

PLANNING ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 6, Chapter 7: Intervention by Secretary of State

Sections 109, 110, 111 and 112: Intervention: significant change in circumstances/ Intervention: defence and national security / Intervention: other circumstances/ Power of Secretary of State to intervene

192. These sections provide that the Secretary of State may intervene and decide an application in place of the Commission in certain circumstances.
193. The Secretary of State may intervene if she is satisfied that the condition set out in subsection (2) or (3) of section 109 is met. When deciding whether the tests in paragraphs (d) and (e) of subsections (2) and (3) are met, the Secretary of State must have regard to the views of the Commission.
194. The Secretary of State may also intervene if she is satisfied that the requirements of section 110 are met. She must be satisfied that intervention would be in the interests of defence or national security.
195. **Section 111** confers on the Secretary of State the power to make an order specifying other circumstances in which she may intervene in an application.
196. If the Secretary of State decides to exercise any of her powers of intervention she must make a direction, setting out her reasons for intervention, within four weeks of the end of the meeting held under section 88(2). If the Secretary of State considers there to be exceptional circumstances, the direction may be given later.