

**FLINTSHIRE COUNTY COUNCIL  
ACTIONS TAKEN UNDER DELEGATED POWERS**

<b>SERVICE:</b>	<b>Development Management and the Minerals and Waste Shared Planning Service</b>
<b>INITIATING OFFICER:</b>	<b>Hannah Parish and Matthew Parry-Davies (on Behalf of Andrew Farrow)</b>
<b>SUBJECT:</b>	<b>Amendments to the Scheme of Delegation for DNS/NSIP Projects</b>

**TEXT FOR INCLUSION IN THE DELEGATED POWERS REPORT TO CABINET**

**(Brief description):**

**To delegate all matters and Council responses associated with Developments of National Significance (DNS) and Nationally Significant Infrastructure Projects (NSIP), to the Chief Officer (Planning, Environment and Economy)**

The changes to the Scheme of Delegation sought is as set out below and covers all steps in respect of both types of applications.

***Deal with matters relating to Nationally Significant Infrastructure Projects (NSIPs) and Developments of National Significance (DNS)***

- *To submit observations on behalf of the Council*
- *Responding to the relevant Decision-Making Body on environmental impact assessment screening and scoping opinion consultations.*
- *Responding to the developer's consultation on the Statement of Community Consultation.*
- *Responding to the Decision-Making Body's consultation on the adequacy of the developer's consultation.*
- *To provide any formal and informal response to the developer's non-statutory and statutory pre-application consultation*
- *To provide any formal response to the relevant Decision-Making Body on NSIP/DNS application consultations include the drafting of a Local Impact Report, which shall be submitted following notification of the proposal to the Local Ward Member and with final agreement of the content of the Local Impact Report with the Cabinet Member for Planning, Public Health and Public Protection*
- *To agree to enter into Planning Performance Agreements with developers.*
- *To agree Statements of Common Ground.*
- *To represent the Council at Examination Hearing Sessions/Public Inquiries and make verbal/written representations during the examination*
- *To approve details submitted to the Local Planning Authority in accordance with requirements contained in NSIP Development Consent Orders*

## **FULL DETAILS:**

The consenting process is different for a Nationally Significant Infrastructure Project (NSIP) and a Development of National Significance (DNS) compared to a traditional planning application for development which would be sought under the Town and Country Planning Act which the Local Planning Authority would determine. An application for a Development Consent Order (DCO) for a NSIP is made to the Secretary of State under the Planning Act 2008. An application for a DNS proposals is made in accordance with the Development of National Significance (Wales) Regulations 2016 made directly to Planning Environment Decisions Wales (PEDW). The Council is a stakeholder which has a role to play in the consideration of these types of development, however the Council is not the decision maker.

The Council's response on matters related to the Planning Act 2008, and the Development of National Significance (Wales) Regulations 2016 are an executive function and are not a delegated function as stated within the Council's Scheme of Delegation.

There is a need to update the Council's Scheme of Delegation to reflect new legislation and regulations as the Scheme of Delegation has not been updated since this legislation has come into force.

Amongst other things, the Council are asked to produce a Local Impact Report for these types of proposals to inform the decision maker on the local issues associated with the proposal. In producing a Local Impact Report, the Local Authority is not required to carry out its own consultation with the community. The report should consist of a statement of positive, neutral, and negative local impacts, but it does not need to contain a balancing exercise between positives and negatives; nor does it need to take the form of a formal Committee Report.

The Examining Authority (the Planning Inspectorate) in the instance of NSIPs, and PEDW in the instance of DNS proposals will carry out a balancing exercise of relevant impacts, and these will include those local impacts specifically reported in the Local Impact Report. The Local Impact Assessment is a matter of fact. The Local Authority is not the decision maker.

The time limits associated with both NSIP and DNS proposals are prescribed within the legislation and regulations. The Council does not have the authority to change the deadlines associated with a proposal applied for under these regulations. The timescales and deadlines are very rigid which often do not fit with the scheduled Cabinet meetings, where at present any response associated with the Planning Act 2008 and the Development of National Significance (Wales) Regulations 2016 would need to be signed off at Cabinet level. As the Council's responses on these matters are an Executive Function of the Council, Officers have in the past sought delegated powers to provide a response so that the prescribed deadlines can be met. Other responses that the Local Authority is requested to provide are of a factual and technical nature. It is proposed that any responses in associated with these types of development are delegated to the Chief Officer for Planning, Environment and Economy.

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<b>FINANCIAL IMPLICATIONS:</b>	<b>Indirect savings on officer time to reduce the need to report to Cabinet on DNS/NSIP projects</b>
<b>HR IMPLICATIONS:</b>	<b>Officers will have more capacity to respond directly to various stages of the DNS/NSIP proposal as time won't be spent in drafting Cabinet Papers to seek delegated powers on a case-by-case basis each time this is required.</b>

<b>APPROVED BY CHIEF OFFICER:</b>	
<b>DATE:</b>	
<b>APPROVED BY CABINET MEMBER:</b>	
<b>DATE:</b>	
<b>DATE SUBMITTED TO CABINET:</b>	