

Number: **WG25023**



Llywodraeth Cymru
Welsh Government

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Consultation – summary of responses and Government response

Developments of National Significance

Date of issue: **November 2015**

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1. Introduction

- 1.1 The “Developments of National Significance” consultation document was launched on 20 May 2015 and was open for responses until 12 August 2015. A total of 20 specific questions were set out in the consultation document, with a standard form provided for ease of response. One additional question was also provided asking for any further comments.
- 1.2 This document details a summary of responses to the consultation, the Welsh Government’s response and the next steps. It is separated into two further sections.
- 1.3 Section 2 provides an overall statistical summary of the consultation and provides details of how the consultation was conducted.
- 1.4 Section 3 provides a summary of all responses received. This includes:
- A summary of the key findings under each consultation question;
 - A statistical analysis of the views expressed on each consultation question, where statistics could be extracted;
 - A detailed summary and analysis of the key themes generated for each question;
 - The Welsh Government’s response to that analysis; and
 - An explanation of what the Welsh Government will do following the response to each question.
- 1.5 In analysing and summarising the response to this consultation, this report will not address the following:
- **Comments which revisit the principles set out in the Planning (Wales) Act 2015:** Comments on this aspect were sought in the ‘Positive Planning’ consultation paper. The Act has been subject to scrutiny and has been passed by the National Assembly for Wales;
 - **Clarifications sought to matters of detail:** It is the intention that, when in force, the DNS process will be supplemented by guidance. That guidance will seek to clarify matters of detail raised in this consultation paper;
 - **Comments on individual cases or decisions before or made by the Welsh Ministers:** Given the statutory role of the Welsh Ministers in the planning process it is not possible for them, or anyone else within the

Welsh Government, to comment on a decision to which they are party. To do so could prejudice the position of the Welsh Government.

- **Matters outside the scope of the consultation:** Where comments have been made that are relevant to this consultation but were made in relation to matters outside of the scope of the question, efforts have been made to summarise under the correct question. However, comments outside of the remit of this consultation will not be addressed. Those matters include subject areas which are outside the realms of Town and Country Planning (such as marine consents and licensing) as well as policy matters which are outside the competence of the Welsh Ministers (such as non-fishery ports, harbours and certain energy projects); and
- **Comments which incorrectly interpret the proposed policy and existing legislation:** Responses have been received which request changes to policy which, in fact, either reflect the intentions set out in the consultation paper or reflect existing legislation which is to be unchanged.

2. Responses

- 2.1 On 20 May 2015 over 500 stakeholders, including individuals and organisations were notified by email of the publication of the consultation. These were drawn from the core consultation list held by the Planning Directorate of the Welsh Government. This included all local planning authorities (“LPAs”) in Wales, public bodies, special interest groups and other groups. Other interest groups with specialist knowledge of the subject area were also notified of the consultation, which included operators and special interest groups in the fields of rail, telecommunications, energy, gas, water and airports. The consultation was made available on the Welsh Government’s consultation website and was announced by the Minister for Natural Resources at the Royal Town Planning Institute Cymru Summer Conference at City Hall in Cardiff at 11:30am. A presentation on the subject of the paper was also given at meetings of the Planning Officers’ Society for Wales and the Wales Planning Forum held in City Hall, Cardiff. A list of the consultees notified of the consultation was published on the Welsh Government’s consultation website.
- 2.2 The consultation generated 69 responses and we are grateful to all those who responded. All of the consultation responses have been read and considered as part of this analysis.
- 2.3 A consultation form was provided as an annex to the consultation document and separately on the Welsh Government’s consultation website. Respondents were asked to assign themselves to one of six broad respondent categories. Table 1 below shows the breakdown of respondents.

| Category | Number | % of total |
|---|---------------|-------------------|
| Businesses / Planning Consultants | 10 | 14 |
| Local Authorities (including National Park Authorities) | 16 | 23 |
| Government Agency/Other Public Sector | 8 | 12 |
| Professional Bodies/Interest Groups | 17 | 25 |
| Voluntary Sector | 8 | 12 |
| Others (other groups not listed) | 10 | 14 |
| Total | 69 | |

2.4 Consultation questions 1 - 20 posed policy specific questions; with question 21 inviting any additional comments from respondents (see Table 2 below). The questions required one of the following responses; 'yes', 'yes (subject to further comment)' or 'no'. A statistical overview of the responses, showing the nature of the responses to questions 1 - 20 is presented as part of the analysis to each question in section 3 of this document. Where respondents did not specify a particular answer, these were considered and recorded as 'don't know'.

| Table 2: Consultation Questions | |
|--|--|
| Q1 | Do you agree with the proposed thresholds and categories of development set out in <i>Annex A</i> ? If not, why not? |
| Q2 | Do you agree with this proposed approach for determining secondary consents? If not, why not? |
| Q3 | Do you agree that the Inspector may determine the procedure for secondary consents? If not, why not? |
| Q4 | Do you agree with the proposed list of secondary consents in <i>Annex B</i> ? If not, why not? |
| Q5 | Do you agree with the minimum requirements for the notification of a DNS? If not, why not? |
| 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? |
| 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? |
| Q8 | Do you agree with our proposals for the advertisement of an application for DNS? If not, why not? |
| Q9 | Do you agree with our proposals regarding statements of common ground? If not, why not? |
| 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? |
| Q11 | Do you agree with our proposals for the amendment of schemes for DNS? If not, why not? |
| 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. |
| 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? |
| 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? |
| Q15 | Do you agree with the minimum requirements for Local Impact Reports? If not, why not? |
| Q16 | Would you consider 5 weeks an appropriate timescale within which to provide a local impact report? If not, please suggest appropriate timescales. |
| 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 the appointed person, the Planning Inspectorate) costs in carrying out the work? If not, why not? |
| Q18 | Do you agree that the relevant LPA should receive a fixed fee for producing a Local Impact Report? If not, why not? |
| 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? |
| Q20 | Do you agree that the applicant should not receive a full refund if their application is invalid? If not, why not? |
| Q21 | Do you have any further comments to make in relation to our proposals for DNS? |

2.5 A list of respondents and the categories they were assigned to can be found in Annex A of this report. Where respondents have asked for their details to be withheld, they will appear as "Anonymous" under the appropriate category. An 'Index of Responses' and copies of the consultation responses received will be published in their original form (with name and address details redacted, where requested) on the Welsh Government's consultation website alongside this report.

3. Summary of Responses

| | |
|---|--|
| Q1 | Do you agree with the proposed thresholds and categories of development set out in <i>Annex A</i> ? If not, why not? |
| <p>Projects ascribed DNS status will be identified through prescribed criteria and thresholds and within the National Development Framework (“NDF”) for Wales. The table at Annex A of the consultation paper, to which Q1 refers, sets out the proposed criteria and thresholds for DNS development, that were refined following the Positive Planning consultation.</p> | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 1 | 2 | 4 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 6 | 9 | 1 | 0 | 16 |
| C | Government Agency/Other Public Sector | 2 | 2 | 1 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 0 | 7 | 1 | 9 | 17 |
| E | Voluntary Sector | 0 | 1 | 1 | 6 | 8 |
| F | Others (other groups not listed) | 5 | 3 | 1 | 1 | 10 |
| Total all respondents | | 14 | 24 | 9 | 22 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 38 | 9 |
| Overall Percentage | 81% | 19% |

Statistical review

- 3.1 There was an overall agreement with the types and thresholds of development captured by DNS. Local planning authorities were most positive overall with only one negative response. The views of the Business/Planning Consultant and voluntary sectors was mixed with more negative responses to the question than positive (“Yes” or “Yes (subject to comments)”)

Key themes

- 3.2 The key themes in response to question 1 were as follows:
- An overall agreement with the types and thresholds of development that DNS captures;
 - Particular debate around the thresholds for energy generating projects, with some respondents taking the view that DNS should capture energy projects down to a level of 10MW. Others considered that the threshold should be expanded in the light of announcements by the UK Government for the further devolution of energy projects up to 350MW and the transfer of decision-making of on-shore wind energy projects to local planning authorities in England; and
 - A number of suggestions for additional development to be captured by DNS, including calls for open cast coal mining, development involving the onshore exploration or production of unconventional oil and gas, and new road projects.

Overview

- 3.3 A number of comments were received that agree with the proposed types of development to be captured as DNS. Of those representations, many commented that the thresholds reflected a proportionate approach in relation to Wales and considered them appropriate as they mirrored (where possible) those set out in the Planning Act 2008. Many respondents from professional bodies and local planning authorities welcomed proposals to keep the thresholds under constant review.
- 3.4 A small number of representations suggested changes to the proposed thresholds. Those included:

| Development type | Comment |
|---|--|
| Underground gas storage | (no comments) |
| Liquefied Natural Gas | (no comments) |
| Gas reception facilities | (no comments) |
| Airport related development and constructions | <ul style="list-style-type: none"> • There is a case for considering a lower threshold as the possibility of such a size of airport is remote. • The threshold should be based on transportation movements alone as it is difficult to quantify passenger movements. |
| Railways | <ul style="list-style-type: none"> • The current threshold is too short at 2km. |
| Rail freight interchanges | <ul style="list-style-type: none"> • The threshold is set too low; • A spatial threshold should be introduced (in the region of 60ha). |
| Dams and reservoirs | <ul style="list-style-type: none"> • A suggestion to amend the threshold to 50 million cubic metres. |
| Transfer of water resources | (no comments) |
| Waste water treatment plants | <ul style="list-style-type: none"> • The threshold appears to be very high; • The threshold should mirror the amendment made to the Planning Act 2008 in 2012. |
| Hazardous waste facilities | <ul style="list-style-type: none"> • Consideration should be given to all waste facilities, regardless of type; • The threshold is considered to be too low and may deter applicants from developing such facilities in Wales. |
| Pipelines | <ul style="list-style-type: none"> • The current threshold is too short at 2km; • The thresholds should not remove any permitted development rights. |
| On shore energy generating stations | <ul style="list-style-type: none"> • A suggested lower threshold (10MW and 15MW have been proposed); • An objection to the principle of this threshold; • All on-shore wind should be determined by local planning authorities. |

*Where "(no comments)" is shown above, no adverse comments or suggestions were received in respect of the threshold relating to that particular development type.

3.5 Where there was a high degree of agreement with our proposals, some respondents suggested additional types of development to be included as DNS. A number of calls were made by local planning authorities, businesses and professional interest groups for the inclusion of the following categories of development in the DNS regime:

- Open cast coal mining;
- Development involving the onshore exploration or production of unconventional oil and gas; and
- New road projects of more than local importance.

3.6 Individual respondents made comments asking for the following categories to be included as DNS:

- Large scale commercial, leisure or retail development;
- Oil refineries and fuel terminals;
- Large scale quarries;
- The electrification of rail;
- Geological disposal facilities for higher activity waste;
- New settlements;
- ‘Green’ infrastructure;
- High voltage transmission lines;
- Tidal lagoons;
- Harbours; and
- Development associated with Nationally Significant Infrastructure Projects.

3.7 In relation to the thresholds generally, comments were received specifying that thresholds should not be based on quantifiable scales of development, but rather on their environmental impacts, particularly on designated sites and areas. Comments were also received from one respondent asking that thresholds mirror exactly those specified in the Planning Act 2008.

3.8 Reference was made by some respondents, mostly professional bodies and interest groups, to recent announcements by the UK Government. The first of these relates to proposals to amend the provisions of the Planning Act 2008 to remove onshore wind farms over 50MW in capacity in England and Wales from the Planning Act 2008, the effect of which would require a planning application for such applications to be submitted to the LPA. The second relates to the Silk Commission’s proposals to further devolve consenting for energy projects up to 350MW to Wales as part of a future Wales Bill¹. Our response to those proposals was sought.

3.9 Comments were received in relation to the methodology for designating DNS proposals as part of the National Development Framework. Whilst applications to develop such designations are to be made to the Welsh Ministers, such comments are outside of the scope of this consultation.

¹ [Silk Commission Report Part II 2014](#)

Q1 Welsh Government Response

The principle of DNS was established as part of the Planning (Wales) Act 2015. The intention of those provisions is for development which is considered nationally significant to be determined at the appropriate level.

The evidence behind these provisions is contained in the response to the Positive Planning consultation paper², Hyder report³, Arup report⁴ and the scrutiny of the Planning (Wales) Bill⁵. Throughout this evidence-gathering process, the thresholds which are the subject of this consultation were established. There was clear support for energy projects to be captured as a DNS project, as well as the principle of mirroring those thresholds contained in the Planning Act 2008 insofar as they apply in England, subject to some modifications.

The response to this consultation confirms the view that the thresholds proposed are for the most part appropriate and set at an appropriate level.

The thresholds are set at a quantifiable level for certainty and for consistency with other regimes, namely the Planning Act 2008. We have seen no clear reason not to use the measurements contained in that Act, as far as is appropriate. We have, however, considered carefully the comments made by the energy industry suggesting that the lower threshold limit for energy generating stations should be reduced. A number of consultees have proposed a lower level of 10 -15 MW to reflect the relative scale of projects in Wales and the value to the economy derived from such projects. Given the current consenting difficulties it is clear that an appropriate and timely consenting process is key to the delivery of the Welsh Government's renewable energy targets and we consider there is merit in including within the DNS process proposals of 10 MW and above to ensure consistency and timeliness of decision making across this category of development.

Particular comments on technical matters confirm that further refining is required to certain other thresholds. These comments are addressed below:

² [Positive planning](#)

³ [Hyder report – Evaluation of consenting performance of renewable energy schemes in Wales \(2012\)](#)

⁴ [A New Approach to Managing Development in Wales: Towards a Welsh Planning Act](#)

⁵ [Draft Planning \(Wales\) Bill](#)

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|---|---|
| <p>Airport related development and construction</p> | <p>From the representations received, there is insufficient evidence to suggest that the threshold relating to airport development is too low.</p> <p>The intention of the threshold is to capture projects which are speculative and outside the NDF. Thus, whilst there are currently no allocations for airports, it is still necessary to consider any airport of a certain scale as nationally significant in Wales.</p> <p>Representations were received suggesting that the threshold is set too high when compared to the current operational size of Cardiff airport.</p> <p>Whilst Cardiff airport currently handles approximately 1.2 million passengers per year, it has previously handled 2.2 million passengers and has capacity to handle more. The threshold set would indeed capture an airport of less than half the passenger capacity of Cardiff airport. We consider that such an airport would be of national significance given that there would be a high likelihood of international flights and of upgraded infrastructure to facilitate use by jet aircraft.</p> <p>We do not believe that it would be appropriate for the threshold to be based on transportation movements alone. Passenger and freight movements adequately capture airports of the scale required and are used in the Planning Act 2008⁶. It is not the intention to capture flying schools or smaller airstrips which may accommodate more frequent aircraft movements as such facilities largely relate to leisure uses and short-range aircraft.</p> <p>We will continue to review thresholds when the process for DNS is in force.</p> |
| <p>Railways</p> | <p>We do not consider that the threshold for railways is too short at 2km. A new railway, where built in Wales, can have major impacts on regions in terms of their environmental effects and regeneration potential.</p> <p>The majority of works to railways are classified as permitted development, meaning that they are given deemed planning consent where they fall within certain parameters⁷.</p> |

⁶ S.23 Planning Act 2008

⁷ The Town and Country Planning (General Permitted Development) Order 1995, Part 17, Class A

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| | <p>Where railways are above 2km in length, and do not meet these permitted development requirements, we consider that these should be of national significance. This accords with provisions in the Planning Act 2008⁸.</p> |
| Rail freight interchanges | <p>Representations suggested that the threshold is set too low and that a spatial threshold should be introduced, akin to that contained in the Planning Act 2008⁹.</p> <p>There is one rail freight terminal in Wales which accommodates over two freight movements per day. This is located in Wentloog, south Wales. The infrastructure required to accommodate two freight movements per day is significant. We consider that this threshold reflects a proportionate approach.</p> <p>In the interests of simplicity, it was not considered necessary to introduce a spatial threshold. We consider that the impacts associated with rail movements would have greater impact in terms of infrastructure of a site rather than the size of the site and thus consider this to be an appropriate measurement.</p> |
| Dams and reservoirs | <p>The construction of reservoirs and dams can have serious environmental implications and are critical to the water supply of Wales. The threshold, as set, accords with that set out in the Planning Act 2008¹⁰.</p> <p>Whilst it is acknowledged that Wales contains a number of major reservoirs which are over 50 million cubic metres in capacity, including Claerwen (Elan Valley), Llyn Efyrynwy and Llyn Clywedog, no compelling evidence was received which suggests that a higher threshold would be more proportionate to Wales.</p> |
| Waste water treatment plants | <p>In response to the representations received, we did not receive persuasive evidence to suggest that a lower threshold would be more appropriate to Wales. However, we see merit in making an alteration to the threshold to include the construction or alteration of infrastructure for the transfer or storage of waste water, to align with the Planning Act 2008¹¹. This accords with the representations received that welcomed the</p> |

⁸ S.25 Planning Act 2008.

⁹ S.26 Planning Act 2008.

¹⁰ S.27 Planning Act 2008.

¹¹ S.29 Planning Act 2008.

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| | consistency between many of the thresholds and the Planning Act 2008. |
| Hazardous waste facilities | <p>We do not consider that applications for all types of waste facilities should be made to the Welsh Ministers. Waste facilities often serve local areas and we have not received evidence which suggests that improvements are required to the consenting process for such facilities. We consider local waste provision to be a matter for the LPA.</p> <p>Where facilities are constructed for the handling of hazardous waste, such facilities often handle waste from an area wider than the locality. We consider that the potential impacts and complexities of such facilities are potentially wide-ranging. We did not receive convincing evidence which suggests that the threshold set out in the consultation paper is not appropriate.</p> |
| Pipelines | <p>Representations were received which suggest that the thresholds relating to pipelines are set too low at 2km. These representations have been considered and we agree that, for pipelines to be considered, the threshold would need to be increased to capture only those pipelines which are of national significance. The Planning Act 2008 sets a minimum threshold of 16.093km (10 miles) for pipelines in Wales. .</p> <p>In respect of pipelines constructed by gas transporters, evidence was received which suggests that pipelines constructed over ground and are highly unlikely to exceed 2km in length. For safety reasons, high pressure gas pipelines are normally laid underground. It was indicated that gas transporters expressed a preference that such pipelines of minimal length remain for the LPAs to determine. Accordingly, there is merit in removing the threshold relating to overground pipelines constructed by gas transporters.</p> <p>Pipelines which are laid underground are classified as permitted development¹².</p> |
| On shore energy generating stations | The proposed threshold of 25MW for energy projects was based on the evidence received as part of the Positive Planning consultation and Hyder report. Lower thresholds of 10MW and 15MW have been suggested by the energy generation industry to address the shortcomings identified in the current consenting regime for projects of all output levels and to reflect the relative scale of |

¹² The Town and Country Planning (General Permitted Development) Order 1995: Part 17, class F.

| | |
|--|--|
| | <p>projects in Wales</p> <p>In the light of the comments received, we have reduced the lower threshold level to 10MW. We have also given further consideration to alterations to existing generating stations. A situation may arise whereby a minor alteration to an energy generating station above 10MW may require an application for DNS to be made directly to the Welsh Ministers. We consider that any application for an extension below 10MW is not of national significance and should not be made directly to the Welsh Ministers. Amendments are to be made to the thresholds and criteria to reflect this.</p> |
|--|--|

A number of respondents requested that additional types of development should be captured as DNS. These include open cast coal mining, development involving the onshore exploration or production of unconventional oil and gas, new road projects and development associated with Nationally Significant Infrastructure Projects. For these particular types of development, no respondent had suggested an evidence-based threshold for consideration.

Before considering such categories for inclusion as a DNS project, further evidence and research is required, which considers:

- a) The likelihood of such projects arising in Wales;
- b) Whether the development is of national significance by way of its complexity and impacts;
- c) The existing consenting performance of LPAs; and
- d) An appropriate threshold for development.

It is anticipated that an evaluation of the DNS process will be undertaken, when in force. This evaluation will include a review of the specified thresholds and criteria.

In relation to recent announcements by the UK Government regarding the delegation of all onshore wind consenting to LPAs, it is our intention to capture those projects as DNS in Wales, which are above 10MW. However, this is entirely reliant on the competence for projects above 50MW being devolved to the Welsh Ministers. The evidence which underlies the energy thresholds for DNS cites that the performance of LPAs in achieving timely decisions on large scale energy projects is not satisfactory. This evidence would equally apply to those projects subject to announcements by the UK Government, and which are above 10MW.

Depending on the timing of the devolution of onshore wind projects above 50MW to the Welsh Ministers, it is the intention to capture those projects

above 50MW as DNS, as well as those between 10MW-50MW.

Regarding the devolution of all energy generation projects up to 350MW, the draft Wales Bill was published in October 2015. At present, this remains a proposal for which the Welsh Ministers do not have competence to implement. Whilst the medium term objective would be to capture such projects as DNS, this is entirely dependent on the progress of the draft Wales Bill.

Next steps

3.10 In response to the consultation, a revised set of thresholds is proposed for DNS for the following types of development. Those are:

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| Waste water treatment plants. | <p>New waste water treatment plants:</p> <p>The plant is expected to have a capacity exceeding a population equivalent of 500,000.</p> <p>The construction of infrastructure for the transfer or storage of waste water:</p> <p>The main purpose of the infrastructure will be either for:</p> <ul style="list-style-type: none">(i) the transfer of waste water for treatment, or(ii) the storage of waste water prior to treatment, <p>or both, and</p> <p>the infrastructure is expected to have a capacity for the storage of waste water exceeding 350,000 cubic metres.</p> <p>The alteration of existing waste water treatment plants:</p> <p>The effect of the alteration is expected to increase the capacity of the plant by more than a population equivalent of 500,000.</p> <p>The alteration of infrastructure for the transfer or storage of waste water:</p> <p>The main purpose of the infrastructure will be either for:</p> <ul style="list-style-type: none">(i) the transfer of waste water for treatment, or(ii) the storage of waste water prior to treatment, <p>or both, and</p> <p>the effect of the alteration is expected to be to increase the capacity of the infrastructure for the storage of waste water by more than 350,000 cubic metres.</p> |
|-------------------------------|--|

| | |
|--|--|
| <p>On shore energy generating stations</p> | <p>The construction of energy generating stations:</p> <p>The generating station has the capacity to generate energy at a rate of between 10MW and 50MW.</p> <p>*The construction of energy generating stations for onshore wind:</p> <p>The generating station has the capacity to generate energy at a rate of 10MW and above.</p> <p>The alteration or extension of existing energy generating stations:</p> <p>The effect of the alteration or extension is an increase in the overall capacity of the generating station by at least 10MW, and the overall capacity of the generating station remaining below 50MW.</p> <p>*The alteration or extension of energy generating stations for onshore wind:</p> <p>The effect of the alteration or extension is an increase in the overall capacity of the generating station by at least 10MW.</p> |
|--|--|

*The insertion of this threshold is dependent on the implementation of UK Government proposals for the delegation of onshore wind consenting to LPAs in England.

- 3.11 Thresholds relating to pipelines (including pipelines not constructed by a gas transporter and overground pipelines constructed by a gas transporter) are to be removed and such development will not be considered as DNS.

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| Q2 | Do you agree with this proposed approach for determining secondary consents? If not, why not? |
| <p>To minimise the number of separate applications required to enable a DNS to proceed, an applicant for DNS will have the option to submit certain connected applications, licences, orders, notices and consents to the Welsh Ministers at the same time. Q2 is concerned with the policy proposals for how the process for determining connected secondary consents will operate.</p> | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 3 | 4 | 0 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 11 | 5 | 0 | 0 | 16 |
| C | Government Agency/Other Public Sector | 3 | 2 | 0 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 3 | 6 | 1 | 7 | 17 |
| E | Voluntary Sector | 1 | 1 | 1 | 5 | 8 |
| F | Others (other groups not listed) | 5 | 2 | 1 | 2 | 10 |
| Total all respondents | | 26 | 20 | 3 | 20 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|-----------|
| Total Respondents indicating a response | 46 | 3 |
| Overall Percentage | 94% | 6% |

Statistical review

3.12 There was clear support for the proposals with only 3 negative responses received. LPAs were the most positive respondents, with all 16 submitting positive responses. Along with LPAs, the Business/Planning Consultant and the Government Agency/Other Public Sector groups did not indicate disagreement to the proposals. Opinion from the Voluntary Sector was mixed overall, though the majority of responses failed to indicate a clear opinion.

Key themes

3.13 The key themes in response to question 2 were as follows:

- General agreement and support for the proposals relating to secondary consents;
- Reassurances were requested that the Welsh Ministers' powers to 'call in' a secondary consents were to be used sparingly and pragmatically; and
- Concerns over how secondary consents are scrutinised.

Overview

3.14 There was firm support for the proposed approach of handling secondary consents. Comments were made, by those who supported the proposals, that the approach was logical and would avoid duplication of consultation exercises, applications, supporting evidence and public examination. Comments also expressed that a more streamlined process would be more understandable to the public.

3.15 A number of respondents from businesses and LPAs agreed with the proposed approach, on the proviso that sufficient technical expertise is available to the Welsh Ministers to properly determine such applications and that they are adequately resourced to undertake this work.

3.16 A few respondents from professional bodies and interest groups agreed with the proposals, but asked that any secondary consents are identified at an early stage so that they may be properly advertised as being constituent elements of the relevant DNS application. It was also stated that the Welsh Ministers should ensure that the stated aims of expedited, fair and efficient decision making is achieved. Comments were made in relation to the relationship of Environmental Impact Assessment with secondary consents.

- 3.17 One professional body, whilst agreeing with the principle of including secondary consents being contained within the DNS process, expressed concern over the proposal that the decisions made on each secondary consent may differ from that of the principal application. Other respondents, however, specifically supported this proposal.
- 3.18 One Government agency commented that consideration should be given to a parallel tracking approach for those consents which are outside of the scope of prescribed secondary consents but are required to enable a project to proceed. That organisation supports the development of guidance in their role on such matters.
- 3.19 Concern was also expressed regarding the Welsh Ministers' ability to call in secondary consents for their determination should that consent not have been submitted alongside the principal application for DNS. It was believed by some that this proposal contradicts the discretionary approach available to the developer for submitting such consents.
- 3.20 Of those who objected to the proposals, there was concern that they would remove accountability from a local level and from local stakeholders. There was also concern that the approach would allow too much scope for high impact secondary consents to proceed without due scrutiny.

Q2 Welsh Government Response

We confirm that the Planning Inspectorate ("PINS") and the Welsh Government will be sufficiently resourced to handle secondary consents and the DNS process as a whole. The level of resource will not be compromised by the need to give secondary consents due scrutiny in accordance with the relevant considerations for each consent. In that respect, there is no intention to change the relevant considerations of each consent. Whilst representations were made expressing that a single decision should be made on all secondary consents, this runs contrary to the considerations set out in each legislative instrument which govern such consents. To make a decision in one particular way on all secondary consents regardless of the individual merits would compromise the integrity, and purpose, of each consent.

Consideration has been given to a project management approach for other consents which fall outside the scope of secondary consents. We will continue to work with other consenting authorities and statutory consultees outside of the DNS process to ensure that the process is run in a timely and customer-friendly manner.

A number of individual queries and clarifications were raised on detailed

procedural issues. It is the intention to issue guidance which addresses these issues.

Next steps

- 3.21 Given the overall support for our proposals on handling secondary consents, we will seek to draft the relevant statutory instrument in accordance with the procedures as set out in the consultation paper.

| | |
|--|--|
| Q3 | Do you agree that the Inspector may determine the procedure for secondary consents? If not, why not? |
| <p>An application for a secondary consent will be considered at the same time as the principal DNS application. The Planning (Wales) Act 2015 places responsibility on the Welsh Ministers (and PINS on their behalf) to determine the most appropriate method for the examination of an application for DNS. It is proposed that matters relating to the connected consents will be considered through the same method.</p> | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 4 | 3 | 0 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 9 | 5 | 2 | 0 | 16 |
| C | Government Agency/Other Public Sector | 5 | 0 | 0 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 4 | 7 | 0 | 6 | 17 |
| E | Voluntary Sector | 1 | 0 | 1 | 6 | 8 |
| F | Others (other groups not listed) | 5 | 2 | 0 | 3 | 10 |
| Total all respondents | | 28 | 17 | 3 | 21 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|-----------|
| Total Respondents indicating a response | 45 | 3 |
| Overall Percentage | 94% | 6% |

Statistical review

3.22 There was an extremely positive response to the proposals, with almost two thirds of all respondents and over 90% of respondents who indicated a clear opinion being in favour (either “Yes” or “Yes (subject to comments)”). Two LPAs disagreed with the proposals, as did one respondent from the Voluntary Sector. No other group indicated a negative response. A high number of responses from the Voluntary Sector indicated no clear answer.

Key themes

3.23 The key themes in response to question 3 were as follows:

- There was clear support for the proposals;
- The assertion that written representations should be used wherever possible; and
- The process should be open, transparent and well-documented.

Overview

3.24 There was overall support for the proposals which enable the Welsh Ministers to determine the procedure by which secondary consents will be considered, in line with the principal DNS application. The proposal was said to be sensible in terms of providing a ‘one-stop shop’ for such consents.

3.25 Of those who agreed, some commented that such a determination of procedure should be open, transparent and well documented. Clear representations were made for the need to express in guidance the circumstances in which the Welsh Ministers will make a certain determination of procedure.

3.26 One respondent also commented that there should be room for public consultation.

3.27 Whilst agreeing with the proposals, some commented that more expensive and lengthy procedures, such as public inquiries, should not be used for the purposes of increasing the fee. Some respondents also stated that the procedure should rely upon written representations as much as possible.

Q3 Welsh Government Response

The determination of procedure for secondary consents is to be based on published criteria, in the same way that the procedure for the DNS application is determined. This leaves little scope for Planning Inspectors to purposely select a lengthier or more costly procedure than is required and allows the most appropriate procedure to be adopted for each topic area or secondary consent consideration. Nor does it allow Inspectors to select a briefer procedure which may not result in the full examination of the relevant issues.

Next steps

- 3.28 For transparency, formal criteria are to be compiled and published specifying how the Welsh Ministers will determine the procedure for DNS applications and secondary consents.

| | |
|-----------|--|
| Q4 | Do you agree with the proposed list of secondary consents in <i>Annex B</i> ? If not, why not? |
|-----------|--|

To minimise the number of separate applications required to enable a DNS to proceed, an applicant for DNS will have the option to submit certain connected applications, licences, orders, notices and consents to the Welsh Ministers at the same time. The table at *Annex B* of the consultation paper to which Q4 refers sets out the list of secondary consents which it is intended that applicants may apply for alongside the primary DNS application.

| Statistical Summary | | | | | | |
|------------------------------|---|------------|---|-----------|-------------------|--------------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 3 | 3 | 1 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 8 | 6 | 1 | 1 | 16 |
| C | Government Agency/Other Public Sector | 5 | 0 | 0 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 4 | 5 | 1 | 7 | 17 |
| E | Voluntary Sector | 1 | 0 | 1 | 6 | 8 |
| F | Others (other groups not listed) | 4 | 3 | 0 | 3 | 10 |
| Total all respondents | | 25 | 17 | 4 | 23 | 69 |

| | Yes/Yes subject to comment | No |
|--|-----------------------------------|-----------|
| Total Respondents indicating a response | 42 | 4 |
| Overall Percentage | 91% | 9% |

Statistical review

3.29 There was clear support for the proposed list of secondary consents, with LPAs providing the most positive response overall. No negative responses were received from the Government Agency/Other Public Sector group. The views of the Voluntary Sector were mixed overall with as many negative as positive responses, though the majority of respondents from this group did not indicate a clear opinion.

Key themes

3.30 The key themes in response to question 2 were as follows:

- General support of the list of secondary consents;
- An indication that the list of secondary consents consulted upon is incomplete through suggested additional secondary consents. Those proposed largely consisted of consents which are currently authorised by Natural Resources Wales; and
- Support that the list should remain under active review.

Overview

3.31 The majority of respondents agreed with the proposed list of secondary consents.

3.32 Of those who supported the proposal, there were comments suggesting that those who determine each application should have access to the relevant expertise in that field of consent. One respondent called for application arrangements to be altered so that they do not undermine normal consultation arrangements.

3.33 A number of respondents also commented that the list of secondary consents appears to be incomplete and had emphasised the importance of reviewing the list of secondary consents to ensure the long term aim of providing all necessary consents in the DNS process. Comments were also received which indicated that the current consenting regime provides objectors with a further opportunity to frustrate a scheme. The proposed list, whilst not comprehensive, would remedy this.

3.34 The following comments were received in response to the inclusion of individual secondary consents:

| Secondary consent | Comment |
|---|--|
| Acquisition of Land Act 1981 – Section 19, and Section 28 and Schedule 3. | <ul style="list-style-type: none"> General support for compulsory acquisition provisions; however, the majority of the categories of DNS relate to categories of development which have their own, more powerful, compulsory purchase powers. |
| Ancient Monuments and Archaeological Areas Act 1979 - Section 2. | (No comments) |
| Commons Act 2006 - Section 38 | (No comments) |
| Commons Act 2006 - Sections 16 and 17 | (No comments) |
| Highways Act 1980 - Section 178 | <ul style="list-style-type: none"> The proposal to include this consent would remove local accountability. |
| Planning (Hazardous Substances) Act 1990 - Sections 4, 13 and 17 | <ul style="list-style-type: none"> Content with the inclusion of this consent. |
| Planning (Listed Buildings and Conservations Areas) Act 1990 - Section 8 | (No comments) |
| Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 74 | (No comments) |
| Town and Country Planning Act 1990 - Sections 57 and 58 | <ul style="list-style-type: none"> A preference was expressed for associated development to be included as part of the main DNS application rather than a separate consent. |
| Town and Country Planning Act 1990 - Section 226 | <ul style="list-style-type: none"> General support for compulsory acquisition provisions; however, the majority of the general categories of DNS relate to categories of development which have their own compulsory purchase powers; Inclusion of this consent should be considered as the compulsory purchase order will be promoted by the local authority. |
| Town and Country Planning Act 1990 - Section 247 | (No comments) |
| Town and Country Planning Act 1990 - Section 248 | (No comments) |
| Town and Country Planning Act 1990 - Section 251 | (No comments) |
| Town and Country Planning Act 1990 - Section 254 | <ul style="list-style-type: none"> General support for compulsory acquisition provisions; however, the majority of the general categories of DNS relate to categories of development which have their own, more powerful, compulsory purchase powers. |
| Town and Country Planning Act 1990 - Section 257 | <ul style="list-style-type: none"> In such circumstances, it may be more appropriate to use powers at s.118 and s.119 of the Highways Act 1980. |

*Where “no comments” is shown above, no adverse comments or suggestions were received in respect of that particular secondary consent.

3.35 Where there was agreement with the principle of including secondary consents as part of an application for DNS, a number of respondents made suggestions for the inclusion of other types of consent as a secondary consent connected to an application for DNS. Those were:

- Mitigation licenses for European protected species and other protected animals, including badgers and deers;
- Flood defence consent;
- Stopping up of footpaths, bridleways and restricted byways;
- Consents relating to water, including water resources, power to discharge water and land drainage consents;
- Hedgerow consents;
- Permissions for transmission lines from energy generating proposals;
- Off site sub-stations;
- Tree preservation order consents;
- The examination of LDOs and changes to these as an addition to secondary consents.

In addition, some non-devolved and off-shore consents were suggested.

3.36 Some negative comments were received regarding the proposed list of secondary consents. Of those, a number of LPAs commented that the proposals would weaken local accountability. Comments were also received expressing reservations over the number and coverage of secondary consents and the potential impact on the resources of PINS.

Q4 Welsh Government Response

The response to this consultation confirms that the majority of those consents consulted upon are appropriate for consideration as part of an application for DNS. However, evidence was provided that mitigated against the use of certain consents.

Compulsory purchase powers

Our proposals for secondary consents contain three compulsory purchase powers. Those powers are contained in the Acquisition of Land Act 1981 (Section 19, and Section 28 and Schedule 3) and two powers contained in the Town and Country Planning Act 1990 (Sections 226 and 254).

The compulsory purchase powers consulted upon are confined to certain

project types, such as those on common land, urban development projects by LPAs and the acquisition of land for the purpose of highways improvements.

Representations and evidence was received which suggests that the majority of the general categories of DNS relate to developments which have their own enabling compulsory purchase powers.- for example, section 59 of the Airports Act 1986, section 1 of the Pipelines Act 1962 and section 155 of the Water Industry Act 1991.

The responses suggests that the powers consulted upon restrict too narrowly the circumstances in which compulsory purchase can be undertaken. The response also suggests that compulsory purchase powers which are specific to the relevant categories of DNS would be more appropriate. At present, the Welsh Ministers do not have competence for the specific powers which were suggested above. Accordingly, the Government response is to remove the three compulsory purchase powers from the proposed list of secondary consents.

It is, however, the intention to keep the list of secondary consents updated, and expand it where appropriate. There may be scope to review this aspect where evidence for the need arises and it is within the competence of the Welsh Ministers.

Town and Country Planning Act 1990 - Section 257

Section 257 relates to orders for footpaths, bridleways or restricted byways affected by development. Comments were received which express that alternative powers may be more appropriate to achieve the objectives contained in section 257. Furthermore, an order under section 257 requires planning permission to be in place prior to its issuance. We consider this prerequisite to be too prohibitive for the purpose of achieving a contemporaneous decision with a principal DNS application. It is therefore agreed that this consent is not considered appropriate.

Town and Country Planning Act 1990 – Sections 57 and 58

Representations were received which commented that development associated with an application for DNS should be included as part of the main DNS application rather than a separate secondary consent.

Section 62D of the Planning (Wales) Act 2015 states that development must be of a specified criteria or criterion to be made directly to the Welsh Ministers. Where that development falls outside of the criteria, there are provisions at section 62F to submit secondary consents to the Welsh Ministers.

Accordingly, the position in law is that an application may not be made under section 62D, unless it is specified in a prescribed form, thus

potentially excluding the ability to merge associated development into the principal DNS application.

Additional consents

A number of respondents had requested that additional types of secondary consents are captured as part of these proposals. Before considering such categories for inclusion as a secondary consent, further evidence and research is required, which considers whether:

- a) That consent is a necessary part of a DNS application, rather than a detailed operational consent that could be obtained at a later stage;
- b) The consent is likely to arise as part of a DNS proposal and not be so specific that it would unlikely be a part of a DNS project; and
- c) The consent is a devolved matter normally consented by the Welsh Ministers or other Welsh bodies.

It is anticipated that an evaluation of the DNS process will be undertaken, once operational. This evaluation will include a review of the scope of secondary consents.

Next steps

3.37 We will prescribe that the following secondary consents may be applied for alongside an application for DNS in a Statutory Instrument:

- Ancient Monuments and Archaeological Areas Act 1979 - Section 2;
- Commons Act 2006 - Section 38;
- Commons Act 2006 - Sections 16 and 17;
- Highways Act 1980 - Section 178;
- Planning (Hazardous Substances) Act 1990 - Sections 4, 13 and 17;
- Planning (Listed Buildings and Conservations Areas) Act 1990 - Section 8;
- Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 74;
- Town and Country Planning Act 1990 - Sections 57 and 58;
- Town and Country Planning Act 1990 - Section 247;
- Town and Country Planning Act 1990 - Section 248; and
- Town and Country Planning Act 1990 - Section 251.

| | |
|---|--|
| Q5 | Do you agree with the minimum requirements for the notification of a DNS? If not, why not? |
| <p>When preparing an application for DNS, the developer must first notify the Welsh Ministers (via PINS) of the intention to submit such an application. The notification must include sufficient information to confirm to PINS whether the proposed development constitutes a DNS, while not placing a burden on the developer in putting together the notification. The consultation document sets out the proposed minimum requirements for notification.</p> | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 2 | 2 | 1 | 5 | 10 |
| B | Local Authorities (including National Park Authorities) | 7 | 7 | 0 | 2 | 16 |
| C | Government Agency/Other Public Sector | 3 | 1 | 0 | 4 | 8 |
| D | Professional Bodies/Interest Groups | 8 | 2 | 0 | 7 | 17 |
| E | Voluntary Sector | 0 | 1 | 1 | 6 | 8 |
| F | Others (other groups not listed) | 4 | 3 | 1 | 2 | 10 |
| Total all respondents | | 24 | 16 | 3 | 26 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|-----------|
| Total Respondents indicating a response | 40 | 3 |
| Overall Percentage | 93% | 7% |

Statistical review

3.38 A clear majority of respondents who expressed an opinion agreed with the minimum requirements for the notification of a DNS or did so subject to comments. Only 3 negative responses (4% of the total respondents) were received (1 each from the Business/Planning Consultants, Voluntary, and Others sectors). Response from the Voluntary Sector was the least positive overall. The vast majority of LPAs (87%) provided a positive response to the question.

Key themes

3.39 The key themes in response to question 5 were as follows:

- Overall agreement with the minimum requirements for notification of a DNS application;
- The need for Environmental Impact Assessment (“EIA”) to be appropriately considered at this stage; and
- Some concern over the proposals for the provision of pre-application advice by PINS, and the requirements on LPAs to provide pre-application services (not specifically subject of the question and will be addressed under Q21 below)

Overview

3.40 Overall, there was clear support that the minimum requirements for notification of a proposed DNS application were adequate. The vast majority of LPAs provided a positive response to this question.

3.41 Of those consultees providing a negative response, each focussed on EIA. Concern was expressed that it should not be for developers to decide whether a project of the scale of DNS requires EIA. It was further suggested that all relevant statutory assessment processes, including EIA and Habitats Regulations Assessment (or appropriate assessment), should be considered within the notification to enable effective public and stakeholder participation in the DNS application. An alternative view was expressed from the Business/Planning Consultant sector that screening/scoping should follow notification of a DNS, though this related more to concerns over PINS resources being available, in advance of notification, to provide such services. In considering the matter of available resources, two responses from LPAs questioned whether the LPA would be notified at the same time as the Welsh Ministers of an application for DNS, to ensure that, like PINS/Welsh Ministers, sufficient resources are in place to deal with the submission.

- 3.42 One respondent, although content with the minimum requirements for notification, expressed some doubt as to whether the process would make applications more likely to happen on a given timeline. As there are often more important factors at play, it was suggested that developers may simply notify more than once (if the 12 month period for the subsequent submission of an application expires) which may make it difficult for PINS to allocate resources appropriately.
- 3.43 One response, from the voluntary sector, suggested that there would be a benefit in the submission of the s.106 statement (as described at paragraph 5.11 of the Consultation Document) at the notification stage, though the practicalities of requiring the submission of such a document at this stage would need consideration. It was also suggested that the identification of which of the prescribed secondary consents the developer intends to submit should only be indicative at the notification stage as the need for such consent may only become clear as the project evolves, following consultation.
- 3.44 A number of responses focussed on pre-application advice services to be provided by PINS and LPA(s). The matter of pre-application services will be considered later in this document under the response to Q21.

Q5 Welsh Government Response

Our intention is that the notification of a proposed application provides sufficient information for PINS to determine whether a proposal is DNS and for them to allocate appropriate resource in respect of pre-application requirements and for consideration of the application, without creating undue burden on the developer. These will be the minimum requirements for notification.

Each DNS notification must address the matter of EIA in confirming whether the proposal is EIA development or otherwise. At present, on applications made to the LPA, developers may either self-determine or seek a screening opinion to detect whether a project is EIA or otherwise. It is not intended to change this fundamental principle of EIA legislation.

The Planning (Wales) Act requires that a person who proposes to make a DNS application to Welsh Ministers must notify the Welsh Ministers and the LPA to which the application would otherwise have been made (Section 62E). In this way, LPAs will receive notification at the same time as Welsh Ministers and will be able to ensure that the necessary resources are in place in advance of submission of the application.

The ability to submit applications for secondary consents is at the discretion of the developer and there will be no statutory requirement for

applicants to apply for those consents listed, although there are clear benefits to incorporating a process for secondary consents in the DNS regime.

It is recognised that a scheme may undergo revision between the notification of a proposed DNS application and formal submission of the proposal and the secondary consents identified as those being applied for may change. However, there will be an expectation that the developer, when submitting the notification, will be sufficiently progressed with the preparation of the application to be able to undertake statutory pre-application consultation.

Next steps

- 3.45 Given the overall support for our proposals on the minimum requirements for the notification of a DNS application, we will seek to establish the relevant procedure, as specified in the consultation paper, in a development order.
- 3.46 In addition, we will seek to publish appropriate guidance for applicants, making clear the importance of addressing EIA as part of the DNS application 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? |
| Once notification has been accepted by PINS it is proposed that the developer will have a prescribed period within which to submit their application. This is to encourage a faster rate of progress from pre-application to consent/refusal of planning permission. This period will be a window within which to carry out statutory pre-application consultation and submit an application that meets prescribed requirements. | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 1 | 3 | 3 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 11 | 2 | 2 | 1 | 16 |
| C | Government Agency/Other Public Sector | 4 | 1 | 0 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 7 | 3 | 1 | 6 | 17 |
| E | Voluntary Sector | 1 | 1 | 0 | 6 | 8 |
| F | Others (other groups not listed) | 4 | 1 | 2 | 3 | 10 |
| Total all respondents | | 28 | 11 | 8 | 22 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 39 | 8 |
| Overall Percentage | 83% | 17% |

Statistical review

3.47 A clear majority of respondents were in favour of the proposals, with over 80% of consultees responding positively. The greatest number of positive responses was received from LPAs, though 2 did not agree that a 12 month period was appropriate. Both the Professional Bodies/Interest Groups and Government Agency/Other Public Sector groups were overwhelmingly positive regarding the proposed timescale. Most negative responses were received from the Business/Planning Consultants group where views were mixed overall.

Key themes

3.48 The key themes in response to question 6 were as follows:

- The majority of respondents were in favour of the proposal to set a timescale;
- The ability to extend the deadline when appropriate was welcomed; and
- There was some concern that where more than one round of pre-application consultation takes place, 12 months may not be a sufficient period within which to submit an application for DNS.

Overview

3.49 It was recognised by many respondents that the 12 month timescale should ensure that applications proceed in a timely manner and should lead to a more focussed period of information gathering, and it was observed that, beyond 12 months, the significance and quality of the information (for example in surveys or reports) would deteriorate. In particular it was noted that ecological surveys can quickly go out of date.

3.50 Responses from across the sectors welcomed the ability to extend the deadline for submission in appropriate circumstances. There was little indication of by how much the period should be extended, though one professional body suggested that this extension, which would be agreed by PINS in response to a (written) request from the developer, should be of up to 3 months. The provision of guidance on the process of extending the 12 month period was suggested.

3.51 A number of consultees observed that, where there is a need to provide adequate, contemporary or seasonally defined environmental information, the developer should be required to ensure that this is available before the end of the 12 month period.

- 3.52 There was some disagreement as to whether a 12 month deadline, albeit one that could be extended by a short period upon request, was sufficient, or whether it was even necessary. Alternative proposals for a suitable deadline, if this was deemed necessary, varied from 18 months, to over 3 years for larger schemes. It was particularly noted that the deadline may be too short where there is need for more than one round of pre-application consultation or where further surveys need to be undertaken following receipt of the consultation responses. One LPA observed that developers should not underestimate the resources required to undertake consultation exercises of this scale.

Q6 Welsh Government Response

The response to the consultation indicates that the proposal for inclusion of a specified period in which an application for DNS must be made following initial notification is appropriate. The proposal supports the Welsh Government's goal of increasing certainty in the bringing forward of such development. Furthermore, any reports or surveys consulted upon as part of the pre-application process are unlikely to become out-of-date during the 12 month period before the application is submitted, supporting our aims of front-loading the planning application process.

We have noted the concerns of some respondents that the 12 month period might not be sufficient. However, the consultation paper clearly emphasised that it is an expectation that an applicant should be in a position to commence pre-application consultation when notifying the Welsh Ministers of a proposed application for DNS. Furthermore, it would be expected that the developer would have undertaken some community consultation prior to notification to inform the scheme to be consulted upon.

We are satisfied that discretion to allow a short extension provides the necessary flexibility in ensuring that this period serves its purpose without resulting in the information consulted upon becoming outdated.

Next steps

- 3.53 Given the overall support for our proposals on inclusion of a deadline for submission of an application for DNS after the initial notification, we will seek to establish the relevant procedure, as specified in the consultation paper, in a statutory instrument. This will include a provision for the deadline to be extended, upon request, at the Welsh Ministers' discretion.
- 3.54 In addition, we will seek to publish appropriate guidance addressing the circumstances in which an extension may be granted, and the likely duration of such an extension and our expectations regarding community consultation.

| | |
|--|--|
| 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? |
| The Planning (Wales) Act 2015 introduces a new requirement for statutory pre-application publicity and consultation to be carried out by potential applicants for certain categories of development. These proposals are to apply to applications for DNS. The proposals for publicity and consultation build on those contained in the “Frontloading the development management system” consultation. | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|-----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 2 | 1 | 3 | 4 | 10 |
| B | Local Authorities (including National Park Authorities) | 2 | 11 | 3 | 0 | 16 |
| C | Government Agency/Other Public Sector | 1 | 3 | 1 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 4 | 4 | 2 | 7 | 17 |
| E | Voluntary Sector | 1 | 0 | 2 | 5 | 8 |
| F | Others (other groups not listed) | 5 | 2 | 1 | 2 | 10 |
| Total all respondents | | 15 | 21 | 12 | 21 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 36 | 12 |
| Overall Percentage | 75% | 25% |

Statistical review

3.55 The majority of respondents provided a positive response (either “Yes” or “Yes (subject to comments)”) to this question, with LPAs most in favour of the proposals overall. However, negative responses were received from all sectors, including LPAs, with the Voluntary Sector least enthusiastic overall. The views from the Business/Planning Consultant sector were mixed.

Key themes

3.56 The key themes in response to question 7 were as follows:

- The proposals should be seen as the minimum and it would be expected that developers would go beyond the minimum consultation requirements;
- 28 days may not be a sufficient period to respond to a consultation given the complexity of the proposals;
- Careful consideration is required to ensure that the correct consultees are engaged in the process; and
- There would be some burden on developers in making a full copy of the application available.

Overview

3.57 The majority of respondents returned a positive response to the proposals, though many of these highlighted that the prescribed consultation requirements should be seen as the minimum, and that applicants should undertake further community engagement events as the scheme evolves to the stage of statutory pre-application consultation. One LPA suggested that engagement events should be a formal requirement of the DNS process.

3.58 A number of respondents across all sectors suggested that the 4 week consultation period was not sufficient. They pointed to the fact that these are complex proposals frequently including lengthy and detailed data and technical information. Six respondents suggested an alternative timescale, in each case indicating a minimum statutory pre-application consultation period of six weeks. In the alternative, one LPA noted that the proposals reflect the existing provisions for nationally significance infrastructure and may be excessive for the purposes of DNS.

3.59 The proposals for a Consultation Report (as described at Paragraph 4.31 of the Consultation Document), detailing the steps taken to ensure effective consultation and outlining how the responses from consultees have been taken into account, received much support, in particular the requirement for the

developer to provide a detailed explanation of how they have responded to issues or objections raised in response to the pre-application consultation. The Consultation Report will be accessible via a website maintained by PINS once the application has been made, and in hard copy at the offices of the LPA(s) in which the application site is located. It was suggested by a number of LPAs and a Professional Body that the developer should make available a copy of the Consultation Report via an accessible website once it has been produced.

- 3.60 A number of respondents put forward suggestions as to the groups that should be consulted as part of an application for DNS. These included landscape bodies, local wildlife and archaeological trusts, the Police Service (particularly designing out crime officers), the AONB Joint Committee, experts in historic environment, the Design Council for Wales, and Public Health Wales. One response from the Voluntary Sector stated that it would be beneficial if a register of specialist non-statutory bodies was maintained to ensure they could be consulted at the earliest opportunity.
- 3.61 Concern was expressed by four respondents (two from the Business Sector, one Professional Body, and one “Other”) regarding the requirement to supply and publicise a complete copy of the planning application which they intend to submit to the Welsh Ministers. This requirement was considered onerous given that the suite of application documents is likely to change post-consultation, leading to a substantial amount of work and cost. Additionally, one respondent from the business sector observed that any requirement to make available the full materials for secondary consents may discourage developers from submitting their secondary consents at the same time as the DNS application.
- 3.62 Two of those respondents observed that the requirement to include all consultation responses received as part of the Consultation Report was overly-prescriptive and might make the report unwieldy, given that responses could run to thousands of pages. It was suggested, in the alternative, that the applicant should be required to provide copies of any consultation responses to PINS on request only.
- 3.63 The requirement to publish a press notice was met with a mixed response. One professional body suggested that wide notification would require publication of a prominent press notice in all local papers on at least two occasions for the primary and any subsequently revised proposal, though another respondent suggested that due to the decline in newspaper sales, such a requirement may be unnecessary. It was suggested that consideration should be given to using digital platforms and social media to publicise applications.

Q7 Welsh Government Response

A number of consultees expressed concern that the proposed 28 day pre-application consultation period was insufficient to allow meaningful response to what would be a complex application. Our intention is that, for applications for DNS, any significant planning issues can be raised prior to the submission of a formal application. An efficient pre-application process should ensure sufficient opportunity for consultees to express their views on a development, allow developers to consider these and, if necessary, amend their proposals before they are finalised and submitted.

Given that pre-application consultation is likely to be more work-intensive for respondents than the post-application consultation, we consider that there is merit in extending the pre-application consultation period and we consider that 6 weeks, an alternative period expressed by most respondents, to be a suitable revised pre-application consultation period.

The proposals put forward in the consultation paper are the minimum requirements for publicity and consultation and we would expect that, in most cases, an applicant will exceed these (many developers already carry out engagement events within areas affected by proposed development, for example). Our proposals allow the developer to decide on the most appropriate way to engage with consultees and the wider community (subject to minimum requirements), allowing different approaches to be taken to most effectively consult on the proposals. We will not make provision which prevents an applicant from carrying out the minimum requirements for pre-application consultation more than once.

The pre-application consultation report is the means of formally reporting the process and outcome of pre-application consultation, enabling PINS and other parties to ascertain whether appropriate consultation has been undertaken and to document the origins and progress of, and reasons for, any changes made to a proposal. However, we recognise that the inclusion of all responses received as an appendix would generate significant paperwork for the community to digest. We agree that copies of all responses received should only be provided on request.

We require the developer to publicise the full application at the statutory pre-application consultation stage so that sufficient information is provided to consultees and the public to enable informed representations and feedback to the developer. We consider that the frontloading of consultation in this manner has benefits for all parties. For the applicant, responses to the proposals would be received at an early stage allowing a scheme to be refined. By inviting response on the full application all possible impacts can be considered, allowing amendments to be made, which would only be possible to a limited extent once the application has

been submitted. Communities and statutory consultees will benefit from a more transparent process, with greater opportunity to influence the scheme.

We will highlight, in guidance, the non-statutory groups that developers should consider consulting as part of the DNS pre-application process.

Next steps

- 3.64 Given the overall support for our proposals on publicising applications for DNS, we will seek to establish the relevant procedure, as specified in the consultation paper, in a statutory instrument, subject to the inclusion of an extended minimum period of 6 weeks in which the application must be publicised.
- 3.65 In addition, we will seek to publish appropriate guidance for developers on best practice for pre-application consultation, highlighting the types of non-statutory consultees that they should consider engaging with.

| | |
|---|---|
| Q8 | Do you agree with our proposals for the advertisement of an application for DNS? If not, why not? |
| <p>While statutory consultees, Town or Community Councils, and third parties will have provided comments to influence the application as part of the pre-application consultation stage, it is considered necessary and fair for these parties to have an opportunity to comment on a formal application for DNS in the same way they would for a planning application to the LPA. Table A (Para 5.23) of the consultation sets out the proposed publicity arrangements for DNS applications.</p> | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 5 | 1 | 0 | 4 | 10 |
| B | Local Authorities (including National Park Authorities) | 5 | 8 | 2 | 1 | 16 |
| C | Government Agency/Other Public Sector | 3 | 1 | 1 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 7 | 3 | 0 | 7 | 17 |
| E | Voluntary Sector | 1 | 1 | 0 | 6 | 8 |
| F | Others (other groups not listed) | 6 | 1 | 0 | 3 | 10 |
| Total all respondents | | 27 | 15 | 3 | 24 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|-----------|
| Total Respondents indicating a response | 42 | 3 |
| Overall Percentage | 93% | 7% |

Statistical review

- 3.66 There was clear agreement with the proposals for publicising applications for DNS with only 3 negative responses received. These came from the LPA and Government Agency sectors, though both sectors were in overall favour of the proposals.

Key themes

- 3.67 The key themes in response to question 8 were as follows:
- An overall agreement with the proposed method of publicising applications for DNS;
 - A recurring theme of remuneration for LPAs in carrying out any publicity on behalf of the Welsh Ministers; and
 - A general view that, where possible, any publicity should be carried out electronically.

Overview

- 3.68 There was overall agreement with our method for publicising applications for DNS and the division of responsibilities between the Welsh Ministers and LPAs. Comments were received which expressed that the arrangements appear reasonable, proportionate, consistent with the status quo and sensible in involving the LPA in the publicity process given their local knowledge.
- 3.69 Of those who agreed with the publicity proposals, many LPAs commented that their costs in undertaking any publicity on behalf of the Welsh Ministers must be reimbursed. However, one commented that the proposal would place additional responsibility and workload on the LPA. One professional body suggested that the provisions should go further in making it a requirement for LPAs to include a link on their website to the application for DNS. Existing precedents were cited.
- 3.70 Whilst there was overall agreement with our proposals, one business respondent commented that full compliance with the pre-application process would largely negate the need to formally advertise the application for consultation.
- 3.71 Those who had reservations to the proposals largely consisted of LPAs. One LPA expressed the view that all advertisement should be carried out by PINS on behalf of the Welsh Ministers and that Inspectors may carry out the requirement to erect a site notice when they undertake their site visit. A further LPA considered that undertaking some publicity on behalf of the Welsh

Ministers would cause confusion to the public. A number of LPAs commented that they undertake publicity electronically and any service required of LPAs should accommodate this.

Q8 Welsh Government Response

The response to the consultation confirms that the proposals and division of responsibilities, as contained in the consultation paper, for the publicity of applications for DNS are appropriate.

Whilst comments were received which advocated the Inspector erecting a site notice, we consider that this would be impractical. LPAs are best placed to ensure that publicity is undertaken properly and in a timely manner. Whilst Inspectors will routinely undertake site visits in relation to applications for DNS, this will be at a later stage in the process following receipt of relevant representations and evidence.

It is contended that the role of the LPA in erecting a site notice would not cause confusion to the public. This is common practice and is required where there are planning appeals. To remove any confusion, we will ensure that the site notice provided to the LPA is sufficiently clear and branded in such a way that distinguishes PINS from the LPA.

We see merit, however, in the suggestion that LPAs provide a link to the application for DNS on their website. Such a link would ensure that those who intend to make representations are directed to the relevant place and would distinguish that such applications are for the Welsh Ministers to decide and not the LPA.

Consideration has also been given to the remuneration of LPAs in carrying out the duty of publicising the application. We consider this to be a fair proposal and in line with our expectations of LPAs being able to fulfil duties with fair contribution in terms of resources and support.

Next steps

- 3.72 Given the overall support for our proposals on publicising applications for DNS, we will seek to establish the relevant procedure, as specified in the consultation paper, in a statutory instrument. Where the LPA undertakes any publicity requirement, we shall seek to reimburse them for their costs as part of the local impact report fee.
- 3.73 In addition, we will seek to publish appropriate guidance for LPAs expressing that a link to the relevant part of PINS website should be published on the LPA website, where an application for DNS has been submitted.

| | |
|--|---|
| Q9 | Do you agree with our proposals regarding statements of common ground? If not, why not? |
| Written statements prepared jointly by the applicant and any interested party that contain agreed factual information about the application can aid the efficiency of the application process. The proposal is not to place a statutory requirement or deadline for submitting a statement of common ground, but to produce clear guidance which addresses it. | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 3 | 2 | 2 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 8 | 6 | 2 | 0 | 16 |
| C | Government Agency/Other Public Sector | 2 | 2 | 0 | 4 | 8 |
| D | Professional Bodies/Interest Groups | 2 | 6 | 0 | 9 | 17 |
| E | Voluntary Sector | 2 | 1 | 1 | 4 | 8 |
| F | Others (other groups not listed) | 3 | 3 | 2 | 2 | 10 |
| Total all respondents | | 20 | 20 | 7 | 22 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 40 | 7 |
| Overall Percentage | 85% | 15% |

Statistical review

3.74 A clear majority of respondents were in favour of the proposals, with LPAs being most positive in their responses. No negative responses were received from either the 'Government Agency/Other Public Sector' and 'Professional Bodies/Interest Groups' sectors. Negative responses were split across the other sectors with no clear pattern emerging.

Key themes

3.75 The key themes in response to question 9 were as follows:

- Clear support for the proposals to not include a mandatory requirement to submit a Statement of Common Ground ("SoCG");
- Respondents encouraged by inclusion of interested parties in the process;
- The need for guidance on the production of SoCGs; and
- Welcomed the flexibility to accept a SoCG submitted later in the process, where this would assist the Inspector

Overview

3.76 A clear majority of respondents were in favour of the proposals. The proposals were seen as proportionate, recognising that production of a SoCG may, in some cases, put a burden on the parties, whilst recognising the value of producing a SoCG in aiding the efficiency of the examination process. Overall, views expressed indicated that SoCGs should be encouraged, but not expected in all circumstances. Guidance on the SoCG process would be welcomed by a significant number of respondents across all sectors.

3.77 Respondents expressed satisfaction at being able to submit a later SoCG where this would be helpful to the Inspector as a shorter timescale may unnecessarily curb the ability to submit the SoCG. A SoCG may be produced more efficiently once all parties have determined their positions. A number of respondents were encouraged by the view expressed that the SoCG could be between the applicant and any interested party. This was seen as a positive, inclusive step. One LPA suggested that, in the context of the proposed DNS system, the SoCG would perhaps be more useful for establishing which parties agree, or do not agree, with each other rather than scoping out issues which do not need to be revisited at the examination. One respondent from the voluntary sector expressed concern that a SoCG might be used to undermine the evidence of objectors who are not party to it and that such attempts should be disregarded by the Inspector.

- 3.78 Two respondents proposed that the timeframe of 5 weeks for submitting a SoCG should be extended to 8 weeks. This would bring it in line with their views on extending the deadline for receiving consultation responses, and the Local impact Report, so that, in effect, the SoCG would be submitted at the same stage in the process (to assist in informing the examination procedure).

Q9 Welsh Government Response

A SoCG can aid the efficiency of the examination process, ensuring that it is focussed on the matters of dispute, enabling decisions to be made in a timely manner. The Welsh Government recognises that, on occasion, the difficulty in reaching agreement between the parties can place a burden on the applicant, LPAs and other parties involved in their production.

Our proposals, whilst recognising their value, will continue to encourage the submission of SoCG but not place an absolute requirement to submit. The proposal that the document should be submitted within 5 weeks of the notice of validation is seen as a sensible one given the assistance such a document may have on determining the examination procedure. We acknowledge that it will not always be possible to meet that deadline for a number of reasons, which is why our proposals are for a non-statutory process for SoCGs, which will allow for later submission where the SoCG will assist the Inspector. We will seek to produce guidance on the role of the SoCG in the DNS process and this will encourage parties to work towards producing one where it is practical to do so.

Next steps

- 3.79 Given the overall support for our proposals for Statements of Common Ground we will seek to publish appropriate guidance on their role within the DNS process.

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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. |
| The proposal is for all comments on the application to be submitted within 5 weeks of the notice confirming that the application for DNS is valid. This is longer than the 21 days required for major planning applications to reflect the fact that DNS projects are likely to be of greater complexity. | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|-----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 2 | 5 | 0 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 4 | 7 | 5 | 0 | 16 |
| C | Government Agency/Other Public Sector | 2 | 1 | 3 | 2 | 8 |
| D | Professional Bodies/Interest Groups | 1 | 3 | 6 | 7 | 17 |
| E | Voluntary Sector | 1 | 1 | 2 | 4 | 8 |
| F | Others (other groups not listed) | 2 | 3 | 4 | 1 | 10 |
| Total all respondents | | 12 | 20 | 20 | 17 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 32 | 20 |
| Overall Percentage | 62% | 38% |

Statistical review

3.80 Although just over a third of respondents gave negative responses to the question, the majority expressed a view in favour of the proposals. Responses from the Professional Body/Interest Group sector were least positive with more respondents answering “No”, than “Yes”/Yes (subject to comments)”. There were 5 negative responses from LPAs. The Business/Planning Consultant sector was most in favour of the proposal with no negative responses received.

Key themes

3.81 The key themes in response to question 10 were as follows:

- 5 weeks is an appropriate period given that parties will have had opportunity to comment on the scheme at the pre-application stage;
- If the scheme has changed since the pre-application consultation, 5 weeks may not be sufficient. There should be discretion to lengthen this timeframe; and
- The period may not give sufficient time for LPAs/Town or Community Councils to agree their representations by way of resolution.

Overview

3.82 Positive responses highlighted the fact that the application will have been subject to extensive pre-application consultation and the proposals strike a balance between wanting the benefits of a defined timetable and allowing parties a fair opportunity to participate. A number of consultees agreed with the proposed timescale, though indicated that this was dependent on the applicant having provided all the required/requested information to enable a substantive response.

3.83 While a number of LPAs expressed concerns that the 5 week period might not be sufficient to allow for formal approvals from planning committees, one authority indicated that 5 weeks would be sufficient for most complex proposals but that a shorter period of time might be appropriate in other cases. Another pointed to the need to ensure that representations submitted after this time should only be accepted by the Inspector in ‘exceptional circumstances’

3.84 Proposals for alternative timescales ranged from 6 to 15 weeks. There was no clear consensus on what an extended timescale should be. It was pointed out

that the amended EIA directive¹³ requires a consultation period of ‘no shorter than 30 days’. The current proposals meet this requirement.

- 3.85 Flexibility was called for by a number of respondents to allow an extension of the period for submitting a response as circumstances dictate. Conversely a number of consultees expressed concern that PINS’ power to accept late representations might result in unnecessary delays and this power should only be exercised in ‘exceptional circumstances’, with guidance produced indicating the circumstances in which late representations would be permitted.

Q10 Welsh Government Response

The Planning (Wales) Act contains a provision requiring decisions on applications for DNS and associated consents to be made within 36 weeks.

Given that the application process for Developments of National Significance is front-loaded, and most parties will have commented on a scheme before it is formally submitted for determination, we remain of the view that 5 weeks strikes an appropriate balance in allowing parties to comment on any changes to the scheme, whilst meeting the statutory deadline for determination of the application.

All parties will have access to a copy of the DNS application when it is made to the Welsh Ministers and will therefore have the initial period while the application is validated (a maximum of 28 days, or 42 days where the application is EIA development) in addition to the 5 week consultation period, in which to identify the comments they wish to provide in response to the application.

Next steps

- 3.86 Given the overall support for our proposals on the minimum requirements for the notification of a DNS application, we will seek to establish the relevant procedure, as specified in the consultation paper, in a statutory instrument.
- 3.87 In addition, we will seek to publish appropriate guidance which offers best practice on participating in the DNS process.

¹³ 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

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

It is proposed that, while retaining the principle that there will only be one opportunity for the applicant to pro-actively make an amendment to a scheme, PINS will be allowed to take a flexible approach to enable developers to react to any adverse comments received during the application consultation process. It is proposed that there will be a window of 10 working days in which the developer may express an intention to make an amendment to a scheme for DNS.

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 2 | 3 | 2 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 6 | 7 | 2 | 1 | 16 |
| C | Government Agency/Other Public Sector | 1 | 1 | 2 | 4 | 8 |
| D | Professional Bodies/Interest Groups | 5 | 4 | 1 | 7 | 17 |
| E | Voluntary Sector | 1 | 0 | 1 | 6 | 8 |
| F | Others (other groups not listed) | 5 | 2 | 0 | 3 | 10 |
| Total all respondents | | 20 | 17 | 8 | 24 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 37 | 8 |
| Overall Percentage | 82% | 18% |

Statistical review

3.88 There was general agreement with the proposals for making amendments to a scheme for DNS, with a majority of total respondents providing a positive response to the question. 45 respondents indicated a clear response to the question, with over 80% being in favour of the proposals. Responses from LPAs were most positive overall. Responses from the Government Agency/Other Public Sector group were mixed, with as many negative responses as those indicating “Yes” or “Yes (subject to comments)”.

Key themes

3.89 The key themes in response to question 11 were as follows:

- General agreement with the proposals for modifying a scheme for DNS;
- The ability to consider amendments beyond the minor/non-material is welcomed;
- The requirement for flexibility to ensure that the best scheme is put forward;
- The Initial 10 working day period to submit an intention to amend an application may not provide adequate time; and
- The requirement for guidance.

Overview

3.90 A majority of consultees responded favourably to the proposals and there was recognition that limiting amendments to a DNS application was necessary to avoid a cycle of consultation and amendments. Businesses largely welcomed that the proposals went beyond those contained in the ‘Positive Planning’ in allowing a greater scope to make amendments to a scheme that went beyond minor material. Guidance was sought as to the scope of amendments that would be permissible. It was highlighted that amendments to the scheme could influence any SoCG or agreed obligation and this matter will consider further thought.

3.91 Flexibility was requested by a number of consultees to ensure that the ultimate scheme was the most appropriate rather than constraining through timescales or discouraging amendments. It was recognised that amendments which make a scheme more acceptable to one party might be considered less acceptable to another. One respondent suggested an alternative timescale in which a developer should notify PINS of proposed amendments, with two months being proposed.

- 3.92 Concern was expressed that significant revision of a scheme would place significant demands on parties to respond in a timely manner or to challenge the detail of the changes. There was also concern about how further views would be sought from parties that may have raised the impact that resulted in the need for amendment.

Q11 Welsh Government Response

The Welsh Government considers that the pre-application stage is the most appropriate at which to make any amendments to a scheme for DNS. However, we accept there may be circumstances where particular impacts or objections only come to light once the DNS application has been submitted. Our proposals allow flexibility in permitting (at the Inspector's discretion) amendments once a scheme for DNS has been submitted. These proposals go beyond those set out in the 'Positive Planning' consultation in allowing more than minor amendments to a scheme. Allowing for the making of reactive amendments to a scheme at this stage may provide an opportunity to reduce the impacts of a proposed scheme and aid in making it more acceptable to third parties and statutory consultees if their objections have only come to light during post-application consultation.

Any representations submitted on a DNS application will be published as soon as is practicable through an online portal, rather than delaying until the end of the consultation period. We feel that this will allow sufficient opportunity for a developer to identify impacts for which amendments will be sought and notify PINS of their intention to make an amendment within the timescale proposed.

Next steps

- 3.93 Given the overall support for our proposals on making amendments applications for DNS, we will seek to establish the relevant procedure, as specified in the consultation paper, in a statutory instrument.
- 3.94 In addition, decisions on the acceptance of an amendment will be supported by published guidance which will now be produced.

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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 PINS must determine the appropriate procedure to examine an application for DNS? If not, please specify an alternative timeframe. |
| Following the completion of the consultation on the application for DNS, PINS will make a decision on the basis of the information before them whether further exploration by way of written representations, a hearing, or an inquiry is required. This determination will occur in the 10 working days following the closure of the consultation and publicity periods. The determination will be made in accordance with published criteria. | |

| Statistical Summary | | | | | | |
|------------------------------|---|------------|---|-----------|-------------------|--------------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 4 | 2 | 1 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 10 | 2 | 1 | 3 | 16 |
| C | Government Agency/Other Public Sector | 3 | 1 | 2 | 2 | 8 |
| D | Professional Bodies/Interest Groups | 6 | 5 | 0 | 6 | 17 |
| E | Voluntary Sector | 1 | 0 | 0 | 7 | 8 |
| F | Others (other groups not listed) | 5 | 1 | 1 | 3 | 10 |
| Total all respondents | | 29 | 11 | 5 | 24 | 69 |

| | Yes/Yes (subject to comment) | No |
|--|-------------------------------------|------------|
| Total Respondents indicating a response | 40 | 5 |
| Overall Percentage | 89% | 11% |

Statistical review

3.95 A clear majority of respondents considered that the 10 working day timescale to determine the procedure was appropriate with close to 90% of respondents who expressed an opinion providing a response of “Yes” or “Yes (subject to comment)”. 5 (of 69) respondents provided a negative response, 4 of these indicating that the proposed time was too short. The vast majority of LPAs were in favour of the timescale, whereas only one clear response was received from Voluntary Sector respondents. The least positive response was received from the Government Agency/Other Public Sector group with a quarter of total respondents providing a “No” response.

Key themes

3.96 The key themes in response to question 12 were as follows:

- General agreement that the timescale is appropriate, subject to the Inspector being satisfied that they have all relevant information to determine the application;
- The timescale may be tight and a slightly longer timescale may be necessary while the new regime is established;
- Comments regarding the volume and length of replies, and scale and complexity of development may result in the timescale being too short; and
- An acceptance that PINS is best placed to determine whether the timescale is appropriate.

Overview

3.97 The vast majority of respondents who expressed an opinion considered that the timescale for determining the application procedure was appropriate, though subject to the proviso that the Inspector has all the necessary information to make such a determination. One respondent suggested that third parties should be able to notify the Inspector during this period if they believe that any information is deficient or missing. One respondent from the Government Sector suggested that the timescale should be kept under review and amended as appropriate based on experience of operating the process and that a longer period may initially be needed while the new process is established. It was noted that by other consultees that the Inspector has the power to alter the procedure at any point thereafter, for example, where further amendments are made to the scheme. One LPA suggested that LPAs should always have the opportunity to participate in a hearing if they so wish.

- 3.98 There was a suggestion that it may assist if parties are requested, when making their representations, to set out what procedure is considered appropriate, with reasons and for the applicant to be encouraged to do the same. It was observed that a sufficient timescale is required to allow consultation with appropriate experts as to the most appropriate procedure to resolve particular issues (for example historic environment).
- 3.99 Concern was expressed by one professional body that there were no specific proposals for holding a pre-examination meeting. It was considered that this was the most appropriate forum for interested parties to raise issues about the examination procedure determined by PINS, and to make representations arguing for additional topic hearings or inquiry sessions.
- 3.100 It was observed that consultees are likely to respond at the end of the deadline for making representations due to their own workloads and resources. This may make it difficult for PINS to take an early view as to the appropriate procedure. Two parties indicated that 28 days (4 weeks) would be a more appropriate timescale for determining the procedure, though they did not indicate why this view had been reached. No other respondent indicated an alternative timescale.

Q12 Welsh Government Response

The Planning (Wales) Act places responsibility on the Welsh Ministers (and PINS on their behalf) to determine the most appropriate method for the examination of an application for DNS. Where it is possible, examination will proceed by way of written representations although specific issues, because of their complexity, may require examination through a hearing or more formal inquiry procedure.

The procedure will be determined within 10 working days following the end of the consultation period for the DNS application. At this point, the Inspector would have all the necessary information before them to decide the correct procedure. It is considered that 10 working days following the closure of the representation period is a sufficient timescale to determine the appropriate procedure and compares favourably to the shorter time given to Inspectors to make the same determination upon receipt of an appeal or called-in application.

Whilst determination of procedure will be a matter for PINS, to assist the Inspectorate in this task, all parties to the application will have an opportunity to indicate their views on the procedure by way of representations. This will be expressed in guidance.

It remains open to the Inspector to alter the procedure at any point following this initial determination if circumstances indicate this is appropriate. Any determination of procedure will be made in accordance with published criteria.

Next steps

- 3.101 Given the overall support for our proposals, we will seek to establish the relevant procedure, as specified in the consultation paper, in a statutory instrument.
- 3.102 We will publish the criteria which will be used for the determining the procedure for an application for DNS. In addition, we will seek to publish guidance indicating how parties can provide their views on the appropriate procedure for determining the application.

| | |
|------------|--|
| 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? |
|------------|--|

To ensure that the Inspector has sufficient information for the examination of a DNS application, the appointed Inspector may require submission of further evidence on certain issues by any of the parties. It is proposed that the further submissions will be subject to a word limit of 3,000 words per issue as the information requested will be specific and focussed on each individual issue.

| Statistical Summary | | | | | | |
|------------------------------|---|------------|---|-----------|-------------------|--------------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 2 | 4 | 1 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 8 | 2 | 5 | 1 | 16 |
| C | Government Agency/Other Public Sector | 2 | 2 | 1 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 5 | 1 | 3 | 8 | 17 |
| E | Voluntary Sector | 2 | 0 | 1 | 5 | 8 |
| F | Others (other groups not listed) | 3 | 2 | 2 | 3 | 10 |
| Total all respondents | | 22 | 11 | 13 | 23 | 69 |

| | Yes/Yes (subject to comments) | No |
|--|--------------------------------------|------------|
| Total Respondents indicating a response | 33 | 13 |
| Overall Percentage | 72% | 28% |

Statistical review

3.103 Almost half of all total respondents, and nearly three quarters of those who expressed an opinion, were in favour of imposing a word limit of 3,000 words per topic. There were a number of negative responses (just over a quarter of respondents who expressed an opinion) including 5 LPAs, though one of the negative responses actually suggested a lower limit of 2,000 words. For each of the 6 sectors, the number of 'Yes' responses received exceeded the number of 'No' responses. Proportionally, LPAs were most opposed to imposing a 3,000 word limit.

Key themes

3.104 The key themes in response to question 2 were as follows:

- General support for proposals to make further representations more focussed and concise;
- Some concern that a word limit will limit the ability of parties to adequately address, in particular, technical issues and that discounting words beyond the limit may be procedurally unfair; and
- Suggestion that the word limit should be a guideline only.

Overview

3.105 Respondents in favour of a word limit being imposed cited clarity and brevity with more focus as key reasons. Even where respondents did not agree with the proposals for implementing a word limit, most understood the need to keep submissions focussed and concise

3.106 Concern was expressed by some respondents that disregarding words beyond the limit may cause a failure to take account of information critical to the decision and leave the decision vulnerable to challenge. It was suggested by a number of respondents that the word limit should be a guideline, or that, where imposed, the Inspector should have scope to extend that limit, where appropriate.

3.107 A number of responses suggested alternative approaches, where technical appendices would be allowed, or that the submissions should be provided with a shorter précis or summary. It was observed by more than one respondent that providing diagrammatic or visual documentation is likely to be more helpful. One suggestion from the Professional Body/Interest Group sector was that submissions over the limit should be subject to a cost penalty where the limit is exceeded without good reason.

- 3.108 A small number of respondents addressed the actual word limit of 3,000 words (rather than the principle of a word limit) directly in their submissions. One response from the Voluntary Sector indicated that an even lower limit, of 2,000 words per topic, would be appropriate to encourage precision and reduced volume. One LPA indicated, in their experience of dealing with major development proposals, that the proposed word limit was acceptable.
- 3.109 Guidance on submission of further representations both generally, and when requested by the Inspector, was considered important. Two respondents proposed that responses could (or indeed, should) be limited to matters which could not reasonably have been raised at earlier stages, or where new evidence has come to light. It was suggested that there needs to be a clear definition of the topics on which comments may be sought, and one LPA indicated that requests for further information should be in the form of written questions to ensure that responses were appropriately focussed.

Q13 Welsh Government Response

During the 5 week representation period, it is the expectation that respondents give their full statement of case at this stage. Following receipt of those representations, the Inspector should have sufficient information to be able to determine the application. However, situations may arise where further elaboration is required.

Where the Inspector invites further submissions from selected parties, those requests shall be specific and focussed on a particular issue, or issues which will be clearly defined by the Inspector.

While concerns have been expressed by respondents over the imposition of a 3,000 word limit to further representations, most agree with the policy intention to keep representations focussed and concise.

PINS has previously issued guidance regarding the need for conciseness when making representations which we understand has had little impact on the length of those representations. We therefore consider it preferable to impose a strict word limit on these additional representations. Where the word limit is exceeded, the Inspector may disregard those representations that exceed the limit.

It remains our view that a 3,000 word limit per issue for these additional submissions strikes an appropriate balance and will allow parties to adequately address any additional matters the Inspector has identified. Where these further representations are required, it would normally be the case that the matter be explored further at a hearing or inquiry.

Next steps

- 3.110 Given the overall support for our proposals on including a word limit where further information is requested by the Inspector, we will seek to establish this limit, beyond which the Inspector may disregard representations, in a statutory instrument.
- 3.111 In addition, we will seek to publish appropriate guidance for parties on how the word limit will be applied and the process for providing further representations at the Inspector's request on a DNS application, with particular reference to the provision of additional visual/diagrammatic evidence.

| | |
|---|--|
| Q14 | Do you agree that the applicant is only required to submit paper copies of applications for DNS to PINS and LPA(s) within which the DNS is located? If not, why not? |
| We propose to continue to provide for those in society who are unable to access the internet by placing a requirement on the applicant to deposit a physical copy of an application for DNS with the LPA(s) and PINS. | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|-----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 4 | 2 | 1 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 5 | 3 | 8 | 0 | 16 |
| C | Government Agency/Other Public Sector | 2 | 2 | 1 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 3 | 4 | 3 | 7 | 17 |
| E | Voluntary Sector | 1 | 0 | 0 | 7 | 8 |
| F | Others (other groups not listed) | 5 | 1 | 2 | 2 | 10 |
| Total all respondents | | 20 | 12 | 15 | 22 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 32 | 15 |
| Overall Percentage | 68% | 32% |

Statistical review

3.112 Overall, more respondents were in favour of the proposals than against. Of respondents who expressed a clear opinion on the question just over two-thirds provided a positive response. Half of all LPAs answered “No” to this question.

Key themes

3.113 The key themes in response to question 14 were as follows:

- Acknowledgement that the world is moving towards electronic working so making the application documents available electronically is the correct approach;
- Acceptance that paper copies will still be necessary for parties who may not have access to the internet;
- Paper copies should be made available on request; and
- Concern that placing hard copies with LPAs would lead to further burden on LPA officers

Overview

3.114 There was general acceptance of the proposals, with the majority of respondents agreeing that electronic working, supported appropriately with paper copies of application documents was the correct approach. There did appear to be some confusion over the proposals, however, which are separate from those relating to pre-application consultation.

3.115 Around half of LPAs provided a negative response to the question, concerned that officer time would be taken in explaining the proposals to members of the public if the LPA was used as a repository for the application documents.

3.116 It was observed that an LPA may be impacted by a scheme even though the development site may not be within the Council’s boundaries. It was suggested that in such circumstances a hard copy of the application should be provided to the affected LPA(s). A significant number of consultees indicated that hard copies of the application documents should always be available on request.

Q14 Welsh Government Response

We consider that using electronic methods will reduce the time taken to exchange information and enable further transparency in the DNS process. Although there is evidence to suggest that the public rarely takes the opportunity to view plans relating to a NSIP application at Council Offices, or other deposit locations, it is recognised that there remain groups in society who are unable to access the internet, and our proposals continue to provide for them without placing an undue burden in both time and cost on the developer to provide paper copies.

It is not intended that the placement of a hard copy of the application with the LPA should place any additional administrative burden on the LPA. There is, however a duty for LPAs to keep a register of all planning applications along with associated documentation and there will be a similar duty for applications for DNS. We consider that this arrangement will enable the public at large to access information relating to an application for DNS in the same way as they would for other planning proposals.

Any placement of hard copies of the application documents in other public deposit locations will be entirely at the discretion of the applicant, as they consider appropriate. We will, however, produce guidance indicating that applicants should consider doing so, particularly in the case of linear schemes, or where the application site is situated some distance from the Council Offices. Where a proposal is located in more than one LPA, the applicant will be required to deposit a copy with each LPA. Details of where consultees can obtain additional hard copies of the application documents, subject to availability and any attendant costs to produce, will be provided as part of the publicity/site notice.

Next steps

- 3.117 Given the overall support for our proposals on electronic working, we will establish the provisions, as specified in the consultation paper, in a statutory instrument.

| | |
|---|--|
| Q15 | Do you agree with the minimum requirements for Local Impact Reports? If not, why not? |
| <p>The Local Impact Report (“LIR”) will be the LPA’s opportunity to give details of the likely impact of the proposed development on the authority’s area. The LIR is intended to inform the Inspector and the Welsh Ministers of any relevant potential impacts on the locality and will be a material consideration in the decision-making process. The proposal subject of Q15 sets out the minimum requirements for an LIR submitted by the LPA(s) within which the DNS application is located.</p> | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don’t Know | Total |
| A | Businesses / Planning Consultants | 4 | 3 | 0 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 6 | 6 | 4 | 0 | 16 |
| C | Government Agency/Other Public Sector | 1 | 2 | 1 | 4 | 8 |
| D | Professional Bodies/Interest Groups | 9 | 1 | 0 | 7 | 17 |
| E | Voluntary Sector | 1 | 0 | 2 | 5 | 8 |
| F | Others (other groups not listed) | 4 | 1 | 0 | 5 | 10 |
| Total all respondents | | 25 | 13 | 7 | 24 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 38 | 7 |
| Overall Percentage | 84% | 16% |

Statistical review

3.118 A clear majority of respondents were in favour of the proposals, with no negative responses received from the 'Business/Planning Consultant', 'Professional Bodies/Interest Groups' and 'Other' sectors. The 'Professional Bodies/Interest Groups' sector was most positive, with 100% of consultees who indicated a response of 'Yes' or 'Yes (subject to comments)'. The Voluntary Sector was least positive overall, with the highest number of negative responses being received from LPAs, although overall response from this group was positive.

Key themes

3.119 The key themes in response to question 15 were as follows:

- The majority of respondents were in favour of the proposals;
- Guidance is required to provide clarity on the LIR process for LPAs;
- The LIR should include positive impacts, as well as negative; and
- LPAs should be able to provide a value judgement on proposals.

Overview

3.120 There was clear support for the minimum requirements proposed for Local Impact Reports.

3.121 Given that this will be a largely new process for LPAs, a number of respondents pointed to the need for guidance, which is seen as essential to ensure that it is clear what should – and can – be included within the LIR. A number of consultees made it clear that the LIR should include positive impacts, such as creation of jobs, remediation of contaminated land, impact on the local economy, as applicable in any particular case. Guidance was particularly sought regarding the need to commission any specialist reports necessary to adequately assess the local impact, and on the production of voluntary or joint LIRs.

3.122 Some consultees provided suggestions for topic areas that should be considered as part of the LIR. These included:

- Socio-economic impacts;
- Health Impacts;
- Ecology;
- Landscape Impacts; and
- Environmental Impacts

- 3.123 The LIR is intended to be a technical and factual document and as such it is proposed that it should not be used in a way which expresses political views, recommendations, or a balancing exercise on the acceptability of the proposal. Responses from a number of LPAs in particular expressed concern that there should be a mechanism by which the views of the LPA and the elected members can be provided. It was suggested by a small number of respondents that the public/third parties should be able to make representations to the relevant LPA on issues that are of particular interest to them, and to comment on the LIR.
- 3.124 Two respondents identified a need for the LPA to produce a LIR for any DNS which is included in the NDF and which is subsequently proposed for implementation.

Q15 Welsh Government Response

The responses agreed that the minimum required information within a LIR should not be overly prescriptive. We consider that the LPA will be best placed to decide the types of local impact that a DNS may bring, be it positive or negative. It is not the intention of the Welsh Ministers that LPAs should be constrained in providing views or recommendations on a proposal; it is for the Welsh Ministers to determine DNS applications. However, it is open to LPAs or individual Councillors to express their views separately by way of a separate representation in the same way as third parties and consultees.

The public will have their own opportunity to make representations as part of the application process enabling them to identify issues that are of particular interest to them so there is no need for them to input into the LIR process. Town or Community Councils, or Neighbouring LPAs, are able to submit a voluntary LIR if they so wish.

The DNS application process will operate in the same way regardless of whether the development proposal is included within the NDF, or subject to the DNS Thresholds and Criteria.

As part of an overall suite of guidance to support the DNS application process, guidance will be produced on the production of LIRs.

Next steps

- 3.125 Given the overall support for our proposals on the minimum requirements for a LIR, we will seek to establish the relevant procedure, as specified in the consultation paper, in a statutory instrument.

3.126 In addition, we will seek to publish appropriate guidance for LPAs and Town and Community Councils regarding the role and content of a required and a voluntary LIRs in the DNS application process.

| | |
|--|---|
| Q16 | Would you consider 5 weeks an appropriate timescale within which to provide a Local Impact Report? If not, please suggest appropriate timescales. |
| The LIR will be the LPA's opportunity to give details of the likely impact of the proposed development on the authority's area. The LIR is intended to inform the Inspector and the Welsh Ministers of any relevant potential impacts on the locality and will be a material consideration in the decision-making process. A deadline of 5 weeks for the production of an LIR is proposed in light of its importance and the potential consequences related to late or incomplete provision of a required LIR. | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|-----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 6 | 1 | 0 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 2 | 4 | 9 | 1 | 16 |
| C | Government Agency/Other Public Sector | 3 | 1 | 1 | 3 | 8 |
| D | Professional Bodies/Interest Groups | 1 | 5 | 2 | 9 | 17 |
| E | Voluntary Sector | 1 | 0 | 1 | 6 | 8 |
| F | Others (other groups not listed) | 3 | 0 | 3 | 4 | 10 |
| Total all respondents | | 16 | 11 | 16 | 26 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 27 | 16 |
| Overall Percentage | 63% | 37% |

Statistical review

3.127 Where respondents expressed a clear opinion on the proposals, the majority were in favour. Those from the Business/Planning Consultant sector were most positive overall with no negative responses received. LPAs were less positive, with over half against the proposals. Opinion was mixed in the Voluntary Sector and “Other” groups, with as many negative as positive responses received, albeit with a significant number within each group not providing a direct answer.

Key themes

3.128 The key themes in response to question 16 were as follows:

- Overall agreement that 5 weeks is an appropriate period;
- Many respondents noted that 5 weeks appears to be a short time to gain objective feedback and to undertake a range of processes within the Council; and
- Longer time periods were suggested ranging between 6 weeks and 15 weeks.

Overview

3.129 There was overall agreement with the proposal. Positive responses highlighted that the timescale aligns with the submission of consultee representations and that LPAs would have sufficient opportunity to consider local impacts prior to the formal submission of an application. The 5 week time period, as suggested in our proposals, appeared appropriate in that ample warning is provided to schedule resource to compile a LIR. Those who agreed with the proposals made additional suggestions as to how the LIR should be scrutinised. An additional period of consultation was suggested by a professional body following submission of the report.

3.130 The response from LPAs was mixed. On one hand, there was disagreement with the time period. Some responses indicated that whilst a fixed timeframe is supported, it is an extremely tight timeframe within which to gain approval from Council or Cabinet and to meet Council committee cycles. Experience of the process for Nationally Significant Infrastructure Projects under the Planning Act 2008 was cited.

3.131 Some responses from LPAs indicated that there would be insufficient time to commission any external technical input or scrutiny of the report, given the likely complexity of DNS schemes. Alternative timescales were also suggested. One LPA suggested that there should be scope for extension of

the time period with the agreement of the applicant. A business respondent suggested that guidance should make it clear that the LIR is a technical and factual document which does not require member approval.

- 3.132 The matter of non-payment for late or no submission was also mentioned by one LPA as ill-conceived and unwelcome. Other LPAs agreed with the proposals. This was predicated on the basis that the LPA will be aware of the application at the pre-application stage and may commence work at an early scale. Furthermore, it was indicated that the timescale was sufficient given the minimum requirements stated in the consultation paper.
- 3.133 Comments received from LPAs and Professional Body respondents suggested that the ed timescale, which was perceived by some as short, would not allow topic areas to be covered sufficiently or for a meaningful response to be compiled either by the Council's planning department or the various departments within Councils. Comments were also made that the time period is disproportionate compared to the validation period. A flexible timescale was suggested.

Q16 Welsh Government Response

While a number of respondents disagreed with the proposals, the majority of respondents agreed that 5 weeks strikes an appropriate balance within which the LPA must submit a local impact report.

The application process for DNS is significantly 'front-loaded' and most parties, including the LPA, will have ample opportunity to form a view on a scheme prior to its submission (the timescale for which will be extended to a minimum of 6 weeks in response to consultation responses to Q7). The consultation report, to be provided by the developer when submitting their application for DNS, is required to indicate whether the scheme has been amended following the pre-application consultation. In this way, the LPA will be aware of any changes since that stage in a concise way.

LPAs will be deposited with a copy of the DNS application when it is made to the Welsh Ministers and will therefore have the initial period while the application is validated (28 days, or 42 days where the application is EIA development) in addition to the 5 week period in which to submit a LIR. We are of the view that this combined period prior to the validation of the application for DNS provides an adequate timescale within which to ensure appropriate personnel are available and to make necessary arrangements for any other resources required including any external expertise, to input within the 5 week time period.

Some respondents mentioned the requirement for Council scrutiny of the LIR via a committee or cabinet meeting. Our consultation paper makes it clear that the LIR is a technical and factual document which does not express any political views. It is not advised that this report is put before Council. However, it is open to the Council to provide representations in support of, or against a proposal should it so wish.

Some respondents also asked for additional provision to extend the period within which a LIR may be submitted. We are of the view that the Inspector should have the discretion to accept a LIR received outside of the 5 week period. However, the LPA will receive a reduced or no fee for late submission.

The Planning (Wales) Act 2015 introduces a provision requiring decisions on applications for DNS and associated consents to be made within 36 weeks. A statutory deadline provides greater confidence and certainty for applicant and will place the Welsh Ministers on the same footing as LPAs. It is essential that any deadline to submit responses strikes the correct balance between giving parties an opportunity to comment on changes to the scheme and allowing the decision to be issued in a timely manner. In this respect, it would not be appropriate to require additional consultation on the LPA's view of the DNS proposal.

Next steps

- 3.134 It is proposed that the period within which a LIR must be submitted will remain as 5 weeks following the validation of an application for DNS. We will seek to establish this, as well as other relevant procedures, in a statutory instrument.
- 3.135 In addition, we will seek to publish appropriate guidance for LPAs indicating at which stages preparation of the LIR should be undertaken as well as advice on when to identify and procure specialist advice to input to the LIR. In the interests of expediting the process, guidance will also indicate that the LIR is not required to be approved by Council prior to its submission to the Welsh Ministers due to the factual and technical nature of the document.

| | |
|------------|---|
| 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, PINS) costs in carrying out the work? If not, why not? |
|------------|---|

The fees charged for DNS pre-application and application work will not replicate the model used by LPAs for planning applications. A fee structure is proposed based on the recovery of costs incurred when carrying out the work to which the fee applies.

| Statistical Summary | | | | | | |
|------------------------------|---|------------|---|-----------|-------------------|--------------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 1 | 4 | 1 | 4 | 10 |
| B | Local Authorities (including National Park Authorities) | 5 | 6 | 2 | 3 | 16 |
| C | Government Agency/Other Public Sector | 2 | 1 | 0 | 5 | 8 |
| D | Professional Bodies/Interest Groups | 8 | 0 | 1 | 8 | 17 |
| E | Voluntary Sector | 1 | 0 | 1 | 6 | 8 |
| F | Others (other groups not listed) | 3 | 1 | 0 | 6 | 10 |
| Total all respondents | | 20 | 12 | 5 | 32 | 69 |

| | Yes/Yes subject to comment | No |
|--|-----------------------------------|------------|
| Total Respondents indicating a response | 32 | 5 |
| Overall Percentage | 86% | 14% |

Statistical review

3.136 A significant number of consultees did not directly answer this question but, of those who did, a clear majority were in favour. LPAs provided the highest number of positive responses (11) whilst returning only 2 negative responses. No other group provided more than one negative response, and the Government Agency/Other Public Sector and “Other” groups provided none.

Key themes

3.137 The key themes in response to question 17 were as follows:

- A consensus that the full cost recovery should be matched by a reliable service;
- Support for a fee which reflected the procedure and complexity of the application; and
- Concern about inconsistencies between fees for LPAs and fees for Welsh Ministers.

Overview

3.138 There was overall agreement with the principle of seeking full cost recovery for DNS applications and the fee structure which supported this. This support was on the proviso that the costs to the developer are matched by reliable service standards and certainty on timescales for decision-making, and that those costs are reasonable and in line with government guidelines on cost recovery. A proportionate fee on a cost-reflective basis based on procedure (i.e. whether the application was examined by way of written representations, hearing or inquiry procedure) was supported.

3.139 Whilst the principle of full cost recovery was supported, there was some concern that the variable cost element would cause uncertainty for developers in terms of budgeting for a DNS application. It was commented that the Welsh Ministers should have very limited availability to provide for open-ended costs. It would be of assistance to applicants if a fee forecast could be issued upon acceptance of an application to assist with financial planning. It was also commented by business respondents and LPAs that the Welsh Government should not produce a fee structure which discourages investment in Wales. One respondent suggested that a fee cap should be imposed.

3.140 Representations were received, largely from LPAs, which expressed the inconsistency between the fee structure for DNS and that for applications made directly to the Welsh Ministers. It was also commented by them that the intention of full cost recovery should be applied to all planning applications.

One voluntary sector respondent suggested that fees should also be recoverable by Natural Resources Wales.

- 3.141 A number of respondents noted the difficulty in commenting on the fee structure without a full picture of the amount of work involved for the Welsh Ministers and the cost apportioned to that work. It was noted by one professional body that the Welsh Government should avoid imposing disproportionate costs on development proposals, particularly those development types where respondents perceive there to be a relatively low threshold.

Q17 Welsh Government Response

The responses indicate an overall support for the proposed mixture of fixed and variable fees for DNS applications. The main concern relating to the proposed fee model centred on the uncertainty and variability of costs. We remain of the opinion that where an application is of a complex nature and requires scrutiny by way of hearing or inquiry that a higher fee should be paid to reflect the cost of examination to the Welsh Ministers, hence there will be no cap to our fees. However, we understand the difficulty in budgeting for an unknown process. We therefore propose that where the procedure for examination of the DNS application is determined that an estimate of the cost to the applicant is issued alongside it. This will provide more certainty for developers of the costs of the application process.

An Explanatory Memorandum incorporating a Regulatory Impact Assessment is to be published alongside legislation for DNS. This Impact Assessment will contain an estimated and indicative total fee of a typical DNS application.

Whilst the objective of the DNS fee structure is to achieve full cost recovery, comments were received which highlighted a different approach to DNS fees and LPA fees for planning applications. An analysis has been undertaken of fees received by LPAs in the previous 10 years for those developments which would qualify as DNS. The average fee for such developments is estimated at around £60,000. On three occasions the fee reached the cap of £250,000. DNS fees are likely to be lower than the £60,000 average on most occasions and are highly unlikely to reach the planning fee cap.

Planning applications made to LPAs are considered differently to DNS applications and there is very little variation of procedure. Hence, they are a fixed fee. As the procedure for the consideration of DNS applications may differ from written representations to a full public inquiry, it is prudent that the fee relates to the costs incurred in undertaking that procedure.

Concerning comments made regarding payment for statutory consultees, it is noted that consultees routinely engage with the planning process at all levels of decision making without additional payment. It is not expected that consultees contribute to the DNS process to a greater extent than they do at present, where the application is made to the LPA.

It is our intention to conduct ongoing monitoring of the DNS process when it is in operation. A review of fees for DNS applications in relation to the actual cost to the Welsh Ministers will form part of that process

Next steps

- 3.142 We will establish how fees for DNS are to be calculated in a Statutory Instrument and will publish our proposed fees in accordance with the proposals set out in the consultation paper. Following the comments received, we will also make provision for an estimate to be provided when the procedure for determining the application for DNS has been determined.

| | |
|---|---|
| Q18 | Do you agree that the relevant LPA should receive a fixed fee for producing a Local Impact Report? If not, why not? |
| <p>The relevant LPA(s) for a DNS application will be required to produce and submit a LIR which meets minimum requirements within a set timescale. It is proposed that the LPA should receive payment for carrying out this statutory duty and that the payment for the LIR should be part of the fixed fee paid by the applicant when they submit their application.</p> | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|-----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 4 | 3 | 0 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 1 | 9 | 5 | 1 | 16 |
| C | Government Agency/Other Public Sector | 1 | 1 | 1 | 5 | 8 |
| D | Professional Bodies/Interest Groups | 5 | 2 | 3 | 7 | 17 |
| E | Voluntary Sector | 1 | 1 | 0 | 6 | 8 |
| F | Others (other groups not listed) | 3 | 2 | 2 | 3 | 10 |
| Total all respondents | | 15 | 18 | 11 | 25 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 33 | 11 |
| Overall Percentage | 75% | 25% |

Statistical review

3.143 Of the respondents who provided a direct response to the question, a clear majority provided a positive response of either “Yes” or “Yes (subject to comments)”. Response from the Business/Planning Consultant group was most positive overall, with no negative responses. LPA response was positive overall, but was also the source of the most negative responses (5).

Key themes

3.144 The key themes in response to question 18 were as follows:

- General agreement to the proposals from those who directly answered the question;
- LPAs overall in favour of the proposals;
- The need to ensure that there is full cost recovery for LPAs; and
- The need to ensure that the fee level can be revised if necessary.

Overview

3.145 Most respondents who provided a direct answer to the question were in favour of the proposals. The vast majority of consultees recognised the need for, and welcomed the provision of, a fee for producing the LIR, though it was observed by one professional body that a fee is not paid for a LIR under the NSIP regime. Where consultees disagreed with the proposals, it was observed that the work involved in producing a LIR would vary, and that charging a fixed fee was not equitable, particularly in light of the fact that the Welsh Government would receive a variable fee for parts of its determination of the DNS application.

3.146 A majority of LPAs provided a positive response. LPAs in favour of the proposal for a fixed fee stated that any fixed fee should be evidence-based, with LPAs involved in determining the level of that fee and that the fee should be set on a full cost-recovery basis. It was noted by a number of respondents that the scale of any fixed fee should be capable of revision should evidence come to light that it requires adjustment.

3.147 Alternative proposals put forward were for the LPA to be paid a variable rate based on the actual costs of providing a specific LIR, or for the LPA to be paid a percentage of the PINS fee. One LPA, whilst observing that a fixed fee would provide more certainty for developers, suggested that a scale of fixed fees is developed to reflect the potential for an increased level of assessment for certain complex cases. Another LPA suggested that there should be scope within the fixed fee system to claim extra fees if it becomes apparent that the level of work required is greater than originally anticipated. Two respondents

expressed the opinion that LPAs, other than those in which the development is situated, and Town and Community Councils, should be paid a fee for producing a voluntary LIR.

- 3.148 Two respondents pointed to the effective use of Planning Performance Agreements (PPAs), expressing the opinion that the provision of a fixed fee should not preclude applicants and LPAs from entering into such agreements. It was suggested that any fixed statutory fee should be capable of being offset against sums paid early under a PPA.

Q18 Welsh Government Response

We recognise the important role that the LPAs play in producing a Local Impact Report as part of an application for DNS. We do not expect LPAs to fulfil their duties without reimbursement in terms of resources and support and it is our intention that the fee should be a fair one reflective of the work required. We acknowledge the concerns expressed regarding the equitability of a fixed fee for LPAs when there will be provision for the variable costs of the Welsh Government to be met.

Whilst it is acknowledged that there will be variable fees in relation to the Welsh Government's involvement in the application process, the total amount payable will be made up of a fixed fee where possible (to cover core functions up to, and including, determination of procedure on an application for DNS) and a small element of variable fees based on the actual case. The hourly rate to be charged, based on Inspector time and any support functions, will be consistent across examination procedures. An estimate of the fees payable will be issued to the applicant when the procedure is determined.

Fixed fees, where possible, increase certainty for the developer and it is our view that for certain core functions, such as production of a LIR, a fixed fee is appropriate. The level of fee will be evidence-based, initially based on a percentage of the average costs of producing a Local Impact Report for a NSIP application. LPAs do not receive a fee for production of a LIR in such applications. It is our intention that the fee should be fair and reflect the cost to the LPA of participating in an application for DNS as accurately as possible. The applicant will be clear as to the fee payable for the production of a LIR in advance of submitting their application.

As requested by a number of respondents, the fee will be capable of being revised (upwards or downwards) should adjustments be necessary based on LPA experience of the new regime. The scale of the fee will be reviewed on a regular basis to allow this to take place. A fee will be the same for any LPA involved in producing a statutory Local Impact Report,

even if working towards producing a joint LIR. We believe this represents an equitable approach, recognising the work that will be involved for each LPA while encouraging joint-working.

Next steps

3.149 We will set out the requirement to pay a fixed fee to each LPA involved in producing a required LIR in a statutory instrument and will publish our proposed fees in accordance with our proposals set out in the consultation paper.

| | |
|--|--|
| 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? |
| Given the importance of the LIR, it is proposed that the amount of payment the LPA receives for its production should be dependent on their meeting minimum requirements for the content of the LIR, as well as providing the report within the relevant timescale. It is proposed that if the requirements or timescale are not met without good reason, the LPA may only receive part of the fee or no fee at all. | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|-----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 6 | 1 | 0 | 3 | 10 |
| B | Local Authorities (including National Park Authorities) | 1 | 3 | 12 | 0 | 16 |
| C | Government Agency/Other Public Sector | 2 | 0 | 2 | 4 | 8 |
| D | Professional Bodies/Interest Groups | 5 | 2 | 3 | 7 | 17 |
| E | Voluntary Sector | 0 | 1 | 1 | 6 | 8 |
| F | Others (other groups not listed) | 2 | 1 | 3 | 4 | 10 |
| Total all respondents | | 16 | 8 | 21 | 24 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 24 | 21 |
| Overall Percentage | 53% | 47% |

Statistical review

3.150 Response to this question was mixed, with similar numbers of positive and negative responses from consultees. The vast majority of negative responses were received from LPAs, with three-quarters of all LPAs answering “No” to this question. The Business/Planning Consultant sector was most positive overall, with no negative responses received. Upon closer analysis, a number of “No” responses indicated circumstances in which the proposals would be acceptable, though a similar number referred to the need to extend the timescale for submitting a LIR as set out in their answers to Q16.

Key themes

3.151 The key themes in response to question 19 were as follows:

- A mixed response to the proposals;
- LPAs should not be penalised for matters beyond their control;
- There should be a mechanism by which LPAs can agree an extension; and
- The importance of the LIR was recognised.

Overview

3.152 Response to the proposals was mixed with the vast majority of LPAs indicating their disagreement. However, almost half of LPAs accepted that, where no reasonable explanation had been provided for late or inadequate provision of a LIR, and where an extension had not been agreed with PINS, the proposal might be appropriate. It was considered key that the LPA was not penalised for matters beyond its control and there should be a mechanism for agreeing an extension.

3.153 It was questioned by a number of respondents whether the proposals would meet the goal of serving as an incentive to supply the LIR, though others recognised that there must be a mechanism to ensure that a LIR, which meets the necessary requirements, is supplied in a timely manner and appreciated that this was a measure to drive efficiency and best service for end-users. Concern was expressed that the proposals may lead to rushed and less thorough responses.

3.154 A number of respondents reiterated concerns that the 5 week deadline for submission of a LIR was insufficient and indicated that the proposals would only be acceptable if the 5 week deadline for submitting the report were to be increased, though one consultee pointed out that, given that the LPA would

have been engaging with the developer during the pre-application process, they should be prepared and able to meet this deadline.

- 3.155 It was pointed out that the LPA would still incur costs in producing a LIR, regardless of whether it was submitted within the deadline and that, because of this, a payment to the LPA was justified even if produced late, , though it was likewise observed that LPAs do not receive a fee for producing a LIR for Nationally Significant Infrastructure applications. One professional body indicated that their experience of the NSIP regime was that LIRs are almost always submitted on time by local authorities. Whilst not considering that a fee is necessary, they expressed the opinion that the proposals would not be necessary to secure submission of the local Impact Report.

Q19 Welsh Government Response

We note the mixed response to our proposals regarding payment of a fee for production of a required LIR, most notably the view of LPAs who will be tasked with producing these. . Concerns regarding the deadline for submitting the LIR have been addressed in our response to Q16.

Comments were received indicating that LPAs should not be punished for matters beyond their control. We consider that the timely production of the LIR is within the control of the LPA and advise that the document shall not require approval by Council, which can be a time-consuming process.

Whilst we note the concerns raised, the importance of the LIR is recognised by all consultees and the Welsh Government is keen to mitigate the potential consequences related to the late or incomplete provision of this key document on the timing and quality of decisions. Our proposals should be seen as an incentive to provide a timely and complete LIR and, given that just over half of respondents supported the proposals, we intend to implement them as indicated in the consultation paper .

Next steps

- 3.156 We will seek to establish the relevant procedure, as specified in the consultation paper, in a statutory instrument.

| | |
|---|--|
| Q20 | Do you agree that the applicant should not receive a full refund if their application is invalid? If not, why not? |
| <p>Where an application is invalid, the Inspectorate will have incurred costs through processing the application documents and reaching the point where the application is confirmed to be invalid. It is proposed that the applicant should receive a refund of a proportion of the fixed fee. The exact percentage to be retained will reflect the amount of work carried out during the validation stage of the application process.</p> | |

| Statistical Summary | | | | | | |
|------------------------------|---|-----------|----------------------------------|----------|------------|-----------|
| Sector | | Yes | Yes (subject to further comment) | No | Don't Know | Total |
| A | Businesses / Planning Consultants | 2 | 2 | 2 | 4 | 10 |
| B | Local Authorities (including National Park Authorities) | 11 | 4 | 1 | 0 | 16 |
| C | Government Agency/Other Public Sector | 1 | 1 | 0 | 6 | 8 |
| D | Professional Bodies/Interest Groups | 4 | 1 | 4 | 8 | 17 |
| E | Voluntary Sector | 1 | 0 | 0 | 7 | 8 |
| F | Others (other groups not listed) | 5 | 1 | 0 | 4 | 10 |
| Total all respondents | | 24 | 9 | 7 | 29 | 69 |

| | Yes/Yes subject to comment | No |
|--|----------------------------|------------|
| Total Respondents indicating a response | 33 | 7 |
| Overall Percentage | 83% | 18% |

Statistical review

3.157 The majority of consultees who indicated an opinion provided a positive response to this question, with LPAs overwhelmingly in favour of the proposals. Professional Bodies/Interest Groups provided a mixed response with almost as many negative responses (4) as positive (5).

Key themes

3.158 The key themes in response to question 20 were as follows:

- There was clear support for the proposals for refunds in the event of an invalid application;
- It was recognised that some expense will be incurred in validating the application; and
- The applicant should have an opportunity to remedy any issues before the application is returned.

Overview

3.159 Consultees who indicated a response to this question were overwhelmingly in favour of the proposals. It was recognised that there would be costs incurred in validating the application and it would be reasonable for a portion of the application fee to be retained to cover these.

3.160 Whilst it was acknowledged that it is the responsibility of the applicant to ensure that the application is valid, a number of respondents expressed the opinion that the applicant should be given an opportunity to remedy the issue(s). One consultee from the business sector suggested that there be a clearly defined period in which this could take place, advancing 5 weeks as a suggestion. Conversely, it was observed that the early engagement and close liaison between the applicant and PINS, the LPA and statutory consultees should minimise the possibility of an invalid application being made.

3.161 One professional body expressed the view that PINS should work with the applicant in a positive and proactive manner and, where an application is invalid, the applicant should be given guidance following its refusal and, rather than have to pay a full application fee on resubmission, PINS should apportion a fee to the cost of having to provide the additional comment and registering the resubmission.

3.162 Another professional body highlighted issues with local information requirements that have resulted in refusal to validate applications made through LPAs. Concern was expressed that the information requirements for DNS

should not replicate this, requiring detailed and exhaustive information of little relevance to the application. They suggested that there should be a provision for the developer to challenge the information requirements.

Q20 Welsh Government Response

Our proposals for DNS establish the principle of full cost-recovery for administering and deciding such applications. Consultees acknowledge that there will be a cost in validating the application for DNS and it is our intention that a proportion of the fixed fee equivalent to the cost of validating the application be retained. It is in no-one's interest, given the amount of work that will have taken place at the pre-application stage, for an application to be invalidated where there is an opportunity to remedy the issues. Where this is possible, we will contact the applicant identifying the reason for our decision and allowing an opportunity for this to be addressed.

The documents and information required to be submitted for a valid application will be identified on a list published by Welsh Ministers. We expect that this will include specific differentiated information required for each category of project under the DNS regime. It is our intention that guidance and pre-application advice will support the developer in meeting the requirements for a valid application.

Next steps

- 3.163 Given the overall support for our proposals we will seek to establish the relevant procedure, as specified in the consultation paper, in a statutory instrument.
- 3.164 We will seek to identify the information requirements for a valid application for DNS in a list to be published by the Welsh Ministers. In addition, we will seek to publish appropriate guidance for applicants to support the submission of a valid application for DNS.

| | |
|---|--|
| Q21 | Do you have any further comments to make in relation to our proposals for DNS? |
| This question invited additional comments, not captured by the consultation questions at Q1-20 of the consultation document, to be made on the DNS proposals. | |

Statistical review

3.165 As this question did not require a specific answer and was open-ended, there are no statistics to review. Where comments were made in response to other questions within the consultation, but did not directly relate to them, these have been captured and considered under Q21.

Key themes

3.166 The key themes in response to question 21 were as follows:

- Clarification was sought regarding roles and responsibilities in providing pre-application advice;
- The 42 day validation period was considered too long;
- The circumstances in which the timetable can be suspended should be very constrained;
- Suggestions to include a number of organisations as statutory and non-statutory consultees;
- There should be scope for pre-notification consultation.

Overview

3.167 Many respondents used the opportunity afforded by Q21 to confirm their general support for the proposals for DNS, while highlighting specific issues or matters for which they sought clarification. These are addressed by theme below:

Pre-application services

3.168 A number of consultees sought clarity on the roles and responsibilities for the provision of pre-application advice. It was observed that the developer may approach the LPA or PINS for pre-application advice and it was suggested that consideration should be given as to how advice from the LPA and PINS should be coordinated. One respondent from business suggested that pre-application advice should be available via meetings as standard rather than in written form, and one local authority questioned whether coordination could be arranged by

having both PINS and the LPA present at such meetings. It was suggested by the same LPA that PINS and the LPA(s) should share copies of any correspondence. Another LPA and a professional body suggested that PINS should be the sole point of contact at pre-application stage to avoid confusion, with any request for LPA pre-application involvement to come via PINS.

- 3.169 Several responses, principally from LPAs, highlighted the difference in the proposals for pre-application services to be provided by PINS to those which are to be provided by LPAs. It was observed that one of the underlying principles of LPA pre-application advice procedures is that the same officer takes the proposal through the whole process for consistency and transparency. Concern was expressed that the proposals for DNS differ from this in that a person other than the Inspector who will be appointed to determine and examine any subsequent application for DNS, will provide the advice.

Pre-application consultation

- 3.170 One respondent from business suggested that consultation which takes place outside the statutory process should not be disregarded. Other respondents encouraged early engagement with statutory consultees at project inception stage.

Validation

- 3.171 A number of consultees suggested that the 42 day period for validating an application for DNS was too long. One respondent from business suggested that the period for validation should be 28 days for all applications. Respondents highlighted the need for additional validation requirements for DNS applications, notably Equality Impact Assessments and Health Impact Assessments.

Consultees

- 3.172 A number of respondents put forward suggestions for bodies to be included as statutory consultees and non-statutory consultees, or the specific circumstances in which such consultees should be consulted.

Decision timetable and suspension notices

- 3.173 Concern was expressed from business, and a professional body, that the circumstances in which the timetable for determining an application for DNS might be “suspended” were too wide. It was highlighted that the suspension of the timetable, where essential parties fail to attend a hearing or inquiry without

notice, or where there is a significant delay in the receipt of important representations might be open to abuse and, for certainty in the determination period, suspension should only rarely be used.

Decisions

- 3.174 It was suggested, particularly given that LPAs will be responsible for the discharge of conditions on DNS, that the DNS decision notice should set out the reasons for the imposition of each condition.
- 3.175 One professional body suggested that there should be a right of appeal. Other consultees suggested that powers for determining the applications could be delegated to PINS, with certain applications being “called-in” by the Welsh Ministers, where considered necessary. One respondent suggested that the decision should be taken by a panel comprising the Minister as well as elected members from all impacted LPAs.

Guidance

- 3.176 A number of respondents again pointed to the need for the provision of clear guidance on the DNS process with some LPAs highlighting the need for guidance on post-determination issues. Guidance was sought on the contextual definitions of “material”, “minor material” and “non-material” in considering amendments to a scheme post determination.

Transitional arrangements

- 3.177 A number of respondents wished to highlight the need for clear transitional arrangements, expressing concern that failure to clearly define these might result in premature and poorly conceived applications being rushed to submission to avoid being considered under the new provisions.

Q21 Welsh Government Response

Pre-application services

We recognise the fact that our proposals for the provision of pre-application services differ from current LPA procedures. In the case of DNS, it would not be appropriate for an Inspector to be involved in discussions about, or in providing advice on, an application in advance of its examination that other interested persons are not party to.

As the Planning Inspector is acting on behalf of the Welsh Ministers, it is not only essential that he/she is acting impartially, but must also be seen

to do so.

Pre-application consultation

There are to be no provisions which prevent developers from engaging with stakeholders outside the statutory process, for example at project inception stage, before notification of an application for DNS has taken place. Given that a scheme may change significantly from project inception to notification, we would recommend that consultation be carried out before notification of an application for DNS. Whilst this will not count towards the requirement for formal pre-application consultation, it will help shape and refine the development and as such will not be wasted. It is open for developers to acknowledge this in their Consultation Report.

Validation

Our proposals for the period in which an application for DNS will be validated reflect the fact that this will not simply be a check that the correct documents have been supplied, but include an assessment of the adequacy of these, with particular regard to the consultation report, and the Environmental Statement. We therefore believe that the proposed maximum validation period is reasonable.

Applicants will, in addition to meeting the minimum requirements, be required to supply documents or information on a list published by Welsh Ministers. While it is expected that the Ministerial validation list will include specific differentiated information required for each category of project we will highlight, and support through guidance, the need to consider the provision of other reports and assessments as appropriate (e.g. health, ecology etc.)

Consultees

Suggestions of additional consultees for planning applications is outside of the scope of this consultation. Statutory consultees for DNS will be based on those contained at Schedule 4 of the Town and Country (Development Management Procedure) (Wales) Order 2012 and any amendment thereto.

Decision timetable and suspension notices

As emphasised within the consultation paper, it is the intention that suspension notices are to be used sparingly and only in exceptional circumstances. The types of circumstance where suspension of the timetable may occur will be set out in guidance.

Decisions

Applications for DNS will be considered at the highest national level and subject to the utmost scrutiny. Any challenge to a decision on DNS may

only be made through the courts on a procedural matter. This is established in the Planning (Wales) Act 2015.

With regard to the inclusion of reasons for each condition within the decision notice, we have noted those comments and will review how DNS decisions are presented.

Guidance

We recognise the need for, and are committed to the provision of clear guidance to support all parties in their roles in the DNS application process and will seek to publish at the earliest opportunity.

Transitional arrangements

The associated legislation will clearly set out the Transitional Arrangements for DNS.

ANNEX A – LIST OF RESPONDENTS BY CATEGORY

A1.1 The table below indicates the categories to which respondents assigned themselves to in completing the consultation form. For data protection purposes the name 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:

| Business / Planning Consultants | | Professional Bodies/Interest Groups | |
|---------------------------------|--|--|---|
| 002 | Njord Wind Developments | 003 | Institution of Civil Engineers Wales Cymru |
| 015 | Renewable Developments (Wales) Ltd | 006 | North and Mid Wales Association of Local Councils |
| 021 | BT Wales | 007 | Wales Tourism Alliance |
| 036 | Valero Energy Ltd | 014 | Campaign for the Protection of Rural Wales |
| 039 | National Grid Plc | 018 | Planning Officers Society Wales |
| 053 | RWE Generation UK plc (on behalf of all RWE Group companies) | 022 | Chartered Institution of Highways & Transportation |
| 054 | Landscape Institute Wales | 023 | The Chartered Institution of Wastes Management |
| 055 | Anonymous | 025 | Three |
| 059 | SP Energy Networks | 026 | Hazardous Installations Directorate – HSE |
| 065 | Tidal Lagoon Power | 027 | CPRW – Montgomeryshire & Brecon & Radnorshire |
| LPAs | | 037 | RTPI Cymru |
| 004 | Pembrokeshire County Council | 045 | The Law Society |
| 005 | Merthyr Tydfil County Borough Council | 048 | Clwydian Range and Dee Valley AONB |
| 011 | Flintshire County Council | 050 | Welsh Environmental Services Association |
| 013 | Neath Port Talbot County Borough Council | 052 | Chartered Institute for Archaeologists (CIfA) |
| 016 | Rhondda Cynon Taf County Borough Council | 058 | Wales Environment Link |
| 017 | Vale of Glamorgan Council | 061 | National Infrastructure Planning Association ('NIPA') |
| 020 | Caerphilly County Borough Council | Gov. Agency/Other Public Sector | |
| 031 | National Parks Wales | 010 | Pontardawe Town Council |
| 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 |
| 042 | Anonymous | 049 | Policy, Research and International Development, Public Health Wales |
| 047 | Cyngor Gwynedd (Gwynedd Council) | 057 | Ministry of Defence |
| 056 | Anonymous | 063 | Design Commission for Wales |
| 060 | Anonymous | 066 | Cowbridge (Ancient Borough) with Llanblethian Town Council* |
| 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 |
| 034 | The British Medical Association | 029 | Biffa Group |
| 038 | Cymdeithas Eryri the Snowdonia Society | 030 | The Cambrian Mountains Society |
| 044 | Guide Dogs Cymru | 035 | Dwr Cymru Welsh Water |
| 064 | RSPB Cymru | 051 | The Theatres Trust |
| 068 | Planning Aid Wales | 062 | Energy UK |
| | | 067 | Glandŵr Cymru – the Canal and River Trust in Wales |

ANNEX B – STATISTICAL OVERVIEW OF ALL RESPONSES

| Q1 Do you agree with the proposed thresholds and categories of development set out in <i>Annex A</i> ? If not, why not? | | | | | | | | |
|---|---|-----|---|---|---------------------|--------|-------|----------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall % ¹⁴ |
| Yes | 1 | 6 | 2 | 0 | 0 | 5 | 14 | 20 |
| Yes (F/C) | 2 | 9 | 2 | 7 | 1 | 3 | 24 | 35 |
| No | 4 | 1 | 1 | 1 | 1 | 1 | 9 | 13 |
| DK | 3 | 0 | 3 | 9 | 6 | 1 | 22 | 32 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

¹⁴ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q2 Do you agree with this proposed approach for determining secondary consents? If not, why not? | | | | | | | | |
|---|--|------------|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %¹⁵ |
| Yes | 3 | 11 | 3 | 3 | 1 | 5 | 26 | 38 |
| Yes (F/C) | 4 | 5 | 2 | 6 | 1 | 2 | 20 | 29 |
| No | 0 | 0 | 0 | 1 | 1 | 1 | 3 | 4 |
| DK | 3 | 0 | 3 | 7 | 5 | 2 | 20 | 29 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

¹⁵ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q3 Do you agree that the Inspector may determine the procedure for secondary consents? If not, why not? | | | | | | | | |
|--|--|------------|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %¹⁶ |
| Yes | 4 | 9 | 5 | 4 | 1 | 5 | 28 | 41 |
| Yes (F/C) | 3 | 5 | 0 | 7 | 0 | 2 | 17 | 25 |
| No | 0 | 2 | 0 | 0 | 1 | 0 | 3 | 4 |
| DK | 3 | 0 | 3 | 6 | 6 | 3 | 21 | 30 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

¹⁶ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q4 Do you agree with the proposed lists of secondary consents in <i>Annex B</i> ? If not, why not? | | | | | | | | |
|---|--|------------|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %¹⁷ |
| Yes | 3 | 8 | 5 | 4 | 1 | 4 | 25 | 36 |
| Yes (F/C) | 3 | 6 | 0 | 5 | 0 | 3 | 17 | 25 |
| No | 1 | 1 | 0 | 1 | 1 | 0 | 4 | 6 |
| DK | 3 | 1 | 3 | 7 | 6 | 3 | 23 | 33 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

¹⁷ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q5 | | Do you agree with the minimum requirements for the notification of a DNS? If not, why not? | | | | | | |
|-----------------|--|--|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %¹⁸ |
| Yes | 2 | 7 | 3 | 8 | 0 | 4 | 24 | 35 |
| Yes (F/C) | 2 | 7 | 1 | 2 | 1 | 3 | 16 | 23 |
| No | 1 | 0 | 0 | 0 | 1 | 1 | 3 | 4 |
| DK | 5 | 2 | 4 | 7 | 6 | 2 | 26 | 38 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

¹⁸ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| 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? | | | | | | | | |
|---|-----------------------------------|-----|---------------------------------------|--------------------------------------|------------------|--------|-------|-------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall % ¹⁹ |
| Yes | 1 | 11 | 4 | 7 | 1 | 4 | 28 | 41 |
| Yes (F/C) | 3 | 2 | 1 | 3 | 1 | 1 | 11 | 16 |
| No | 3 | 2 | 0 | 1 | 0 | 2 | 8 | 12 |
| DK | 3 | 1 | 3 | 6 | 6 | 3 | 22 | 32 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

¹⁹ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| 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? | | | | | | |
|-----------------|--|--|--|---|-------------------------|---------------|--------------|-------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %²⁰ |
| Yes | 2 | 2 | 1 | 4 | 1 | 5 | 15 | 22 |
| Yes (F/C) | 1 | 11 | 3 | 4 | 0 | 2 | 21 | 30 |
| No | 3 | 3 | 1 | 2 | 2 | 1 | 12 | 17 |
| DK | 4 | 0 | 3 | 7 | 5 | 2 | 21 | 30 |
| | 10 | 16 | 8 | 17 | 7 | 10 | 69 | |

²⁰ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q8 | | Do you agree with our proposals for the advertisement of an application for DNS? If not, why not? | | | | | | |
|-----------------|--|---|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %²¹ |
| Yes | 5 | 5 | 3 | 7 | 1 | 6 | 27 | 39 |
| Yes (F/C) | 1 | 8 | 1 | 3 | 1 | 1 | 15 | 22 |
| No | 0 | 2 | 1 | 0 | 0 | 0 | 3 | 4 |
| DK | 4 | 1 | 3 | 7 | 6 | 3 | 24 | 35 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

²¹ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q9 Do you agree with our proposals regarding statements of common ground? If not, why not? | | | | | | | | |
|--|---|-----|---|---|---------------------|--------|-------|----------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall % ²² |
| Yes | 3 | 8 | 2 | 2 | 2 | 3 | 20 | 29 |
| Yes (F/C) | 0 | 6 | 2 | 6 | 1 | 3 | 20 | 29 |
| No | 2 | 2 | 0 | 0 | 1 | 2 | 7 | 10 |
| DK | 3 | 0 | 4 | 9 | 4 | 2 | 22 | 32 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

²² Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| 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 and alternative timeframe. | | | | | | |
|-----------------|--|--|--|---|-------------------------|---------------|--------------|-------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %²³ |
| Yes | 2 | 4 | 2 | 1 | 1 | 2 | 12 | 17 |
| Yes (F/C) | 5 | 7 | 1 | 3 | 1 | 3 | 20 | 29 |
| No | 0 | 5 | 3 | 6 | 2 | 4 | 20 | 29 |
| DK | 3 | 0 | 2 | 7 | 4 | 1 | 17 | 25 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

²³ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q11 | | Do you agree with our proposals for the amendment of schemes for DNS? If not, why not? | | | | | | |
|-----------------|--|--|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %²⁴ |
| Yes | 2 | 6 | 1 | 5 | 1 | 5 | 20 | 29 |
| Yes (F/C) | 3 | 7 | 1 | 4 | 0 | 2 | 17 | 25 |
| No | 2 | 2 | 2 | 1 | 1 | 0 | 8 | 12 |
| DK | 3 | 1 | 4 | 7 | 6 | 3 | 24 | 35 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

²⁴ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| 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. | | | | | | | |
|-----------|---|-----|---|---|---------------------|--------|-------|----------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall % ²⁵ |
| Yes | 4 | 10 | 3 | 6 | 1 | 5 | 29 | 42 |
| Yes (F/C) | 2 | 2 | 1 | 5 | 0 | 1 | 11 | 16 |
| No | 1 | 1 | 2 | 0 | 0 | 1 | 5 | 7 |
| DK | 3 | 3 | 2 | 6 | 7 | 3 | 24 | 35 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

²⁵ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| 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? | | | | | | |
|-----------------|--|--|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %²⁶ |
| Yes | 2 | 8 | 2 | 5 | 2 | 3 | 22 | 32 |
| Yes (F/C) | 4 | 2 | 2 | 1 | 0 | 2 | 11 | 16 |
| No | 1 | 5 | 1 | 3 | 1 | 2 | 13 | 19 |
| DK | 3 | 1 | 3 | 8 | 5 | 3 | 23 | 23 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

²⁶ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| 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? | | | | | | |
|-----------------|--|---|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %²⁷ |
| Yes | 4 | 5 | 2 | 3 | 1 | 5 | 20 | 29 |
| Yes (F/C) | 2 | 3 | 2 | 4 | 0 | 1 | 12 | 17 |
| No | 1 | 8 | 1 | 3 | 0 | 2 | 15 | 22 |
| DK | 3 | 0 | 3 | 7 | 7 | 2 | 22 | 32 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

²⁷ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q15 Do you agree with the minimum requirements for Local Impact Reports? If not, why not? | | | | | | | | |
|--|--|------------|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %²⁸ |
| Yes | 4 | 6 | 1 | 9 | 1 | 4 | 25 | 36 |
| Yes (F/C) | 3 | 6 | 2 | 1 | 0 | 1 | 13 | 19 |
| No | 0 | 4 | 1 | 0 | 2 | 0 | 7 | 10 |
| DK | 3 | 0 | 4 | 7 | 5 | 5 | 24 | 35 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

²⁸ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q16 Would you consider 5 weeks an appropriate timescale within which to provide a Local Impact Report? If not, please suggest appropriate timescales. | | | | | | | | |
|---|-----------------------------------|-----|---------------------------------------|--------------------------------------|------------------|--------|-------|-------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall % ²⁹ |
| Yes | 6 | 2 | 3 | 1 | 1 | 3 | 16 | 23 |
| Yes (F/C) | 1 | 4 | 1 | 5 | 0 | 0 | 11 | 16 |
| No | 0 | 9 | 1 | 2 | 1 | 3 | 16 | 23 |
| DK | 3 | 1 | 3 | 9 | 6 | 4 | 26 | 38 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

²⁹ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| 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? | | | | | | |
|-----------------|--|--|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %³⁰ |
| Yes | 1 | 5 | 2 | 8 | 1 | 3 | 20 | 29 |
| Yes (F/C) | 4 | 6 | 1 | 0 | 0 | 1 | 12 | 17 |
| No | 1 | 2 | 0 | 1 | 1 | 0 | 5 | 7 |
| DK | 4 | 3 | 5 | 8 | 6 | 6 | 32 | 69 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

³⁰ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q18 Do you agree that the relevant LPA should receive a fixed fee for producing a Local Impact Report? If not, why not? | | | | | | | | |
|--|--|------------|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %³¹ |
| Yes | 4 | 1 | 1 | 5 | 1 | 3 | 15 | 22 |
| Yes (F/C) | 3 | 9 | 1 | 2 | 1 | 2 | 18 | 26 |
| No | 0 | 5 | 1 | 3 | 0 | 2 | 11 | 16 |
| DK | 3 | 1 | 5 | 7 | 6 | 3 | 25 | 36 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

³¹ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| 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? | | | | | | |
|-----------------|--|--|--|---|-------------------------|---------------|--------------|-------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %³² |
| Yes | 6 | 1 | 2 | 5 | 0 | 2 | 16 | 23 |
| Yes (F/C) | 1 | 3 | 0 | 2 | 1 | 1 | 8 | 12 |
| No | 0 | 12 | 2 | 3 | 1 | 3 | 21 | 30 |
| DK | 3 | 0 | 4 | 7 | 6 | 4 | 24 | 35 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

³² Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.

| Q20 Do you agree that the applicant should not receive a full refund if their application is invalid? If not, why not? | | | | | | | | |
|---|--|------------|--|---|-----------------------------|---------------|--------------|-----------------------------------|
| Response | Businesses / Planning Consultants | LPA | Government Agency/Other Public Sector | Professional Bodies /Interest Groups | Voluntary Sector | Others | Total | Overall %³³ |
| Yes | 2 | 11 | 1 | 4 | 1 | 5 | 24 | 35 |
| Yes (F/C) | 2 | 4 | 1 | 1 | 0 | 1 | 9 | 13 |
| No | 2 | 1 | 0 | 4 | 0 | 0 | 7 | 10 |
| DK | 4 | 0 | 6 | 8 | 7 | 4 | 29 | 42 |
| | 10 | 16 | 8 | 17 | 8 | 10 | 69 | |

³³ Where percentages have been worked out for each of the questions, they have been rounded to the nearest decimal place. As rounding has taken place, the overall percentages in each question may not add up to or may be over 100%.