

SCHEDULE 1

Articles 8 and 9(5)

Publicity and consultation before applying for planning permission

The Developments of National Significance (Procedure) (Wales) Order 2016
PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION
NOTICE UNDER ARTICLES 8 AND 9(2)

(to be served on owners and/or occupiers of a adjoining land, community consultees and relevant persons; displayed by site notice on or near the location of the proposed development; and published in a newspaper in the locality.)

Purpose of this notice : this notice provides the opportunity to comment directly to the developer on a proposed Development of National Significance (DNS) prior to the submission of a planning application to the Welsh Ministers. Planning applications for DNS will be publicised by the Welsh Ministers and the relevant local planning authority; any comments provided in response to this notice will not prejudice your ability to make representations to the Welsh Ministers on any related DNS planning application. You should note that any comments submitted may be placed on the public file.

Proposed development at (a)

I give notice that (b)

is intending to apply to the Welsh Ministers for planning permission in respect of Development of National Significance which is (c):

and considers that the following secondary consents are connected to the proposed application and that a decision in respect of those consents is to be made or should be made by the Welsh Ministers (d).....

You may inspect copies of:

- the proposed application;
- the plans; and
- other supporting documents

online at (e)

Anyone who wishes to make representations about this proposed development must write to the applicant/agent at

(f)..... or

(g).....

by (h)

Signed:

Date:

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) details of secondary consents in respect of which the applicant considers a decision should be made by the Welsh Ministers (for the definition of secondary consent see section 62H of the Town and Country Planning Act 1990, secondary consents are prescribed for the purposes of section 62H by the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016)
- e) address of website
- f) email address of the applicant/agent
- g) address of the applicant
- h) date giving a period of 42 days, beginning with the date of service and publication

SCHEDULE 2

Article 9(5)

Consultation before applying for planning permission

The Developments of National Significance (Procedure) (Wales) Order 2016
CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION - NOTICE UNDER
ARTICLE 9(3)

(to be served on specialist consultees, as defined by article 2 of the Developments of National Significance (Procedure) (Wales) Order 2016)

Purpose of this notice : this notice comprises a formal request for a pre-application consultation response under article 9(3) of the Developments of National Significance (Procedure) (Wales) Order 2016.

Proposed development at (a)

I give notice that (b)

is intending to apply to the Welsh Ministers for planning permission in respect of Development of National Significance which is (c):

and considers that the following secondary consents are connected with the proposed application and that a decision in respect of those consents is to be made or should be made by the Welsh Ministers (d).....

A copy of the proposed application; plans; and other supporting documents are attached/ can be viewed online (delete as appropriate) at (e)

.....
In accordance with the requirements of article 10 of the Developments of National Significance (Procedure) (Wales) Order 2016, a consultation response must be sent to (f) by (g).....

Signed:

Date:

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) details of secondary consents in respect of which the applicant considers a decision should be made by the Welsh Ministers (for the definition of secondary consent see section 62H of the Town and Country Planning Act 1990, secondary consents are prescribed for the purposes of section 62H by the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016)
- e) address of website
- f) e-mail address of the applicant/agent
- g) date giving a period of 42 days, beginning with the date of service

SCHEDULE 3

Article 16

Notices under Article 16

The Developments of National Significance (Procedure) (Wales) Order 2016
NOTICE UNDER ARTICLE 16(1) OF APPLICATION FOR PLANNING PERMISSION FOR
DEVELOPMENT OF NATIONAL SIGNIFICANCE
(to be served on an owner* or a tenant** or to be published in a newspaper (and on a website
maintained by the Welsh Ministers))

Proposed development at (a)

I give notice that (b)

is applying to the Welsh Ministers for planning permission in respect of Development of National
Significance, which is (c):

Members of the public may inspect copies of:

- the application;
- the plans; and
- other documents submitted with it

online at (d)

Anyone who wishes to make representations about this application should write to the Welsh
Ministers at

(e) or (f)

.....

by (g)

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of
which is not less than seven years, or, in the case of development consisting of the winning or
working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas,
coal, gold or silver).

** "tenant" means an agricultural tenant, as defined in section 65(8) of the Town and Country
Planning Act 1990, of any land any part of which is comprised in the land to which the application
relates.

Signed:

+ On behalf of:

Date:

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their
property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural
tenants' security of tenure.

+ delete where inappropriate

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) address of website maintained by the Welsh Ministers (url)
- e) email address of the Welsh Ministers
- f) address of the Welsh Ministers
- g) date giving a notice period of 21 days, beginning with the date of service, or 14 days
beginning with the date of publication, of the notice (as the case may be)

The Developments of National Significance (Procedure) (Wales) Order 2016
NOTICE UNDER ARTICLE 16(2) OF APPLICATION FOR PLANNING PERMISSION FOR
DEVELOPMENT OF NATIONAL SIGNIFICANCE CONSISTING OF THE WINNING AND
WORKING OF MINERALS BY UNDERGROUND OPERATIONS
(to be posted in the case of an application for planning permission in respect of Development of
National Significance consisting of the winning and working of minerals by underground

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operations (in addition to the service or publication of any other requisite notice in this Schedule)).

Proposed development at (a)

I give notice that (b)

is applying to the Welsh Ministers for planning permission in respect of Development of National Significance which is (c):

Members of the public may inspect copies of:

- the application;
- the plans; and
- other documents submitted with it

online at (d)

Anyone who wishes to make representations about this application should write to the Welsh Ministers at (e) or (f)

.....

by (g)

Signed:

+ On behalf of:

Date:

+ delete where inappropriate

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) address of website maintained by the Welsh Ministers (url)
- e) email address of the Welsh Ministers
- f) address of the Welsh Ministers
- g) date giving a period of 21 days, beginning with the date when the notice is posted

SCHEDULE 4

Article 18

Publicity for applications

The Developments of National Significance (Procedure) (Wales) Order 2016
NOTICE UNDER ARTICLE 18 OF APPLICATION FOR PLANNING PERMISSION IN
RESPECT OF DEVELOPMENT OF NATIONAL SIGNIFICANCE

(to be served on owners and/or occupiers of adjoining land; published on a website maintained by the Welsh Ministers; and published in a newspaper)

Proposed development at (a)

I give notice that (b)

is applying to the Welsh Ministers for planning permission in respect of Development of National Significance which is (c):

Members of the public may inspect copies of:

- the application;
- the plans; and
- other documents submitted with it

at (d)

during all reasonable hours until (e)

and, online at (f)

+The application is accompanied by an Environmental Statement

Members of the public may obtain copies of the Environmental Statement from (g)

..... for a charge, so long as stocks last.

Anyone who wishes to make representations about this application must write to the Welsh Ministers at

(h); or

(i)

by (j)

Signed:

On behalf of

Date:

+ delete where inappropriate

Insert:

- a) address or location of the proposed development
- b) applicant's name
- c) description of the proposed development
- d) address of the local planning authority
- e) date giving a period of 21 days, beginning with the date of service and publication
- f) address of website maintained by the Welsh Ministers (url)
- g) address of the applicant
- h) email address of the Welsh Ministers
- i) address of the Welsh Ministers
- j) date giving a period of 21 days, beginning with the date of service and publication

SCHEDULE 5

Article 22

Duty to consult before the grant of permission

Table

<i>Paragraph</i>	<i>Description of Development</i>	<i>Specialist Consultee</i>

Status: This is the original version (as it was originally made).

<i>Paragraph</i>	<i>Description of Development</i>	<i>Specialist Consultee</i>
(a)	Development within an area which has been notified to the Welsh Ministers by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances (otherwise than on a relevant nuclear site) and which involves the provision of— (i) more than 500 square metres of office floor space; or (ii) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Health and Safety Executive
(b)	Development within an area which has been notified to the Welsh Ministers by the Office for Nuclear Regulation for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances on a relevant nuclear site and which involves the provision of— (i) more than 500 square metres of office floor space; or (ii) more than 750 square metres of floor space to be used for an industrial process, or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area	The Office for Nuclear Regulation
(c)	Development likely to result in a material increase in the volume or a material change in the character of traffic— (i) entering or leaving a trunk road; or (ii) using a level crossing over a railway	The Welsh Ministers The operator of the network which includes or consists of the railway in question, and the Welsh Ministers
(d)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road or proposed highway	The local highway authority concerned
(e)	Development likely to prejudice the improvement or construction of a classified road or proposed highway	The local highway authority concerned
(f)	Development which involves the provision of a building or pipe-line in an area of coal working notified by the Coal Authority to the Welsh Ministers	The Coal Authority
(g)	Development involving or including mining operations	The Natural Resources Body for Wales
(h)	Development likely to affect the site of a scheduled monument	The Welsh Ministers

<i>Paragraph</i>	<i>Description of Development</i>	<i>Specialist Consultee</i>
(i)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The Natural Resources Body for Wales
(j)	Development for the purpose of refining or storing mineral oils and their derivatives	The Natural Resources Body for Wales
(k)	Development involving the use of land for the deposit of refuse or waste	The Natural Resources Body for Wales
(l)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwellinghouses or single caravans or single buildings in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	The Natural Resources Body for Wales
(m)	Development affecting the use of land as a cemetery	The Natural Resources Body for Wales
(n)	Development— (i) in or likely to affect a site of special scientific interest; or (ii) within an area which has been notified to the Welsh Ministers by the Natural Resources Body for Wales and which is within two kilometres, of a site of special scientific interest, of which notification has been given, or has effect as if given, to the Welsh Ministers by the Natural Resources Body for Wales, in accordance with section 28 of the Wildlife and Countryside Act 1981 (sites of special scientific interest) ⁽¹⁾	The Natural Resources Body for Wales
(o)	Development involving any land on which there is a theatre	The Theatres Trust
(p)	Development which is not for agricultural purposes, is not in accordance with the provisions of a development plan and involves— (i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or (ii) the loss of less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to	The Welsh Ministers

(1) 1981 (c. 69); see section 27AA of that Act. Section 28 was substituted by section 75(1) of, and paragraph 1 of Schedule 9 to, the Countryside and Rights of Way Act 2000 (c. 37) and was amended by section 148 of, and paragraphs 2(2), (3) and (7) of Schedule 13 to, the Marine and Coastal Access Act 2009 (c. 23). There are other amendments which are not relevant to this instrument.

Status: This is the original version (as it was originally made).

<i>Paragraph</i>	<i>Description of Development</i>	<i>Specialist Consultee</i>
	lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	
(q)	Development within 250 metres of land which— (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the Welsh Ministers by the Natural Resources Body for Wales for the purposes of this provision	The Natural Resources Body for Wales
(r)	Development which— (i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or (ii) is on land which has been: (aa) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or (bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or (iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface	The Sports Council for Wales ⁽²⁾
(s)	Development likely to affect— (i) any inland waterway (whether natural or artificial) or reservoir owned or managed by the Canal & River Trust; or (ii) any canal feeder channel, watercourse, let off or culvert, which is within an area which has been notified for the purposes of this provision to the Welsh Ministers by the Canal & River Trust	The Canal & River Trust
(t)	Development— (i) involving the siting of new establishments; (ii) consisting of modifications to existing establishments covered by Article 11 of Directive 2012/18/EU ⁽⁴⁾ ; or (iii) which is new, including transport routes, locations of public use and residential areas in the vicinity of existing establishments, where the siting or	(a) The control of major accident hazards competent authority; and (b) in relation to development falling within paragraph (iii), any person who is the person in control of the land on which any

⁽²⁾ The Sports Council for Wales is known as Sport Wales.

⁽⁴⁾ O.J. L 197, 24.7.2012, p 1.

<i>Paragraph</i>	<i>Description of Development</i>	<i>Specialist Consultee</i>
	development may be the source of or increase the risk or consequences of a major accident	existing establishment in question is located either— (i) according to the register held by the hazardous substances authority under regulation 22 of the Planning (Hazardous Substances) (Wales) Regulations 2015(3); or (ii) where the control of major accident hazards competent authority has notified the local planning authority pursuant to regulation 34(3) of those Regulations.

Interpretation of Table

In the above Table—

(a) in paragraphs (a) and (b)—

“floor space” (*“arwynebedd llawr”*) means the total floor space in a building or buildings;

“industrial process” (*“proses ddiwydiannol”*) means a process for or incidental to any of the following purposes—

- (i) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (ii) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (iii) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine (and in this sub-paragraph, “mine” (*“mwynglawdd”*) means any site on which mining operations are carried out);

“relevant nuclear site” (*“safle niwclear perthnasol”*) means a site which is—

- (i) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013)(5);
- (ii) an authorised defence site (within the meaning given by regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998(6)); or
- (iii) a new nuclear build site (within the meaning given by regulation 2A(1) those Regulations)(7).

(3) S.I. 2015/1597 (W. 196).

(5) 2013 c. 32.

(6) S.I. 1998/494. The definition of “authorised defence site” was inserted by article 6(2) of, and paragraphs 70 and 72(a) of Schedule 3 to, the Energy Act 2013 (Office for Nuclear Regulation) (Consequential Amendments, Transitional Provisions and Savings) Order 2014 (S.I. 2014/469).

(7) Regulation 2A was inserted by article 6(2) of and paragraphs 70 and 73 of, Schedule 3 to that Order.

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- (b) in paragraph (c), “network” (“*rhwydwaith*”) and “operator” (“*gweithredwr*”) have the same meaning as in section 83(1) of the Railways Act 1993 (the provision of railway services)(**8**);
- (c) in paragraphs (d) and (e), “classified road” (“*ffordd ddosbarthiadol*”) means a highway or proposed highway which—
 - (i) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)(**9**); or
 - (ii) is classified for the purposes of any enactment by the Welsh Ministers by virtue of section 12(3) of that Act;
- (d) in paragraph (h), “scheduled monument” (“*heneb gofrestredig*”) has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(**10**);
- (e) in paragraph (l)—

“dwellinghouse” (“*ty annedd*”) does not include a building containing one or more flats, or a flat contained within such a building (and in this paragraph, “flat” (“*fflat*”) means a separate and self-contained set of premises constructed or adapted for the purpose of dwelling and forming part of a building from some other part of which is divided horizontally);

“slurry” (“*slyri*”) means animal faeces and urine (whether or not water has been added for handling); and

“caravan” (“*carafân*”) has the same meaning as in section 29(1) of the Caravan Sites and Control of Development Act 1960 (caravan sites)(**11**);
- (f) in paragraph (n), “site of special scientific interest” (“*safle o ddiddordeb gwyddonol arbennig*”) means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest) applies;
- (g) in paragraph (o), theatre” (“*theatr*”) has the same meaning as in section 5 of the Theatres Trust Act 1976 (interpretation)(**12**);
- (h) in paragraph (r)—
 - (i) “playing field” (“*maes chwarae*”) means the whole of a site which encompasses at least one playing pitch;
 - (ii) “playing pitch” (“*llain chwarae*”) means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo;
- (i) in paragraph (t)—
 - (i) expressions appearing both in that paragraph and in Directive 2012/18/EU have the same meaning as in that Directive; and
 - (ii) “control of major accident hazards competent authority” (“*awdurdod COMAH cymwys*”) means—
 - (aa) in relation to a relevant nuclear site, the Office of Nuclear Regulation and the Natural Resources Body for Wales, acting jointly;

(8) 1993 c. 43. There are amendments to section 83 which are not relevant to this instrument.

(9) 1980 c. 66.

(10) 1979 c. 46.

(11) 1960 c. 62. There are amendments to section 29 which are not relevant to this instrument.

(12) 1976 c. 27.

- (bb) otherwise, the Health and Safety Executive and the Natural Resources Body for Wales acting jointly.

Status: This is the original version (as it was originally made).

SCHEDULE 6

Article 31(2)

Notification of initiation of development and display of notice

Notification of initiation of development and display of notice

The Developments of National Significance (Procedure) (Wales) Order 2016
NOTICE UNDER ARTICLE 31(2) TO BE GIVEN TO A LOCAL PLANNING AUTHORITY
TO INFORM THEM WHEN DEVELOPMENT WILL BEGIN

Proposed development at (a)
I (b) of
give notice to the (c) Local Planning Authority
that the proposed development granted permission under (d)
on (e)
will begin on (f)
Description of the proposed development: (g)
.....
.....
.....

I confirm I am+ the owner of the land to which the proposed development relates*
I confirm I am not+ the owner of the land to which the proposed development relates and the
owner's full name and address are:*

(h)
(i)
Site manager name: (j)
Site manager contact information: (k)
.....
.....

I confirm that the following pre-commencement conditions have been complied with (l):

- Permission reference Condition number: Date agreed:
- Permission reference Condition number: Date agreed:
- Permission reference Condition number: Date agreed:
- Permission reference Condition number: Date agreed:
- Permission reference Condition number: Date agreed:
- Permission reference Condition number: Date agreed:
- Permission reference Condition number: Date agreed:
- Permission reference Condition number: Date agreed:

If required, please continue on a separate sheet

I attach a plan which indicates:

- A red line around the site boundary of the land that benefits from the permission
- The location where the notice, required by section 71ZB(2) of the Town and Country Planning Act 1990, will be displayed.

Before beginning any development related to a grant of planning permission for development of national significance a person must give notice to the local planning authority on this form.

A person carrying out development related to a grant of planning permission for development of national significance must complete the form in Schedule 7 to the Developments of National Significance (Procedure) (Wales) Order 2016 and display that form at or near the place where development is being carried out, at all times when development is being carried out. That form must be displayed in accordance with article 31(3) of the Developments of National Significance (Procedure) (Wales) Order 2016.

Signed

Date

+ relates to the applicant identified at (b)

* delete where appropriate

Insert:

- a) address or location of the proposed development
- b) applicant's name and address
- c) name of the local planning authority
- d) planning application reference number
- e) date the decision notice was issued
- f) date the development is to begin
- g) description of development as included on the decision notice
- h) owner's full name (if applicable)
- i) owner's full address (if applicable)
- j) name of the person who has or will be appointed to oversee the carrying out of the development on site
- k) contact details for person (j) including, where appropriate, business postal and email addresses and telephone number
- l) pre-commencement conditions are those that require the approval of details by the local planning authority before the development can commence

Status: This is the original version (as it was originally made).

SCHEDULE 7

Article 31(3)

Notice to be displayed at all times when development is being carried out

The Developments of National Significance (Procedure) (Wales) Order 2016
NOTICE UNDER ARTICLE 31(3) TO BE DISPLAYED AT ALL TIMES WHEN
DEVELOPMENT IS BEING CARRIED OUT

PART 1

Development (a)..... at

Notice is hereby given that planning permission (b).....

was granted subject to conditions (c) to (d).....

on (e).....

by (f)..... and development has now commenced

The development comprises (g)..... and is marked by the edged/coloured area of the attached plan which is drawn to an identified scale and which forms, and is displayed as, PART 2 of this notice.

Further information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at (h).....

A person carrying out development related to a grant of planning permission for development of national significance must display this form at or near the place where development is being carried out, at all times when development is being carried out. The form must be displayed in accordance with article 31(3) of the Developments of National Significance (Procedure) (Wales) Order 2016.

Before beginning development related to a grant of planning permission for development of national significance a person must give notice to the local planning authority on the form in Schedule 6 to the Developments of National Significance (Procedure) (Wales) Order 2016.

Notes

- a) Insert address or describe the location of development.
- b) Insert the relevant planning application reference number.
- c) Delete "subject to conditions" if the planning permission is not subject to any conditions.
- d) Insert name and address of developer.
- e) Insert date on which planning permission granted.
- f) Insert planning authority or Welsh Ministers.
- g) Insert description of development.
- h) Insert address of local planning authority.