



2011 CHAPTER 25

PART 14

MISCELLANEOUS AND GENERAL PROVISIONS

Inquiries

National security

235.—(1) Where, in relation to an application for planning permission or an application for any consent or approval under this Act or a development order, the Secretary of State is of the opinion—

- (a) that the consideration by the council or, as the case may be, the Department of the Environment of the application or of any representations or objections made in respect of the application raises matters relating to—
 - (i) national security;
 - (ii) the measures taken or to be taken to ensure the security of any premises or property belonging to Her Majesty in right of the Crown or belonging to a department of the government of the United Kingdom or held in trust for Her Majesty for the purposes of such a department;
 - (iii) the measures taken or to be taken to ensure the security of any premises or property which is used for the purposes of the armed forces of the Crown or the Ministry of Defence Police; and
- (b) that the public disclosure of information as to any of those matters would be contrary to the national interest,

the Secretary of State may certify that the application is one to which this subsection applies.

- (2) The Secretary of State may by rules make provision—
 - (a) for the procedure to be followed in relation to the issue of a certificate under subsection (1);
 - (b) enabling the Department of the Environment to dispense with an inquiry where that Department or the relevant council has not received any objections or representations in respect of an application to which subsection (1) applies or where every objection or representation made in respect of such an application is withdrawn.
- (3) Rules made under subsection (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.
- (4) Where, in relation to an application for planning permission or an application for any consent or approval under this Act or a development order, the Department of Justice is of the opinion—
 - (a) that the consideration by the council or, as the case may be, the Department of the Environment of the application or of any representations or objections made in respect of the application raises matters relating to the measures taken or to be taken to ensure the security of any premises or property, other than premises or property mentioned in subsection (1)(a)(ii) or (iii); and
 - (b) that the public disclosure of information as to any of those matters would be contrary to the public interest,

the Department of Justice may certify that the application is one to which this subsection applies.

- (5) The Department of Justice may by rules make provision—
 - (a) for the procedure to be followed in relation to the issue of a certificate under subsection (4);
 - (b) enabling the Department of the Environment to dispense with an inquiry where that Department or the relevant council has not received any objections or representations in respect of an application to which subsection (4) applies or where every objection or representation made in respect of such an application is withdrawn.
- (6) Rules made under subsection (5) shall be subject to negative resolution.