



To: All Chief Planning Officers

Date: 1 March 2016

Dear Colleague,

DEVELOPMENTS OF NATIONAL SIGNIFICANCE

I write to inform you of the following legislation which came into force today:

Developments of National Significance (“DNS”)

Statutory Instruments have been produced by the Welsh Government and approved by the National Assembly for Wales which now require that all new planning applications for DNS be made directly to the Welsh Ministers. These statutory instruments, in brief, commence provisions in the Planning (Wales) Act 2015 applicable to DNS, set out what a DNS is and prescribe the detail of the DNS application process.

Applications for DNS development that have been received by local planning authorities before this date must continue to be determined by the local planning authority in the first instance. Should your local planning authority receive an application for DNS development after this date, you may not register the application and should advise the applicant to contact the Planning Inspectorate Wales to discuss the correct procedure.

Six statutory instruments have been produced:

The Planning (Wales) Act 2015 (Commencement No. 3 and Transitional Provisions) Order 2016, amongst other things, commences provisions in the Planning (Wales) Act 2015 applicable to DNS.

[The Developments of National Significance \(Specified Criteria and Prescribed Secondary Consents\) \(Wales\) Regulations 2016](#) specify the thresholds and criteria for the types of development which qualify as DNS and consent for which must be applied for directly to the Welsh Ministers under section 62D of the Town and Country Planning Act 1990. The regulations also prescribe a list of secondary consents which an applicant may submit alongside an application for DNS, for consideration by the Welsh Ministers.

[The Developments of National Significance \(Fees\) \(Wales\) Regulations 2016](#) prescribe the level of fee associated with functions undertaken by the Welsh Ministers and local planning authorities in respect of DNS applications and proposed DNS applications. The regulations specify the fees payable by developers for pre-application services provided by the Welsh Ministers and local planning authorities, notification of a proposed application for DNS, making an application for DNS, making amendments to DNS applications and fees for local planning authorities in submitting a Local Impact Report.

[The Developments of National Significance \(Wales\) Regulations 2016](#) make provision for pre-application services by the Welsh Ministers and local planning authorities, prescribe the functions which are to be undertaken by the Planning Inspectorate, prescribe the procedure for examination of applications for DNS and make provision for the manner in which secondary consents are dealt with to ensure that they fit within the DNS process.

[The Developments of National Significance \(Procedure\) \(Wales\) Order 2016](#) prescribes the procedure for handling an application for DNS, including the publicity requirements that local planning authorities must undertake and the form and content of Local Impact Reports submitted by local planning authorities and community councils.

[The Developments of National Significance \(Application of Relevant Enactments\) \(Wales\) Order 2016](#) prescribes the relevant sections of the Town and Country Planning Act 1990 which apply to the DNS process.

Guidance which illustrates the DNS application process has been published by the Planning Inspectorate Wales and is available at

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

Onshore wind generating stations above 50MW

In January and February, the UK Government laid the Onshore Wind Generating Stations (Exemption) (England and Wales) Order 2016 and the Infrastructure Planning (Onshore Wind Generating Stations) Order 2016. The Orders, which come into force today, make changes to the consenting process for onshore wind generating stations, requiring all onshore wind generating stations to be consented through the planning system (i.e. under the Town and Country Planning Act 1990), rather than under the Planning Act 2008 regime.

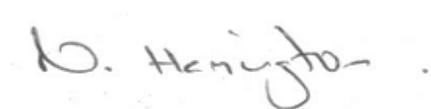
[The Developments of National Significance \(Specified Criteria and Prescribed Secondary Consents\) \(Amendment\) \(Wales\) Regulations 2016](#) is to be debated by the National Assembly for Wales today. These Regulations make changes to the specified criteria for DNS to capture those onshore wind generating stations with an installed generating capacity of above 50MW, as well as all energy generating projects between 10MW and 50MW. This change is scheduled to come into force on 2 March 2016. I will inform you by email should the Regulations be approved by the Assembly.

Environmental Impact Assessment regulations

As mentioned in my previous letter dated 1 February 2016, **[The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2016](#)** are also in force on this date. Part 8 of these regulations apply to applications for DNS.

The above legislation and the accompanying Explanatory Memoranda and Written Statement are available at <http://assembly.wales>.

Yours sincerely,

A handwritten signature in blue ink that reads "N. Hemington". The signature is written in a cursive style with a small dot at the end.

Neil Hemington
Chief Planner
Welsh Government