

The Planning Series

5 - Call-in of planning applications

Quick Guide

May 2011

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.¹

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*.² 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.

Why are applications called-in?

The Welsh Government 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.³

Planning applications are normally subject to “call-in” where 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 regional or national controversy;
- Be likely to significantly affect areas of landscape, scientific, nature or historical 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 Minister’s decision as to whether to call-in an application is discretionary.

Various ‘Directions’ also require Local Planning Authorities to notify the Welsh Government of all applications that, if

¹ Further details are contained in **Quick guide: Planning Permission**

² *Town and Country Planning Act 1990* (Chapter 8) (as amended)

³ Welsh Government: **Planning Policy Wales (edition 4)**: section 3.12.1

approved, would:

1. Depart significantly from approved development policies (known as departure applications); or
2. Permit aggregates extraction from within a National Park or an Area of Outstanding Natural Beauty; or
3. Affect an aerodrome or airport; or
4. Affect a Grade I and Grade II* building or any listed building that is grant aided under the *Historic Buildings and Ancient Monuments Act 1953*; or
5. Involve the construction of retail space of more than 20,000 square metres.

Based on annual averages for the period 2005 to 2010, 54 call-in requests per year were received by the Welsh Government, with a further 39 applications per year notified under the various 'Directions' outlined above. From this total of 93, only 12 were actually called-in each year.

In March 2011 the Welsh Government launched a consultation on proposals to review the 'Directions', with the aim of reducing the number of applications that Local Planning Authorities are required to send to the Welsh Government.

What happens when applications are called-in?

The Welsh Government appoints a Planning Inspector to handle the called-in application. The Inspector will decide the procedure to be followed; the written procedure, public hearing or public inquiry. These are the same procedures that are used to determine planning appeals.⁴ 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

⁴ Further details are contained in **Quick guide: Appeals**

evidence;

- The applicant has the final right of reply;
- Participants make their statements; 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 Minister's decision. However, the decision may be subject to judicial review in certain circumstances.

Further information

Welsh Government

The **planning section** of the Welsh Government website provides information including:

- the principal statement of planning policy for Wales: **Planning Policy Wales**; and
- **Circular 07/2003: Planning (and analogous) appeals and call – in procedures.**

The Planning Inspectorate

The **Planning Inspectorate** is an executive agency of the Welsh Government whose function is to support the integrity of the planning process. It has produced a **guide to called-in planning applications**.

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.

Other planning quick guides produced by the Research Service:

- **National planning policy;**
- **Local planning policy;**
- **Developments that don't need planning permission;**
- **Planning permission;**
- **Appeals**
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