

Number: **WG25023**



Llywodraeth Cymru
Welsh Government

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Welsh Government

Consultation – Index of responses – Part 1

Developments of National Significance

Date of issue: **November 2015**

Introduction

1. On 20 May 2015 the Welsh Government published a consultation paper which set out detailed proposals for a system to process and decide planning applications for Developments of National Significance. The consultation closed on 12 August 2015.

Responses

2. Details of the consultation have been published and can be found here:

<http://gov.wales/consultations/planning/developments-of-national-significance/?lang=en>

3. A total of 69 responses were received. Respondents were asked to complete a separate response form; however some responses were received within an email and hard copy letters. Each response was assigned a specific reference number.

Data Protection

5. For data protection purposes, the names and address details for those respondents who did not wish to be identified have been removed from the index below and from the published consultation responses.

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032	Monmouthshire County Council	024	Natural Resources Wales
040	Carmarthenshire County Council	043	Economic and Community Regeneration Service – Isle of Anglesey County Council
041	Newport City Council	046	Association of Chief Police Officers Wales/Cymru
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056	Anonymous	063	Design Commission for Wales

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069	Ceredigion County Council	Others	
Voluntary Sector		001	Glamorgan Gwent Archaeological Trust
008	National Trust Wales	012	Anonymous
009	Disability Wales	019	Barry Town Council
033	Woodland Trust	028	Vale of Glamorgan Council – Waste Management and Cleansing Division
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Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Judith Doyle	
Organisation	Glamorgan Gwent Archaeological Trust	
Address	Heathfield House, Heathfield, Swansea, SA1 6EL.	
E-mail address	judith@ggat.org.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

Consultation reference: WG25023

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

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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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

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Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Steven Radford	
Organisation	Njord Wind Developments	
Address	145a Ashley Road Hale Cheshire WA14 2UW	
E-mail address	sradford@njord-energy.co.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				
<p>The nature and level of the thresholds provided for within Annex 1 of the document should more closely reflect those provided for within the current Environmental Impact Assessment Directive. Many of these proposals would not trigger the DNS route under the current drafting of the Annex, however such schemes are often individually or cumulatively capable of being DNS.</p> <p>In addition, these thresholds should reflect a ‘proportionate response for Wales’ given the relative scale of the proposals in the context of the country’s environment, economy and the important relationship with the wider United Kingdom. The impact and importance of these projects on Wales as a nation is higher than other larger nations, and therefore the of what constitutes DNS should be lower than thresholds operational in other larger Nations.</p> <p>- To give an example of this using Renewable UK figures, a single 2.5MW wind turbine can generate enough electricity to meet the annual needs of over 1,400</p>				

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households. For the two applications we have submitted in Powys currently of 15 and 17.5MW respectively the 13 turbines of up to 2.5MW each can generate enough electricity to meet the needs of over 18,200 households.

There is also considerable investment commitment from these projects. These projects combined would bring approximately £40 million worth of investment to the local and Wales economy. Taking turbine supply out - as it is mainly delivered by global partners - the construction and civil engineering opportunity in excess of £15 million along with the annual operations and maintenance spend of circa £1 million.

In terms of community benefit these would bring a figure of up to £4,062,500 over the lifetime of projects. This figure is calculated at £5,000 per MW of which these projects combined equals to 32.5MW. This means a yearly sum of £162,500 will be available to local communities over the 25 year lifetime of the projects.

Investments of these types are under threat following the recent announcement by the Secretary of State for Energy and Climate Change regarding the earlier than planned end of ROC. This is a novel planning issue as it developers can't know what they don't know and it is unfair on projects which were being developed with the date of 1st April 2017 in mind.

With the significant redrawing of local government maps of Wales over the next parliament it is evident that there will be an increase in inexperience at a local authority level in terms of planning. With this in mind we are supportive of the new legislation which allows applicants to be able to apply to Welsh Ministers for planning permission where a local planning authority is deemed to be poorly performing.

As such we consider that projects over 10MW should be determined via the DNS process to allow certainty for both the community and developers of a balanced and timely determination.

Q2	Do you agree with this proposed approach for determining secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
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		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>We support the proposed approach to secondary consents as a way of avoiding the replication of consultation exercises, applications, supporting evidence and public examination. The Welsh Minister and Inspector should rigidly apply the guidance in order to ensure that the stated aims of expedited, fair and efficient decision making are achieved.</p> <p>Were Statutory consultees are consulted with regard more than one consenting procedure relating to the same scheme, the DNS process should be clear that a single response will suffice, indeed would be preferred. Whilst this will requires some co-ordination by the consultees, a single response setting out a consltees overall position will simplify the DNS process.</p>				

Q3	Do you agree that the Inspector may determine procedure for secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The Inspector is the correct individual to determine the process of secondary consents, although this power will have to be exercised clearly in the interest of transparent and timely decision making. Such decisions about procedure should be clearly documented and justified in order to prevent this being an avenue for future legal challenge.</p> <p>The WG should provide clear guidance with regard the circumstances and the aims of exercising this power at an early stage.</p>				

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"/>
<p>Comments:</p>				

Consultation reference: WG25023

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 type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The pre-application advice should be provided on the basis that it can be relied upon as the opinion of the Welsh Ministers at a given period of time, and with the information that they have before them. Whilst care needs to be taken that the objectivity of decision making is not fettered, the provision of pre-application advice on a 'without prejudice' basis undermines the aims of high quality and efficient decision making.</p> <p>(Ref: Para 4.13) The recording of all pre-application enquiries made should be required, and the information made readily available. The provision of such information will enable operators to assess cumulative effects, cojoin efforts and co-operate at an early stage of the development process.</p> <p>(Ref: Para 4.24) The guidance references a complete copy of the 'planning application'. This should also include a copy of any other consents that are being applied for within the DNS application.</p>				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>12 months would normally be sufficient, unless the certain European Protects species are required to be surveyed and reported upon as part of the application. Certain species only have limited periods within which they can be surveyed during the year, and the completion of surveys, analysis of results and reporting in a format suitable for submission could however push this over the 12 month period.</p> <p>The timelimit should therefore be provided with an 'exceptional circumstances' clause which allows this 12 month period to be extended in certain circumstances.</p>				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Full compliance with the pre-application process, should largely negate the need to formally advertise the application for consultation purposes. However we recognise that the requirements of the formal secondary consent procedures will be taken account of within the advertising proposals.				

Q9	Do you agree with our proposals regarding statements of common ground? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: SoCG are necessarily flexible and formatted to take account of the various interests and issues that arise from such development proposals. The inclusion of an intitial 5 week period from validation of the DNS, is sufficient to provide information about the issues outstanding (if any) to inform the procedure. Later in the process, SoCG can and should inform the basis of any examination of the scheme, including the parties that are invited by the Inspector to any Hearing or Inquiry and the assessment of a parties behaviour in relation it 'reasonableness' and any application for costs etc.				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: 5 weeks is a sufficient amount of time for a representor party to provide formal comments on the DNS. However, representations submitted after this time should only be accepted by the Inspector in 'exceptional circumstances' in order to ensure that the timely processing of the DNS application is not unduly delayed and the applicant is not exposed to unnecessary costs/delays.				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: (Ref para 5.33) With reference to the 10 working day window for the expression of intent to make minor modifications, this period should start from the acceptance of any representations (including those submitted after the 5 week period) by the Inspector. (Ref para 5.39) We fully support the ability of an Inspector to allow applicants to make these amendments during the course of examination of the DNS. These powers should not however be restricted to 'minor amendments', but allow for larger changes if the error or further information from consultees warrants.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The use of a word limit in this way provides ample opportunity for representors to elaborate/develop their statement of case on the issues which the Inspector has set.</p> <p>This restriction could however be developed to include a restriction on the topics that the representor is invited to provide further comments upon. Such a restriction would ensure that the the Inspector retains control of the further information. This is in the interests of timely decision making, good running of the examination process and to prevent this power being used as an opportunity to rebutt the evidence of other parties.</p>				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Yes, indeed the use of paper copies is largely unnesesary. Whilst not all members of the public have personal access to the internet, such facilites can be made available at Council offices for reviewing documents as well as printing facilities if those members of the public wish to obtain hard copies.</p>				

Q15	Do you agree with the minimum requirements for Local Impact Reports?	Yes	Yes (subject to	No
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Consultation reference: WG25023

	If not, why not?		comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>The minimum requirements should also provide the policies within the development plan and any other documents/evidence or considerations that the LPA may wish to rely upon or consider relevant to the determination of the proposal. The LIR should include either copies of, or hyperlinks to, the documents, policies and considerations referenced.</p> <p>This will ensure that all parties are aware of key information and factual circumstances relating to the consideration of the DNS.</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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</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:</p> <p>The fee structure needs to reflect a balance between certainty of cost and the reasonable ability of the WG and PINs to recover the costs of considering the DNS application.</p> <p>Whilst the fee schedule and breakdown is not set out, we are of the opinion that fixed costs (which can be budgeted for at the outset) are preferable to rolling hourly or daily rates. Any future schedule of cost should have only a very limited ability to provide for 'open ended' costs.</p>				

Consultation reference: WG25023

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <p>This reasonable only if the applicant declines to remedy the reason for invalidation. Typically many invalidation issues are limited in nature and can be remedied relatively quickly.</p> <p>The applicant should be provided with a reasonable opportunity to remedy any issue of invalidation, and having remedied the issue continue with the application with no financial penalty. Such an opportunity needs to be provided before the decision to return the documents and retain a portion of the application fee is made.</p> <p>If the applicant fails/declines to remedy the apparent issue, then the option of recovering costs associated with the failed validation attempt can be made.</p>				

Consultation reference: WG25023

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

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Keith Jones	
Organisation	Institution of Civil Engineers Wales Cymru	
Address	Cambrian Buildings Mount Stuart Square Cardiff CF10 5FL	
E-mail address	keith.jones@ice.org.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: I agree with all except those relating to dams and reservoirs, the limit should be raised to a higher value, suggested at 50 million cubic metres - this is more a Development of National Significance. I note why the proposed value was chosen, to tie into potential reservoir legislation but it is not considered appropriate.</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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

Q5	Do you agree with the minimum requirements for the notification of a DNS? If not, why not?	Yes	Yes (subject to comment)	No
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Comments:				

Consultation reference: WG25023

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"/>
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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

Consultation reference: WG25023

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 not practical, suggested to be 15 weeks				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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"/>
Comments: 15 weeks is more appropriate and practical				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: No, this is not equitable as the amount of work varies, should be a hourly rate				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Only if 15 week period is accepted				

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: no				

Consultation reference: WG25023

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

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
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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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Mike Simmons	
Organisation	Pembrokeshire County Council	
Address	County Hall Haverfordwest Pembrokeshire SA61 1TP	
E-mail address	mike.simmons@pembrokeshire.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> <ul style="list-style-type: none"> - At 2.13 of the Consultation Document: "a DNS application is an application for planning permission (other than for outline planning permission)". To clarify, are applications for outline planning permission therefore excluded from the definition of a DNS and therefore remain to be determined by the LPA? It is assumed this is not the case but the Consultation Document lacks clarity in this respect. - Criteria appears to exclude port-related development, refineries, major industrial, gas generation (eg. biogas), new roads, new settlements. Albeit note the list will be subject to constant review. - On a detailed matter, with regard to Rail Freight Interchanges, the threshold appears to incorporate within the definition of a DNS, any alteration (no-matter how small in scale) to any existing interchange if already handling at least 2 goods trains per day. 				

Consultation reference: WG25023

- With regard to energy generating stations, an issue arises in terms of generation capacity. What is the method for confirming generation capacity? PCC are dealing with a case where generating capacity is stated as 49MW, therefore not an NSIP, but no control exists with regard to final output that may be above or below this figure. It is assumed that if final output is above the relevant DNS threshold then this does not invalidate a Consent that has been determined by the LPA? Need further advice on the process/method for confirming generation capacity in order to define whether DNS.

Q2	Do you agree with this proposed approach for determining secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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

Consultation reference: WG25023

Comments:
DNS applications should include the ability to also consider "associated development" (as not applicable for NSIPs in Wales at present) (eg. grid connections).

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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: 4.10 - 4.13 of the Consultation Document describes the process of pre-application requests. The role of PINS and LPAs is described and it is a concern that the respective pre-application roles of each could become confused. PINS should be seen as the sole point of contact at pre-application. Any request for LPA pre-application involvement should come via PINs, the scope of which should be clearly defined. 4.11 - it is assumed that the submission of the pre-application enquiry form is made to PINS				

Consultation reference: WG25023

4.12 - there is a need to confirm that any request for EIA Scoping or Screening should be made direct to Welsh Ministers rather than 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:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: - Councils will be under an obligation to obtain formal approval of any representation and thus a 5 week deadline, that must also allow for the relevant Council/Committee meeting, is a tight deadline.				

Consultation reference: WG25023

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: - Requests from PINS for further evidence should be in the form of written questions. Length of responses should be proportionate to the question being asked with no repetition of previous evidence. Restricting word length would appear unnecessary and unreasonable when allowing for the limited circumstances when a response greater than that length is necessary. PINS should be able to approve special dispensation to extend beyond 3,000 words in certain justified instances.				

Consultation reference: WG25023

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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"/>
Comments:				
<p>The preparation of an LIR involves a considerable amount of work prior to final drafting. The LIR would normally then be required to be formally approved by Council or Cabinet. Whilst a fixed timeframe is supported, 5 weeks does appear far too short to allow for an LIR, that meets the minimum requirements, to be adopted by a Council. This was evidenced when dealing with a recent NSIP case even though the issues weren't as complex as would normally be the case.</p>				

Q17	Do you agree that the DNS fee structure should consist of fixed and daily or hourly rate fees that recover the Welsh	Yes	Yes (subject to comment)	No

Consultation reference: WG25023

	Ministers' (and their appointed representative, the Planning Inspectorate) costs in carrying out the work? If not, why not?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: - The setting of the fixed fee level should be evidenced by research - it is noted that it will be based on the average cost of producing the LIR and the carrying out of the LPA's other functions. However, it is unclear what the evidence base could currently be for calculating this "average cost".				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Provided the 5-week deadline is extended to a more realistic period.				

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:				

Consultation reference: WG25023

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"/>
<p>Comments:</p> <p>- Section 106 legal agreements: Whilst, other than resourcing issues, matters relating to the proposed process for dealing with Section 106 legal agreements raises no substantive concern, one of the difficulties experienced with a recent NSIP application was that the LPA and developer could not reach agreement in respect of the Section 106. In this context, it is important for the PINS Inspector at the Examination to be able to seek to debate and resolve the issue at hand (and to present a view at the time of the Examination) rather than defer to the publication of the Inspector’s recommendation and final decision.</p> <p>- The Consultation Document does not explain the procedure in respect of the site visit(s).</p>			

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Consultation reference: WG25023

How to Respond

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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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Judith Jones	
Organisation	Merthyr Tydfil County Borough Council	
Address	Planning Division, Unit 5 Triangle Business Park, Pentrebach, Merthyr Tydfil	
E-mail address	judith.jones@merthyr.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	
	Professional Bodies/Interest Groups	
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	
	Other (other groups not listed above) or individual	

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 checked="" type="checkbox"/>	
Comments: Should Opencast applications be included?				

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 checked="" type="checkbox"/>		
Comments:				

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"/>		
Comments:				

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"/>		
Comments:				

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 checked="" type="checkbox"/>	
Comments: Para 4.6 states that pre-app advice would be given by a different person from the Inspector who will consider the application. This defeats the point of pre-app, Developers are looking for consistency through the pre-app and application consideration. as				

Consultation reference: WG25023

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"/>		
Comments:				

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 checked="" type="checkbox"/>		
Comments:				

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"/>	
Comments: Surely the PI will be carrying out site visits, as such they should erect the site notice at the same time not the LPA.				

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"/>		
Comments:				

Consultation reference: WG25023

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 checked="" type="checkbox"/>		
Comments:				

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"/>		
Comments:				

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 checked="" type="checkbox"/>		
Comments:				

Consultation reference: WG25023

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"/>		
Comments:				

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 checked="" type="checkbox"/>	
Comments: However, given the limited resources LPA's have to administer it. Copies of contact details for the applicant should also be provided to give to the public.				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>		
Comments:				

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 checked="" type="checkbox"/>		
Comments:				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	
Comments: Will you be giving LPA's the same authority to do this? double standards if not!				

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 checked="" type="checkbox"/>	
Comments: providing it is on a full cost recovery basis.				

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 checked="" type="checkbox"/>	
Comments: Unless another timesacale is agreed.				

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"/>	
Comments: It is their responsibiltiy to ensure the application is valid. Having gone through pre-app there is no excuse.				

Consultation reference: WG25023

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

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

Consultation reference: WG25023

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Additional information
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Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	ROBERT ROBINSON FRICS MILCM	
Organisation	NORTH AND MID WALES ASSOCIATION OF LOCAL COUNCILS	
Address	TRIANGLE HOUSE UNION STREET WELSHPOOL SY21 7PG	
E-mail address	town.clerk@welshpooltowncouncil.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: The Association does not generally support the idea of the County Councils not dertermining all planning applications.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

Q9	Do you agree with our proposals regarding statements of common ground? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As long as public consultation is extensive a local level				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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:				

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 world is moving towards web based information. Information should be in in both electronic and paper form.				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The applicant should be able to rectify such information required with no further fee paid.				

Consultation reference: WG25023

Q21	Do you have any further comments to make in relation to our proposals for DNS?	Yes	No
<p>Comments:</p> <p>If applications are to be considered by the Welsh Government only there needs to be an appeal process, this appears to be missing from the proposals.</p> <p>The North and Mid Wales Association of Local Councils represents over 30 larger Town and Community Councils in Mid and North Wales. The consultation was discussed at their meeting held on 17th July by the members present.</p> <p>The Association confirms that it is prepared to give oral evidence if that were felt to be of value to the appropriate committee.</p>		<input type="checkbox"/>	<input type="checkbox"/>

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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Adrian D. Greason-Walker	
Organisation	Wales Tourism Alliance	
Address	77 Conwy Road Colwyn Bay Clwyd LL29 7LN	
E-mail address	adrian@wta.org.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>
Comments:				
<p>Railways - How does this affect heritage railway development? Will there be a specific exemption?</p> <p>Onshore energy generating stations - There are currently four windfarm developments exceeding 25MW in Wales? They need to take account of the visual threshold in relation to the tourism industry and environmental visual impact, not merely the level of power generated.</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: Yes, although it will still require a valued judgement to be made by an elected representative advised by professionals. Is the real difference in the fact that it increases distance between elected representatives and the difficulties that arise with local decision making or an improvement in the calibre of the professionals reviewing the details of the consent in relation to the potential impact on the community and the environment?				

Q3	Do you agree that the Inspector may determine procedure for secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, but subject to the process being open, transparent and well documented.				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG25023

Comments:

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:
If it is calculated to be a DNS as per the thresholds set, then it can only be held open for this time before re-assessment.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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:

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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: Five weeks is not long enough. Two months.				

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Five weeks seems a short time frame to notify all parties, gain objective feedback and build reasoned analysis.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:				

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

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

Consultation reference: WG25023

How to Respond

Please submit your comments in any of the following ways:

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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.
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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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Emily Keenan, External Affairs Consultant	
Organisation	National Trust Wales	
Address	Tredegar House, Newport, NP10 8YW	
E-mail address	emily.keenan@nationaltrust.org.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input 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 checked="" 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>We support the overall categories and thresholds suggested. We would ask for careful thought to be given to the 2 Km threshold for pipelines.</p> <p>In our experience of developing hydropower systems alone and with community groups we have found that pipelines needed can be in excess of 2 Km. The Anafon community hydro for example has a pipeline of 2.2 Km.</p> <p>We would suggest that Welsh Government give some consideration to increasing the 2 Km threshold in order to prevent such developments being classed as Developments of National Significance the extra cost of which may be prohibitive for the developer.</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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We agree that these requirements are appropriate. We recognise that there				

Consultation reference: WG25023

would be real benefit in the submission of the Section 106 statement at this early stage. Our experience has been that such statements are currently developed much later in the process, just before the committee stage and so we think thought needs to be given to the practicalities of applicants generating these statements at a much earlier stage.

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We appreciate this measure is being put in place to drive efficiency in the planning system and provide the best service for end users. We acknowledge that Welsh Government is addressing requirements placed on LPAs by allowing the recovery of costs. However we would highlight that at a time of Local Authority cuts this proposal might create issues in terms of staffing where LPAs				

Consultation reference: WG25023

may have to deal with peaks and troughs in demand for such services. We would expect that during early implementation of new measures Welsh Government should be working with LPAs to establish how they can manage new requirements around Local Impact Reports rather than immediate implementation of a 'sanction' system.

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:				

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

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.
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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

Welsh Government Planning Consultation: Developments of National Significance - Disability Wales' General Response.

Disability Wales (DW) is an independent, not for profit organisation established in 1972. We are a membership organisation of disability groups and allies from across Wales.

As the national association of disabled people's organisations, Disability Wales strives to achieve equality, rights and independence for all disabled people, regardless of physical, sensory or neurological impairment, learning difficulty or mental health condition. We recognise that many disabled people have different identities and can face multiple-discrimination.

The Social Model of Disability is at the core of our value base, recognising that people are disabled more by poor design, inaccessible services and other people's attitudes than by their impairment. We are recognised as the lead organisation in Wales in promoting the understanding, adoption and implementation of the Social Model of disability.

Disability Wales cannot comment on specifics, however we would like to reiterate the importance of full, inclusive engagement with disabled people at every stage at the planning process. Active engagement with disabled people in the local community, access groups and disabled peoples organisations when planning decisions are made, especially those of national significance. It is essential to ensure disabled peoples' access requirements are fully met at the less costly design stage.

Provision of information should be made available in accessible formats. Also information should not be limited to online only, which is not the most accessible means of conveying and disseminating information to the general public for disabled people. Offline methods should also be used to convey information because many people, especially older and disabled people, are digitally excluded due to costs as a consequence of benefit cuts and welfare reforms.

The Local Authority Impact Report content could include issues that affect disabled people, such as access to proposed developments, transport arrangements, building designs and the design project's impact on local disabled people. If Local Authorities produced Equality Impact Assessments in conjunction with their Impact Report this could prove beneficial because disabled peoples accessibility would be considered or measured in parallel with impact. Thus it could be possible that the building designs and plans will incorporate relevant information of both assessments and reports.

Additionally, although we are happy that Design and Access Statements (DAS) have not been completely abolished, we are disappointed to note that DAS removal for smaller developments has been approved.

How will disabled peoples' access requirements be met and how can they object to inaccessible plans without the creation of a DAS? Access mistakes could prove more costly to put right once building has been complete than if these were identified from the outset and rectified before the expensive building work has begun. The

enormity of the project should not be the only factor in the requirements for a DAS to be produced along with the plans. The impact on disabled users should have also been a deciding factor for DAS detainment. Many disabled people would also require access to smaller developments such as community halls or pop up shops for example. How would planners and designers adequately ensure that smaller builds meet access requirements for examples, minimum standards set out under 'Part M' Building Standards if there is no prerequisite to establish and ensure disabled access requirements are met at the initial planning stage? Producing DAS for all sizes of buildings may prove very beneficial and save money in the long run.

Accessibility of designs and plans have to be factored in early when budgeting for new builds, crucially at the design stage. Ensuring both large builds and small builds are fully inclusive would more likely require a larger budget than non-accessible designs / builds. Ensuring builders, designers and planners are aware of this at the very start would hope to avoid budgetary confusion and constraints at a later stage.

Disabled people should be able to object to inaccessible plans in a manner in which meets their access requirements for example in their favoured communication method Widgit Symbols (which assist those with learning difficulties), Braille or Video (British Sign Language recording) etc. Local Authorities must accept these methods of objection and treat them with the same gravitas as other more conventional methods of communicating an objection. Timescale deadlines may need to be rejigged accordingly to accommodate objections made in accessible formats.

The UN Convention on the Rights of Disabled People (UNCRDP) should be considered and adhered to (as legally bound) when disabled peoples' access requirements are to be met and access barriers removed as early in the decision making stage as possible.

The UNCRDP which was ratified by the UK Government in 2009 sets out the legal obligations on States (Countries) to promote and protect the rights of disabled people. The following Articles, especially the highlighted points, are of particular relevance to this consultation:

Preamble

N. Recognizing the importance of **accessibility to the physical, social, economic and cultural environment**, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,

O. Considering that persons with disabilities should have the opportunity to be **actively involved in decision-making processes about policies and programmes, including those directly concerning them,**

Article 3 - General principles

The principles of the present Convention shall be:

- a. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- b. Non-discrimination;
- c. Full and effective participation and inclusion in society;
- d. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- e. Equality of opportunity;
- f. Accessibility;**
- g. Equality between men and women;
- h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 9: Accessibility

1. To enable persons with disabilities to live independently and **participate fully in all aspects of life**, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an **equal basis with others, to the physical environment**, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the **identification and elimination of obstacles and barriers to accessibility**, shall apply to, inter alia:

- a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b. Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

- a. **Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;**
- b. Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- c. Provide training for stakeholders on accessibility issues facing persons with disabilities;
- d. Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;**
- e. Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f. Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;**
- g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

- h. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 26 - Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to **enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life.** To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

- a. Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
- b. Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

To reiterate, the UN Convention of the Rights of Disabled People, above, sets out the importance of disabled peoples involvement at every level of the planning process, to ensure their access requirements are met in the designing, planning and building of new builds and adaptations to older buildings no matter what their size from local Community Halls to the Millennium Stadium in Cardiff. Fully inclusive access is key across all sizes of buildings of both local importance and of national significance. We reaffirm our belief that it is the buildings use rather than its size should be the deciding factor as to whether Design and Access statements and Equality Impact Assessments are required.

Good Afternoon

The Town Council reviewed the consultation but felt that due to its in depth nature they had insufficient experience of the subject matter to provide a meaningful contribution to the consultation.

They were however keen to ensure that the Town and Community Councils remained as statutory bodies for consultation when detailing with Developments of National Significance.

The Town Council would also like to see consultations indicate whether time scales were calendar or working days (ie 28 days notice)

Regards
D Phillips

Town Clerk
Pontardawe Town Council

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	GLYN P. JONES	
Organisation	FLINTSHIRE COUNTY COUNCIL	
Address	COUNTY HALL MOLD CH7 6NF	
E-mail address	glyn.p.jones@flintshire.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>The fact that the thresholds mirror those used under the NSIP regime in England will add greater consistency in dealing with significant development proposals. It is commendable that these are not 'set in stone' but are to be "kept under constant review" to allow changes in emphasis (or subsidies) in, for example, energy production to be brought under national control if appropriate in future.</p> <p>The actual thresholds have been subject to earlier consultation (in the context of 'Positive Planning') and in our response on behalf of Flintshire at that time we pointed out that any thresholds could be over-simplistic in that they do not necessarily reflect the complexity or the significance of development proposals. In this respect the context can carry more weight than the actual proposal, for example a hazardous waste facility of 5,000 tonnes per annum close to residential properties is likely to have a greater impact and consequently greater significance to the residents than a facility which handles more than 30,000 tonnes. However, it is accepted that in order for DNS to work there needs to be a set criteria to trigger the procedure.</p>				

Consultation reference: WG25023

Our message to our elected members in reporting the original consultation was that virtually none of the development proposals submitted in Flintshire over the last few years would have been caught by the proposed thresholds and the same applies to those now proposed.

We have very recently issued planning permission for a 49MW solar farm, which raised few of the 'national' issues which DNS seeks to address, the main objections coming from residents in England in view of its location close to the national border. It is significant that a request was made for the application to be 'called-in' but this was declined by the Minister on the basis that we as the local planning authority had taken account of all relevant national policies, but the implication must also be that it did not raise issues of more than local significance.

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"/>
<p>Comments: Yes in principle. All the secondary consents are linked to Planning and most are under the planning legislation but some are not and the considerations used in determining these may require further training for Planning Inspectors.</p> <p>Similarly, PINS will need to be adequately resourced so that the new responsibilities do not negatively impact upon existing functions in relation to planning appeals, LDP work, CIL examinations, etc.</p>				

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

Consultation reference: WG25023

Comments:
Yes subject to the above

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

Comments:

Clearly it would not be possible to anticipate all considerations in relation to specific cases but most of those identified would , under the current regime, provide objectors with a further opportunity to frustrate a development which would by that stage have gone through the planning process and would have been deemed to be acceptable.

Conversely, even as far back as site selection the matters covered by these secondary consents should have been identified as potential issues and constraints and will in most if not all cases have been material planning considerations in the planning application process.

Th tentative inclusion of the Highways Act 1980 (rails, beams etc. over highways), questions whether other sections should be included, e.g. under S.257 of the Town and Country Planning Act 1990 the stopping up or diversion of a footpath is only appropriate where it is "necessary" to allow the development to proceed. In cases where it is 'desirable' (rather than necessary, e.g. for security purposes) it may be more appropriate to invoke S. 118 or 119 of the Highways Act.

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:

This question avoids the real issues within the preceding sections of the consultation document which it addresses.

There is obviously a need to recognise other 'Positive Planning' changes in drafting the DNS procedures, in this case the proposals with regard to Pre-Application Advice . Under the present system the DNS applications would be dealt with by the LPA's, who would also provide the pre-app advice. Under the proposed changes there will remain a significant role for the LPA (and I comment on that below) but applicants will be faced with two fees. The standard fee in

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respect of pre-app advice to be set by legislation will presumably seek to cover the LPA's costs and in the case of most DNS proposals this is likely to be significant, but there can be no certainty at this stage of the amount of additional payment to PINS.

Para. 4.6 refers to pre-application advice being provided by PINS on behalf of Welsh Ministers and the only realistic alternative to this would be for LPA's to provide this advice (as they do at the moment). However, it is proposed that "advice would be given by a different person from the Inspector who will be appointed to consider and examine any subsequent planning application". This flies in the face of one of the underlying principles of the LPA pre-application advice procedures, whereby the same officer takes the proposal through the whole process for consistency and transparency. It is proposed that the "different person"'s advice will be "without prejudice" (presumably meaning not binding on the decision maker) but it might be suggested that this proviso in this context is even more of a safeguard than when it is usually employed. Particularly so in the case of "non binding advice on the merits of a proposed scheme".

It is not clear from the consultation document whether the LPA will potentially be approached separately by a developer, who may at an early stage not be certain that his proposals constitute DNS, in which case the process of pre-app advice might be started by a LPA, then to be transferred to PINS?

Para. 4.9 of the consultation document lists the services which will be required of LPA's in relation to DNS. Effectively these correspond to the matters which would be taken into consideration by a LPA in determining a planning application and in some cases would require a report to Committee to obtain the necessary authority to provide the information (e.g. how is an "indication of local issues" to be established without appraising the proposal against all material planning considerations?).

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: This reflects the long preparation time of many of the DNS developments, but beyond 12 months the significance and quality of the information would deteriorate.				

Consultation reference: WG25023

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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:
This reflects existing provisions in respect of major infrastructure developments and the only reservation is that some DNS proposals, by reason of their nature and context would not warrant this level of time and detail. (See response to Q1 above).

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
It is assumed that this question which follows "The Application Process" in the consultation document relates to the arrangements for "Consultation and Publicity" in general ? (as no other question addresses this section.

It is debatable whether the 5 week consultation period (as opposed to the 21 days for major applications) is warranted, considering that there will have been full consultation at pre-application stage, PINS will have discretion and, as is noted, the "substantive response" might be a simple "no comment to make".

With regard to publicity on the application it should be noted that we, like most Authorities are striving to undertake publicity electronically and any service required of LPA's should recognise and accommodate this.

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

Comments:
From earlier sections in the consultation document (Para 4.9) it is noted that

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there is an expectation that LPA's will provide an "indication of whether a Statement of Common Ground (SoCG) will be invited" at pre-application stage. This is unrealistic, particularly as a SoCG can relate to any interested party.

In the context of the DNS application it is recognised that the preparation of a SoCG can be a burden and the proposals rightly avoid this being a requirement, if only for the fact that it would not be relevant or appropriate in a number of cases.

It is envisaged that the proposed 5 week time limit may cause issues as this coincides with the proposed consultation period and consequently the relevant information may not be available to allow this timescale to be met (particularly as there may be a delay between validation and consultation).

It is also recognised that SoCG negotiations will be involved closely with S.106 negotiations. It is the intention to require the S.106 Obligation to be submitted with the application, which may well be unrealistic as the matters which are capable only of being addressed through s. 106 (as opposed to planning conditions) will rarely be clear at this early stage, when consultation responses on the application will not have gone out, let alone will have been received.

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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
Yes in the case of the most complex proposals but a shorter period might be appropriate in other cases (See response to Q 8 above).

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
Initial view is that 10 working days is not enough time to allow an applicant to issue an intent to make an amendment following the close of the consultation

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period. There may well be conflicting responses to consultation which might require different solutions and any amendment would require careful thought to balance the benefits in relation to the response of one consultee against any potential adverse effect in respect of the stance of another or indeed in relation to the perceptions of the development amongst the public and other interested parties.

It is right to give the Inspector the discretion over how to deal with amendments but the proposals for notification may have resource implications for LPA's on top of the responsibilities to be imposed on us though the DNS planning application publicity proposals.

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 type="checkbox"/>	<input type="checkbox"/>
Comments: No real view with regard to this. It may seem arbitrary as it is followed in the consultation document by "The Inspector may decide to alter the procedure at any point thereafter".				

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: It is accepted that there has to be a guideline but to impose a cut off point seems abit draconian, particularly as the any words beyond the 3,000 will be disregarded. There may be an additional 2 or 300 words which are highly				

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material and critical to the Inspector's determination of the application. Failure to take this information into account on atechnicality would leave any ensuing decision highly vulnerable to challenge.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Any move to encourage electronic communication is welcomed				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As this is unknown territory for most IPA's there will clearly be a need for the guidance referred to in the consultation document. The "topic based technical assessment of the impacts the development will likely have on the local area" seems to be an appraisal of the development proposals and it is difficult to see how this can be done without knowledge of the responses to consultations and possibly the representations received as a result of the publicity. The identification and description of the "impact" will require a degree of subjectivity and it is highly likely that the LIR, which reflects the LPA's opinion at this stage of the process, will need to be endorsed by the relevant Committee (as in most LPA's it is unlikely to be a delegated matter). If it is suggested otherwise it is difficult to see how, or why should, elected Members be kept out of a process which by definition will involve a development proposal which is significant for their Authority.				

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"/>

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Comments:
Unless our assessment of the LIR procedure in response to Q 15 above is incorrect, there is no conceivable way in which it could be produced in 5 weeks.

The threat in Para. 6.20 regarding "potential consequences related to the late or incomplete provision of a required LIRit is in the best interests of a LPA to produce a quality LIR in a timely manner" is both ill-conceived and unwelcome. It is not a matter of financial reward ("fair contribution in terms of resources and support") but a matter of practicality.

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 type="checkbox"/>	<input type="checkbox"/>

Comments:
It is difficult to comment without a full picture of the amount of work involved for Welsh Ministers and their representatives in relation to the work to be undertaken by the LPA on a DNS application. It seems slightly odd that there should be two fee regimes relating to what, at the end of the day, is a planning application, albeit a potentially complex one.

If the intention is to be full cost recovery then why should this principle not be applied to all planning applications ?

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:
Not sure if this genuinely fulfils the promise in para. 7.18 of the consultation document :
"We propose that the LPA should receive payment for carrying out this statutory duty and other functions, such as updating the Planning Register and publicity actions. This payment is intended to provide the LPA with the resources to produce the report in good time and to the expected quality, and to carry out the other functions expected of them. Without this payment the LPA would have

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to draw on existing resources, which may have an unintended and negative impact on other planning work carried out the LPA"

In reality, without the proposed DNS procedure, the LPA would have the whole of the application fee to cover resources.

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: See response to Q's 15 and 16 above				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is right that any costs incurred should not be refunded, the example given being the resources applied to validating the application . (The same principle could/should be applied to all planning applications ?)				

Q21	Do you have any further comments to make in relation to our proposals for DNS?	Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
Comments: Not at this stage			

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

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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

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Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	[REDACTED]	
Organisation	[REDACTED]	
Address	[REDACTED]	
E-mail address	[REDACTED]	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Unrealistic timescale.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

Q9	Do you agree with our proposals regarding statements of common ground? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The timescale of 5 weeks would be better extended to 8 weeks.				

Consultation reference: WG25023

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: 8 weeks would be better.				

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:				

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: A minimum of 28 days would be better.				

Consultation reference: WG25023

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Because this is restrictive and might mean that the representation cannot be fully presented.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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"/>
Comments: 8 weeks would be better.				

Consultation reference: WG25023

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

Consultation reference: WG25023

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"/>
<p>Comments: Some of the timescales mentioned on the flow diagram of the proposed DNS process (Annex C) are rather hopeful!</p>			

I do not want my name/or address published with my response (please tick) <input checked="" type="checkbox"/>

Consultation reference: WG25023

How to Respond

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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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Nicola Pearce	
Organisation	Neath port talbot County Borough Council	
Address	The Quays Brunel Way Baglan Energy Park Neath SA11 2GG	
E-mail address	n.pearce@npt.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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

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: Will the LPA be notified as soon as PINs are notified, for the same reasons. ie we also need to have as much notice as possible to ensure that we have sufficient resources in place to deal with the submission.				

Consultation reference: WG25023

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Consideration must be given to the fact that ecological surveys can very quickly go out of date. What happens if there has been a material change in circumstances during that 12 month period eg, the floodmaps produced by NRW change bringing the application site into a flood sensitive area which was not the case beforehand?, or there has been a change in national or local planning policy?				

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: There is an expectation from local communities and Councillors that developers establish drop in events/public exhibitions within the area(s) associated with the proposal. The need for community engagement events should therefore be included as a requirement. Most developers already carry out such events so there shouldn't be much opposition to this.				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes although full cost recovery for the LPAs must be factored in, including the cost of posting site notices.				

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: 				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: If the scheme hasn't changed since the pre-application process took place, then this is sufficient. however we have to be mindful that additional supporting documentation may have been submitted as a result of a request at the preapplication stage, which will take time to assess and we also have to factor in the need to obtain political authorisation for developments which could be potentially controversial.				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This was an issue which we raised as part of the positive planning consultation and as such we welcome the fact that it has been included.				

Q12	Do you agree that 10 working days following the closure of the representation period is an appropriate time in which the	Yes	Yes (subject to comment)	No

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	Planning Inspectorate must determine the appropriate procedure to examine an application for DNS? If not, please specify an alternative timeframe.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Same response as that given to question 10				

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"/>
Comments: It is accepted that the developer must pay for the process not the outcome. It is also essential that LPAs are able to operate on the same playing field as PINs whereby they are also able to secure full cost recovery. It is a worry that the recent consultation on increases to the fee regs, acknowledged that even after the proposed increases are introduced, the fees will only recover 66% (average) of the cost of service delivery. Why are the applications which are being dealt with by PINs being treated differently? Developers may have concerns about this method due to uncertainty and the potential for costs to ramp up.				

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 type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG25023

Comments:
If PINs are to secure full cost recovery then this should be the same for the LIR, although it is acknowledged that there may well need to be a maximum threshold.

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:
There are some factors which are beyond the control of LPAs, eg Members and committee cycles, key officers being off sick unexpectedly etc. A reduce fee or partial fee should only be the case if the LIR is submitted late and there is no reasonable excuse for its late submission.

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:

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:
The recovery of full costs associated with the DNS process has been set out in detail within this consultation document. Great emphasis has also been placed on the need for developers to pay for the process and not the outcome. These principles should be applied to the forthcoming changes to the Fee Regulations, which were also the subject of a recent consultation, whereby LPAs would be penalised by having to refund the fee if the application isnt determined within statutory guidelines (or as extended in agreement with the applicant - which may not be forthcoming). As specified in our previous response to that

Consultation reference: WG25023

consultation, this is likely to result in applications being refused which would otherwise have been the subject of negotiations to secure an acceptable outcome. This will in turn clog up the appeals system, which is of no benefit to any stakeholders involved in the planning process. Alternatively LPAs will be refunding significant amounts of money which will increase the gap between income and revenue beyond the 66% identified within the Fee Regulations consultation. Such reductions in revenue will in turn result in further pressure to reduce staff, which will further impact upon performance. I would therefore request that consideration be given to ensuring that all decision makers are able to operate on a level playing field where developers pay for the full cost of 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

Ymgyrch Diogelu Cymru Wledig Campaign for the Protection of Rural Wales



Cadeirydd Chairman Dr Jean Rosenfeld
Cyfarwyddwr Director Peter Ogden

Developments of National Significance Consultation
Decisions Branch,
Planning Directorate,
Welsh Government,
Cathays Park
CARDIFF
CF10 3NQ

August 3rd 2015

Dear Sir / Madam,

Developments of National significance Consultation Response by the Campaign for the Protection of Rural Wales (CPRW)

1. General comments

1.1 As a pan Wales landscape charity which aims to ensure that change is guided in a manner which protects the intrinsic values of the landscape of Wales, CPRW welcomes the opportunity to respond to this important consultation, the provisions of which will have direct implications upon our interests.

1.2 During the passage of the Planning Act, CPRW raised a number of concerns regarding the manner in which the classification and determination of Developments of National significance would be undertaken. CPRW notes that a number of these issues are clarified in this consultation. We therefore limit our response to those issues which still cause concern in the light the approaches now being suggested.

2 Detailed response to the questions raised

Q1: Do you agree with the proposed thresholds and categories of development set out in Annex A? If not, why not?

2.1 CPRW notes that despite previous representations regarding the scope of DNS projects, Onshore energy generating schemes between 25-50 MW are still categorised as developments which are to be considered as nationally significant.

2.2 We repeat our strong objection to the definition of DNS including Onshore energy schemes with a generating capacity of between 25 and 49 Megawatts.

2.3 We contend that there are neither legitimate nor convincing reasons for adopting this approach. No evidence or justification has been provided in this consultation paper or elsewhere to demonstrate why such developments should be technically recognised or objectively classed as being of such national importance that their determination should be partitioned from the normal planning processes and hence the current jurisdictions of Local Planning Authorities.

2.4 Likewise notwithstanding our long standing objection to the principles of TAN8, the inclusion of this scale of onshore wind energy developments as being of national significance, totally undermines the spatial logic of the Welsh Government's TAN 8 policy led approach to onshore wind deployment which seeks to direct, cluster and limit those forms of strategically significant onshore wind energy proposals, claiming to contribute to the national renewable energy targets, to specifically defined and strategic determined geographical locations, in order to prevent the sporadic development of clusters of smaller scale wind farms elsewhere across the Welsh countryside.

2.5 Including schemes of between 25-50MW and defining them as Developments of National significance is therefore not only contrary to the principles of TAN8 but would also enable such onshore schemes to be encouraged outside those areas specifically demarcated by Welsh Government for energy generation to meet the national need.

2.6 Our assertion that this scale of on shore wind development cannot be justified as nationally important is effectively endorsed by recent statements published in the House of Commons "Planning for Onshore wind" Briefing Paper¹, in relation to the UK Energy bill 2015, which removes installations above 50MW from the NSIP determination process. This Briefing paper states that

*"...in the Queen's speech, on 27 May 2015, an **Energy Bill** was announced, which (among other things) would remove onshore wind farms of over 50 megawatts in size from the nationally significant infrastructure project development consent regime, as established by the Planning Act 2008."*

2.7 It continues

"..Under the Bill onshore wind would no longer need development consent from the Secretary of State and would instead require planning permission granted by the relevant local planning authority. "

¹ House of Commons Briefing Paper No 04370, 29th June 2015

2.8 The Westminster Government's Background Notes to this statement, provides further information and clarification on this matter, in particular

- *The Bill would make legislative changes to remove the need for the Secretary of State's consent for any large onshore wind farms (over 50MW).*
- *This, in effect, would devolve powers out of Whitehall by transferring the existing consenting powers, in relation to onshore wind, to local planning authorities.*
- *This will mean that in future the primary decision maker for onshore wind consents in England and Wales will be the local planning authority. These changes will be supported by changes to the national planning policy framework to give effect to the manifesto commitment that local communities should have the final say on planning applications for wind farms.*
- *These changes would not impact on the planning regime in Scotland and Northern Ireland*

2.9 It is therefore clear from the above that

- 50+MW onshore wind energy proposals can no longer be considered to be nor classified as Nationally Significant Infrastructure Projects.
- Their determination by the UK National Government by virtue of them being in the national interest, is no longer deemed necessary or justified.
- The classification of 25 - 50 MW onshore wind schemes as Developments of National significance in Wales, will totally contradict the overarching priority presumption which this new national consideration now introduces, by virtue of this provision having come into force on June 18th 2015.

2.10 It therefore follows from the above, that it is impossible to imagine how 25-50 MW onshore wind energy schemes in Wales can be classified as Developments of National Significance whilst those with a larger generating capacity are no longer regarded as Infrastructure projects which are of National Significance and therefore do not need to be determined by the Westminster Government.

2.11 The inclusion of 25-50 MW energy generating schemes within the scope and suggested procedures for the determination of DNS schemes in Wales, is therefore totally unfounded.

2.12 It will likewise be procedurally illogical and democratically unsound for Local Authorities to be responsible for the determination of on shore wind schemes with a

generating output greater than the 50MW threshold and any infrastructure associated with them, whilst those below this threshold, are not and determined out with the local democratic processes and jurisdiction of the Local Planning Authority.

2.13 If this category of scheme is included within the definition of DNS, then schemes of less than 50MW in Wales will be effectively attributed higher “strategic status” than those above this threshold. This will result in these lower order renewable energy schemes of less than national importance being determined through the Welsh Government national process specifically set up to deal only with developments which are nationally important. We repeat such an arrangement is illogical

2.14 We therefore do not accept as stated in para 2.3 of the Consultation document, that onshore wind generating schemes with an output of between 25-50MW can be considered as

*“...those which will be of **greatest significance to Wales because of their potential benefits and impacts...**” (our emphasis added)*

2.15 CPRW therefore strongly objects to and challenges the logic and justification for including onshore renewable wind energy proposals between 25-50MW, within the definition and scope of schemes to be classified as Developments of National Significance.

2.16 We contend their inclusion as DNSs is unjustified, technically inappropriate, procedurally unsound and democratically inconsistent. This category of DNS should therefore be removed.

Variations to the scope and definition of schemes classified as DNS

2.17 Notwithstanding the views expressed above, CPRW is also concerned that the scope and definition of projects having DNS status and the inclusion of additional categories of such schemes within this classification in the future, remains at the sole discretion of Welsh Ministers.

2.18 We contend that any changes or additions to the list of DNSs prescribed in the relevant Regulations should be open to scrutiny by the public and subject to detailed consideration thereafter by the National Assembly for Wales, prior to their approval for inclusion on this list by the Minister. Without this safeguard there will be no obvious transparency or democratic accountability in this critical element of the revised planning processes.

DNS proposals included in the NDF

2.19 CPRW also notes that projects can be also be classified as DNSs by virtue of their inclusion in the proposed National Development Framework to be prepared by Welsh Government. Subsequent detailed development proposals would then be automatically determined by Welsh Minister through the new DNS proposals process.

2.20 Where such proposals are to be embedded in the National Development Framework, CPRW contends that in principle and prior to their inclusion in the NDF, the environmental implications of any such proposal must first be independently appraised and reported upon as part of the broader SEA and HRA process of evaluating the acceptability of the plan as a whole.

2.21 It would in our opinion be perverse if there was no mechanism to ensure that a proposal promoted by Welsh Government and then included in the NDF was automatically assumed to be sound or acceptable when detailed planning consent was being sought for it through the processes set out in this consultation paper.

2.22 We therefore

- do not accept, that any DNS infrastructure project should be included in principle in the NDF unless it can be demonstrated to environmentally sound and acceptable.
- do not accept that the inclusion of any DNS in the NDF, automatically precludes such a scheme prior to its implementation, from being subject to the same degree of consultation, evaluation and scrutiny as any other “windfall” DNS that is not included in the NDF would be subject.

2.23 It is our view that all DNS applications must be subject to the same degree of detailed scrutiny to ensure that their environmental implications are fully understood both in principle and in terms of the impact they might have on the ground if implemented.

2.24 We therefore contend any future Regulations relating the any type of DNS must make this requirement explicitly clear.

DNS proposals affecting nationally designated landscapes

2.25 CPRW also believes that specific mention and greater clarity should be included in the relevant Regulations with regards to the manner in which DNS within any nationally designated landscape will be determined.

2.26 In such instances and in accordance with existing legal provisions and national planning policy, all DNS proposals along with any Major Development proposals, must continue to be subject to the established SILKIN Test.

2.27 We would therefore expect any new Regulations to include specific provisions explaining that all DNS proposals (as well as Major developments) in nationally designated landscapes must comply with the requirements of this Test and in particular justify why they can only be located within that designated landscape.

The national significance of enhancing Wales Green Infrastructure.

2.28 The significance of Wales' Green and Blue infrastructure and promoting its connectivity, is accepted as a priority by Welsh Government and one of the important approaches it wishes to adopt in managing Wales' natural resources to achieve a more sustainable approach to development and land use change in Wales in the future.

2.29 Whilst CPRW recognises that it is unlikely that any initiative to promote this approach is in itself likely to result in any individual development proposal which would be considered as being of national significance, we contend that the National Development Framework should recognise green infrastructure spatially as being of national importance and therefore include policies and which facilitate its encouragement, provision and the enhanced connectivity of these networked areas across Wales.

2.30 High value environments and landscapes which are currently internationally recognised as being of national significance such as National Parks, AONBs or other nationally designated conservation areas, we believe for example should form a fundamental and strategic spatial component of such a green infrastructure network in the forthcoming NDF.

2.31 Their inclusion within the NDF would by implication afford them special status and qualify them as "material planning considerations" when assessing the implications of any other DNS proposals affecting those areas. If the NDF is to promote a truly sustainable approach to developments of national significance then it is clear that the values and hence integrity of any nationally important landscapes or NDF adopted Green infrastructure should not be compromised or significantly prejudiced by the consequential impacts of any other DNS proposal.

Q2: Do you agree with this proposed approach for determining secondary consents? If not, why not?

3.1 CPRW agrees with this proposal in principle, but considers that any relevant secondary consents relating to a DNS proposal should be defined and agreed with the relevant authorities as early in the determination process as possible.

3.2 Thereafter those which have been identified for co determination should be made publically known and appropriately advertised as being constituent elements

of the relevant DNS application. This decision should be agreed by the various parties at a predetermined point in time in the pre application procedure, thereby enabling the public and interested Third parties to be made fully aware of the full scope and range of issues under consideration in the DNS application process.

3.3 We also contend that applications for “associated development” considered necessary for the DNS project to be viable should also be considered at the same time as the main application. In certain instances associated development has been considered more environmentally damaging than the main development, but because the former has already been granted planning permission this has preconditioned the acceptability of the associated development.

3.4 We therefore contend that all primary and consequential components of a DNS proposal must be evaluated as part of the same process, or at the very least, associated development proposals are consulted upon at the pre-application stage so that third parties and statutory consultees are fully appraised of the overall scope of any DNS proposal.

Q3: Do you agree that the Inspector may determine the procedure for secondary consents? If not, why not?

4.1 CPRW agrees with this proposal

Q4: Do you agree with the proposed list of secondary consents in Annex B? If not, why not?

5.1 CPRW agrees with the consent procedures included in this initial list but on the proviso that it may need further refinement.

5.2 We are however less clear as to the exact nature and the suggested implications for dealing with any proposal which would be categorised as a “development associated with the primary DNS”. As mentioned in response to Q2, we believe that any such additional associated proposals which are required to enable or facilitate the operational implementation of a DNS proposal, should form part of that scheme and the detailed evaluation of its implications form an integral part of the process for considering the acceptability of the primary DNS scheme in its entirety.

Q5: Do you agree with the minimum requirements for the notification of a DNS? If not, why not?

6.1 CPRW agrees the suggested minimum requirements are adequate.

6.2 We are however less clear as to the ability of PINS to be able to fulfil the proposed requirement to provide impartial “*Non binding advice on the merits of the proposed scheme*” (para 4.7) if a DNS scheme has already been included in the proposed National Development Framework and hence by implication has effectively already been endorsed in principle by Welsh Government.

6.3 We contend therefore that no matter how any DNS is derived or defined, all such schemes must be subject to the same level and degree of transparent scrutiny, comprehensive and objective evaluation procedures, by all the relevant statutory interests including PINS.

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?

7.1 In principle yes but where there is a need or requirement to provide adequate, contemporary or seasonally defined environmental information, the developer should be required to ensure this is available before the end of the relevant 12 month period.

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?

8.1 Whilst recognising the range of publicity being suggested, we believe that the proposed period of response for communities and statutory consultees to what inevitably will be complex proposals, often supported by lengthy and detailed data and technical information should be extended to 42 days (6 weeks) rather than the proposed 28 days.

8.2 We support the production of a “Pre application consultation report” in particular the section which requires the developer to provide a detailed explanation of how they have responded to issues or the consequences of the scheme in relation to matters of concern raised by any public representations associated with the proposal.

Q8: Do you agree with our proposals for the advertisement of an application for DNS? If not, why not?

9.1 Yes

Q9: Do you agree with our proposals regarding statements of common ground? If not, why not?

10.1 CPRW is disappointed that Third party non statutory bodies or organisations rarely have any involvement in discussions or the opportunity to contribute to the production of Statements of Common ground. The ability to contribute to this process we believe provides an opportunity to flush out any unforeseen matters which could be either acceptable or contentious and might only come to light or be recognised later in the determination process.

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?

11.1 Subject to all the environmental information having been submitted to the standard required and no alterations being made to the application, we again suggest that given the inevitable complexity of most DNS proposals, a six week period for response is more appropriate.

11.2 If alterations to the proposal have been made as a result of the outcomes of pre application consultations, then we believe there should be flexibility within the process to enable the response period to be extended to enable the statutory consultees to have any additional time they require to provide a comprehensive response. We do not believe that the quality of a response should be compromised by the need to respond within an unduly restrictive time period.

Q11: Do you agree with our proposals for the amendment of schemes for DNS? If not, why not?

12.1 We note that the consultation paper indicates that there will be *“a single opportunity for the applicant to submit amendments to a scheme”*

12.2 CPRW agrees that permissible amendments to a scheme following its submission for determination should only be allowed if they are either minor and/ or minimal. We also contend that the developer should be required to provide a detailed explanation of what has prompted the desired amendment and why they consider it is now justified.

12.3 We are aware of numerous examples of large scale development proposals being significantly revised or amended late in the determination process or even worse additional supplementary environmental information being presented by developers to substantiate their case long after the application has been submitted. We consider this unprofessional practice and totally inappropriate especially when these circumstances make it even more demanding and often impractical for interested parties to be able to respond in a timely manner or challenge this detail.

12.4 We are aware for instance of circumstances where changes or additional information has been presented not only well after the submission of the proposal for determination but in certain instances even later, prior to or even during Appeal proceedings .

12.5 Such procedures are totally unacceptable and undermine the credibility of the planning process not to mention disadvantaging those charged with making timely and objective assessments of the impacts and consequences of the scheme.

Q12: Do you agree 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.

13.1 CPRW agrees with this proposal, on the proviso that the Inspector is satisfied that all the relevant information required to determine the application has been provided.

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?

14.1 CPRW agrees with this proposal

Q14: Do you agree that the applicant is only required to submit paper copies of applications for DNS to the Planning Inspectorate and LPA(s) within which the DNS is located? If not, why not?

15.1 We believe that within reasonable limits, complete copies of any final DNS proposal should also be made available in an appropriate public place in close proximity to the proposal site, so that any member of the public has the opportunity to consider its detail and respond accordingly.

15.2 We also contend that any party which has made a representation in respect of a DNS proposal should be provided with or have access to a copy of the Pre application Consultation report in order to establish how their representation has been considered and responded to and to be able to access the details of any revisions to the proposal, so as to establish if the proposal has been amended to reflect their concerns.

15.3 We believe the developer should therefore be required to notify anyone who has submitted a representation which has subsequently resulted in an amendment to the scheme, of the changes their representation have prompted.

Q15: Do you agree with the minimum requirements for Local Impact Reports? If not, why not?

16.1 Whilst we recognise the scope of the LIR should require as a minimum, the elements suggested in para 6.14, we find it difficult to see how the Authority in completing their technical assessment of the impact of the proposal will be able to do so in a meaningful way without providing some objective and value judgement of its impacts.

16.2 This will clearly be the case in instances where any local assessment of the impacts of a proposal on the visual or landscape character of an area are a key factor. We believe an Authority would be failing to fulfil its role if they did not provide such a judgement.

16.3 Likewise there are also often likely to be circumstances where an Authority will be required to provide a value judgement of a project's impacts, when their response is based on advice as to the acceptability of the proposal, provided to them by other statutory bodies. There will be circumstances where the impacts of a proposal require a local judgement for instance in terms of their impacts on the visual or landscape character of an area, on community interests, or need to be consistent with approaches taken previously in relation to other development proposals of a significant scale or nature.

16.4 We feel therefore that it is unreasonable that a Local Authority should be unable to make objective value judgements regarding the impacts of any proposal if they consider the proposal would have a detrimental impact on something which is material to its acceptability.

16.5 We therefore suggest this issue should be reviewed and greater clarity provided in future Regulations as to precise scope for Local authorities reporting on the issue of local impacts. Without this ability to respond in a comprehensive and open manner, the process of evaluation will be distorted.

16.6 Though not specifically mentioned in the consultation document, we also believe that Local Authorities should also be required to produce an LIR for any DNS which is included in the NDF and which is subsequently proposed for implementation.

16.7 In terms of ensuring transparency we strongly believe it is important that any LIR submitted by an LPA should be available for others to consider and provision made within the procedures for third party interests to have the opportunity to offer their objective response to PINS to any judgements made by the LPA in their LIR statement

16.8 Although the consultation document refers to the anticipated scope of the LIR in terms of relevant topic based issues, it is unclear whether this Report should also include the Authority's views regarding the implications of any issues associated with any relevant secondary consents or associated developments. Clarification on these matters is therefore needed.

Equally we anticipate that the final provisions relating to the production of LIRs will include provisions enabling the public and Third Parties to make representation to the relevant Local Authority on issues which are of particular concern to them.

Q16: Would you consider 5 weeks an appropriate timescale within which to provide a local impact report? If not, please suggest appropriate timescales.

17.1 As mentioned above whatever the prescribed period during which the LPA will be required to produce their LIR, we believe it is not unreasonable that an additional period of 3 weeks is then allowed in the determination process for Third parties to be able to comment on the soundness and comprehensive nature of the submitted report.

Q17-Q20

18.1 CPRW offers no comment on these issues

Additional issues

19.1 CPRW notes that the Consultation document does not cover a number of additional but important issues

Transitional arrangements

19.2 We note that no mention is made of the transitional arrangements which will prevail once these new provisions come into force, for the determination of developments of national significance which have already been proposed in principle or previously submitted for determination.

19.3 We believe the Regulations should prescribe when these new provisions will come into force and how any existing or proposed schemes will be dealt. We believe that measures should also be taken to avoid premature or ill-conceived schemes being submitted prematurely in order to circumvent any anticipated new requirements and procedures.

DNS affecting marine areas

19.4 We further note that the consultation document does not explain how proposals of potential national significance will be dealt with where they straddle or have significant implications across the administrative domains and territorial divide between land and sea.

19.5 CPRW trusts that our comments prove helpful and confirm that its comments can be made available to others if so required. In the meantime, I would be grateful for your acknowledgement of the safe receipt of this submission and in due course welcome sight of your response to the representations you receive to this important document.

Thanking you in anticipation.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ogden". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Peter Ogden
Director

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Anne Dugdale	
Organisation	Renewable Developments (Wales) Ltd	
Address	Unit 10 Capel Hendre Industrial Estate Ammanford Carmarthenshire SA18 3SJ	
E-mail address	anne@rdwales.co.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input 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"/>

Comments:
Following the proposed devolution of planning powers for onshore energy generating stations of between 50 and 350MW capacity, the upper threshold should be extended to 350MW.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

Q4	Do you agree with the proposed list of secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Additionally, the following consents should be included: <ul style="list-style-type: none"> - mitigation licences for European protected species - Flood Defence Consent and/or Ordinary Watercourse Consent - Consent to Discharge 				

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Screening/scoping should follow notification of a DNS. The provision of a scoping opinion is a key stage requirement of the application process and can involve significant input from PINS. The proposed procedure as set out in 4.20 does not seem workable, as it would mean that scoping opinions would be requested prior to PINS resources being allocated.				

Consultation reference: WG25023

In order to avoid stakeholders being made aware of the proposed development via the PINS notification, there should be a defined period before PINS places notifications on a publically-accessible website to allow the developer to first undertake preliminary local stakeholder engagement.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: We cannot see any valid justification for restricting the period for notification remaining valid. Certain types of development, for example onshore wind farms, require extensive baseline studies to be undertaken which are unlikely to commence until after notification/pre-application advice. Such studies normally take at least 18 months to complete and encompass at least two summer seasons of surveys.				

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The proposal (4.24) that developers should consult on a full copy of the planning application is unworkable, since how should feedback be incorporated if the application is already complete? It would be more practicable to consult on a draft application (similar to the 'Preliminary Environmental Information' required by the Planning Act 2008) which would allow stakeholder feedback to be incorporated.				

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

Consultation reference: WG25023

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposals regarding statements of common ground? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: SoCG are often very difficult to procure in a timely way. Further guidance on this matter would be welcomed.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: This period is considered adequate given that there will have been extensive pre-application consultation.				

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: We agree that the current proposals appear to strike a good balance that will allow the optimum scheme to be examined.				

Consultation reference: WG25023

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
This is acceptable subject to the need to allow for technical appendices				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: An important consideration in this regard is whether LPAs would require the LIR to be agreed by members, eg. planning committee. It is clear from the explanation in para 6.13 that this is not the intention and that the LIR should be technical and factual; however, under the DCO system, LIRs are commonly required to be approved by committee before being submitted to PINS. We would suggest that the guidance to LPAs make it clear that the LIR stands in place of a report to committee, and does not require member approval.				

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 type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG25023

		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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: - Pre-application advice (para 4.11/ 4.13) should be available via meetings as standard rather than written. - Design and Access Statements (para 5.3) should not be a requirement other than for DNS schemes where the major element of the scheme is/are building/s - The validation period for applications (para 5.6) seems excessive: the similar DCO regime under the Planning Act 2008 allows only 28 days for all projects. - With regards to the Examination process, we consider that the use of Open Floor Hearings works well under the DCO regime, giving local residents the opportunity to speak directly to the Inspector. A similar system could usefully be employed under the DNS regime and would help PINS to restrict participation in hearings and/or inquiry proceedings on issue specific subjects, in which (as			

Consultation reference: WG25023

described in para 5.47) participation will be at the invitation of the Inspector only.

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

Consultation reference: WG25023

How to Respond

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Email
<p>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.</p>
Post
<p>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</p>
Additional information
<p>If you have any queries on this consultation, please: email: planconsultations-g@wales.gsi.gov.uk ; or telephone: Lewis Thomas on 029 2082 3201</p>

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"/>

Comments:

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).

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"/>
Comments: The requirements are reasonable subject to the timescales being extended as set out in the response to Q16				

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"/>
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.				

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"/>
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				

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

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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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Marcus Goldsworthy	
Organisation	Vale of Glamorgan Council	
Address	Cf634RT	
E-mail address	MJGoldsworthy@valeofglamorgan.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 type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>The Council is not convinced that, given the powers that already exist for the Minister to 'call-in' applications which are considered to be of more than local interest, there is a need for this power which will deal with only a very limited number of applications.</p> <p>Moreover the LPA is concerned about the democratic deficit and lack of local scrutiny that will result from this removal of these applications from consideration by the 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:
See above

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

Comments:
How do LPAs provide views on secondary consents - would this be part of the Local Impact Report?

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

Comments:
Annex B definitions are broad and as a result there are reservations as to how wide the net could be cast with the result that more decisions are made centrally rather than locally as the Welsh Ministers have the powers to 'call in' an identified type of secondary consent if they consider it to be connected with an application for DNS.

It is noted that paragraph 3.14 states that any changes to the list will be subject to further consultation.

Q5	Do you agree with the minimum requirements for the notification of a	Yes	Yes (subject to	No
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Consultation reference: WG25023

	DNS? If not, why not?		comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The proposals do not go far enough and we would like to see developers undertake a greater level of consultation including attending meetings to explain the proposals rather than just site notices, letters and press notices. We would like to see that developers place a copy of the consultation report on an accessible website and are required to notify all respondents that the report is available - this should be done independantly of 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Requiring LPA to erect notices will create confusion in the eyes of the public and				

Consultation reference: WG25023

will involv the LPA in additional expenditure.

Q9	Do you agree with our proposals regarding statements of common ground? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: The proposals are too vague and the LPA requests further guidance on SoCG and and that LPAs be involved in the drafting of this guidance.				

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: If as is often the case with planning applications submitted to LPAs, all the required/requested information is not available to the statutory consultee, the 5 week time period is unrealistic. Historically, delays have occurred when the applicant has not provided the necessary information to enable the statutory consultee to fully assess and comment on the application.				

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Experience has shown that sometimes changes made to a scheme following comments from a statutory consultee/third party may make the development less acceptable to another. There should be flexibility to aim for the best scheme rather than discouraging amendments.				

Consultation reference: WG25023

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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 type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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: Paper copies should be made available at all times (as is required of LPAs), as some third party organisations may not have access to the relevant software to easily read complex documents and drawings.				

Consultation reference: WG25023

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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"/>
Comments: Given the nature of DNS, it may be necessary to commission specialist reports to be able to adequately assess the local impact. Who's responsibility will this be? Should these be identified and requested at the pre-application stage? If they are not available to the LPA undertaking the LIR should LPAs in the LIR flag up the need for more topic based assessments which PINS will then request or commission? If LPAs are to commission, 5 weeks is not a sufficient timeframe and they should be suitably reimbursed.				

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"/>
Comments: This answer is predicated on the basis that the LPA will be aware of the application prior to validation ie at pre-application stage to enable work on the LIR to commence.				

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 type="checkbox"/>	<input type="checkbox"/>
Comments:				

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: LPAs should be involved in determining the fixed fee. As this is a new requirement, the fee level should be subject to revision in case an adjustment to the fee is required. The fee should be based on an equivalent planning application fees.				

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: What about agreeing formal extension to the 5 weeks with PINS. Also in paragraph 6.21 it states that the LPA will receive a portion of the application fee. What proportion would this be and how will this be set. We assume that this will cover all costs not just the preparation of the LIR, ie it will cover adding to planning register, site notices etc. Also will LPAs charge the applicant direct for discharge of conditions etc.				

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:				

Q21	Do you have any further comments to make in relation to our proposals for DNS?	Yes	No
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Consultation reference: WG25023

		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>In para 4.13 it states that PINS and LPAs will respond to pre-application requests. Will this be co-ordinated so officials from both organisations are both present at a pre-application meeting or if a letter should there be a requirement for both organisations to share copies of correspondence and any meeting notes if both organisations do not attend. Will LPAs charge the applicant directly for pre-application advice and will this be a statutory set fee or set by the LPA?</p> <p>We note that WG will producing guidance on the production of LIRs, the LPA would suggest that it will be essential that all LPAs are included in the drafting process to ensure the documents are meaningful as clearly some Councils have already been involved in the NSIP process.</p> <p>Will LPAs be involved in the drafting of conditions as they will be responsible for discharging the conditions and removal or variation of conditions- should be noted that the Planning Inspectorate do not have a great track record for imposing enforceable consditions and regularly use condition which do not comply with circular advice.</p>			

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Consultation reference: WG25023

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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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Jonathan Cawley	
Organisation	Planning Officers Society Wales	
Address		
E-mail address	jonathan.cawley@eryri-npa.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Comments:
We welcome that the thresholds mirror those used under the NSIP regime in England as this will add greater consistency in dealing with significant development proposals. We also welcome that the thresholds are not 'set in stone' but are to be "kept under constant review" to allow changes in emphasis (or subsidies).

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: We agree but would highlight potential issues if PINS are not adequately resourced				

Q3	Do you agree that the Inspector may determine procedure for secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: How do LPAs provide views on secondary consents - would this be part of the LIR?				

Q4	Do you agree with the proposed list of secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Annex B definitions are broad and as a result we have reservations regarding how wide the net could be cast. The result being that more decisions are made centrally rather than locally as the Welsh Ministers use the powers to 'call in' an identified type of secondary consent if they consider it to be connected with an application for DNS. We note that paragraph 3.14 states that any changes to the list will be subject to further consultation.				

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: It is not clear from the consultation document whether the LPA could potentially				

Consultation reference: WG25023

be approached separately by a developer, who may at an early stage not be certain that his proposals constitute DNS, in which case the process of pre-app advice might be started by a LPA, then to be transferred to PINS?

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:				

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: The proposals are a minimum and we would like to see developers undertake a greater level of consultation including attending meetings to explain the proposals rather than just site notices, letters and press notices. We would like to see that developers place a copy of the consultation report on an accessible website and are required to notify all respondents that the report is available.				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Will the LPAs be fully reimbursed for the erection of site notices? With regard to publicity on the application it should be noted that most LPAs are striving to undertake publicity electronically and any service required of LPA's should recognise and accommodate this.				

Consultation reference: WG25023

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Q9	Do you agree with our proposals regarding statements of common ground? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We look forward to further guidance on SoCG and POSW requests to be involved in the drafting of this guidance.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We assume that all the required/requested information will be available to the statutory consultee to enable a substantive response within the 5 week time period, otherwise we would suggest that this timeframe is unrealistic. Historically, delays have occurred when the applicant has not provided the necessary information to enable the statutory consultee to fully assess and comment on the application. Will PINS chase up statutory consultees or proceed without all responses after the 5 week deadline has expired? Late responses post submission of an application could result in significant changes to a scheme requiring a further round of consultation.				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Experience has shown that sometimes changes made to a scheme following				

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comments from a statutory consultee/third party may make the development less acceptable to another. There should be flexibility to aim for the best scheme rather than discouraging amendments.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Imposing a word limit is considered too rigid. Failure to take information into account based on the imposition of a word limit could leave any ensuing decision highly vulnerable to challenge.				

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"/>

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Comments:
Paper copies should be made available on request, as some third party organisations may not have access to the relevant software to easily read complex documents and drawings.

If paper copies of applications are located for viewing at LPA offices, will LPAs be recompensed as this service, on more complex applications, could tie up officer time on explaining the documentation and plans.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Given the nature of DNS, it may be necessary to commission specialist reports to be able to adequately assess the local impact. Who's responsibility will this be? Should these be identified and requested at the pre-application stage? If they are not available to the LPA undertaking the LIR should LPAs in the LIR flag up the need for more topic based assessments which PINS will then request or commission? If LPAs are to commission, 5 weeks is not a sufficient timeframe and they should be suitably reimbursed.</p> <p>It is highly likely that the LIR, which reflects the LPA's opinion at this stage of the process, will need to be endorsed by the relevant Committee (as in most LPA's it is unlikely to be a delegated matter). Therefore to comply with committee cycles 5 weeks is not sufficient.</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 checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: This answer is predicated on the basis that the LPA will be aware of the application prior to validation ie at pre-application stage to enable work on the LIR to commence.</p> <p>See answer to Q15</p>				

Consultation reference: WG25023

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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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
It seems slightly odd that there should be two fee regimes relating to what, at the end of the day, is a planning application. Also we note the intention for the fee set to be full cost recovery and ask whether this principle will, in the future, be applied to all planning applications.

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:
LPAs should be involved in determining the fixed fee. As this is a new requirement, the fee level should be subject to revision in case an adjustment to the fee is required. Paragraph 7.20 refers to an average cost. Given that DNS applications are likely to vary considerably and that there is not expected to be a high number of applications, we would questions whether an average is appropriate?

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:
There should be an opportunity for the LPA to agree an extension to the 5 weeks with PINS. Also in paragraph 6.21 it states that the LPA will receive a portion of the application fee. What proportion would this be and how will this be set. We assume that this fee will cover all costs not just the preparation of the LIR, ie it

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will cover adding to planning register, site notices etc. Also will LPAs charge the applicant direct for discharge of conditions etc.

There may be good reason why the LPA cannot comply with the 5 weeks and the potential reduced payment is not welcome as the LPA will still incur costs and these need to be funded. It is not a matter of the LPA seeking financial reward for the LIR but a matter of practicality in these difficult financial times.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: It is right that any costs incurred should not be refunded.				

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: In para 4.13 it states that PINS and LPAs will respond to pre-application requests. Will this be co-ordinated so officials from both organisations are both present at a pre-application meeting or if a letter should there be a requirement for both organisations to share copies of correspondence and any meeting notes if both organisations do not attend. Will LPAs charge the applicant directly for pre-application advice and will this be a statutory set fee or set by the LPA? We note that WG will producing guidance on the production of LIRs, POSW would request to be involved in the drafting of the guidance as a number of LPAs have valuable experience with the NSIP process which can inform this work. Will LPAs be involved in the drafting of conditions as they will be responsible for discharging the conditions and removal or variation of conditions. Paragraph 5.52 lists matters to be taken into account in decisions, with regards national planning policy, should this reference PPW not NDF as surely NDF is part of the statutory development plan listed in the following bullet point? If planning permission for a scheme is granted subject to conditions, decision			

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letters should clearly state the reasons for imposing each condition. This will assist the LPA when it receives an application to discharge those conditions.

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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Mr Cliff Lewis, Town Clerk	
Organisation	Barry Town Council	
Address	7 Gladstone Road Barry Vale of Glamorgan CF62 8NA	
E-mail address	info@barrytowncouncil.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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:				

Consultation reference: WG25023

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: To ensure that the process fits with established meeting dates particularly of smaller local community councils an extended period of consultation is appropriate.				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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:				

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: If a limited period of consultation is to be imposed the ability for other interested parties to receive information as soon as possible in electronic form is essential.				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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"/>
Comments: As the Town Council is arguing for an extended period of 6 weeks for consultation it would be consistent if the timescale for the submission of a local impact report was the same - for the avoidance of doubt.				

Consultation reference: WG25023

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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"/>

Consultation reference: WG25023

Comments:

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

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

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Tim Stephens	
Organisation	Caerphilly County Borough Council	
Address	Ty Pontllanfraith Pontllanfraith NP12 2YW	
E-mail address	stepht@caerphilly.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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: These schemes are of a significant scale, rare, and not of a type regularly seen in Caerphilly borough. These thresholds appear sensible and realistic.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Yes, this would appear to be a sensible approach in terms of providing an efficient and comprehensive service to developers.</p>				

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"/>
<p>Comments: Yes, again this seems sensible in terms of providing a one-stop shop.</p>				

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"/>
<p>Comments:</p>				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Yes, although this is more a matter for PINS than the LPAs.</p>				

Consultation reference: WG25023

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, but there should be a quick way of extending the period if there have not been any substantial changes to the application.				

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, but the emphasis should be on the applicants making all arrangements for the provision and accommodation of the consultation material, the provision of supporting personnel to give advice to the public, and the reception of all comments. None of the burden should fall on 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q9	Do you agree with our proposals regarding statements of common ground? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, but as this will involve the use of resources by the LPAs, it should be subject to a fee.				

Consultation reference: WG25023

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Yes, but this will have resource implications for the LPAs: those who choose to view the plans at the LPAs' offices will inevitably expect information and support from their staff.				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG25023

Comments:
Yes, initially, but whilst respecting the need to comply with a timetable, there should be scope for discussion between PINS and the LPAs to allow flexibility where required.

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"/>

Comments:
This is a matter for the development industry.

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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
This requires further discussion between LPAs and WG. PINS will charge on an hourly rate, and so their fee will reflect the complexity of the proposal. The fee paid to the LPAs should reflect that variability; a percentage of the PINS fee would be more equitable.

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:
No. LPAs should be committed to fulfilling the appropriate deadlines, but even if they don't, they will still have to carry out the work involved. Withholding fees will set an unfortunate precedent for other fee regimes.

Consultation reference: WG25023

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:
This should be considered with LPAs in the context of other fee regimes. LPAs have to validate planning applications on a daily basis. If it is intended to effectively charge for that work during the DNS process, consideration should be given to introducing it for all planning processes.

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

Comments:

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

Consultation reference: WG25023

How to Respond

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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.
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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



FAO: Lewis Thomas
Developments of National Significance Consultation
Decisions Branch
Planning Directorate
Welsh Government
Cathays Park, Cardiff
CF10 3NQ

06th August 2015

Dear Mr. Thomas,

Developments of National Significance Consultation Response: BT Wales

BT Wales believes that a well-functioning planning system is essential to achieving sustainable economic growth in Wales. As such we welcome the legislative action undertaken by the Welsh Government – and supported by the National Assembly for Wales – to introduce the Planning (Wales) Act 2015.

Through telecommunications infrastructure projects such as Superfast Cymru, we are acutely aware of the magnitude an efficient and effective planning system has upon our ability to deliver a cohesive national network. Under the previous legislation we have consistently undertaken extensive public consultation work to ensure our infrastructure is installed with the greatest possible public support. Furthermore, we openly engage with planning authorities; businesses; residents; and community groups to make reasonable adjustments to our plans to build further support and best deliver for a specific area. This is made possible with fixed broadband infrastructure given that each individual development (such as a Cabinet) covers only a small area - often within a single planning authority.

A critical factor which has been to our benefit in recent years is 'The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014'. The decision within that amendment to relax the prior approval application requirement in A.2(4) (a) of Part 24 (as it applies in Wales) of the GPDO in relation to certain apparatus used by Electronic Communications Code Operators on article 1(5) land for the provision of fixed-line broadband and make new provision in its place has enabled BT to remain on target with the Superfast Cymru rollout. As such we would like to take this opportunity to highlight that the current Amendment will expire on 30th May 2018.

While the Superfast Cymru programme is due to be completed by this date we feel it would continue to be beneficial to readdress this date to enable future improvements to Wales' fixed broadband infrastructure network. Currently there is no expiry date (sunset clause) in equivalent legislation in Scotland. The date remaining in Wales could act as a disincentive to investment beyond May 2018 in all sectors (including mobile infrastructure) where it applies.

BT Wales / BT Cymru
pp 2ND Floor / Llawr 2
T Cynnal / T Cynnal
Watkiss Way / Ffordd Watkiss
Ely Fields / Meysydd Elai
CARDIFF/CAERDYDD
CF11 0SW

VOIP tel/ffôn: 0121 498 8060
fax/ffâcs: 029 2039 4467
e-mail/ebost: ann.beynon@bt.com

We appreciate that a requirement for planning authorities to consider and approve minor uncontroversial types of developments (such as the location of one of our Cabinets) is not an effective way of regulating developments and can impose unnecessary costs and delays. However, were the Developments of National Significance (DNS) parameters to be set too broadly, then the risk exists for developments to be approved centrally which do not enjoy local support. In addition, the sheer number of applications we make to deliver projects like Superfast Cymru across Wales runs the risk of placing significant capacity pressure on the Minister/Planning Inspectorate.

Given this, while we argue that fixed broadband telecommunications infrastructure are clearly nationally significant developments, we do not feel that it is necessary to define them as DNS within the terms set out by this consultation at the present time. We would instead rather see the changes to permitted development rights enacted by 'The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2014' extended beyond 30th May 2018 for the benefit of future fixed and mobile broadband infrastructure investment security.

Yours sincerely,

A handwritten signature in black ink that reads "Brendan Dick". The signature is written in a cursive, slightly slanted style.

Brendan Dick
Managing Director, BT Regions

BT Wales / BT Cymru
pp 2ND Floor / Llawr 2
T Cynnal / T Cynnal
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Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Matthew Hughes	
Organisation	Chartered Institution of Highways & Transportation	
Address	119 Britannia Walk, London, N1 7JE	
E-mail address	matthew.hughes@ciht.org.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

Comments:

Taking a holistic view of developments it seems strange that, while railways of 2km or more in length are included within the scope of the proposals, highways are not. Whilst we appreciate that motorway and trunk road schemes are already determined by Welsh Government, that is not the case for local highway authority proposals. Some such schemes may also be of national significance and their omission seems strange given that the schedule of secondary consents includes acquisition of land in connection with highways. We would therefore suggest that the scope of developments be broadened to incorporate new highways over 2km in length.

CIHT believe that there should be some regard given to the cumulative effect of related schemes which may not individually meet the thresholds but taken as a cohesive package become nationally significant, e.g. a series of improvements along a route, possibly one connecting multiple local authority areas.

CIHT would also question the threshold of a new airport with a capacity of at least 1 million passengers per annum or at least 5,000 air transport movements

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of freight per annum. A project of this size could have considerable impacts on connecting road and rail links. CIHT believes there is a case for considering a lower airport threshold.

Q2	Do you agree with this proposed approach for determining secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>CIHT endorses the objective of including secondary consents within the same consenting regime.</p> <p>The Institution is concerned with the comment in paragraph 3.8, 'the decision on secondary consent may differ from that of the principal application'. This seems to be at odds with the statement in the last sentence of paragraph 3.10 that the process would allow for decisions to be made in a consistent way.</p> <p>A situation whereby the principal application is consented, but the secondary consent is withheld appears to defeat the objective of including secondary consents within the same consenting regime. Further consideration needs to be given to this aspect.</p>				

Q3	Do you agree that the Inspector may determine procedure for secondary consents? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>CIHT agree that the Inspector should determine procedure for secondary consents, but there should be clearly defined parameters for determining such consents. The Institution does have concerns about the resources currently available to the Planning Inspectorate to support the potential increase in workload.</p>				

Consultation reference: WG25023

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

Comments:
CIHT consider that, in certain circumstances, it may well be appropriate to include flood defence consents, flood consequences assessment, hedgerow removal, protected species consents (including badgers, which we understand are covered by separate legislation), and appropriate assessments for schemes affecting Special Areas of Conservation, within the DNS determination process. CIHT would therefore suggest that consideration be given to broadening the scope of secondary consents which may be determined alongside the DNS proposal.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

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:

Consultation reference: WG25023

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: CIHT believe that, for communities, 28 days is insufficient time to study the available documents (potentially having to find time to inspect the hard copies of large plans) and formulate a coherent response. The Institution believe a period of at least 42 days should be allowed, particularly in view of the fact that the developer will have a period of 12 months to refine the proposals.				

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:				

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:				

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"/>

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Comments:
Whilst CIHT appreciate that the period is longer than that allowed in other circumstances, the Institution considers that organisations such as town and community councils, which rely to a significant extent on the spare time of the local inhabitants, will require a longer period to provide a "full statement of case". It must also be borne in mind that such organisations usually only meet on a monthly basis and CIHT therefore believe that six weeks should be the absolute minimum period for responses.

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:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: CIHT suggest that in certain circumstances graphical information may be the most effective form of communication, supplementing a verbal representation. It should also be borne in mind, particularly in view of the UK government's commitment that all public sector construction projects must be BIM Level 2 compliant from 2016, that a 3D Building Information Model may form part of the application and subsequent examination.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: As indicated above, information relating to an application may best be presented by means of a 3D model, and consideration needs to be given as to how the public will be able to view such information without needing specialist software.				

Q15	Do you agree with the minimum requirements for Local Impact Reports? If not, why not?	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

CIHT believe that, in exceptional circumstances, five weeks may be too short a time for a LPA to provide a LIR, and would suggest that provision be made for PINS to extend this period in appropriate cases.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: CIHT suggest that, if PINS are paid a time-based fee for determination of the application, then LPAs should be paid on a similar basis for producing a LIR.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG25023

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:				

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

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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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

07 August 2015

Consultation paper on Developments of National Significance

The Chartered Institution of Wastes Management (CIWM) is the professional body which represents over 6,300 waste and resources management professionals, predominantly in the UK but also overseas. The CIWM sets the professional standards for individuals working in the waste and resources management industry and has various grades of membership determined by education, qualification and experience.

CIWM is recognised as the foremost professional body representing the complete spectrum of the waste and resources management industry. This gives the Institution the widest possible view and, perhaps more pertinently, an objective rather than partial view, given that our goal is for improvement in the management of all wastes and resources.

The Cymru Wales Centre Council of the Chartered Institution of Wastes Management welcomes the opportunity of contributing to the Consultation on Developments of National Significance.

We are supportive of this current consultation, but have no comments to make on the document at this time.

Please continue to send similar documents to us as these are of interest to our members (we forward all the information to them and encourage them to respond) and will be logged in our library accordingly.

Should you have any query with regards to our response, please do not hesitate to contact us.

Kind regards

Celine Anouilh
CIWM Regional Development Officer for Wales

Consultation reference: WG25023

Developments of National Significance		
Date of consultation period: 20/05/2015 – 12/08/2015		
Name	Rhian Jardine	
Organisation	Cyfoeth Naturiol Cymru / Natural Resources Wales	
Address	Ty Cambria 29 Newport Road Cardiff	
E-mail address	rhian.jardine@cyfoethnaturiolcymru.gov.uk	
Type <i>(please select one from the following)</i>	Businesses/ Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" 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"/>

	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
Q1		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Natural Resources Wales welcomes the proposed thresholds and categories of development. We recognise that additional categories of development may be included within the National Development Framework as it develops. We welcome the intention to keep the DNS application categories under review.</p> <p>However, we consider that geological disposal facilities for higher activity waste should be identified as a DNS application category now as this is a type of development that gives rise to issues of national importance.</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:

Natural Resources Wales welcomes the approach for determining secondary consents.

We would welcome the provision of guidance regarding how applicants should approach the issue of Environmental Impact Assessment, Habitats Regulations Assessment and Water Framework Directive procedures arising from submission of connected consents at the same time as a DNS application. We believe that these processes should be considered for the whole project (the DNS application and related consents) where connected /related consents are inextricably linked to the main project.

For the EIA process, we consider that a main project should not be started without the effects of all of the associated development having been subject to a single EIA. Similarly, for the HRA process we consider that the in-combination tests should be applied for all consents related to the main DNS application.

We also consider that a clear process is required regarding the approach to the timetabling of related consents to a DNS application that Natural Resources Wales would determine. We also consider that applicants should be encouraged to parallel track the submission of related unconnected consents with the main DNS application. Natural Resources Wales would welcome the opportunity to support the development of guidance with Welsh Government in our role as a statutory consultee on these issues.

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:

Natural Resources Wales do not have any further comments to make on this issue.

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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: Natural Resources Wales do not have any further comments to make on this issue.				

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: We welcome the reference to Environmental Impact Assessment within the list of minimum requirements. However we recommend that the notification requirements should also require an applicant to notify the Planning Inspectorate when an application is near or within an European Site or impacts on a European Protected Species and/or whether it is near or within an SSSI. This added criteria would provide an early and clear indication to PINS whether an Environmental Impact Assessment and/or Appropriate Assessment and/or European Protected Species licence may be required.				

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Whilst we do recognise it is helpful for all stakeholders to have a finite period for pre-application consultation, our experience with Nationally Significant Infrastructure Projects has been that evidence gathering has in some cases taken 3 or more years prior to a project being submitted to the Planning Inspectorate (PINS). We consider that the 12 month period for pre-application is adequate provided that guidance is prepared to provide clear advice to applicants that				

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pre-application discussions with statutory consultees should start prior to the notification stage.
Natural Resources Wales will develop a pre-application prospectus for applicants setting out the service that we would offer during the pre-application stage and what information we would expect from applicants to enable us to provide a pre-application service to meet the DNS application timetable.

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:
Natural Resources Wales welcomes the principles of the pre-application publicity and consultation requirements. As indicated in our answer to Q6, Natural Resources Wales will develop a pre-application prospectus setting out what information we expect from applicants and the service that we would offer. Whilst paragraph 4.15 of the consultation document states that the applicant will not be able to carry out any formal pre-application discussions with statutory consultees prior to the notification stage, Natural Resources Wales do recognise that informal consultations should and can take place. Paragraph 4.11 states that requests for pre-application services may be made prior to the notification of an application. We consider that guidance should make it clear that applicants should be involved in discussions with Natural Resources Wales at the project inception stage. This will help identify potential issues at the earliest possible stage which provides an opportunity to identify solutions to enable the proposed development to proceed, together with instances where it is clear that there are significant adverse environmental impacts which cannot be mitigated or compensated for.

We welcome the proposed timescale of 28 days for statutory consultees to respond to pre-application consultation. However, as we highlighted in our response to the ‘Frontloading the Development Management System consultation’, we recommend that sufficient time will be required to enable full consideration of supporting technical information, which may include Environmental Reports. We therefore recommend that a minimum of 42 days response time is allowed where an EIA is submitted in support of a DNS application.

To ensure that consultees can maximise the time allowed to them for responding to consultations, all electronic versions of the applications and its supporting data should be available from day 1 of the consultation period. For large applications a number of hard copies of the supporting plans should also be made available to consultees at the start of the consultation period.

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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: We broadly welcome the proposals for the advertisement of an DNS application.				

Q9	Do you agree with our proposals regarding statements of common ground? If not, why not?	Yes	Yes (subject to comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales welcome in principle the approach to Statements of Common Ground. The flexibility offered is helpful and by not having a mandatory requirement to submit a Statement of Common Ground within 5 weeks of validation it puts less pressure on interested parties to agree to a statement when they may not be in a position to do so. We also welcome the emphasis on documenting the status of discussions with regard to common ground within the section 106 statement.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We recognise that the emphasis on front loading in the DNS application process should ensure that most issues will have been resolved prior to the post submission consultation stage. In these circumstances we consider that five weeks is sufficient for consultation responses. However, where an EIA is submitted in support of a DNS application, and where new information has been				

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provided to address issues that have arisen during the pre-application stage, the Planning Inspectorate (Wales) should have more discretion to allow a longer timeframe for submission of full representations in these circumstances.

The amended 2014 European Parliament and Council amendments to the EU Directive 2011/92/EU - The assessment of the effects of certain public and private projects on the environment - which is required to be transposed into UK and Welsh legislation by 2017, will require a consultation period of 'no shorter than 30 days', we suggest that this timescale is used as a minimum for post submission consultation responses.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:</p> <p>Our experience of the current arrangements for Nationally Significant Infrastructure Projects leads us to caution against one round of amendments to an application for DNS. Flexibility is required during the process to enable negotiation to identify solutions to ensure the optimisation of environmental, economic and social outcomes. Furthermore, we often have informal discussions with developers on major applications on issues such as flood risk between the formal submission of information and formal consultation. We believe that the proposals in the consultation should still allow for these types of discussions; developers should still be allowed to have informal discussions with ourselves between the two proposed points at which they can submit information and amendments to PINS (pre-application consultation and post submission consultation). This would help avoid unintended consequences. For example, a developer would be able to check with us that the redesign of a site layout based on the advice of others does not have negative implications for issues we advise on, such as flood risk or protected species.</p>				

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"/>

Consultation reference: WG25023

Comments:
We welcome the principle of 10 working days for the determination of the procedure following closure of consultations and publicity. We note, and broadly welcome, that the selection of procedure will be based on ‘Planning Inspectorate Wales: Criteria for the determination of procedure for appeals and call-in’.
However, given that the workload associated with the DNS process is currently unknown we recommend that the timeframe is kept under review and amended as appropriate based on experience of operating the process.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:
We recognise the drive to keep representations as concise as possible. However, we do not support imposition of 3000 words per topic. For particularly complex issues this restriction places limitations on the matters that can be raised if an issue is unresolved. We consider that rather than an arbitrary limit being placed on the number of words used, which risks the omission of factual and key matters, we suggest that guidance should be provided to interested parties that representations should be kept as concise as possible and that representation up to 3000 words for each topic should be used as a guide only. In our role as a statutory consultee, we would welcome an opportunity to work with Welsh Government to develop guidance on this issue.

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG25023

Comments:
We do not have any further comments to make on this issue.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: We consider that the minimum requirements set out in paragraph 4.9 should add a criteria to require a LPA to consult Natural Resources Wales especially in relation to protected site designations and other environmental constraints. We do not consider that we should be directly involved with the preparation of a Local Impact Report. However, we do consider it would be helpful where there are overlaps between advice that Natural Resources Wales and an LPA provide, that guidance is issued to LPAs regarding what environmental information could be obtained from NRW during the evidence gathering stage of a Local Impact Report. This will help ensure a common evidence base and understanding of environmental impacts. We would welcome the opportunity to work with Welsh Government and LPAs regarding how these overlaps in environmental evidence gathering could be addressed during preparation of Local Impact Reports.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: Natural Resources Wales has no further comments on this issue.				

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	Yes	Yes (subject to comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG25023

not?			
Comments: We do not have any comments to make in regard to this proposal.			

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: Whilst we agree that an LPA should receive a fixed fee for producing a Local Impact Report, we consider that where we have provided advice to a LPA during the evidence gathering stage for a Local Impact Report, we would welcome provision to enable us to receive part of the fixed fee for providing our advice in this regard.				

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: We do not have any comments to make on this issue.				

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: We do not have any comments to make on this issue.				

Consultation reference: WG25023

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"/>
<p>Comments:</p> <p>Natural Resources Wales welcomes the proposals contained in the DNS applications consultation. There are a few areas of the consultation document where we would welcome further discussion with Welsh Government, Planning Inspectorate (Wales) and other public bodies. These issues are:-</p> <p>That guidance should clearly encourage applicants to enter into early engagement with statutory consultees and provide a clear statement to applicants that pre-application with statutory consultees should start at project inception and in the lead up to the notification stage;</p> <p>Consideration of how EIA, HRA and WFD processes should be addressed in relation to intrinsically linked projects;</p> <p>Evaluation of validation criteria for a DNS application to ensure that a DNS application contains an adequate level of environmental information;</p> <p>Parallel tracking of related consents with main DNS application and processes;</p> <p>Clarification of circumstances where Natural Resources Wales may recover its costs in providing non-statutory advice to applicants. At present, no mechanism exists to enable NRW to recover any of its costs associated with consideration of a DNS application;</p> <p>Our role with regard to post- decision matters such as enforcement of planning conditions and section 106 agreements;</p> <p>Guidance for word limits in further representations;</p> <p>The role of Natural Resources Wales in the process of preparing Local Impact Reports, including provision of evidence;</p> <p>With regard to the list of secondary consents, we refer to the consents listed under the Acquisition of Land Act 1981 (sections 19, and 28). Please note that section 13 (Surrender and extinguishment of a right of common) and section 14 (Statutory dispositions) of the Common Act 2006 may also apply and would require amendments to the Register of Common Land to be made for the surrender/extinguishment of rights and deregistration / exchange of land to operate in law;</p> <p>We are unclear whether the intention is to prescribe powers under the Acquisition of Land Act 1981 for the compulsory acquisition of land in all cases. If not, a DNS application involving large upland commons (without compulsory purchase of land) would fall under sections 16 and 17 of the Commons Act 2006. Section 13 of the Commons Act 2006 may apply where common rights are purchased by a developer and then surrendered under a deed of release.</p>			

Annex 1 – Consultation Response Form
Developments of National Significance

Consultation reference: WG25023

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

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7 August 2015

Lewis Thomas
Developments of National Significance Consultation
Decisions Branch
Planning Directorate
Welsh Government
Cathays Park, Cardiff
CF10 3NQ

**Hutchison 3G UK Ltd (Three) Response to Welsh Government Consultation:
Developments of National Significance**

Dear Lewis,

This is Three's response to the Welsh Government's consultation on introducing a new category of 'Developments of National Significance' (DNS) in its planning framework.

We welcome the invitation to respond; not least given the critical role that mobile has to play in delivering digital communications infrastructure across Wales. We also welcome the Welsh Government's ambition to simplify the planning process. Unfortunately, as the proposed DNS framework would not capture mobile networks this is only a brief response.

Three is the UK's challenger mobile operator. Since we launched in 2003, Three has challenged the market through the launch of innovative consumer propositions, including All-You-Can-Eat data packages, 4G at no extra cost and free calls to 0800 numbers. Our network carries nearly half of the UK's mobile data traffic, and our 722 mast sites in Wales represent a key component of Wales' digital infrastructure.

As such, we fully share the Welsh Government's ambition of removing barriers to enhanced connectivity. We also welcome any approach that would allow Ministers to take a broader view of the benefits of enhanced communications infrastructure.

However, the Welsh Government's proposed DNS framework appears to have been designed primarily for individual large scale developments, which have national benefits. While we can understand how this will be useful for road or rail infrastructure for example, it would be less relevant to mobile network infrastructure.

This is because planning applications for mobile sites are brought forward individually, with each new site delivering primarily localised coverage benefits – albeit each new site does help build a national network. Our concern is that the additional pre-application and consultation requirements under DNS, at each individual mast site, would represent an additional burden on Mobile Network Operators.

We therefore fully support the submission of the Mobile Operators Association (MOA), which concludes that DNS is not as currently envisaged a suitable regime for mobile infrastructure.

Three is though supportive of the ambitions of the Welsh Government in this area. Mobile could benefit from the changes if they could be extended to facilitate the prior approval of multiple applications within a single region or geography. This would help expedite wider rollout of network infrastructure and enable the fast-tracking of individual applications which together represent the components of a national network. We believe that such a system would still allow for appropriate localised scrutiny of each mast site. We would be happy to discuss this further.

In the shorter term though, there are a number of reforms which could be introduced to help support improvements:

a) Reforming the Electronic Communications Code

The Welsh Government has a key role to play in shaping UK Government policy, in particular through reform of the Electronic Communications Code. This framework, which governs the relationship between landowners and mobile operators, is badly in need of reform.

As it stands the Code inhibits the ability of networks to site share, repair and upgrade existing infrastructure. Reform will be particularly beneficial in enabling the effective and timely delivery of planned coverage improvements, most notably the rollout of low frequency spectrum.

The Government in Westminster has already committed to reform in this area, and the Welsh Government needs to help ensure that this reform is effective and delivered early in this Parliament.

b) Planning Reform

Planning in Wales had previously set a benchmark for supporting connectivity. Unfortunately, the framework has since been overtaken by Scotland, and in Westminster the Government recently opened a Call for Evidence on potential changes to the framework in England, including permitting taller mast infrastructure to deliver improvements in coverage.

Allowing similar increases in Wales, under the Permitted Development framework (with Prior Approval) to 25m would enable significant enhancements in networks' coverage footprints through their existing mast site locations.

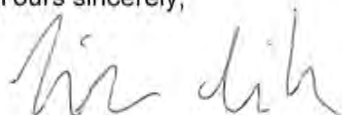
This could also be supported by permitting an increase in the height of ground-based masts in non-protected areas by up to 5 meters, without prior approval, as well as easing sizing restrictions on small cells and increasing the time limit for temporary structures to 18 months.

a) Reforming Business Rates

The Welsh Government should also work with Local Authorities to look at how the Rates regime could function better, to support network improvement and extension in areas with a connectivity need.

Thank you again for drawing this to our attention. If you have any questions on these or other issues in the mobile sector, please do not hesitate to get in touch.

Yours sincerely,



Simon Miller
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