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Y Gweinidog Tai ac Adfywio
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Llywodraeth Cymru
Welsh Government

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Dear Andrew

In response to the commitments made to you during Business Questions in the Assembly on 11 March 2014, I have been asked to:

- a) clarify how the Welsh Government deals with requests to call in planning applications and, in particular, the time frame that it works to, and the criteria that it uses to assess whether a planning application should be called in for determination by the Welsh Ministers; and
- b) provide guidance on the advice that the Welsh Government produces for planning authorities when dealing with planning applications for unconventional gas development in Wales which involve the process known as 'fracking'.

a) **Call-in**

The consideration of whether a planning application should be called in (the process known as 'call-in') is essentially about who should be the decision maker on the application for planning permission, the Welsh Ministers or the local planning authority. It does not provide a view as to whether or not planning permission should be granted. A leaflet which provides further guidance on call-in is attached which summarises the process.

When a planning application is called in responsibility for its determination is taken out of the hands of the local planning authority. It will be considered by an independent Planning Inspector by means of either written representation or a hearing/inquiry who will then prepare a report for consideration by the Welsh Ministers. When a decision is made not to call in an application the determination of the application will be made by the local planning authority in the usual way.

The Welsh Government has a very clear policy on calling in planning applications which is contained in *Planning Policy Wales (PPW) (Edition 6, February 2014)*. The Welsh Government considers that local planning authorities, as elected bodies, should be left to make decisions about development proposals wherever possible and the Welsh Ministers do not, in practice, call in many planning applications. PPW advises that call-in is generally only considered appropriate where an application raises planning issues of more than local importance. It provides examples of circumstances in which Ministers could consider it appropriate to call in an application. These include, for example, applications that:

- may conflict with national planning policies;
- could have wide effects beyond the immediate locality;
- may give rise to substantial controversy beyond the immediate locality;
- are likely to significantly affect sites of scientific, nature conservation or historic interest, or areas of landscape importance;
- could raise issues of national security; or
- could raise novel planning issues.

These examples are not prescriptive and the decision as to whether a planning application should be called in will be taken on all the facts and circumstances of the particular application.

In deciding whether a planning application should be called in the detailed planning merits of the proposed development will not be taken into account. The Welsh Ministers will identify the issues raised by the application and assess how they have been addressed by the local planning authority and, in the light of those considerations, decide whether it would be more appropriate for them to determine the planning application. If concerns have been raised about the way in which a local planning authority has handled an application for planning permission this in itself is not a reason for the application to be called in. If a person has concerns about any actions or inactions of a local planning authority, these must be dealt with through the authority's Monitoring Officer or through the Public Services Ombudsman for Wales (PSOW). Details of how to contact the PSOW can be found at www.ombudsman-wales.org.

The Welsh Ministers may only call in an application which is before a local planning authority for consideration and determination. Once a local planning authority has issued a decision on the application the Welsh Ministers are no longer able to call it in. A decision on a call-in request will be made as soon as possible after all the information required to make the decision has been received. However, call-in requests can be made late in the process and it may not be possible to deal with them before the authority decides the application. In such circumstances it may be necessary for the Welsh Ministers to issue a holding direction under Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 to allow them more time to consider the request. The decision to call in a planning application will usually be taken by the Minister with responsibility for planning. A decision not to call in a planning application will usually be taken by officials, although I am notified of all decisions before they are issued.

b) Unconventional Gas Development in Wales

The Welsh Government's national planning policy "Minerals Planning Policy Wales" (MPPW) provides clear guidance on the material planning issues that planning authorities may need to consider when determining any planning application for unconventional gas development in Wales. This includes protecting areas of importance around National Parks, Areas of Outstanding Natural Beauty (AONBs), Special Areas of Conservation, Sites of Special Scientific Interest (SSSIs), groundwater resources and high quality agricultural land.

MPPW identifies that development plans should set out clearly the criteria that will be applied to minerals proposals to ensure they do not have an unacceptably adverse impact on the environment and amenity of nearby residents, and the issues that must be addressed include:

- Access and traffic generation
- Noise
- Control of dust, smoke, and fumes
- Disposal of mineral waste
- Blasting controls
- Land drainage, impact on groundwater resources and the prevention of the pollution of water supplies
- Visual intrusion and general landscaping
- Impact on sites of nature conservation, historic and cultural importance
- Land instability
- Cumulative impact
- Restoration, aftercare and after use

MPPW refers to the three stages of exploration, appraisal and development. It also highlights that other legislation (for example Environmental Permitting Regulations) may also be relevant to some of these matters, and that the planning system should not conflict with or attempt to duplicate controls better regulated by other bodies under different consent regimes.

Yours sincerely,



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