

Planning Call In Procedure

1.1 Clarification of Planning Delegations

Where functions are delegated to both the Planning Committee and the Head of Planning & City Regeneration the functions will be exercised by the Officers in the following circumstances

1.19.1 **Planning Applications, Other Applications, Related Matters and Planning Call In by Councillors**

1.19.2 Councillors shall be notified in advance, by e-mail, of all valid planning applications received.

1.19.3 Subject to 1.19.6 and 1.19.8 below, the determination of all applications for Planning (Permission, Approval, Prior Approval or Consent) submitted under the following legislation/circumstance shall be delegated to the Director of Place (DoPI) or Head of Planning & City Regeneration (HoP&CR):

- a. Town and Country Planning Acts 1990 - 2008;
- b. The Planning (Listed Building and Conservation Areas) Act 1990;
- c. The Planning (Hazardous Substances) Act 1990;
- d. The Caravan Sites and Control of Development Acts 1960 and 1968;
- e. Making of representations following formal consultation in respect of development by the National Assembly of Wales, Government Departments, Statutory and other bodies; or
- f. Development on land in the area of another local authority.

1.19.4 The determination of applications identified in 1.19.3 above will be referred to the Planning Committee where:

1.19.5 **Departure Applications.** The application is contrary to the provisions of the Development Plan, and is being recommended for approval by the Head of Planning & City Regeneration;

1.19.6 **Councillors / Officer Applications.** The application has been submitted by any Officer involved in the planning process or a Councillor. An Officer is involved in the planning process if they are a member of staff in the planning section, or involved in enforcing planning matters, or giving advice or support to Officers or Councillors involved in the planning process or could be perceived to be involved in the planning process;

1.19.7 **EIA Development.** The application involves an Environmental Impact Assessment (EIA).

1.19.8 **Alternate Development Threshold.** The application relates to the following forms of development:

- a) The winning and working of minerals or the use of land for mineral-working deposits;
- b) Waste development;

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- c) The provision of dwellinghouses where—
 - i) The number of dwellinghouses to be provided is 20 or more; or
 - ii) The development is to be carried out on a site having an area of 1 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
- d) The provision of a building or buildings where the floor space to be created by the development is 2,000 square metres or more; or
- e) Development to be carried out on a site having an area of 2 hectare or more.

1.19.9 **Councillor Call In.** A Councillor has requested by letter, email or fax within 21 days of being notified that a valid application has been received (or within the specified re-consultation period), – i.e the “Call in Period”, that it be reported to the Planning Committee and the objection threshold is reached within the “Call in Period”, namely:

- i) The application is subject to 20 letters of objection from different people at different addresses; or
- ii) A petition of 30 or more signatures from different people at different addresses.

1.19.10 **Chair of Planning Committee Referral.** Where a “Councillor Call In” has been made within the “Call in Period” but the objection threshold has not been reached the Chair of the Planning Committee can direct that the application be determined by Planning Committee where the development has a quantifiable community wide impact or there is a quantifiable community wide interest in a development which goes beyond protecting the private interests of one person, or group of persons against the activities of others.

1.19.11 **Head of Service Referral.** The application is, in the opinion of the Head of Planning & City Regeneration, of strategic importance or the application should, in the opinion of the Head of Planning & City Regeneration be determined by Planning Committee.

1.19.12 Councillors may withdraw a Councillor Call In at any time prior to the relevant Committee agenda being finalised. Such withdrawal may follow contact between the Councillor(s) and Planning Officer(s).

1.19.13 If a Councillor wishes to use the Councillor Call In to call in an application which is within the area of another Councillor(s) they must inform the Councillor(s) in whose area the application falls giving their reason prior to making the Planning Call In.

1.19.14 In the case of 1.19.13 above, the Councillor making the Councillor Call In must also give written notice (letter, e-mail or fax) to the Head of Planning & City Regeneration stating that the Councillor(s) in whose area the application falls has been informed of the intended Councillor Call In. Any

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application called in by a Councillor in another Councillor(s) area shall not be valid unless it contains the required written statement.

- 1.19.15 The Council has a duty to ensure that it maintains an efficient planning service and to progress planning applications in a timely fashion. Whilst the Call-in procedure is a fundamental and important part of the democratic process, unnecessary 'call-ins' can lead to unreasonable delay.

Therefore, where it is considered that a member or members is/are unreasonably calling in planning applications or otherwise potentially abusing the 'call-in' process, the Chair of the Planning Committee will, in the first instance, discuss the situation with the member/members concerned.

In the event that the issue is not resolved then the Chair of Planning Committee and a member from the Planning Committee will review all applications for 'call-in' to Committee with the member/members concerned and have the authority to withdraw any "Councillor Call In" requests. The decision of this panel is final.

1.2 Enforcement Matters

- 1.20.1 The implementation of all enforcement powers shall be delegated to the Director of Place or Head of Planning & City Regeneration, except where the proposed action would lead to the loss of a residentially occupied unit.

1.3 Public Rights of Way Matters

The determination of all rights of way matters, other than decisions relating to the following **(which will be reported to the Planning Committee)**:

- 1.21.1 Public Rights of Way creation, diversion and extinguishment orders (under all Acts) that, after public consultation, are likely to be challenged or be contentious;
- 1.21.2 Application to the Magistrates Court to stop up or divert a public right of way;
- 1.21.3 Determination of applications for new rights of way and corrections to the records of existing rights of way (keeping the Definitive Map under continuous review);
- 1.21.4 Traffic Regulation Orders, (other than for temporary closures or restrictions which are needed for safety reasons; to allow works to be carried out; or for the holding of a special event)."