



# Review of 'Call in' Directions Consultation

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# Review of 'Call in' Directions **Consultation**

January 2008  
Department for Communities and Local Government: London

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## Introduction

1. This consultation paper fulfils the commitment given in paragraphs 9.36-9.38 of the Planning White Paper published on 21 May 2007<sup>1</sup> to consult on measures intended to reduce Secretary of State involvement in casework. Your comments are invited on the proposals described in this paper. The proposed changes can be achieved without amending either primary or secondary legislation, as they take the form of directions contained within Departmental Circulars.
2. Currently, provisions are contained in:
  - Circular 15/93: Town and Country Planning (Shopping Development)(England and Wales)(No 2) Direction 1993;
  - Circular 09/98: Town & Country Planning (Playing Fields) (England) Direction 1998;
  - Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999;
  - Circular 11/05: The Town and Country Planning (Green Belt) Direction 2005; and
  - Circular 04/06 (Communities and Local Government): The Town and Country Planning (Flooding)(England) Direction 2007.
3. All the proposals set out in this consultation paper relate to England only, and none of them would preclude the Secretary of State from exercising her discretion to call in a particular planning application for her own determination. This power is exercised having regard to the criteria set out in the current call in policy statement<sup>2</sup>.

## The current position

4. Section 77 of the Town and Country Planning Act 1990 empowers the Secretary of State to make directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order, to be referred to her instead of being dealt with by local planning authorities. The directions currently in force are those set out in paragraph 2 above.

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<sup>1</sup> Planning for a Sustainable Future: White Paper

<sup>2</sup> Richard Caborn MP in reply to a written PQ from Bill Michie MP on 16 June 1999 (Hansard, col 138) – text set out at page 11

Where a local planning authority is minded to grant permission for a planning application which falls within the scope of the directions, the application is referred to the regional Government Office in the first instance.

5. In 2006–07 the number of applications referred to the Government Offices as a result of the directions amounted to 786. These were then considered against the current call in policy statement as to whether they should be decided by the Secretary of State following public inquiry. Subsequently 36 of these referred applications were called in (less than 5%), together with 15 applications that were brought to Government Offices' attention by third parties.
6. Although this means that of the 650,000 planning applications submitted each year in England, less than 0.01% are called in for a decision by the Secretary of State, we consider that some elements of the directions appear to be an unnecessary burden in terms of financial and staffing resources for local planning authorities and Government Offices as well as causing uncertainty and delay for developers.

## Advantages of reducing the number of cases referred to Government Offices

7. This consultation paper therefore sets out measures to reduce the number of applications referred to Government, and potentially the number eventually called in. The principal effect will be felt in the Government Offices in terms of the reduction in referrals. The resulting reduction in workload should then enable Government Offices to spend more time on the complex cases, which in terms of decision making, tend to be finely balanced and therefore time consuming. This will enable us to fulfil the commitment given in the White Paper to require 80% of decisions on whether or not to call in referred cases to be made within three weeks, and 90 per cent to be made within five weeks.
8. The Secretary of State's performance in determining called in planning applications and recovered appeals has improved significantly from an average of 32 weeks from the closure of the inquiry in 2001/2002 to the current position where some nine out of ten cases dealt with in 2006/07 were being determined within 16 weeks. Given that relatively few referred cases are ultimately called in, the effects of this paper would be more marginal at this stage. But

we intend to maintain our high level of performance, despite the fact that the more selective approach to calling in cases will mean that a higher proportion of the remaining cases will be particularly complex ones.

9. This paper sets out proposals for reducing the number of applications that have to be notified to the Secretary of State by;
  - eliminating notification requirements which are outmoded or represent an inappropriate restriction on local decision making;
  - ensuring that the thresholds for notification in those directions which are retained are set at an appropriately high level; and
  - consolidating all remaining directions into a single direction.
10. In addition, the recent White Paper issued by the Department for Culture, Media and Sport<sup>3</sup>, undertook to introduce specific notification and call in requirements for significant development affecting World Heritage Sites.
11. As stated in the White Paper, the Government has reviewed the guidelines set out in the current call in policy statement, and considers that they represent useful examples of the types of case where the intervention of the Secretary of State may be justified. We do not therefore propose to amend the overarching guidelines as currently set out (see page 11).
12. In line with the White Paper proposals, we propose that all of the current directions will be withdrawn, and a single new direction issued, containing those elements of the current directions which the Government wishes to see retained, together with the proposals relating to World Heritage Sites. A copy of the proposed new direction is attached at Annex A, and discussion of each of its elements takes place below.

**Provisions of *Circular 15/93: Town and Country Planning (Shopping Development)(England and Wales)(No 2) Direction 1993***

13. This direction requires local planning authorities to refer cases where they are minded to grant planning permission for development of gross shopping floorspace of 20,000 square metres, or lesser amounts which would exceed 20,000 square metres when aggregated with other shopping floorspace. We consider this direction is complicated in its wording and its application and is

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<sup>3</sup> *Heritage Protection for the 21st Century*, published March 2007

somewhat out of date in the context of current town centre policy. We know, for example, that some planning authorities often refer applications to Government Offices under the direction on a 'safety first' basis even though some proposals do not strictly need to be referred. **We therefore propose to withdraw this direction.** Ministers do, however, still wish to ensure that certain retail proposals are referred to them for consideration where authorities are minded to grant planning permission. Our proposals are set out in paragraph 15 below, where the retail and town centre element of the Departures Direction is discussed.

**Provisions of *Circular 09/98: Town & Country Planning (Playing Fields) (England) Direction 1998***

14. This direction requires local planning authorities to refer cases which they are minded to grant planning permission for, where Sport England have objected to the planning application, either because of the existing or resulting deficiency in local provision of playing fields, or where alternative provision proposed would not be equivalent in terms of quantity, quality or accessibility. **We propose to retain the requirements of this direction unchanged.** It does not lead to a great number of referrals, and Ministers still wish to offer protection to playing fields, due to the interaction with a number of other Departments' policies on important areas – health, obesity, etc.

**Provisions of *Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999***

15. This Circular sets a number of criteria/thresholds for requiring the referral of specific applications to the Secretary of State for consideration. The following section sets out the components of the direction, together with suggested actions aimed at reducing referrals and call ins.
- More than 150 houses or flats – Planning Policy Statement 3: Housing was published in November 2006, and is the planning policy framework for delivering the Government's housing objectives most recently set out in the Housing Green Paper published in July this year. The new policy approach gives local authorities more flexibility to shape new development according to the needs of their local areas, and allows them to make decisions on where new housing should be located in those areas. Through PPS3, we have put in place a clear policy framework for increasing the supply of housing through both plan making and development control decisions, and have given local authorities more flexibility to determine how and where new housing development should be built in their area. Alongside this, they have



greater responsibility to ensure those homes are built and that they are to high standards, both in terms of design and environmental impact. In keeping with the wider devolutionary approach and the cancellation of the Greenfield Land and Density Directions from April this year, **we propose to delete the requirement to refer housing cases of more than 150 houses and flats from a new direction.**

- More than 5,000 square metres of gross retail, leisure, office or mixed commercial floor space – **we propose to retain this requirement only for proposals on sites in edge or out of centre locations (as defined in Planning Policy Statement 6: Planning for Town Centres, or in adopted development plans) and which are not in accordance with an up to date development plan document prepared in accordance with PPS6. We also propose to extend this requirement to include some proposals for increases of existing floor space of over 2,500 square metres, where the total would then exceed 5,000 square metres. Details are set out in the attached draft direction.**
- Land belonging to the local planning authority or development of any land by such an authority – we consider that this requirement has led to large numbers of minor referrals, very few of which are ultimately called in. We propose to delete this requirement from the new direction.
- Any other development which would ... significantly prejudice the implementation of the development plan's policies and proposals. In line with the wider devolution agenda that local planning authorities should be responsible for the delivery of their plans and accountable to their electorate for their decisions, **we propose to delete this requirement.**

**Provisions of *Circular 11/05: The Town and Country Planning (Green Belt) Direction 2005***

16. This direction was issued fairly recently, and came into force on 3 January 2006. The Government remains committed to the protection of Green Belt areas, and **we propose that the requirements of this direction be retained unchanged.** Its current components require referral for developments in the Green Belt of:

- Building(s) with floor space of more than 1,000 square metres
- Any other development [with] significant impact on openness

**Provisions of *Circular 04/06 (Communities and Local Government): The Town and Country Planning (Flooding)(England) Direction 2007***

17. This direction requires any case for major development in a flood risk area to be referred to the Secretary of State if the Environment Agency

has made an objection which it has been unable to withdraw after discussions with the local planning authority and the applicant. It is intended to achieve an appropriate balance between putting a stop to development in vulnerable areas and allowing development in unsuitable locations. It is a very recent direction, the intent of which we consider to be desirable, and **we propose to retain its requirements unchanged.**

### **Proposals set out in White Paper issued by the Department for Culture, Media and Sport**

18. The White Paper states that: “as part of a wider review of the Call in Directions, we intend to introduce specific notification and call-in requirements for significant development affecting World Heritage Sites”. We propose to give effect to such requirements by requiring authorities to refer cases where English Heritage have objected on the grounds that a proposed development could have an adverse impact on the outstanding universal value and significance of a World Heritage Site or its setting, and has been unable to withdraw that objection after discussions with the local planning authority and the applicant. The Secretary of State will take into account the views of English Heritage in deciding whether or not to call in any applications referred for this reason.

## Conclusion

19. Taking all of the above into account, **we propose that all existing directions be withdrawn, and a single new call in direction be issued with the following 5 requirements for referral:**
- Playing fields – as currently provided for
  - Green Belt – as currently provided for
  - Flooding – as currently provided for
  - Town Centres – as proposed in paragraph 15 above
  - Heritage – as proposed in paragraph 18 above
20. We would draw the attention of consultees to the fact that it would still be open to individuals or organisations to request that an application be called in, by approaching their regional Government Office in the first instance. All such requests will be considered against the call in policy set out at page 11.

### **Questions on which views are sought**

- Do you agree with proposal to consolidate requirements in a single

new direction?

- If so, do you agree with the proposed content and wording of the new direction?

**The period of consultation will last 12 weeks and responses should be submitted to arrive by 31 March 2008. You are recommended to submit any comments as soon as possible.**

If responding, please it make clear as to which element of the consultation paper you are commenting on and, where possible, it would be helpful if comments could be supported with evidence, even if only “anecdotal”.

Please send any comments to

Review of Call-In Directions Consultation  
PCC Division  
Communities and Local Government  
Zone 1/J1  
Eland House  
Bressenden Place  
London, SW1E 5DU  
e-mail: [PCC@communities.gsi.gov.uk](mailto:PCC@communities.gsi.gov.uk)

When commenting, please say whether you represent an organisation or group, and in what capacity you are responding. A summary of responses will be published on the web site within three months of the end of the consultation period together with an account of how the concerns raised have influenced policy. Hard copies of the summary can also be obtained thereafter by contacting the above address.

All responses will be made public on request, unless confidentiality is requested. Should consultees require the information they provide to be treated as confidential, we will take full account of the reasons behind this request and accommodate them wherever possible in line with the statutory Code of Practice with which public authorities must comply. The automatic confidentiality disclaimer generated by your IT system will not be respected unless you specifically include a request to the contrary in the main text of your response. In any event, the substance of responses may be included in statistical summaries of comments received.

## The consultation criteria

The Government has adopted a code of practice on consultations. The criteria below apply to all UK national public consultations on the basis of a document in electronic or printed form. They will often be relevant to other sorts of consultation. Though they have no legal force, and cannot prevail over statutory or other mandatory external requirements (eg under

European Community Law), they should otherwise generally be regarded as binding on UK departments and their agencies, unless ministers conclude that exceptional circumstances require a departure.

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

The full consultation code may be viewed at  
[www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm](http://www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm)

Are you satisfied that this consultation has followed these criteria? If not, or you have any other observations about ways of improving the consultation process please contact:

Albert Joyce,  
Communities and Local Government Consultation Co-ordinator  
Zone 6/H10  
Eland House  
Bressenden Place  
London SW1E 5DU  
or by e-mail to: [albert.joyce@communities.gsi.gov.uk](mailto:albert.joyce@communities.gsi.gov.uk)

Please note that responses to the consultation itself should be sent to the contact shown within the main body of the consultation.

**Mr. Bill Michie:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about his policy on calling in planning applications under section 77 of the Town and Country Planning Act 1990. [87392]

**Mr. Caborn:** My right hon. Friend's general approach, like that of previous Secretaries of State, is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. It is right that, in general, they should be free to carry out their duties responsibly, with the minimum of interference.

There will be occasions, however, when my right hon. Friend may consider it necessary to call in the planning application to determine himself, instead of leaving the decision to the local planning authority.

His policy is to be very selective about calling in planning applications. He will, in general, only take this step if planning issues of more than local importance are involved. Such cases may include, for example, those which, in his opinion:

- may conflict with national policies on important matters;
- could have significant effects beyond their immediate locality;
- give rise to substantial regional or national controversy;
- raise significant architectural and urban design issues; or
- may involve the interests of national security or of foreign Governments

However, each case will continue to be considered on its individual merits.

## Annex A – Draft Circular and Direction

DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

*Communities and Local Government Circular xx/2008*

***Department for Communities and Local Government***

***Eland House, Bressenden Place, London SW1E 5DU***

xx xxxxxxxx 2008

### THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2008

#### INTRODUCTION

1. Section 77 of the Town and Country Planning Act 1990 allows the Secretary of State to give directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order, to be referred to her instead of being dealt with by local planning authorities.
2. Article 10(3) of the Town and Country Planning (General Development Procedure) Order 1995 gives the Secretary of State power to issue directions to local planning authorities requiring them to consult with specified persons before granting planning permission for certain types of development. Article 14(1) gives the Secretary of State power to issue directions restricting the grant of planning permission in respect of specified development – either indefinitely or for a specified period. This Circular replaces the provisions contained in existing directions, and introduces a new requirement relating to development which may adversely impact on World Heritage Sites. The Circular is intended to ensure that Ministerial involvement takes place only where necessary, and that all decisions are taken at the appropriate level.

#### COMMENCEMENT AND EXTENT

3. With effect from xx xxxxxxxx 2008 the Guidance contained in this Circular and the annexed direction will replace the provisions of the following directions, which will be cancelled, insofar as they apply in relation to England-
  - Circular 15/93: Town and Country Planning (Shopping Development)(England and Wales)(No 2) Direction 1993;

- Circular 09/98: Town & Country Planning (Playing Fields) (England) Direction 1998;
  - Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999;
  - Circular 11/05: The Town and Country Planning (Green Belt) Direction 2005; and
  - Circular 04/06 (Communities and Local Government): The Town and Country Planning (Flooding)(England) Direction 2007.
4. This Circular applies only in relation to England.

#### **THE DIRECTION**

5. A copy of the direction, which comes into force on xx xxxxx 2008, forms the annex to this Circular. When the direction comes into force, it will require local planning authorities to consult the Secretary of State before granting planning permission for certain types of development.

#### **PURPOSE AND SCOPE**

6. The new direction clarifies the arrangements and criteria for consulting the Secretary of State. The purpose of the direction is to give the Secretary of State an opportunity to consider whether to exercise her call in powers under section 77. It also simplifies the process, consolidating all requirements into a single new direction. The effect of the direction is to require local planning authorities to refer any application for planning permission which falls within paragraphs 3-8 of the direction, and in respect of which the authority does not propose to refuse planning permission, to the Secretary of State at the appropriate regional Government Office, in accordance with the provisions in paragraphs 9-12 of the direction.

#### **WORLD HERITAGE SITES**

7. The direction introduces a new requirement for local planning authorities to refer applications where they are minded to grant planning permission in circumstances where English Heritage have objected on the grounds that a proposed development could have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent, and has not withdrawn that objection.



## THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2008

The Secretary of State for Communities and Local Government (“the Secretary of State”), in exercise of powers conferred by articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995<sup>4</sup> (“the Order”) directs as follows:

1. This Direction shall come into force on [ ] 2008 and applies in relation to England only

2. In this Direction –

“flood risk area” means land in an area within –

- (a) Flood Zones 2 or 3; or
- (b) Flood Zone 1 which has critical drainage problems and which has been notified for the purposes of article 10 of the Order to the local planning authority by the Environment Agency;

“Flood Zone” has the same meaning as in article 10(2)(o) of the Order;

“floorspace” means the gross floor space in a building or buildings measured externally;

“inappropriate development” has the same meaning as in Planning Policy Guidance note 2: “Green Belts”, dated January 1995 (PPG2);

“major development” means development involving one or more of the following

- (a) the provision of dwelling-houses where –
  - (i) the number of dwelling-houses to be provided is 10 or more; or
  - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (a)(i);
- (b) the provision of a building or buildings where the floorspace to be created by the development is 1,000 square metres or more;
- (c) development carried out on a site having an area of 1 hectare

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<sup>4</sup> S.I. 1995/419 to which there are amendments not relevant to this direction

or more;

“PPS6” means Planning Policy Statement 6: “Planning for Town Centres” dated 2005;

“playing fields” has the same meaning as in article 10(2)(l) of the Order;

“requisite notice” means notice in the appropriate form set out in Schedule 3 to the Order or in a form substantially to the same effect; and

“setting” means the area around a World Heritage Site (including any buffer zone or its equivalent) in which development is capable of having an adverse impact on the World Heritage Site, including an adverse impact on views to and from the World Heritage Site.

3. This Direction shall apply in relation to any application for planning permission which –
  - (a) is for Green Belt development, out of town development, World Heritage Site development, playing field development or flood risk area development; and
  - (b) is either received by a planning authority on or after [ ] 2008 or is received before [ ] 2008 but has not been determined by that date.
4. For the purposes of this Direction, “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-
  - (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
  - (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
- 5.(1) For the purposes of this Direction, “out of town development” means development which consists of or includes retail, leisure or office use, and which –
  - (a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town as defined in PPS6;
  - (b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the

development is to be carried out; and

(c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is-

(i) 5,000 square metres or more; or

(ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floorspace, would exceed 5,000 square metres.

(2) In calculating the area of existing floorspace for the purposes of development referred to in paragraph 5(1)(c)(ii) this shall include any retail, leisure or office floorspace within a 1 kilometre radius of any part of the proposed development which –

(a) is already provided;

(b) has been substantially completed within the period of 5 years immediately preceding the date an application for development to which this Direction applies has been made;

(c) in respect of which an application for planning permission has been made but not finally determined on the date an application for development to which this Direction applies has been made; or

(d) in respect of which an application for planning permission has been granted within the period of 5 years immediately preceding the date an application for development to which this Direction applies has been made.

6. For the purposes of this Direction, “World Heritage Site development” means development which would have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent, being development to which English Heritage has objected, that objection not having been withdrawn.

7. For the purposes of this Direction, “playing field development” means development of a description mentioned in paragraph (z) of the Table<sup>5</sup> in article 10 of the Order where –

(a) the land (or any part of the land) which is the subject of the application –

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<sup>5</sup> Paragraph Z was inserted by S.I. 1996/1817.

- (i) is land of a local authority;
    - (ii) is currently used by an educational institution as a playing field; or
    - (iii) has at any time in the five years before the making of the application been used by an educational institution as a playing field; and
  - (b) the Sports Council for England has been consulted pursuant to article 10(1) of the Order, and has made representations objecting to the whole or part of the development on one or more of the following grounds –
    - (i) that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
    - (ii) that the proposed development would result in such a deficiency; or
    - (iii) that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.
8. For the purposes of this Direction, “flood risk area development” means major development in a flood risk area to which the Environment Agency has objected and that objection has not been withdrawn.
9. Where a local planning authority does not propose to refuse an application for planning permission to which this Direction applies, the authority shall consult the Secretary of State.
10. Where, by virtue of paragraph 9, a local planning authority is required to consult the Secretary of State, they shall as soon as practicable send to the Secretary of State at the appropriate Government Office for the Region –
- (a) a copy of the application (including copies of any accompanying plans, drawings) and supporting information;
  - (b) a copy of the requisite notice;
  - (c) a copy of any representations made to the authority in respect of the application;

- (d) a copy of any report on the application prepared by an officer of the authority;
  - (e) unless contained in a report supplied pursuant to subparagraph (d)), a statement of the material considerations which the authority consider indicate a departure application should be determined otherwise than in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004<sup>6</sup>.
11. Subject to paragraph 12 below, where, by virtue of paragraph 9, a local planning authority is required to consult the Secretary of State, they shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date advised in writing by the Secretary of State to the authority as the date she received the material specified in paragraph 10 above.
  12. If, before the expiry of the 21 day period referred to in paragraph 11, the Secretary of State has notified the authority that she does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the authority may proceed to determine the application.
  13. The following directions are cancelled –
    - (a) Circular 15/93: Town and Country Planning (Shopping Development) (England and Wales)(No 2) Direction 1993;
    - (b) Circular 09/98: Town & Country Planning (Playing Fields) (England) Direction 1998;
    - (c) Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999;
    - (d) Circular 11/05: The Town and Country Planning (Green Belt) Direction 2005; and
    - (e) Circular 04/06 (Communities and Local Government): The Town and Country Planning (Flooding) (England) Direction 2007.

Signed by authority of the

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Name & address of

<sup>6</sup> 2004 c. 5.

signatory

Secretary of State

Date

## Annex B

<b>Summary: Intervention &amp; Options</b>		
<b>Department/Agency:</b> <b>Communities &amp; Local Government</b>	<b>Title:</b> <b>Impact Assessment of proposals to reduce the number of call-in referrals, and ultimately, the number of called-in cases.</b>	
<b>Stage:</b> Partial 1A	<b>Version:</b> v1	<b>Date:</b> 25 Julv 2007
<b>Related Publications:</b> Consultation paper on Review of Call-In Directions		

**Available to view or download at:**

<http://www.communities.gov.uk>

**Contact for enquiries:** Andrew Lynch

**What is the problem under consideration? Why is government intervention necessary?**

The problem is that there are a large number of cases being referred to Government Offices (and a lesser number onwards to Ministers) under a variety of Directions (Departmental Circulars). Government Offices then decide whether applications for planning consent which local authorities are minded to grant should be subject to public inquiry and ultimate decision by Ministers.

The Planning White Paper gave a commitment to reduce these numbers, in order to make best use of resources and ensure all decisions are taken at the appropriate level.

**What are the policy objectives and the intended effects?**

To reduce the number of applications caught by thresholds and criteria which require them to be referred to Government Offices for consideration of whether to call in. To ensure that only the right cases are actually called in for ministers to decide. Ministers will retain the right to call in any application should they see fit.

The intended effects are to speed up the decision-making process, make more efficient use of resources and ensure that all decisions are taken at the appropriate level.

**What policy options have been considered? Please justify any preferred option.**

The options are:

(i) to do nothing or

(ii) make the appropriate adjustments to the thresholds and criteria. The justification for the proposed action is to reduce the burden on local authorities by reducing the numbers of referrals, to reduce the burden on Government Offices by reducing the cases considered, reduce the costs and time taken to decide cases by having fewer public inquiries, and ultimately reduce the level of direct ministerial involvement in the determination of planning cases, thereby saving time and resources.

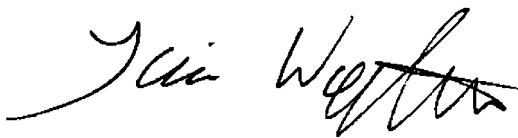
**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?**

The proposals would need to have been in place for at least a year to measure their efficacy.

**Ministerial Sign-off** For consultation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister:



**Date:** 16/10/07



## Summary: Analysis & Evidence

Policy Option:  
ii

Description: Make adjustments to call in criteria in order to reduce the number of applications called in for minister's to

<b>COSTS</b>	<b>ANNUAL COSTS</b>		Description and scale of <b>key monetised costs</b> by 'main affected groups'	
	<b>One-off</b>	<b>Yrs</b>		
	£		No transitional costs or annual costs, only net savings.	
	<b>Average Annual Cost</b> <i>(excluding one-off)</i>			
£		<b>Total Cost (PV)</b>	£	
Other <b>key non-monetised costs</b> by 'main affected groups'				

<b>BENEFITS</b>	<b>ANNUAL BENEFITS</b>		Description and scale of <b>key monetised benefits</b> by 'main affected groups'	
	<b>One-off</b>	<b>Yrs</b>		
	£		No one-off benefits. Potential annual saving in GOs, PINS, CLG and staff costs of up to £500,000 pa, depending on the number of cases.	
	<b>Average Annual Benefit</b> <i>(excluding one-off)</i>			
£500.000	10	<b>Total Benefit (PV)</b>	<b>£4.158.000</b>	
Other <b>key non-monetised benefits</b> by 'main affected groups' Applicants who would receive swifter decisions. Local authorities in swifter decision-making with fewer referrals. GOs and CLG by concentrating resources on major proposals which justify Ministerial intervention.				

**Key Assumptions/Sensitivities/Risks**

<b>Price Base Year</b> 2007	<b>Time Period Years</b> 10	<b>Net Benefit Range (NPV)</b> £	<b>NET BENEFIT (NPV Best estimate)</b> <b>£4,158,000</b>
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What is the geographic coverage of the policy/option?	England			
On what date will the policy be implemented?	not before 01 04 08			
Which organisation(s) will enforce the policy?	no enforcement			
What is the total annual cost of enforcement for these organisations?	£ savings			
Does enforcement comply with Hampton principles?	N/A			
Will implementation go beyond minimum EU requirements?	N/A			
What is the value of the proposed offsetting measure per year?	£ nil			
What is the value of changes in greenhouse gas	£nil			
Will the proposal have a significant impact on	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations	Yes/N	Yes/N	N/A	N/A

<b>Impact on Admin Burdens Baseline (2005</b>	<b>(Increase –</b>
Increase of £0	Decrease of <b>Net Impact £500,000</b>

Key:	<b>Annual costs and benefits: Constant Prices</b>	<b>(Net) Present Value</b>
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## Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

### Proposal

- The proposal is to reduce the number of planning applications referred to Government Offices for decision on whether they should be “called” in by Ministers for their own decision. To ensure that all decisions are taken at the appropriate level, and that resources are properly focussed where needed. Last year, 786 planning applications were referred to Government Offices for consideration, of which only 36 were called in, less than 5% of cases referred.

### Background

- The current system uses up staff resources within local authorities, Government Offices, The Planning Inspectorate (PINS) and CLG which could otherwise be used for more significant cases/other high priority work. It also means that applicants for planning permission have to wait for a further significant period before receiving a decision (with potential opportunity costs caused by that delay).

### Rationale for change

- The time and resource savings which would arise if Government Offices are focussed only on cases which they need to see would ensure a better and quicker service for applicants. In cases which would no longer be called in, the savings arising from not having to hold a public inquiry under a planning Inspector, who then writes a report to the Secretary of State making recommendations on an application, is quite substantial. It is important that Ministers use to their powers to intervene only in those cases where it is justified. By using those powers more selectively, savings in terms of time and resource can be made under the proposed system.

### Objective

To change the requirements for cases to be referred to GOs for consideration of whether to call in, specifically:

- Deleting the requirement to refer cases of over 150 houses;
- Deleting the requirement to refer cases of local authorities developing

their own land, or being the applicant for development;

- Deleting the requirement to refer cases which would prejudice local authorities' implementation of their own plans;
- Reducing the requirement to refer certain types of retail proposals;
- Introducing a new requirement to refer proposals which may have a significant adverse impact on the outstanding universal value and significance of a world heritage site or its setting;
- All other requirements remain unchanged.

## Options

### Option i: Do Nothing

Maintain the current process of referrals, with no likely reduction in Government Office workload, Ministerial involvement or savings.

### Option ii: Amend the current requirements for cases to be referred

Make the appropriate changes to the relevant Directions to reduce the number of referrals to Government Offices, and the number of cases ultimately called in, while retaining the ability of the SoS to call in applications where Ministerial intervention is justified and appropriate.

- Benefits and Costs
- Sectors and Groups Affected
- Government Offices
- Communities and Local Government.
- Local planning authorities.
- The Planning Inspectorate.
- Applicants.

### Option i

No new or additional costs or benefits have been identified under this option.

### Option ii

#### Benefits

*Cost Savings to Communities and Local Government and other Government Departments*

The main savings will be for Government Offices, in dealing with fewer referrals and needing to consult Ministers on fewer occasions. There may be cost savings for other Government departments where a case linked to a decision for them will no longer be called in. There could also be savings to



the Planning Inspectorate and Planning Central Casework, if fewer inquiries on call-in cases are held. These costs are hard to quantify given that the amount of time staff spend on these cases varies with the workload. We have estimated £500,000 as an approximate overall administrative saving.

#### *Cost Savings to Applicants*

Applicants will get their decisions quicker as these will be granted directly by the local planning authority without reference to Government. Given the lack of a public inquiry, this could involve decisions being received up to a year earlier.

#### *Cost Savings to Local Authorities*

Local Authorities are required to take “in principle” decisions for the cases which are currently called in due to the criteria. The proposal should not therefore impose any additional costs upon them as the costs of reaching these “in principle” decisions should be equivalent to the cost of reaching final decisions. Local authorities will however save from not having the costs associated with referring cases to government offices.

#### *Social benefits from having world heritage sites decisions called in*

Calling in decisions which may have a significant adverse impact on the outstanding universal value and significance of a world heritage site will allow these decisions to be decided on a national basis. This should have social benefits as any adverse impact on these sites universal value would have a cost to the nation as well as the locality.

### **Costs**

While some new requirements are introduced for cases relating to World Heritage Sites, the additional costs of this requirement will be more than offset by the savings arising from the reduction of other requirements. No additional net costs have therefore been identified.

### **Specific Impact Assessments**

No specific assessment tests have been undertaken as we do not believe that the proposed changes would have any specific impacts on particular sectors of society. However, one of the purposes of the consultation exercise will be to provide an opportunity for interested persons to produce evidence to the contrary.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

Type of testing undertaken	Results in Evidence Base?	Results annexed?
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No