



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Developments of National Significance

The Pre-Application Stage



2. The Pre-Application Stage

Early Engagement

- 2.1. It is strongly encouraged that applicants enter into a general dialogue with the Inspectorate about their application and the DNS process in the early stages of project design. These Inception meetings have proven to be of benefit to applicants and improved understanding of the DNS process.
- 2.2. Prior to submission, early engagement with communities, LPAs, statutory consultees and other interested parties provides an opportunity to overcome any potential issues with the proposal. The ability to amend a scheme following submission of a DNS application is very limited. Consequently, it is important that applicants seek to resolve any issues prior to submission and early engagement with these bodies is strongly encouraged by the Inspectorate.
- 2.3. At an early stage, applicants should consider whether related licences or consents are required from other bodies, such as Natural Resources Wales (NRW). Applicants should aim to 'twin-track' related consents with their DNS application to avoid delays later on in the process. Processing DNS applications would not be delayed by this, but the scheme may be delayed if there is a need to wait for other consents to be approved.
- 2.4. Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) processes should also be iterative and considered early on in the development of a DNS project.

Notification

- 2.5. Notification is the first formal stage of the DNS process.
- 2.6. This is notification of intent to submit a DNS application. It must be made prior to submission of the full application and before the applicant undertakes the statutory publicity and consultation.
- 2.7. The Inspectorate has 10 working days to determine whether or not the project qualifies as a DNS. If the notification is accepted, the applicant will then have twelve months to submit a full DNS application.
- 2.8. The fee for submitting a notification is £580.

Pre-application Publicity and Consultation

- 2.9. Following the notification stage, prior to submitting a full DNS application, the proposed application must be publicised and consulted on for a period of at least six weeks.

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2.10. As a minimum, the applicant must¹:

- Consult specific community consultees, specialist consultees and any relevant persons (see table below),
- Serve written notice on owners or occupiers of land adjoining the site,
- Display site notices, eligible for the DNS process, in at least one place on or near the site, and
- Place a notice in a local newspaper.

Category	Persons/organisations required to be consulted
Community Consultees	<ul style="list-style-type: none">• Each Councillor representing each electoral ward in the County or County Borough Council in which the site is situated.• The Community Council(s) in which the site is situated.
Specialist Consultees	<p>Depending on the type and nature of the development the following bodies may need to be consulted:</p> <ul style="list-style-type: none">• The Welsh Ministers• NRW• The Local Highways Authority• The railway network operator• The Coal Authority• The Health and Safety Executive²• The Office for Nuclear Regulation• The Control of Major Accident Hazards (COMAH) competent authority, and any person in control of land associated with a hazardous installation• The Theatres Trust• The Sports Council for Wales• The Canal and Rivers Trust
Relevant Persons	<p>If the DNS application includes one or more secondary consents, the applicant must consult the authority which would normally determine the application. This may include:</p> <ul style="list-style-type: none">• The Welsh Ministers• LPA• The Local Highways Authority• The Hazardous Substances Authority

¹ The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended); Articles 7, 8 & 9

² DNS contact details for HSE available here: <http://www.hse.gov.uk/landuseplanning/contact.htm>

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- 2.11. Following the end of the consultation period, a Consultation Report must be prepared by the applicant. This must be submitted with the application and should provide details of the consultation process, the representations received and the applicants response to them.

Pre-Application Advice

- 2.12. There is a formal process if applicants wish to obtain pre-application advice from the Inspectorate, which extends to 'without prejudice' advice on the merits of proposed schemes as well as the procedural aspects of the DNS process.
- 2.13. There is a separate process for obtaining pre-application advice from the relevant LPA.
- 2.14. Pre-application advice is a chargeable service, details of which can be found in the Fees and Finance section of this guidance.

When and how is pre-application advice available?

- 2.15. Formal pre-application advice is available at any stage up to the submission of a DNS application. Requests for pre-application advice will need to be made in a standard format on the form available from the [Welsh Government website](#).
- 2.16. In addition, Inception meetings are offered by the Inspectorate, allowing applicants the opportunity to discuss the pre-application process and establish any requirements for formal advice.
- 2.17. Applicants are also encouraged to consider engaging with relevant statutory consultees at this stage.

What pre-application advice is available?

- 2.18. As a minimum, where requested by the applicant, the following will be provided:
- Information and assistance on the form and content of the application; the form and content of any technical reports which may be required; the procedures for making and progressing an application; and
 - Such other information or assistance as requested by the applicant.
- 2.19. Where specifically requested, the Inspectorate may also provide applicants with procedural advice.
- 2.20. All pre-application advice will be given solely on the basis of the information provided at the time. In some cases, the advice that the Inspectorate can offer will be limited by the availability of resources.

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Who will provide pre-application advice?

- 2.21. In most cases, pre-application advice will be provided by Planning Officers from the Inspectorate. Where certain specialist or technical knowledge is required, an Inspector may also be allocated to provide additional advice.
- 2.22. Where an Inspector has provided pre-application advice the same Inspector to examine the application. However, all pre application advice is given without prejudice.
- 2.23. The Inspectorate will not normally consult the LPA, highways authority or other statutory bodies when preparing pre-application advice. As noted above, there is a separate process for obtaining pre-application advice directly from LPAs.

Timescales for providing pre-application advice

- 2.24. Requests for pre-application advice should be dealt with within 28 days of the date of the request, or such longer period as the Inspectorate may determine.

Publication of pre-application advice

- 2.25. At pre-application stage, where sensitive commercial or other information is included, the agreement of the applicant will be sought with regard to when the advice is published. However, once the application has been submitted, or when the 12 months period after notification has passed and no application has been submitted, the Inspectorate will publish the advice.
- 2.26. Applicants should note the obligations of the Inspectorate under the Freedom of Information Act and/or the Environmental Information Regulations.

Statements of Common Ground

- 2.27. There is no statutory requirement for the production of Statements of Common Ground (SoCGs) in the DNS process, but they can be extremely useful tools and will contribute to an efficient examination process.
- 2.28. Where elements of a DNS application are to be the subject of a Hearing or Inquiry SoCGs will also be very useful in focussing on any matters in dispute between the parties.
- 2.29. A statement of common ground should:
- be a single document, compiled and signed off by both parties;
 - be concise and avoid duplication of information already submitted by the parties;
 - include a list of agreed and/or shared core documents, even if there is disagreement about their interpretation and relevance. There is no need to include extracts from Planning Policy Wales or TANs, references will suffice;
 - identify areas of common ground, as well as the main points of disagreement between the parties;

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- identify agreed elements of the evidence and any technical studies that have been undertaken, including agreed findings, even if there is disagreement about their interpretation and relevance;
- identify whether there are any conditions or planning obligations which would satisfactorily address any disagreement or objection.