
STATUTORY INSTRUMENTS

2021 No. 746

The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021

PART 2

Amendment of article 2 (interpretation)

3.—(1) Article 2 is amended in accordance with paragraphs (2) to (6).

(2) After the definition of “contaminated land” insert—

““criminal justice accommodation” means—

- (a) a prison within the meaning of the Prison Act 1952(1); or
- (b) a place for the detention of young persons within the meaning of section 43 of that Act;”.

(3) After the definition of “floor space” insert—

““health service hospital” means a hospital vested in—

- (a) an NHS body within the meaning of paragraph 7(4) of Schedule 3 to the Care Act 2014(2); or
- (b) the Secretary of State for the purpose of his functions under the National Health Services Act 2006(3);

“hospital” means—

- (a) an institution for the reception and treatment of persons suffering from illness;
- (b) a maternity home; or
- (c) an institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation,

and includes clinics, dispensaries and out-patient departments maintained in connection with any such home or institution;”.

(4) After the definition of “householder application” insert—

““illness” includes mental disorder within the meaning of the Mental Health Act 1983(4) and any injury or disability requiring medical or dental treatment or nursing;”.

(5) After the definition of “public holiday” insert—

““public service infrastructure development” means major development, which is not EIA development, where the main purpose of the development is—

(1) 1952 c. 52. Section 43 was substituted by section 38(1) of the Criminal Justice and Courts Act 2015 (c. 2).

(2) 2014 c. 23.

(3) 2006 c. 41, as amended by the Health and Social Care Act 2012 (c. 7).

(4) 1983 c. 20. See section 1(2); section 1(2) was substituted by section 1(1) and (2) of the Mental Health Act 2007 (c. 12).

- (a) the provision of—
 - (i) a health service hospital;
 - (ii) a school or institution within the further education sector; or
 - (iii) an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992~~(5)~~; or
 - (iv) criminal justice accommodation; or
- (b) works for the extension or alteration of—
 - (i) a health service hospital;
 - (ii) a school or institution within the further education sector; or
 - (iii) an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992; or
 - (iv) criminal justice accommodation; ”.
- (6) After the definition of “scale” insert—

““school or institution within the further education sector” means a school or institution within the further education sector which is—

 - (a) an Academy within the meaning of the Academies Act 2010~~(6)~~;
 - (b) a school maintained by a local authority as defined in section 142(1) of the School Standards and Framework Act 1998~~(7)~~;
 - (c) a school which is specially organised to make special educational provision for pupils with special educational needs and is approved by the Secretary of State under section 342 of the Education Act 1996~~(8)~~;
 - (d) an independent education institution approved under section 41 of the Children and Families Act 2014~~(9)~~; or
 - (e) an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992;”.

(5) 1992 c. 13. Section 91 was amended by paragraph 1 of Schedule 11 to the Learning and Skills Act 2000 (c. 21) (“the 2000 Act”), paragraph 13 of Schedule 8 to the Apprenticeship Skills and Learning Act 2009 (c. 22), paragraph 26 of Schedule 8 and paragraph 25 of Schedule 11 to the Higher Education and Research Act 2017 (c. 29), regulation 4 of S.I. 2019/1027.

(6) 2010 c. 32. See the definitions in sections 1A to 1C and 15 of that Act. Sections 1A to 1C were inserted by section 53(7) of the Education Act 2011 (c. 21) (“the 2011 Act”).

(7) 1998 c. 31 (“the 1998 Act”). In the definition the words “local authority” were substituted by paragraph 10(2) of Schedule 2(1) to S.I. 2010/1158.

(8) 1996 c. 56 (“the 1996 Act”). Section 342 was substituted by paragraph 82 of Schedule 30 to the 1998 Act and amended by section 142 and paragraph 1 of Schedule 2 to the Education and Skills Act 2008 (c. 25) and paragraph 37 of Schedule 3 to the Children and Families Act 2014 (c. 6).

(9) 2014. c. 6.