



Llywodraeth Cymru
Welsh Government

GUIDANCE

Calling-in planning applications: guidance

Explains why and when the Welsh Ministers may take planning decisions.

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Summary

- Planning and related applications are normally determined by Local Planning Authorities, however, the Welsh Ministers have powers to ‘call in’ a particular application for their own determination.
- Any person may make a request to the Welsh Government to ‘call in’ a planning or related application
- The power to ‘call in’ is used very infrequently and only when a proposal raises issues of more than local importance.
- Calling in an application does not mean it will be refused by the Welsh Ministers. It simply means the Welsh Ministers will make the decision, instead of the Local Planning Authority.
- On average 25,000 planning and related applications are made per year in Wales and only 5 to 10 of those are ‘called in’ per year.

The process for making planning decisions

There are 25 Local Planning Authorities (“LPAs”) in Wales and the day to day operation of the planning system lies with them. LPAs, as part of their responsibilities, make decisions in relation to:

- Planning applications under section 57 of the Town and Country Planning Act 1990;
- Listed building consent applications under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- Hazardous substances consent applications under section 4 of the Planning (Hazardous Substances) Act 1990.

For the purposes of this guidance, these are collectively known as “applications”.

Powers for Welsh Ministers to ‘call in’

The Welsh Ministers have powers to direct LPAs to refer applications to the Welsh Ministers for their own determination. This is known as ‘calling in’ an application.

The powers to ‘call in’ applications are set out in:

- Section 77 of the Town and Country Planning Act 1990;
- Section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- Section 20 of the Planning (Hazardous Substances) Act 1990.

The Welsh Ministers will only exercise call-in powers rarely, and where their use can be justified. The Welsh Government is clear LPAs should make decisions on applications wherever possible.

When the Welsh Ministers can ‘call in’

There are certain circumstances where the Welsh Ministers may consider using powers to ‘call in’ an application. Either:

- Following receipt of a request to ‘call in’ from an individual or organisation;
- If it is a type of development or works which must be notified to the Welsh Ministers before a LPA may approve an application in relation to it (known as “notification development”); or
- Of the Welsh Ministers’ own will (i.e. without being preceded by a call-in request or being notification development).

Powers for the Welsh Ministers to ‘call in’ an application can only be exercised before the application in question has been determined by the LPA.

How to make a 'call-in' request

Anyone can make a request to 'call in' an application.

Requests must be made in writing to the Welsh Government, and this can be via email to planning.directorate@gov.wales.

A valid request to 'call in' an application must include:

- Your name;
- Your address;
- Why you believe the application should be 'called in'; and
- Whether the request is being made in a personal capacity, or as a representative of others, for example, as a Member of the Senedd, Councillor or member of a community group.

The Welsh Government will not consider any requests which does not include all of the above information.

All requests will be considered in the same way, regardless of who makes them or their location.

Correspondence which expresses an individual's view on a proposal or asking the Welsh Ministers to oppose or support it will not be treated as a 'call-in' request.

While the Welsh Government will not routinely reveal the identity of the requestor, a 'call-in' request may be subject to a Freedom of Information request, and the Welsh Government may be required to release information relating to the 'call-in', including personal information. A response to a Freedom of Information request relating to the 'call-in' will be handled in accordance with the duties placed on the Welsh Ministers by the relevant legislation. This includes:

- The Freedom of Information Act 2000;
- The Environmental Information Regulations 2004; and
- The Data Protection Act 2018.

‘Call-in’ requests on proposals which generate significant local interest

Some proposals can generate significant interest in a locality. On such occasions, it is common for the Welsh Government to receive multiple ‘call-in’ requests in relation to the single proposal.

A large number of ‘call-in’ requests does not mean an application is more likely to be ‘called in’ than a single request, and the number of requests will not carry greater weight when considering whether to ‘call in’ an application or not.

We advise against individuals and groups encouraging others to make ‘call-in’ requests to the Welsh Government on the same grounds as a request which has already been made. It can be time-consuming for the Welsh Government to process such requests, which may result in a decision on ‘call-in’ not being made in a timely manner.

Where there is a strength of feeling within a community in respect of a proposal, the Welsh Government strongly encourages the co-ordination of individuals to submit a single ‘call-in’ request which addresses the collective reasoning why a proposal should be ‘called in’.

The full reasoning within a single ‘call-in’ request will be given equal consideration to multiple ‘call-in’ requests which address the same issue.

Ultimately, all requests will be considered in line with this ‘call-in’ policy.

When a ‘call-in’ request can be made

A ‘call-in’ request should be made as soon as a person decides they would like the application to be considered for ‘call-in’ by the Welsh Ministers.

Any request for ‘call-in’ must be made before the LPA determines the application, or before the LPA’s planning committee, where such a meeting is held in relation to the application.

The Welsh Government deals with a number of ‘call-in’ requests, and where a request is made only a short period before the application is due to be determined, the Welsh Ministers may not have sufficient time to consider whether the application should be ‘called in’ or not. This can occur more commonly where applications are determined by LPA officers rather than at the LPA’s planning committee. Requestors must be prepared for this possibility.

What happens after a ‘call-in’ request is made

The Welsh Government will acknowledge a ‘call-in’ request within 15 working days and will then consider whether the application meets ‘call-in’ policy (set out on this page).

The key evidence in consideration of a ‘call-in’ request is the LPA officer’s report. This is a report by the LPA which sets out its reasoning behind recommending whether to grant or refuse consent. The officer’s report is required under the Local Government Act 1972 to be publicly available no less than “three clear days” prior to the relevant planning committee meeting. An officer’s report is often not ready until this date.

Some applications are determined without being presented to the LPA’s planning committee; these are often householder or minor commercial applications. For the majority of applications, LPAs work to an 8 week determination target, with many being determined before 8 weeks. In such instances, it may not be possible for the Welsh Government to have sight of the officer’s report in advance of the application being determined, and the ‘call-in’ request may subsequently lapse.

Where it is clear an application does not meet ‘call-in’ policy, an outcome on the ‘call-in’ request may be issued without sight of the officer’s report. The Welsh Government will endeavour to provide an outcome in relation to all ‘call-in’ requests, however, some requests may lapse, and requestors must be prepared for this possibility.

Notification development

There are certain classes of development which must be automatically notified to the Welsh Ministers by LPAs before they are determined, in order for the Welsh Ministers to consider whether or not they should be 'called in'. Should an application be subject to these notification requirements, there is no need to make a 'call-in' request, as the question of whether to 'call in' the application or not will be considered by the Welsh Ministers in any event.

A full list of notification development is included below:

- **Flood risk, minerals, waste and aggregates;**
- **Major residential development;**
- **Coal and petroleum development.**

Directions under Article 18(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (“Holding directions”)

On occasion following the receipt of a 'call-in' request, the Welsh Ministers may issue a holding direction in relation to the planning application in question.

Holding directions enable the Welsh Ministers to restrict the grant of planning permission by an LPA in respect of the development which is subject to a 'call-in' request. In practice, this is to provide the Welsh Ministers more time to consider the 'call-in' request.

Holding directions are issued infrequently and not all planning applications on which a 'call-in' request has been received will be subject to a holding direction.

Holding directions will only be issued where the proposed development is likely to raise planning issues of more than local importance, and are very unlikely to be issued in relation to householder or minor commercial applications.

As a matter of routine, holding directions will be issued in relation to all proposals which are subject to a 'call-in' request during any pre-election period, regardless of their likelihood to raise planning issues of more than local importance.

Holding directions cannot be issued in relation to listed building consent and hazardous substances consent applications.

Reasons why Welsh Government 'call in' applications and 'call-in' policy

The decision to 'call in' is not a decision on the merits of the application. It is a decision on who is best placed to determine the application, in light of the issues it raises.

Paragraph 1.35 of **Planning Policy Wales** sets out the Welsh Government's 'call-in' policy. This states 'call-in' powers are used selectively and each application is looked at individually. 'Calling in' applications is generally only considered appropriate where a proposal raises planning issues of more than local importance. It could be considered appropriate, for example, in the case of proposals which:

- are in conflict with national planning policies;
- could have wide effects beyond their immediate locality;
- may give rise to substantial controversy beyond the immediate locality;
- are likely significantly to 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 Welsh Ministers can exercise 'call-in' powers in relation to an application for any reason. The list is a guide and is not intended to be exhaustive. Equally, it does not automatically follow that an application raising issues identified above will be 'called in'. For example, a proposal may be in conflict with national planning policies, however, other material considerations may justify approval of

the application.

In most 'call-in' cases, the Welsh Ministers will identify the planning issues raised by the application, and assess whether the LPA has identified and considered the relevant issues in its officer's report, and given them due weight.

It follows that the Welsh Ministers will decide whether the proposal raises planning issues of more than local importance. However, in some cases, the Welsh Ministers may not consider such an exercise necessary as the proposal clearly does not raise planning issues of more than local importance.

Reasons why the Welsh Ministers will not 'call in' an application

Generally, applications which do not raise planning issues of more than local importance will not be 'called in' for determination by the Welsh Ministers. In that regard, it is very unlikely householder or minor commercial development will be 'called in'.

The Welsh Ministers will not 'call in' an application because of concerns about the LPA's handling of it. LPA members should consider and vote on applications in the wider public interest, and should be seen to do so. They should take particular care to avoid being seen as pre-judging an application prior to its determination. Failure to act objectively and impartially is a breach of the Local Authority Code of Practice.

If a person has concerns about any actions or inactions of the LPA, these must be dealt with through the LPA's Monitoring Officer or through the Public Services Ombudsman for Wales. If anyone considers there has been fraud or any other criminal act committed by an LPA in its consideration and determination of an application, they should submit their evidence to Audit Wales and/or the Police.

LPAs must determine applications in accordance with the procedure set out in planning law. If an application has already been determined by the LPA then the only challenge to this outcome is for an individual or organisation to seek Judicial Review. This can only be pursued on the grounds that the LPA's

handling of the case was legally flawed; a petition to seek Judicial Review based on the merits of the decision will not be entertained by the Courts. Anyone considering seeking Judicial Review of a planning decision should seek their own legal advice as a matter of urgency.

The 'call-in' process will not be used to duplicate these mechanisms.

The Welsh Government will not 'call in' an application as a consequence of a dispute between individuals or on the basis of who the applicant is.

What happens following an outcome on a 'call-in' request

Where the Welsh Ministers decide to 'call in' an application, it is passed from the LPA to the Welsh Ministers to decide. The Welsh Government will appoint an independent planning inspector to examine the application, either by way of:

- written representations;
- a hearing;
- a public inquiry; or
- a mixture of two or more of the above methods.

Following examination, the planning inspector will present a report with a recommendation of whether to approve or refuse the application to the Welsh Ministers. One of the Welsh Ministers will decide whether or not to issue consent in respect of the application.

Where an application is not 'called in', the LPA will be free to issue a decision in relation to the application.

There is no right of appeal against any decision of the Welsh Ministers to 'call in' an application or not, or in relation to a decision on a 'called in' application.

Checking the status of a 'call-in' request

You can view our list of active 'call-in' requests on [our website](#). This is updated weekly.

If you don't want to make a 'call-in' request, but are interested in the outcome of one, please email planning.directorate@gov.wales with the details of the proposal and your wish to see the decision in relation to it.

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