Llywodraeth Cymru
Welsh Government

Section 5 Annex: Planning Application Classifications- Thresholds and Criteria

Development Management Manual

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Section 5 Annex

Planning Application Classifications – Thresholds and Criteria

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1.0 Introduction

1.1 Section 5 of the Manual sets out how the way in which planning applications are processed and scrutinised depends on whether they have potential benefits and impacts which are of national, major or local significance. This annex sets out the thresholds and criteria for the different planning application categories.

2.0 Developments of National Significance

2.1 Developments of National Significance (DNS) are the largest and most complex development type and are determined by the Welsh Ministers. Excluded from this category are developments consented by the UK Government as Nationally Significant Infrastructure Projects (NSIPs).

2.2 The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 specify the criteria for development which is of national significance for the purposes of section 62D of the Town and Country Planning Act 1990 and therefore is DNS development.

2.3 Regulations 4 to 14 set out detailed criteria for the following types of development:

(a) generating stations

(b) underground gas storage facilities
(c) facilities for liquid natural gas
(d) gas reception facilities
(e) airports; railways
(f) rail freight interchanges
(g) dams and reservoirs
(h) transfer of water resources
(i) waste water treatment plants
(j) hazardous waste facilities

2.4 Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Amendment) (Wales) Regulations 2016. 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.

Nationally Significant Infrastructure Projects

2.5 NSIPs are larger than DNS projects. They are not devolved to the Welsh Ministers and are consented by the UK Government. Like DNS, the development that is consented through this mechanism is specified in regulations. Information on NSIPs is available at https://infrastructure.planninginspectorate.gov.uk/.

3.0 Major Development

3.1 Major development is defined in article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012:

'major development' ('datblygiad mawr') means development involving any one or more of the following—
(a) the winning and working of minerals or the use of land for mineral-working deposits;
(b) waste development;
(c) the provision of dwellinghouses where—
(i) the number of dwellinghouses to be provided is 10 or more; or
(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or,
(e) development carried out on a site having an area of 1 hectare or more.

Large Major Development

3.2 The 'large major' category is applied to those 'major developments' that are subject to a higher fee for the statutory pre application service. Fees for the service were introduced by The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) (Amendment) Regulations 2016 which added a new schedule 4 to The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015.

3.3 Large major development is development exceeding 24 dwellings, a site area above 0.99 hectares, or 1999 square metres of gross floorspace.

4.0 Local Development

4.1 Local development includes all other types of development that do not fall within the DNS or major categories. Sometimes 'householder' development is a sub-category that is also treated differently.

Householder Development

4.2 Householder development is defined in article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as:
'householder application' ('cais deiliad ty') means an application for—

(a) planning permission for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or

(b) change of use to enlarge the curtilage of a dwelling house,
for any purpose incidental to the enjoyment of the dwellinghouse but does not include—

(i) any other application for change of use,
(ii) an application for erection of a dwellinghouse, or
(iii) an application to change the number of dwellings in a building

4.3 Article 2 defines a dwellinghouse as:
'dwellinghouse' ('ty annedd') does not include a building containing one or more flats, or a flat contained within such a building