

Carl Sargeant AC / AM  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-575  
Ein cyf/Our ref CS/05406/14

William Powell AM  
Chair Petitions Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

13 November 2014

Dear Bill

Thank you for your letter, on behalf of the petitions committee, in which you seek my views on the petition from the United Valleys Action Group calling upon the National Assembly for Wales to urge the Welsh Government to call in all opencast mining planning applications over 10 years duration or over 350 hectares in size because the implications are far reaching and long standing with effects beyond the immediate locality.

As advised in my previous letter, the Welsh Ministers' power to call in applications for planning permission is a discretionary power and the Welsh Government's policy on the exercise of that power is that development proposals are generally best determined locally by planning authorities which know their area, its needs and sensitivities and that the Welsh Ministers do not interfere with local planning authorities' jurisdiction unless it is necessary to do so. The Welsh Ministers' power to call in planning applications is used selectively and each application is looked at individually. The decision on call in must be made in the light of facts and circumstances of the particular case and the Welsh Ministers must not fetter their discretion by the rigid application of any particular policy towards such cases.

The petitioners have referred to applications for planning permission for opencast mining but the Welsh Ministers already have in place a system which enables them to have planning applications for this, and other, particular types of development referred to them, thereby providing them with the opportunity to consider whether or not they should exercise their discretionary powers and call in those applications. Under the provisions of the Town and Country Planning (Notification) (Wales) Direction 2012, applications for planning permission for minerals development, for the purposes of the Notification Direction means development which:

- (a) Consists of or includes the winning and working of minerals;
- (b) Is to be carried out at a new site or an extension to an existing site; and

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*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)*

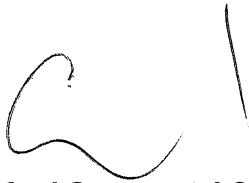
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(c) Does not accord with the provisions of the development plan in force in the area where the application site is situated, and which the local planning authority does not propose to refuse, must be notified to the Welsh Ministers.

In considering whether to call in an application referred to them under the Notification Direction the Welsh Ministers will consider whether the local authority has identified the national planning policies and legislation/directives relevant to those issues and, if so, whether it has assessed those issues in a reasonably robust way, using up to date methodology and knowledge.

Neither my position nor Welsh Government policy on call in has changed since the advice was provided.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Carl Sargeant', with a stylized flourish at the end.

**Carl Sargeant AC / AM**  
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Minister for Natural Resources