

Annex A: Proposed list of DNS thresholds.

Type of Development	Proposed Threshold
<p>The carrying out of operations for the purpose of creating underground gas storage facilities for the storage of gas underground in cavities or in porous strata;</p> <p>The development is starting to use underground gas storage facilities by a gas transporter, for the storage of gas underground other than in natural porous strata; or</p> <p>The development is starting to use underground gas storage facilities by a developer which is not a gas transporter for the storage of gas underground in natural porous strata.</p>	<p>The facility has a working capacity of at least 43 million standard cubic metres or a maximum flow rate of at least 4.5 million standard cubic metres per day.</p>
<p>The alteration of underground gas storage facilities for the storage of gas underground in cavities or in porous strata.</p>	<p>The effect of the alteration is expected to increase the working capacity by at least 43 million standard cubic metres or to increase the maximum flow rate by at least 4.5 million standard cubic metres per day.</p>
<p>Liquefied natural gas ("LNG") facilities</p>	<p>New LNG facilities:</p> <p>The storage capacity is expected to be at least 43 million standard cubic metres or have a maximum flow rate of at least 4.5 million standard cubic metres per day; or</p> <p>The alteration of existing LNG facilities:</p> <p>The existing storage capacity is expected to increase by at least 43 million standard cubic metres or by a maximum flow rate of at least 4.5 million standard cubic metres more per day.</p>
<p>Gas reception facilities</p>	<p>New gas reception facilities:</p> <p>The maximum flow rate of the facility is expected to exceed 4.5 million standard cubic metres per day; or</p> <p>The alteration of existing gas reception facilities:</p> <p>The maximum flow rate of the existing facility is expected to increase by at least 4.5 million standard cubic metres per day.</p>

<p>Airport related development and construction</p>	<p>New airports:</p> <p>The development of a new airport with a capacity of at least 1 million passengers per annum or at least 5,000 air transport movements of freight per annum.</p> <p>The alteration of existing airports:</p> <p>The development of an existing airport to increase the capacity by at least 1 million passengers per annum or at least 5,000 air transport movements of freight per annum.</p>
<p>Railways</p>	<p>The construction of a railway which, when constructed, will include a stretch of track that is a continuous length of more than 2km, or the alteration of a railway which will include laying a stretch of track that is a continuous length of more than 2 km and which, in both cases, is not on land that was either operational land of a railway undertaker immediately before the works began or is on land that was acquired at an earlier date for the purpose of the works.</p> <p>Construction and alteration of a railway does not fall within this category if it takes place on the operational land of a railway undertaker unless that land was acquired for the purpose of those works.</p>
<p>Rail freight interchanges</p>	<p>Following the alteration of an existing, or construction of a new, rail freight interchange, the interchange is capable of handling at least 2 goods trains per day.</p>
<p>Dams and reservoirs.</p>	<p>New dams and reservoirs:</p> <p>The volume of water to be held back by the dam or stored in the reservoir is expected to exceed 10 million cubic metres of water.</p> <p>The alteration of existing dams and reservoirs:</p> <p>The additional volume of water to be held back by the dam or stored in the reservoir as a result of the alteration is expected to exceed 10 million cubic metres.</p>

Transfer of water resources	<p>The volume of water to be transferred as a result of the development is expected to exceed 100 million cubic metres per year between:</p> <ul style="list-style-type: none"> • River basins in Wales; • Water undertakers' areas in Wales; or • A river basin in Wales and a water undertaker's area in Wales. <p>The development does not relate to the transfer of drinking water.</p>
Waste water treatment plant.	<p>New waste water treatment plants:</p> <p>The plant is expected to have a capacity exceeding a population equivalent of 500,000.</p> <p>The alteration of existing waste water treatment plants:</p> <p>The effect of the alteration is expected to increase the capacity of the plant by more than a population equivalent of 500,000.</p>
Hazardous waste facilities	<p>New hazardous waste facilities:</p> <p>Land fills or deep storage facilities which have a capacity of more than 100,000 tonnes per annum. In any other case, facilities able to handle more than 30,000 tonnes per annum.</p> <p>The alteration of existing hazardous waste facilities:</p> <p>The effect of the alteration to a land fill or deep storage facility is expected to increase the capacity by more than 100,000 tonnes. In any other case, the capacity of the facility is expected to increase by 30,000 tonnes per annum.</p>
<p>Pipelines not constructed by a gas transporter; or</p> <p>Overground pipelines constructed by a gas transporter.</p>	<p>The construction of a new pipeline (including the extension or diversion of an existing pipeline) over 2km and less than 16.093km (10 miles) in length wholly or partly in Wales.</p>
Onshore energy generating stations.	<p>The generating station has the capacity to generate energy at a rate of between 25MW and 50MW.</p>

Annex B: List of secondary consents

Legislation	Consent	Comments
Acquisition of Land Act 1981 – Section 19, and Section 28 and Schedule 3.	Section 19: Exchange of land certificate– open space land or common land. Section 28 and Schedule 3: deals with the acquisition of rights by compulsory purchase and certification.	Where a Compulsory Purchase Order involves common land, allotments or open space or rights over such land, certificates are required under s.19 (land) or s.28 (rights) otherwise the Order has to be subject of special Assembly procedures. This consent is relevant as it is our intention to prescribe powers for the compulsory purchase of land.
Ancient Monuments and Archaeological Areas Act 1979 - Section 2.	Control of works affecting scheduled monuments, grant of scheduled monuments consent.	This consent is relevant in view of the nature and location of ancient monuments and their wide geographical spread.
Commons Act 2006 - Section 38	Works on common land.	This consent is relevant as DNS proposals in rural areas may impact on common land.
Commons Act 2006 - Sections 16 and 17	Exchange of Common Land.	This consent is relevant as DNS proposals in rural areas may impact on common land.
Highways Act 1980 - Section 178	Restriction on placing rails, beams etc. over highway (consent).	This includes pipes, wires and cables and is commonly used for linear projects.
Planning (Hazardous Substances) Act 1990 - Sections 4, 13 and 17	Section 4 - application for hazardous substance consent; Section 13 - applications for consent without condition attached to previous consent; Section 17 - application to continue consent on change of control of land.	Section 3 of this Act defines the hazardous substances authority in special cases. The Welsh Ministers should be the hazardous substances authority for DNS applications, and these consents are therefore relevant.
Planning (Listed Buildings and Conservations Areas) Act 1990 - Section 8	Authorisation of work, listed building consent.	An on-site listed building could arise in any DNS application, hence it is relevant.
Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 74	Control of demolition in conservation areas.	Some application sites may be located in wider landscape-based conservation areas.

Town and Country Planning Act 1990 - Sections 57 and 58	Requirement for planning permission and grant of planning permission.	Associated development for which additional planning permission is required may form part of a scheme for DNS.
Town and Country Planning Act 1990 - Section 226	Compulsory Purchase Order acquisition of land for development.	Some land forming part of the proposal may not be under the ownership of the applicant. Powers are required to enable that land to be acquired on behalf of the developer to facilitate the implementation of the DNS scheme.
Town and Country Planning Act 1990 - Section 247	Stopping up or diversion of highway.	May be required as part of a DNS project.
Town and Country Planning Act 1990 - Section 248	Highways crossing or entering route of proposed new highway.	May be required as part of a DNS project.
Town and Country Planning Act 1990 - Section 251	Extinguishment of rights of way over land held for planning purposes.	May be required as part of a DNS project.
Town and Country Planning Act 1990 - Section 254	Acquisition of land in connection with highways.	May be required as part of a DNS project.
Town and Country Planning Act 1990 - Section 257	Order - footpaths, bridleways or restricted byways affected by development.	May be required as part of a DNS project in a rural area.