

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY
REGIONAL PLANNING COMMITTEE**

Date: 19 March 2008

Subject: **Review of 'Call in' Directions**

Report of: Director of Development

Recommendation:

It is recommended that the Committee agree Annex I as a response in respect of the consultation on reviewing the 'call-in' directions.

Purpose of the Report:

To provide members with a summary of the Government's proposals to review the 'call-in' directions for planning applications and to agree a consultation response to the revised requirements for referral.

Key Issues:

The Government is consulting on proposals that aim to reduce the number of planning applications being referred to the Government Offices for consideration as to whether they should be 'called in' for ministers to decide.

The proposals are broadly supported, but there is a concern that they do not adequately recognise the role of RSS as part of the development plan. This could give rise to a regionally significant planning application that would significantly prejudice the implementation of the development plan's policies and proposals, but for which a local planning authority is minded to grant permission, not being referred to the Secretary of State. We suggest that the call-in direction for such applications is retained alongside the proposed five requirements for referral. Alternatively revisions to the proposal need to be made that would reflect the status of RSS as the strategic part of the development plan for an area and provide for consistency and clarity as to when regionally significant applications should be referred.

1. Introduction

- 1.1 The Government is consulting on measures to reduce Secretary of State involvement in planning casework. The aim is to reduce the number of planning applications being referred to the regional Government Office for consideration as to whether they should be called-in for determination by the Secretary of State, rather than being dealt with by local planning authorities.
- 1.2 Section 77 of the Town and Country Planning Act 1990 empowers the Secretary of State to make directions requiring applications for planning permissions to be called-in. 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. Currently, there are a series of directions contained in Departmental Circulars that relate to shopping development, playing fields, Green Belt, flooding and 'departure' from the development plan.
- 1.3 The consultation paper sets out proposals for reducing the number of applications that have to be referred to the Secretary of State. This would include a review of the existing circulars to see which provisions are outdated or considered to represent an inappropriate restriction on local decision making, ensuring that the thresholds in those directions retained are set at an appropriate level and then consolidating the remaining directions into a single, new call-in direction.

2. Proposed Changes

- 2.1 Of particular concern to the Assembly, as the statutory Regional Planning Body, are the revisions that could allow a regionally significant planning application that would significantly prejudice the implementation of RSS policies and proposals, but which the local planning authority is minded to approve, not being referred to the Government Office for consideration as to whether it should be called in by the Secretary of State for determination.
- 2.2 While the instances where this situation might arise are extremely rare, the proposed revisions are considered to be a retrograde step.
- 2.3 The Planning and Compulsory Purchase Act 2004 incorporated the RSS (then RPG9) into the statutory development plan, with the revised RSS (the South East Plan) eventually replacing structure plans as the strategic framework to guide development in an area. Currently, any application that is considered to significantly prejudice the implementation of the RSS might be expected to be referred to the Government Office under the 'departure' direction if a local planning authority is minded to grant approval, as has been the case with structure plans. The stated justification for the revision is that local planning

authorities should be responsible for the deliverability of their plans and accountable to their electorate for their decisions.

- 2.4 It would still be open to individuals or organisations to make a request to the Government Office that an application be called in where it could have significant effects beyond the immediate locality or give rise to substantial regional or national controversy. However, we consider that a more clear and consistent approach is for the Government to acknowledge that the RSS is one part (the strategic element) of the statutory development plan and that accordingly the existing 'departure' direction should be retained.

3. Proposed Response to Government Office

- 3.1 The Assembly broadly supports the proposals to consolidate requirements in a single new direction. However, there is a concern, shared by other Regional Planning Bodies (including Yorkshire and Humber Assembly who have already submitted their response to the consultation), that the proposed new direction does not adequately recognise the role of RSS as part of the statutory development plan and the RPB as a statutory consultee. This could give rise to a regionally significant planning application that would prejudice the implementation of the development plan's policies and proposals, but for which a local planning authority is minded to grant permission, not being referred to the Secretary of State.
- 3.2 We would like to see the call-in direction for such applications retained alongside the proposed five requirements for referral. Alternatively revisions to the proposal need to be made that would reflect the status of RSS as the strategic part of the development plan for an area and provide for consistency and clarity as to when regionally significant applications should be referred.

Martin Tugwell
Director of Development
3 March 2008

Contact: Sue Janota, Regional Planner
Tel: 01483 555200
Email: suejanota@southeast-ra.gov.uk

Review of Call-In Directions Consultation
PCC Division
Communities and Local Government
Zone I/JI
Eland House, Bressenden Place
London, SW1E 5DU

19 March 2008

Dear Sir/Madam,

REVIEW OF 'CALL-IN' DIRECTIONS: CONSULTATION

Thank you for the opportunity to comment on the above consultation.

The Assembly broadly supports the proposals to consolidate requirements in a single new direction. However, there is a concern that the proposed new direction does not adequately recognise the role of Regional Spatial Strategy as part of the statutory development plan and the Regional Planning Body as a statutory consultee. This could give rise to a regionally significant planning application that would prejudice the implementation of the development plan's policies and proposals, but for which a local planning authority is minded to grant permission, not being referred to the Secretary of State.

We recognise that it would still be open to individuals or organisations to make a request to the Government Office that an application be called in where it could have significant effects beyond the immediate locality or give rise to substantial regional or national controversy. However, we consider that a more clear and consistent approach as to when a regionally significant application should be referred would be to retain the existing 'departure' direction alongside the proposed five requirements. This would reflect the status of RSS as the strategic element of the statutory development plan.

If you require further information please contact Sue Janota by email, at suejanota@southeastst-ra.gov.uk, or by phone on 01483 555200.

Yours sincerely,

Paul Bevan
Chief Executive