EXPLANATORY MEMORANDUM TO

THE TOWN AND COUNTRY PLANNING (NORTHWOOD HEADQUARTERS) SPECIAL DEVELOPMENT ORDER 2025

2025 No. 37

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government ("MHCLG") and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 The Rt Hon Angela Rayner MP, Secretary of State for Housing, Communities and Local Government ("SSHCLG") at MHCLG confirms that this Explanatory Memorandum meets the required standard.

2.2 Joanna Key, Director General for Regeneration, Housing and Planning at MHCLG confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Michael Salmon, Head of Planning Response Unit at MHCLG (Telephone: 0303 4440000 or email: PlanningResponseUnitSM@communities.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument grants planning permission (subject to conditions) for classes of development for defence purposes at the Ministry of Defence Northwood Headquarters, Sandy Lane, Northwood, Middlesex, HA6 3HP ("Northwood HQ" or "the Site"). The planning permission permits, for example, the construction of office and working accommodation, living accommodation, and other facilities, including car parking. This is for the purpose of national defence (specifically deterring and defending against threats to the security of the United Kingdom, the Crown Dependencies, and Overseas Territories, and, with Allies, the Euro-Atlantic area). The beneficiary of the planning permission is the Secretary of State for Defence ("SSD").

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only. More particularly, it applies to the land at Northwood Headquarters as shown on a publicly available map.

5. Policy Context

What is being done and why?

5.1 The Site has been used by the British Armed Forces since 1939. The Site is now the United Kingdom's (UK) principal military headquarters site and home to five Operational Headquarters including the Strategic Command Headquarters and the North Atlantic Treaty Organisation's (NATO) Allied Maritime Command (one of NATO's three major Commands). The UK defence estate and associated infrastructure is important to how the country anticipates and responds to evolving security threats. The buildings and other structures on the Site have evolved over the years in response to changing operational requirements. The Ministry of Defence has also committed to optimising and regenerating the defence estate to include improved accommodation, and supporting facilities, for service personnel and their families.

5.2 SSD intends to carry out the comprehensive upgrading and redevelopment of Northwood HQ to support its military capability. Where this upgrading and redevelopment of the Site constitutes development as defined in the Town and Country Planning Act 1990 ("TCPA 1990"), planning permission is required. SSD's proposals are referred to below as "the proposed development".

What was the previous policy, how is this different?

5.3 Officials, acting on behalf of SSD, made a pre-application enquiry to Three Rivers District Council (as the local planning authority), in advance of submitting a planning application for part of the proposed development. National defence interests meant that certain details of that development could not be shared with the Council or made public as is required with such applications. The Council's advice led SSD to conclude that the local planning authority would lack the information necessary to make an informed decision on any planning application. The local planning authority would either have had to refuse to grant permission or fail to determine the application.

5.4 In September 2024, SSHCLG directed that the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) should not apply to the proposed development. This was on the grounds that the proposed development comprises, or forms part of, development that has national defence as its sole purpose, and compliance with those regulations would have an adverse effect on that purpose.

5.5 In October 2024, SSD asked SSHCLG to consider granting planning permission for his proposed development by making a Special Development Order ("SDO") under the TCPA 1990.

6. Legislative and Legal Context

How has the law changed?

6.1 There is no change in the law as it applies generally. The instrument is a grant of planning permission through secondary legislation that only applies to the Site. The instrument does three main things. First, it grants planning permission for certain broad classes of development carried out on the Site for national defence purposes. Second, it states how permitted development rights (a national grant of planning permission) under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 are to be applied. Those that are unlikely to apply to development on the Site (such as rail, shipping, and agriculture and forestry) are

disapplied and a modification is made to those that are applied. Third, the instrument requires SSHCLG's approval to be given before most forms of development for which the instrument grants planning permission can commence ("relevant approval"). In order to obtain such approval, SSD must make a submission with detailed information (such as documents to explain the scale, layout, and access arrangements for the development), to SSHCLG who may then give or refuse approval. Relevant approval may be given unconditionally or subject to conditions.

Why was this approach taken to change the law?

6.2 There are several ways of granting planning permission. Some involve legislation, others an administrative application under the TCPA 1990. SDOs are an established part of the planning system and allow His Majesty's Principal Secretaries of State to grant planning permission by secondary legislation. The use of an SDO in this case allows planning permission to be granted directly by SSHCLG in respect of a particular location on an enduring basis for classes of development that are exceptionally sensitive and directly support and inform the national defence of the UK, its territories and those of its allies. At the same time, the "relevant approval" mechanism enables SSHCLG to make sure that development is appropriate in a situation where the local planning authority could not effectively determine an application.

7. Consultation

Summary of consultation outcome and methodology

7.1 There is no statutory requirement to consult before making an SDO. SSHCLG considered whether she should seek further information from third parties and concluded that she had sufficient information before her to be able to properly understand the classes of development proposed and their potential effects, and to decide whether to grant planning permission. This information included, for example, information on flood risk from the Environment Agency included in the material accompanying SSD's request for planning permission. Some of the information considered by SSHCLG required an extremely high assurance of security controls, as per the Government Security Classifications Policy 2024. Accordingly, SSHCLG could not, without compromising defence interests, disclose sufficient information to the public about SSD's proposed development to enable them to give a properly informed response to the proposals. For the same reason, the requirement to publish the outputs of the "relevant approval" process do not apply where SSHCLG considers this would be contrary to the UK's national interests in regard to defence, national security, or international relations.

7.2 SSHCLG has considered the potential effects of the classes of development for which permission is granted on the amenity of residents and others in the surrounding area. This consideration was based on both an appraisal of the planning issues prepared by officials and a report from a senior planning inspector prepared in parallel to the advice given by other MHCLG planning officials. The senior planning inspector's report set out the issues that local people and organisations would be likely to raise had it been appropriate to undertake public consultation. The potential issues identified included: the adverse visual impact on neighbouring properties given the potential height and scale of development, with no certainty about its location relative to neighbouring properties; the loss of trees and whether wildlife may be adversely affected; the length and extent of construction activity, including the impact of construction traffic on local roads; and concerns over potential localised flooding

from surface water, and the risk of groundwater contamination caused by construction work.

7.3 At the eastern boundary of the Site there will be a major impact on townscape character due to the loss of mature trees and hedging, which currently provides screening from the public highway and the residential properties facing the Site. SSD proposes replacement planting and other landscape planting that should soften the impact, but this will take some time to establish. The details of specific estate projects, including the siting and height of new buildings and proposed landscaping, will need to be submitted to SSHCLG before construction can start. This will provide an opportunity for the proposed mitigation to be considered in detail.

7.4 The introduction of construction activity in a largely residential area and its potential impact locally (for example, vehicle movements, noise, vibration, and dust) has been considered. The scale, nature and duration of construction mean conditions are required to control its potentially adverse effects. This will be achieved by requiring Construction Environmental Management Plans and Construction Traffic Management Plans to be submitted by SSD for SSHCLG's approval before development involving construction work can start. The instrument sets out what these plans must address. Additionally, the Ministry of Defence has discussed a potential new access to the Site with the local highway authority. Further details of the proposed development must be submitted to SSHCLG for consideration and must be approved before construction can start. This makes sure that detailed consideration is given to any adverse traffic impacts, and necessary mitigations, including access arrangements.

7.5 Potential concerns about flood risk have been considered, as well as potential risks related to groundwater impacts. Conditions attached to the planning permission are designed to prevent, for example, a net increase in the rate or volume of surface water discharged from the site, and to require SSD to demonstrate that where construction activity would involve piling or other intrusive works, the risk of groundwater contamination is addressed.

8. Applicable Guidance

8.1 Not relevant.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it does not regulate business activity. SSHCLG took the decision to grant planning permission having first considered the planning merits of the proposed development. She took account of the environmental, social, and economic impact of the classes of development covered by the instrument, all relevant regulations (including her public sector equality duties under section 149 of the Equality Act 2010) and relevant material planning considerations. The conditions attached to the grant of planning permission are those necessary to make the development carried out under the relevant approvals acceptable in planning terms.

Impact on businesses, charities, and voluntary bodies

9.2 There is no, or no significant, impact on business, charities, or voluntary bodies. The beneficiary of the instrument, and the person to whom the conditions attached to the planning permission apply, is SSD.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector. The conditions imposed on SSD by the planning permission granted by the instrument, are those which are necessary, proportionate, and tailored to making sure that development would proceed in accordance with SSD's stated intentions. While the instrument disapplies certain permitted development rights, these are the rights that are unlikely to apply to development on this Site (as explained in section 6).

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 Monitoring the impact of the instrument is secured through conditions attached to the planning permission. Officials from MHCLG will arrange periodic spot checks to establish that the activity on the Site accords with the provisions of the instrument.

10.2 The instrument does not regulate business or voluntary and community bodies therefore a statutory review clause is not considered appropriate.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").