

Cases Determined by the Former Minister for Environment Sustainability and Housing

1. Consideration of Requests to Call in a Planning Application

Any person may ask for a planning application (or application for listed building consent or conservation area consent) that has not yet been determined to be called in. Under section 77 of the Town and Country Planning Act 1990 the National Assembly may call in any application for its own determination rather than leaving determination with the local planning authority. In practice a Minister always takes the decision to call in an application and all decisions on whether an application should or should not be called in are considered in the context of whether the application raises issues which are deemed to be of more than local importance. Examples of issues that could be considered of more than local importance are set out in paragraph 3.12.1 of Planning Policy Wales (PPW) v5 (see extract at Doc 3). In 2011/2012 the Welsh Ministers called in 3 planning applications. And in 2012/2013 to date 1 application has been called in.

2. Notifications under the Notification Direction

Under the provisions of the Town and Country Planning (Notification) (Wales) Direction 2012 ("Notification Direction") a local planning authority should refer to the Welsh Ministers applications in specific categories that they do not propose to refuse. The Welsh Ministers have 21 days following the referral to decide whether or not they wish to call in the application for their own determination. The 5 categories are set out in paragraph 3.12.2 of PPW v 5 and comprise the following:

- Flood Risk Development, incorporating vulnerable development (including 10 or more residential units) or emergency services where the entire site is within flood Zone C2;
- Significant residential development (over 150 units or more than 6 hectares of land) that is not in accordance with the development plan in force in the area;
- Certain minerals development that is not in accordance with the development plan in force
- Certain waste development that is not in accordance with the development plan in force; and
- Certain Aggregates Development in National Parks and Areas of Outstanding Natural Beauty.

Requests for Call-in of Listed Building Applications by Cadw

3. Under section 12 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Cadw can ask the Welsh Ministers to call in a listed building or conservation area consent application where it considers consent should not be

granted. The matter is processed in the same way as a call-in request in respect of a planning application.

Recovered Planning Appeals

4. Appeals against decisions by local authorities to refuse planning applications made under Section 78 of the Town and Country Planning Act 1990 are normally transferred to the Planning Inspectorate for determination by a Planning Inspector appointed for that purpose. In 2011/2012 the Inspectorate determined around 620 such appeals. If an appeal meets certain criteria the Welsh Ministers can recover it from the appointed Inspector for its own determination. In 2011/2012 the Welsh Ministers recovered 2 appeals for their own determination. The recovery criteria are set out in Section 3.11.2 of PPW v5 (see Doc 3).

Called-in Planning Applications

5. Applications for planning permission that have been called in under Section 77 of the Town and Country Planning Act (see paragraph 1 above).

Transport and Works Act Applications

6. Under Sections 1 and 3 of the Transport and Works Act 1992 any person may apply to the National Assembly for an Order to construct a railway, a tramway, a trolley vehicle system, a system of guided transport, inland waterway or any other works which interfere with rights of navigation in the territorial waters of Wales.