

24 May 2007

Chief Planning Officers

Our Ref: PICA 3/3/3
Your Ref:

Dear Chief Planning Officer,

**SENSITIVE INFORMATION IN APPLICATIONS FOR PLANNING PERMISSION
AND LISTED BUILDING CONSENT**

1. The purpose of this letter is to expand on the guidance in paragraphs 24 and 25 of the Memorandum to DCLG Circular 02/2006 *Crown Application of the Planning Acts*, issued on 7 June 2006. These are reproduced in the Annex to this letter for ease of reference.
2. In addition to the Crown, applications containing sensitive information may be received, for example, from the diplomatic community and owners of critical national infrastructure. These applications will often concern improvements to the physical security of the premises and may contain information which the applicant wishes the local planning authority to consider, but which the applicant does not wish to be made available to casual users of the planning register.
3. Paragraph 25 of the Memorandum to the Circular asks local planning authorities to keep such information separately from the main Register, which is only available on specific request. Any arrangements adopted should be designed to give the maximum protection possible to this information consistent with authorities' statutory obligations. The reason for keeping this information separate is that these details would be valuable to those with hostile intent to identify the weakness that the proposed development is designed to remedy, as well as exposing the general security arrangements for the premises in question. They might then be able to mount an attack before the new security arrangements could be put in place.
4. Authorities may wish to ask for proof of the name and address of anyone making an inspection request to ensure that it is *bona fide*. If the authority suspects that the person wishing to see this part of the register may not be

acting in good faith, it should consult the security adviser who endorsed the planning application (see below).

5. Applicants who wish to ask the authority to deal with the application in accordance with paragraph 25 of the Memorandum will do so in a letter covering their application, which will be endorsed by their security adviser (such as the police Special Branch or Counter-Terrorism Security Adviser or the Centre for the Protection of National Infrastructure). The sensitive information will be in an annex to the application which can be detached and kept separately from the main Register.
6. Applications for listed building consent do not have to be placed on a register, but they are likely to accompany a planning application which does. We would therefore ask that such applications were treated in the same way as sensitive planning applications as set out in the remainder of this letter.
7. These applications will be submitted on paper. The applicant will contact you to agree the name of an officer to whom the application should be sent. It would be helpful if applications were not scanned or otherwise placed on your authority's website. It would also be helpful if all other documents generated up to and including decision stage were not scanned, stored on networked drives or placed on your website.
8. Where the application must be referred to a statutory consultee (or guidance indicates that it should be referred to a non-statutory consultee), it would be helpful if your authority asks the consultee to treat the application in the way describe in paragraph 7 above, consistent with their legal obligations.
9. Your authority might consider exercising any discretion they may have, to exclude the public from planning committee meetings at which a particular application containing sensitive information is considered, excluding that information from any report for the meeting and from the minutes and other documents made available for inspection by the public.
10. Notification of the decision must be given and the decision placed on the planning register under articles 19, 22 and 25 of the Town and Country Planning (General Development Procedure) Order 1995. If permission is granted, the decision letter is only required to contain a summary of the reasons for the grant of permission and the relevant development plan policies. It should be possible to draft this without compromising the sensitive information. If conditions are imposed, however, or the application refused, the notice of decision must state clearly and precisely the full reasons for each condition or for the refusal, specifying all relevant development plan policies and proposals. If this cannot be done without mentioning the sensitive information, it would be helpful if you would prepare the letter in two parts, so that the part containing the sensitive information can be kept separately from the main Register.
11. The procedures set out in this letter have been introduced for a trial period of one year, after which their effectiveness will be reviewed. To this end, it

would helpful if your authority kept a record of your experiences in handling applications of this type.

12. Thank you for your help in this matter.

Yours sincerely,

Robert Segall

Annex

Extract from the Memorandum to DCLG Circular 02/2006

OTHER APPLICATIONS CONTAINING SENSITIVE INFORMATION

24. Both the Crown and other organisations (such as embassies or owners of critical national infrastructure) may make planning applications for sensitive development. These would typically be for new physical security measures which they wish to present to the local planning authority, so they can take a properly informed planning decision. If the application were to be refused, the applicant would probably apply to the Secretary of State for a section 321 direction to protect the information at the local inquiry on the grounds that the security of premises or other property would be compromised by disclosure and that it was in the national interest for it to be withheld (see paragraph 6 above).

25. Although this information must be placed on the Planning Register, it would be helpful if it was not easily available to casual observers. In these cases, the applicant may ask for the application not to be publicised on the authority's website (if that is their practice) and for the sensitive information to be kept separately from the main register, so that it would only be available on specific request. The reason for this is that such applications may expose a weakness in current security arrangements which terrorists or other criminals may wish to exploit before it can be remedied. Authorities are therefore asked to give as much protection as possible (consistent with their statutory obligations) to information which would probably be withheld from the public at a planning inquiry.