



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# Developments of National Significance

## An Accessible Guide to Engaging with the Process



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## Introduction

Decisions on planning applications for certain types of infrastructure (called Developments of National Significance, or DNS) are made by the Welsh Ministers rather than your Local Planning Authority.

The Planning Inspectorate Wales (**'the Inspectorate'**) handles DNS applications on behalf of the Welsh Ministers.

**A Development of National Significance (DNS) is a type of planning application for a large infrastructure project of national importance – for example, a wind farm, power station or reservoir.**

**A DNS differs from a normal planning application in the way that it is decided. Instead of your Local Planning Authority making the decision, an Inspector examines the application and makes a recommendation to the Welsh Minister based on planning merits and national priorities. The Minister then decides whether or not to grant permission.**

**A full list of DNS developments is defined in the Regulations<sup>1</sup>.**

There are several ways for communities to get involved in the DNS process. This guide tells you:

- how communities can expect to be involved in the development of a DNS proposal
- how best to have your say on a DNS project
- how to make a good 'representation' to the Planning Inspector
- about the purpose of a DNS 'examination'.



<sup>1</sup> The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (as amended)

### Setting the scene

#### *National and local planning policy*

Decisions on DNS applications must be based on the **Local Development Plan (LDP)** and **Welsh Government planning policy**.

- **LDPs** are prepared by Local Planning Authorities. They set out where development should be situated, and include policies that DNS applications should comply with.
- **Planning Policy Wales** and related **Technical Advice Notes** set out a range of Welsh Government planning policies. For example, Technical Advice Note 8 identifies parts of Wales for accommodating wind farms.

#### *What DNS applications are currently in progress?*

The [Inspectorate's website](#) includes a list of all DNS projects and the stage that they are at.

#### **DNS and other consents**

A DNS application can include certain **secondary consents** along with the planning application; for example, consent to de-register Common Land, divert a Public Right of Way or modify a Listed Building.

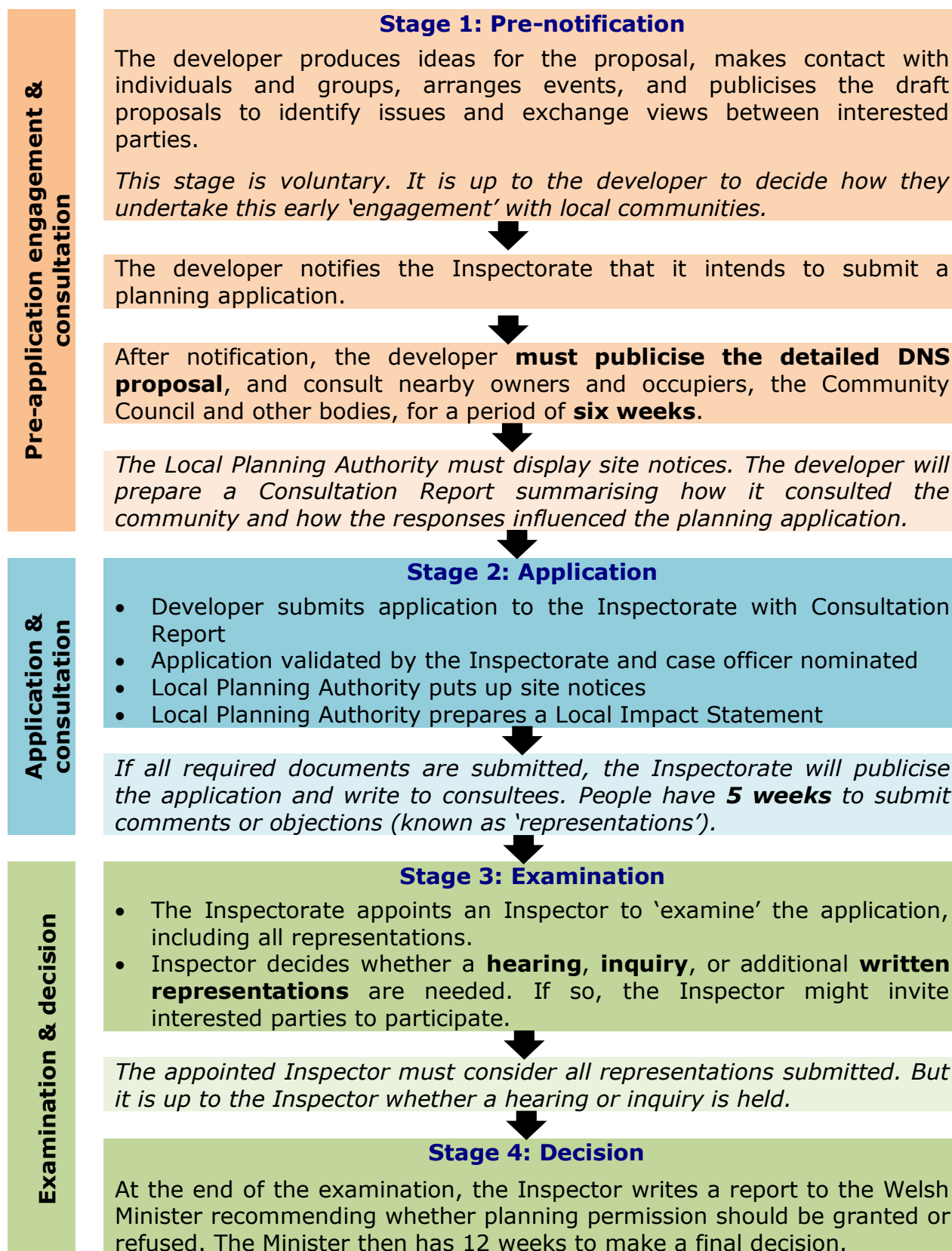
If a DNS application gets approved, other **related consents** might be needed before development can start – for example, an Environmental Permit, a related planning permission in England, or a related NSIP (see below). The developer must apply for these separately from the DNS application.

DNS projects are similar to **Nationally Significant Infrastructure Projects (NSIPs)**. The main difference is that NSIPs are decided by the UK Government, whereas DNS projects are decided by the Welsh Government.

The Planning Inspectorate handles both DNS and NSIP applications. NSIP applications are processed by staff and Inspectors based in our Bristol office. DNS applications are processed by staff and Inspectors who are part of the PINS Wales team based in Cathays Park, Cardiff.

## The stages of a DNS project

The different stages of a DNS project are summarised below. PINS Wales' Procedural Guidance provides more detail on each stage.



### Stage 1: Pre-notification

The Inspectorates' Procedural Guidance encourages developers to involve communities at the earliest stage of a DNS project. We do this because:

- Involving people with local knowledge results in better quality projects, and
- There are limited opportunities to change development later in the process – so this is your best chance to influence the project.

It is up to the developer to decide how to engage with the public. Although the Inspectorate cannot require developers to engage with communities, we will actively encourage it during our early discussions with the developer. But equally, we strongly encourage local communities to get involved in DNS projects early on.

**The best opportunity to influence a DNS project occurs during the early stages of its development. It pays to get involved early on in the process, by attending events and meetings or talking to the developer.**

#### *When will I hear about a DNS project that might affect me?*

Developers will publicise their DNS projects in a variety of ways. You might first find out about a DNS project by:

- Getting a letter through your door
- Seeing a pamphlet or poster in a public place
- Seeing an advertisement or story in a local paper or website, or
- Hearing about it from someone in your area, or your Community Council.

#### *How can I register my views about a draft DNS project?*

During the early stages of a DNS project, the best way to make your views known is:

- By talking to the developer at meetings or events, or on the telephone, to find out more about the project, and
- Following this discussion up with an email or letter setting out ways in which you think the project could be improved.

You will have an opportunity to make a formal comment during the '**pre-application consultation**' (see below).

#### *Pre-application public consultation*

Developers must consult local communities for a period of at least six weeks on the draft DNS project before they submit an application to the Inspectorate.

This consultation is the first 'formal' opportunity to make your views known. Local communities are encouraged to use this consultation process to submit any comments or objections.

### **The role of Community and Town Councils**

Community Councils have an important role to play in informing developers and the Local Planning Authority about local issues. Community Councils may be able to help developers to organise events in the local community. They may also submit comments during the pre-application consultation.

However, regardless of whether an area has an established Community Council, the Inspectorate will always expect the developer to engage with local residents directly.

### ***Who will be consulted – and how?***

The developer will be encouraged to contact your Local Planning Authority to see who should be consulted. However, the responsibility for undertaking and organising the consultation lies with the developer, not your Local Planning Authority.

The developer will contact owners and occupiers near to the site, the Community Council and other bodies via email or letter. The developer will also publicise the draft DNS application by arranging site notices to be displayed and placing an advert in a local newspaper. People will be informed about where they can view copies of the draft DNS application, including all supporting documents.

### **Document availability in Welsh and English**

Every document issued by the Inspectorate will be available in both Welsh and English, but technical documents produced by the developer may only be able in English.

The Inspectorate will encourage developers to produce any 'public-facing' documents in both languages (e.g. the Non-Technical Summaries of Environmental Statements) but this will be up to the developer.

### ***How should I make my comments?***

To have your comments considered by the developer, you must send in a written comment or objection within the consultation period.

Before you submit a comment/objection, you should look at the documents provided by the developer. They may seem complex, especially if you are unfamiliar with their structure and jargon. If so, contact the developer, as they may help you identify what documents you need to look at.

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(For advice about what to put in your comment or objection, see the following section on writing a representation.)

### Stage 2: Application

Following the public consultation period the developer will consider all comments that have been made. If the developer is satisfied that its project cannot be improved, they will submit it to the Inspectorate for examination. (If they consider that a rethink is necessary, they might instead opt to amend the project and re-consult the public before submitting the application.)

The developer will then prepare a Consultation Report, setting out how they have engaged and consulted with the community and how those processes have influenced the planning application.

When this is complete, the complete application will be submitted to the Inspectorate. If all required documents have been submitted, we will 'accept' the application. A Planning Inspector will be appointed, and the examination will start.

### *Statutory consultation – submitting 'representations'*

The Inspectorate will arrange for the Local Planning Authority to display a notice on site. A case officer in the Inspectorate will email or write to all owners and occupiers of adjoining land, Community Councils and other statutory bodies, inviting them to submit 'representations'.

Local communities will have 5 weeks to submit comments or objections (known as '**representations**') to the Inspectorate. The Local Planning Authority will be asked to forward any comments it receives to the Inspectorate. All comments will be available to view on the Inspectorates' website.

### *How to make a written representation*

Before you write a representation, you should learn as much as you can about the project, and carefully think about the impacts it will have. You might want to ask the developer or a case officer of the Inspectorate to help you understand what is being proposed. When you are ready, get a representation form from the Inspectorate and fill out all the required information, including:

- your full name, address, email address and telephone number (or the name and address of your agent if someone is acting for you)
- whether your representation relates to the project as a whole, or to one of the associated 'secondary consents'
- the positive or negative impacts of the DNS project, and
- whether you are making a joint case with others.



### ***Tips for writing a good representation***

Think about what needs to go in your representation, organise it in a logical order, and stick to the facts. A clear and well written representation is more effective than an unstructured and emotional one. Facts supported by evidence are what the Inspector will use when making his or her recommendation.

If you are invited to speak at a hearing on inquiry, you will only be able to talk about the matters identified by the Inspector. So make sure that your representation is as comprehensive as possible.

#### **To write a clear and effective representation:**

- stick to the facts
- focus on issues raised by the project (e.g. positive or negative impacts)
- be specific and provide examples
- tell the Inspector what you want them to know – don't leave them to guess
- write in clear, simple, everyday language.

### ***What not to do in your representation***

During the examination, the Inspector can only consider things that are relevant to planning. For example:

- The impact of a proposal on a landscape, local roads/traffic, a protected species, or air quality
- The economic benefits of a proposal
- The consistency of a proposal with the Local Development Plan.

The Inspector cannot take account of things that the Courts have previously found are not matters of the public interest (for example, impacts on the quality of view from a private building, or the loss of value in the price of a house). This is important to bear in mind when writing your representation. So, make sure that your representation focuses on issues or impacts that are concerned with the public interest.

### ***What if I have already objected during the pre-application consultation?***

You may have made an objection during the pre-application consultation. If the issue that you have objected to has not been resolved, you should submit a new representation when invited to do so by the Inspectorate. The developer will have prepared a Consultation Report which sets out the comments made during the pre-application consultation. This report might be useful to look at, to see how the developer has amended the project in response to the comments received.

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### *Petitions and 'pro forma' responses*

When making their recommendation to the Minister, the Inspector will be guided by the types of issues raised in objections, rather than the number of objections received on a particular issue. An Inspector cannot attach more importance to a particular issue purely on the basis that a large number of people have made an objection. So, if your community wishes object to a proposal, make sure that you base your objection on why you think the project is unacceptable in terms of its impacts / planning merits.

### Stage 3: Examination

At the end of the 5 week representation period, the developer has an opportunity to make minor amendments to their project. It is up to the Inspector to decide whether to accept any proposed amendments.

The Inspector will consider all of the submitted representations. The Inspector will also read all of the submitted DNS application documents, and any Local Impact Reports submitted by the Local Planning Authority and Community Council. The Inspector will also visit the site. He or she will use this information to identify the 'main issues' raised by the proposal.

The Inspector will then decide whether it is necessary to hold a hearing or inquiry to explore any 'main issue'. If it is decided that a hearing or inquiry is not needed the Inspector will proceed on the basis of written representations. Written representations carry the same 'weight' as oral evidence.

If you have submitted a representation on a secondary consent (such as the proposed de-registration of Common Land) you may have a right to be heard. The Inspector will make clear where this is the case.

#### **The examination may involve:**

- Written representations
- A hearing
- An inquiry
- ...or all three.

A **hearing** is a discussion led by the Inspector. An **inquiry** is more formal; parties are likely to have legal representation and witnesses may be cross-examined.

Hearings and inquiries are public events but only those specifically invited by the Inspector will be able to participate in any discussions; unless your representation relates to a specific secondary consent, there is no right to be heard. The Inspector will invite people to give oral evidence, or to make additional written representations, only if he or she considers that more information is needed in relation to a 'main issue'.

### ***How can I keep track of the examination?***

All submission documents, Local Impact Reports, written representations and any documents related to a hearing or inquiry will be available to view on the Inspectorates' website: <https://dns.planninginspectorate.gov.uk/>

## **Stage 4: Decision**

### ***Recommendation and decision***

At the end of the examination the Inspector will produce a report for the Welsh Ministers to consider, which contains a recommendation as to whether planning permission should be granted or refused. This report and recommendation will not be available for any participants in the DNS process to view while it is being considered by the Welsh Ministers.

The Welsh Ministers will then have 12 weeks to make and publish the decision. During this time they will consider the Inspector's report, review the recommendation of the Inspector and check all associated information with the application.

### ***How will I know if the application is approved?***

The Welsh Government will publish the decision on the DNS website and will inform all interested parties of the decision. The decision will include a copy of the Inspector's report.