



Llywodraeth Cymru
Welsh Government

Research Briefing **The Planning Series: 05 - Call-in of Planning applications**

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Research Briefing
**The Planning Series:
05 - Call-in of Planning
applications**



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1. What is a call-in?

Applications for planning permission are generally considered by the local planning authority. The local planning authorities are the 22 unitary authorities and the three national park authorities.

However, the Welsh Government has the power to assume responsibility from a local planning authority on any planning application using its powers under Section 77 of the *Town and Country Planning Act 1990*. The Welsh Government then decides whether or not planning permission is to be granted. This is the 'call-in' process, which only affects a small number of applications a year.

Any application can be called-in, as long as it has not yet been determined by the local planning authority

2. Why are applications called-in?

Planning Policy Wales, Chapter 3, says that:

Development proposals are generally best determined locally by planning authorities which know their area, its needs and sensitivities. The Welsh Ministers do not interfere with local planning authorities' jurisdiction unless it is necessary to do so.

Planning applications are normally subject to 'call-in' when planning issues of more than local importance have been raised. These issues may arise where the development could:

- Be in conflict with national planning policies;
- Have wide effects beyond the immediate locality;
- Cause substantial controversy beyond the immediate locality;
- Be likely to significantly affect sites of scientific, nature conservation or historic interest, or areas of landscape importance;
- Raise issues of national security; or
- Raise novel planning issues.

The applicant or any other interested party (known as a third party) can write to the Welsh Government to request that an application be called-in. This must be done before the local planning authority makes its final decision. However, the Cabinet Secretary's decision as to whether to call-in an application is discretionary.

Various 'Notification Directions' also require local planning authorities to refer to the Welsh Government all applications which they intend to approve and where the development is a;

- Flood risk area development;
- Significant residential development (i.e. more than 150 units, or on more than 6 hectares of land, not in accordance with the provisions of the development plan in force in the area);
- Minerals development (for the winning and working of minerals on new sites or extensions to existing sites, not in accordance with the provisions of the development plan in force in the area);
- Waste development (intended for the deposit of waste into or on to land, not in accordance with the provisions of the development plan in force in the area);

- Aggregates extraction from a new or existing site within a National Park or an Area of Outstanding Natural Beauty;
- Unconventional oil and gas development, including appraisal or production of coal bed methane, shale oil or gas using unconventional extraction, including hydraulic fracturing; or
- Underground gasification of coal.

Based on annual averages for the period 2012 to 2016, 47 call-in requests per year were received by the Welsh Government, with a further 5 applications per year notified under the various 'Notification Directions' outlined above. From this total of 52, only 3 were actually called in each year.

3. What happens when applications are called-in?

The Planning Inspectorate, an Executive Agency of the Welsh Government, appoints a Planning Inspector to handle the called-in application. The Inspector will decide the procedure to be followed: written representations; informal hearing; or public inquiry. These are the same procedures that are used to determine planning appeals. If a public hearing or public inquiry is to be held, as well as the applicant, the following have the right to take part:

- The local planning authority;
- The town or community council (if they made earlier representations to the local planning authority);
- Other local planning authorities if the site falls within their area but are not themselves the local planning authority;
- CADW, if they had to be notified by the local planning authority about a related application for listed building consent;
- Any statutory party; and
- Any person who has served a statement of case or an outline statement.

Proceedings of the hearing or inquiry are open to the public. Members of the public, at the discretion of the Inspector, may take part.

An inquiry generally proceeds as follows:

- The local planning authority makes an opening statement and then calls any supporting witnesses to give evidence;
- The applicant has the final right of reply;
- Participants make their statements;
- Those entitled to take part in the inquiry will be able to call evidence (witnesses); and
- The applicant, the local planning authority and any statutory party will be able to cross examine those giving evidence.

The Inspector then reports to the Welsh Government with the findings and recommendations arising from the written procedure, hearing or inquiry. These are considered by the Welsh Ministers, who will decide if the application is to be approved. There is no right of appeal against the Cabinet Secretary's

decision. However, an individual can apply for judicial review of the legal or procedural aspects of the decision only.

4. Key sources

Welsh Government

The [planning section](#) of the Welsh Government's website provides information including:

- Call-in policy: [Planning Policy Wales \(Edition 9, November 2016\) Chapter 3 - Making and Enforcing Planning Decisions](#)
- An explanatory guide for the Call-In process: [Calling in Planning Applications](#)
- Procedural Guidance on called-in planning applications: [Planning appeals and called-in planning applications - procedural guidance](#)
- The Welsh Government Circular (WGC) that explains the categories of planning application which must be referred to the Welsh Ministers: [WGC 07/2012: The Town and Country Planning \(Notification\) \(Wales\) Direction 2012](#)
- Information on Call In and Notification Directions for members of the public: [Ministerial Intervention - Call In and Notification Development](#)

Planning Aid Wales

[Planning Aid Wales](#) is a charitable organisation helping **eligible** individuals and communities to participate more effectively in the planning system. It provides advisory services, including a helpline.

Planning Portal

The [Planning Portal](#) is the UK Government's planning and building regulations resource. It includes information on the planning system in Wales, although some of the content only applies to England.

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