS) in Wales who will be the body to undertake the processing of a DNS application.
- 3.6 When Cabinet considered the Bill in February 2014 there were concerns about the proposal for introducing the tier of DNS and in particular that it will limit the public's opportunity to engage in the planning process, compared to their ability to be heard by Council Committees. However, Welsh Government have proceeded with the concept of DNS and therefore the current consultation is about the mechanisms for handling DNS projects rather than the principle of having the tier of DNS itself.

4.0 PURPOSE OF THE CONSULTATION

- 4.1 The consultation looks at the types of and size of applications that will be considered to be DNS and the system to process these applications.
- 4.2 The consultation focuses on six main sections:
- the **criteria and thresholds** of what qualifies as an application for DNS;
 - which **secondary consents** may be submitted for consideration and determination alongside an application for DNS;
 - how **pre-application** notification, advice and consultation is undertaken;
 - the **procedure process** for considering and determining an application for DNS;
 - the **role of local planning authorities** throughout the process; and
 - the proposed **fee structure** for DNS applications.

4.3 Criteria and Thresholds

(See Question 1 in the response form at Appendix A)

- 4.3.1 The proposal is to adopt an approach which closely mirrors that in England under the UK Government's Nationally Significant Infrastructure Projects ('NSIP') regime. However, it is also proposed that onshore energy generating

stations (such as wind farms) which produce between 25MW and 50MW would also be included as DNS applications.

- 4.3.2 The Consultation Document sets out at its Annex A the proposed list of DNS thresholds. A copy of this list is attached as **APPENDIX B**.

RCT Response

Whilst setting aside the Council's in principle concerns about the introduction of the additional tier of DNS, it is broadly agreed that the Annex A DNS threshold list is reasonable. However, it is considered that the threshold for onshore energy generating stations (the last box in the table) is too low at a threshold of 25MW. As an example, a development of 9 x 3MW wind turbines would exceed this threshold. It is not considered that a scheme of that size equates to a significant scheme, in a national context and would therefore be more appropriately dealt with by the relevant local planning authority (LPA).

4.4 Secondary Consents

(Questions 2, 3 and 4 in the response form)

- 4.4.1 The proposed approach is to in effect provide a 'one stop shop' in order to minimise the number of separate applications required to enable a DNS project to proceed. The applicant of a DNS project will have the option of submitting certain connected applications, licences, orders, notices, and consents to the Welsh Ministers at the same time and follow the same process as the main application for a DNS.
- 4.4.2 The basis on which a secondary consent is decided will not change through being aligned to the DNS process. Essentially, it is intended that when such a consent is considered by the Welsh Ministers, the same statutory consultees will be consulted and a decision will be based on the same considerations as if the consent has been made to the normal consenting authority.
- 4.4.3 Whilst the decision on a secondary consent may differ from that of the principal application for DNS it is intended that the decision on all secondary consents applied for will be provided on the same decision notice as the application for the primary DNS.
- 4.4.4 A list of the secondary consents intended to be covered is incorporated as Annex B to the consultation document. It includes consents which cover matters such as compulsory purchase, works affecting scheduled monuments, works on Common Land, hazardous substances consent, listed building consent, demolition in conservation areas, associated need for planning permission, stopping up and/or diversion of a highway and orders relating to footpaths/bridleways/byways.

RCT Response

Whilst setting aside the Council's in principle concerns about the loss of local democracy with the DNS process, it is recognised that there are benefits to incorporating a more streamlined consenting process for DNS developments, it will avoid duplication and will be more understandable to the wider public. As such, it is recommended that agreement be noted in respect of questions 2, 3 and 4.

4.5 Pre-application process

(Questions 5, 6 and 7)

- 4.5.1 It is agreed that early engagement between developers and stakeholders is vital to ensure that an application for DNS proceeds in a timely manner. Those stakeholders will clearly include LPAs, who are recognised as having an important role to play in the pre-application stage.
- 4.5.2 It is anticipated that all significant planning issues will be identified pre-application, thereby giving the applicant the opportunity to address these within their DNS submission. The expectation is that a DNS application will be complete on submission with no need for further amendment unless unforeseen circumstances arise.
- 4.5.3 It is expected that LPAs will be asked to provide the following in relation to DNS proposals, where requested:
- relevant planning history;
 - advice on whether and Section 106 or Community Infrastructure Levy (CIL) contributions are likely to be sought and an indication of the scope and amount of these contributions;
 - an indication of whether a Statement of Common Ground (SoCG) would be invited;
 - an indication of local issues, baseline conditions or designations which require consideration; advice on the local planning policy framework;
 - likely mitigation or conditions requested as a result of the proposals; and
 - suggestions of local individuals, groups or societies who should be consulted as part of the applicant's requirement to consult with the community.
- 4.5.4 LPAs will be able to recover the cost of providing a pre-application service in relation to applications for DNS. This will be calculated in accordance with a standard national fee for pre-application discussions.
- 4.5.5 The Bill introduces a new requirement for statutory pre-application publicity and consultation to be carried out by applicants for certain categories of development. These proposals will be applied to applications for DNS.

RCT Response

Whilst setting aside the Council's in principle concerns about DNS, bringing structure to the pre-application process is welcomed and will enable resources to be used more efficiently. That fact that Local Authorities can recover the costs of their involvement in the pre-application process is also welcomed and will in part offset the loss of the planning fee that we would have otherwise received if the application was lodged with the Council.

Whilst the minimum requirements for notification are accepted, in paragraph 4.9 of the consultation document it is suggested that LPAs will be expected to identify 'likely mitigation and conditions' at this stage. Depending on the nature of the proposal, the LPA may not be in a position to make these suggestions so early in the process (Q5).

There is no objection to the requirement for the applicants to carry out pre-application engagement although it is recommended that Welsh Government ensure that it is quite clear to the public that this is separate from any formal consultation that will be carried out by the Council or the Planning Inspectorate (Q7).

4.6 The application process

(Questions 8, 9, 10, 11, 12, 13 and 14)

- 4.6.1 The Planning Inspectorate (PINS) will process DNS applications. The decision making function will be reserved for the Welsh Ministers.
- 4.6.2 It is proposed that a DNS application would follow a set process, Only after the application has been accepted as being valid will the 36 week start date commence. One suggestion (Question 10) is that statutory consultees, including the Council will only have 5 weeks to submit their representations from the date the application is submitted.

RCT Response

5 weeks is a relatively short period when the LPA's representations are expected to be submitted in the form of a 'Local Impact Report' (described in 4.7 below) on what have the potential to be particularly complex and involved schemes generating the need to fully consider a wide range of issues through the planning process. For schemes of this significance it is imperative the Council is given sufficient time to allow its Planning Committee to consider the proposal before submitting its Local Impact Report or otherwise there is a significant risk of creating a democratic deficit in considering local views on DNS proposals.(Q10)

- 4.6.3 Throughout the process there is the likelihood of the LPA being involved in respect of S.106 matters, Statements of Common Ground, consultation and publicity
- 4.6.4 There will be limited opportunity, at the discretion of the Inspector examining the proposal, for an applicant to amend a scheme post submission of a DNS scheme. However, it is clear that WG see the pre-application stage as being the most appropriate stage at which to make any alteration to a scheme.
- 4.6.5 It will be for Welsh Ministers (and PINS on their behalf) to consider the most appropriate method of examining a DNS application. This could be by written representations, a hearing or by more formal inquiry process. This very much mirrors the options available when currently considering a planning appeal.
- 4.6.6 It is proposed that parties (including LPAs) will participate in hearings or inquiries by invitation of the Inspector only. Although, the ability for any member of the public to attend a hearing or inquiry will remain.

RCT Response

LPAs should always have the opportunity to participate in a hearing if they so wish.(Q12)

- 4.6.7 Following examination of an application PINS will compile a report for the consideration of Welsh Ministers, who will determine the application (as is the current way of dealing with 'recovered' appeals).
- 4.6.8 The decision letter will include a determination of the DNS application and any other secondary consent applications. Whilst all decisions will be included on the same letter it should be noted that there is the potential for the individual decisions on secondary consents to differ from the primary DNS application.
- 4.6.9 Question 14 suggests that only the Local Authority within which the proposal sits will receive a paper copy of the application

RCT Response

The administrative area of the LPA within which the DNS sits may not be the same area that is most affected by its impacts. An applicant should be required to provide copies to all LPAs affected, not just the single LPA in which the scheme is situated to reduce the costs to the authority.

4.7 The role of local planning authorities

(Questions 15 and 16 relate)

- 4.7.1 Input from LPAs will be required throughout the process, starting with engagement at the pre-application stage. Once a DNS application has been formally validated the relevant LPA/LPAs will be required to produce a Local Impact Report (LIR), which should give details of the likely impact of the

proposed development on the authority's area. Potentially joint LIRs can be submitted where a wider area is affected and more than one LPA is involved.

- 4.7.2 When the application becomes valid, Welsh Ministers will issue the LPA with a notice which specifies the deadline (5 weeks) for receipt of the LIR and the LPA must comply with this notice. (see Question 16)

RCT Response

As set out at 4.6.2 above, this period should be a minimum of 8 weeks

- 4.7.3 Following the approval of a DNS development by Welsh Ministers the local authority will be required to subsequently deal with any applications for:
- the removal or variation of conditions (which are not related to the extension of time limit or renewal of a permission);
 - minor material amendments;
 - non-material amendments; and,
 - the discharge of conditions
- 4.7.4 Where a post determination amendment is more than minor material, there will be the requirement to submit an entirely new DNS application to the Welsh Ministers.
- 4.7.5 Powers of enforcement would also lie with the LPA.

4.8 Fees and costs

(Questions 17, 18, 19 and 20 relate)

- 4.8.1 It is proposed that there is a combination of both fixed and variable fees for the different elements of the DNS process, with the aim of achieving full cost recovery.
- 4.8.2 It is indicated throughout the consultation document that WG do not expect LPAs to fulfil their requirements without fair contribution in terms of resources and support. It is suggested therefore that the LPA would receive a portion (the size of the portion is not specified, other than being identified as part of the fixed fee for the DNS application) of the application fee – particularly for meeting its statutory requirement to provide a LIR, although the sum would also be expected to cover such costs associated with publicising the application and general administration throughout the process. However, if the LPA were to miss the timescale for LIR submission without good reason they may only receive part of the fee or no fee at all. Any part of the fee not paid to the LPA will be refunded to the applicant. The fee will only be paid to the LPA by WG once the LIR has been provided in accordance with the requirements.
- 4.8.3 The fees associated with any post decision applications (such as amendment and discharge of condition applications) would be paid to and be retained by the LPA.

- 4.8.4 If a DNS application is subsequently found to be invalid after submission the applicant will not be refunded the whole fee paid. The deduction in returned fee is intended to cover the costs incurred through processing the application documents.

RCT Response

Whilst setting aside the Council's in principle concerns about DNS, the ability for the Council to receive a fee for its work on DNS is welcomed whether this is through a set fee or an hourly rate. However, whichever mechanism is introduced it must be on the basis that the Council can recover the full cost of its involvement in the process. (Q18)

The Council does not agree with the suggestion in Question 19 that the Council would receive a reduced payment or no payment if it does not meet the set deadlines as the LPA should not be penalised for matters that may be largely beyond its reasonable control.

If it is the intention of this process that both PINs and the participating LPAs can fully recover their costs then Welsh Government should give careful consideration to whether this can be accommodated in a fee structure that does not discourage investment in infrastructure in Wales (Q17)

5.0 LEGAL IMPLICATIONS

- 5.1 The process of dealing with DNS applications will become enshrined within The Planning (Bill) Wales. The Council will be required to undertake its planning function, as the Local Planning Authority, in compliance with the legislation.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There is the potential that the Council could lose planning application fee income as a result of the proposed introduction of the DNS process. Whilst the Council would still receive an element (to date unspecified by WG) of fee income it is expected that this will be a relatively minor element of the overall fee paid by the applicant, with the majority being retained by WG/PINS.
- 6.2 In these austere financial times any potential loss of income is of course regrettable. However, as an authority RCT has received very few applications that would qualify as DNS applications and so the potential 'lost' fee income may well be less than in some areas where DNS submissions are more frequently received.

7.0 CONCLUSION

- 7.1 Whilst setting aside the Council's in principle concerns about DNS, the process proposed for handling DNS applications is considered for the most part to be acceptable. However, it remains important that it does not seek to

'steam-roller' over specific local issues of importance and concern and as a consequence be seen to be eroding local democracy.

- 7.2 Local Authorities are currently facing significant financial challenges and it is important that that role of the Council is recognised in this process and that their costs are fully covered by the process.
- 7.3 It is recommended that Cabinet approve the completed Consultation Response Form (attached as APPENDIX A) for return as Rhondda Cynon Taf's response to the Consultation Document.

Consultation reference: WG25023

Annex 1 - Consultation Response Form

Developments of National Significance

We are seeking your views on detailed proposals to establish a new system for the Welsh Ministers to process 'Developments of National Significance' ("DNS"). This is a new category of planning applications.

Please submit your comments by 12/08/2015.

If you have any queries on this consultation, please email:

planconsultations-g@wales.gsi.gov.uk or telephone Lewis Thomas on 029 2082 3201.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Simon Gale	
Organisation	Rhondda Cynon Taf CBC	
Address	Sardis House Sardis Road Pontypridd Rhondda Cynon Taf CF37 1DU	
E-mail address	Simon.Gale@rctcbc.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed thresholds and categories of development set out in the above table? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Whilst setting aside the Council’s in principle concerns about the introduction of the additional tier of DNS, it is broadly agreed that the Annex A DNS threshold list is reasonable. However, it is considered that the threshold for onshore energy generating stations (the last box in the table) is too low at a threshold of 25MW. As an example, a development of 9 x 3MW wind turbines would exceed this threshold. It is not considered that a scheme of that size equates to a significant scheme, in a national context and would therefore be more appropriately dealt with by the relevant local planning authority (LPA).</p>				

Consultation reference: WG25023

Q2	Do you agree with this proposed approach for determining secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Whilst setting aside the Council's in principle concerns about the loss of local democracy with the DNS process, it is recognised that there are benefits to incorporating a more streamlined consenting process for DNS developments, it will avoid duplication and will be more understandable to the wider public				

Q3	Do you agree that the Inspector may determine procedure for secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

Q4	Do you agree with the proposed list of secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

Q5	Do you agree with the minimum requirements for the notification of a DNS? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

Whilst the minimum requirements for notification are accepted, in paragraph 4.9 it is suggested that LPAs will be expected to identify 'likely mitigation and conditions' at this stage. Depending on the nature of the proposal, the LPA may not be in a position to make these suggestions so early in the process.

Q6	Is 12 months from the date of acceptance of the notification to the submission of the application for DNS a sufficient period in which the notification of a DNS remains valid? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

Q7	Do you agree with the publicity and consultation requirements that developers must undertake prior to the submission of an application for DNS? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, although to avoid confusion for third parties it should be clear that such consultation differs from the statutory consultation that would be undertaken later in the process by PINS and/or the LPA.				

Q8	Do you agree with our proposals for the advertisement of an application for DNS? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

Consultation reference: WG25023

Q9	Do you agree with our proposals regarding statements of common ground? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

Q10	Do you consider that 5 weeks is an appropriate period within which statutory consultees and third parties must submit their full representations in response to an application for DNS? If not, please specify an alternative timeframe?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: 5 weeks is a relatively short period when the LPA's representations are expected to be submitted in the form of a 'Local Impact Report' on what have the potential to be particularly complex and involved schemes generating the need to fully consider a wide range of issues through the planning process. For schemes of this significance it is imperative the Council is given sufficient time to allow its Planning Committee to consider the proposal before submitting its Local Impact Report or otherwise there is a significant risk of creating a democratic deficit in considering local views on DNS proposals				

Q11	Do you agree with our proposals for the amendment of schemes for DNS? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

Consultation reference: WG25023

Q12	Do you agree that 10 working days following the closure of the representation period is an appropriate time in which the Planning Inspectorate must determine the appropriate procedure to examine an application for DNS? If not, please specify an alternative timeframe.	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Whilst the timescales are accepted, LPAs should always have the opportunity to participate in a hearing if they so wish				

Q13	Do you agree that further representations required as part of the examination of an application for DNS should be subject to a word limit of 3,000 words per topic? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No further comment				

Q14	Do you agree that the applicant is only required to submit paper copies of applications for DNS with the Planning Inspectorate and LPA(s) within which the DNS is located? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The administrative area of the LPA within which the DNS sits may not be the same area that is most affected by its impacts. An applicant should be required to provide copies to all LPAs affected, not just the single LPA in which the scheme is situated				

Consultation reference: WG25023

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: The requirements are reasonable subject to the timescales being extended as set out in the response to Q16</p>				

Q16	Would you consider 5 weeks an appropriate timescale within which to provide a local impact report? If not, please suggest appropriate timescales.	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: 5 weeks is a relatively short period when LPAs are being to provide a local impact report on what have the potential to be particularly complex and involved schemes generating the need to fully consider a wide range of issues through the planning process. At a minimum it is considered that this period should be a minimum of 8 weeks.</p>				

Q17	Do you agree that the DNS fee structure should consist of fixed and daily or hourly rate fees that recover the Welsh Ministers' (and their appointed representative, the Planning Inspectorate) costs in carrying out the work? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: If it is the intention of this process that both PINs and the participating LPAs can fully recover their costs then Welsh Government should give careful consideration to whether this can be accommodated in a fee structure that does not discourage investment in infrastructure in Wales</p>				

Consultation reference: WG25023

Q18	Do you agree that the relevant LPA should receive a fixed fee for producing a Local Impact Report? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The ability for the Council to receive a fee for its work on DNS is welcomed whether this is through a set fee or an hourly rate. However, whichever mechanism is introduced it must be on the basis that the Council can recover the full cost of its involvement in the process.

Q19	Do you agree that the LPA should receive a reduced payment, or no payment, if they do not submit the Local Impact Report within the timescale and minimum requirements? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The LPA should not be penalised for matters that may be largely beyond its reasonable control.

Q20	Do you agree that the applicant should not receive a full refund if their application is invalid? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
 No further comment

Q21	Do you have any further comments to make in relation to our proposals for DNS?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Consultation reference: WG25023

Whilst setting aside the Council's in principle concerns about DNS, the process proposed for handling DNS applications are considered for the most part to be acceptable. However, it remains important that it does not seek to 'steam-roller' over specific local issues of importance and concern and as a consequence be seen to be eroding local democracy.

Local Authorities are currently facing significant financial challenges and it is important that that role of the Council is recognised in this process and that their costs are fully covered by the process.

I do not want my name/or address published with my response (please tick)

Consultation reference: WG25023

How to Respond

Please submit your comments in any of the following ways:

Email
Please complete the consultation form and send it to : planconsultations-g@wales.gsi.gov.uk Please include 'Developments of National Significance - WG 25023' in the subject line.
Post
Please complete the consultation form and send it to: Developments of National Significance Consultation Decisions Branch Planning Directorate Welsh Assembly Government Cathays Park Cardiff CF10 3NQ
Additional information
If you have any queries on this consultation, please: email: planconsultations-g@wales.gsi.gov.uk ; or telephone: Lewis Thomas on 029 2082 3201

Annex A: Proposed list of DNS thresholds.

Type of Development	Proposed Threshold
<p>The carrying out of operations for the purpose of creating underground gas storage facilities for the storage of gas underground in cavities or in porous strata;</p> <p>The development is starting to use underground gas storage facilities by a gas transporter, for the storage of gas underground other than in natural porous strata; or</p> <p>The development is starting to use underground gas storage facilities by a developer which is not a gas transporter for the storage of gas underground in natural porous strata.</p>	<p>The facility has a working capacity of at least 43 million standard cubic metres or a maximum flow rate of at least 4.5 million standard cubic metres per day.</p>
<p>The alteration of underground gas storage facilities for the storage of gas underground in cavities or in porous strata.</p>	<p>The effect of the alteration is expected to increase the working capacity by at least 43 million standard cubic metres or to increase the maximum flow rate by at least 4.5 million standard cubic metres per day.</p>
<p>Liquefied natural gas ("LNG") facilities</p>	<p>New LNG facilities:</p> <p>The storage capacity is expected to be at least 43 million standard cubic metres or have a maximum flow rate of at least 4.5 million standard cubic metres per day; or</p> <p>The alteration of existing LNG facilities:</p> <p>The existing storage capacity is expected to increase by at least 43 million standard cubic metres or by a maximum flow rate of at least 4.5 million standard cubic metres more per day.</p>
<p>Gas reception facilities</p>	<p>New gas reception facilities:</p> <p>The maximum flow rate of the facility is expected to exceed 4.5 million standard cubic metres per day; or</p> <p>The alteration of existing gas reception facilities:</p> <p>The maximum flow rate of the existing facility is expected to increase by at least 4.5 million standard cubic metres per day.</p>

<p>Airport related development and construction</p>	<p>New airports:</p> <p>The development of a new airport with a capacity of at least 1 million passengers per annum or at least 5,000 air transport movements of freight per annum.</p> <p>The alteration of existing airports:</p> <p>The development of an existing airport to increase the capacity by at least 1 million passengers per annum or at least 5,000 air transport movements of freight per annum.</p>
<p>Railways</p>	<p>The construction of a railway which, when constructed, will include a stretch of track that is a continuous length of more than 2km, or the alteration of a railway which will include laying a stretch of track that is a continuous length of more than 2 km and which, in both cases, is not on land that was either operational land of a railway undertaker immediately before the works began or is on land that was acquired at an earlier date for the purpose of the works.</p> <p>Construction and alteration of a railway does not fall within this category if it takes place on the operational land of a railway undertaker unless that land was acquired for the purpose of those works.</p>
<p>Rail freight interchanges</p>	<p>Following the alteration of an existing, or construction of a new, rail freight interchange, the interchange is capable of handling at least 2 goods trains per day.</p>
<p>Dams and reservoirs.</p>	<p>New dams and reservoirs:</p> <p>The volume of water to be held back by the dam or stored in the reservoir is expected to exceed 10 million cubic metres of water.</p> <p>The alteration of existing dams and reservoirs:</p> <p>The additional volume of water to be held back by the dam or stored in the reservoir as a result of the alteration is expected to exceed 10 million cubic metres.</p>

Transfer of water resources	<p>The volume of water to be transferred as a result of the development is expected to exceed 100 million cubic metres per year between:</p> <ul style="list-style-type: none"> • River basins in Wales; • Water undertakers' areas in Wales; or • A river basin in Wales and a water undertaker's area in Wales. <p>The development does not relate to the transfer of drinking water.</p>
Waste water treatment plant.	<p>New waste water treatment plants:</p> <p>The plant is expected to have a capacity exceeding a population equivalent of 500,000.</p> <p>The alteration of existing waste water treatment plants:</p> <p>The effect of the alteration is expected to increase the capacity of the plant by more than a population equivalent of 500,000.</p>
Hazardous waste facilities	<p>New hazardous waste facilities:</p> <p>Land fills or deep storage facilities which have a capacity of more than 100,000 tonnes per annum. In any other case, facilities able to handle more than 30,000 tonnes per annum.</p> <p>The alteration of existing hazardous waste facilities:</p> <p>The effect of the alteration to a land fill or deep storage facility is expected to increase the capacity by more than 100,000 tonnes. In any other case, the capacity of the facility is expected to increase by 30,000 tonnes per annum.</p>
<p>Pipelines not constructed by a gas transporter; or</p> <p>Overground pipelines constructed by a gas transporter.</p>	<p>The construction of a new pipeline (including the extension or diversion of an existing pipeline) over 2km and less than 16.093km (10 miles) in length wholly or partly in Wales.</p>
Onshore energy generating stations.	<p>The generating station has the capacity to generate energy at a rate of between 25MW and 50MW.</p>

