
STATUTORY INSTRUMENTS

2021 No. 746

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

PART 3

Amendments to the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013

20. The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013⁽¹⁾ is amended in accordance with articles 21 to 29.

Amendment of article 2 (interpretation)

21.—(1) Article 2 is amended in accordance with paragraphs (2) to (5).

(2) After the definition of “county planning authority” insert—

““criminal justice accommodation” means—

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

(3) After the definition of “erection” 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; or
- (b) the Secretary of State for the purpose of his functions under the National Health Services Act 2006;

“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;

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

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

(1) [S.I. 2013/2140](#). Relevant amending instruments are [S.I. 2015/797](#), [S.I. 2016/944](#), [S.I. 2017/571](#) and [S.I. 2018/119](#).

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

- (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; 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;”.
- (5) 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;
 - (b) a school maintained by a local authority as defined in section 142(1) of the School Standards and Framework Act 1998;
 - (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;
 - (d) an independent education institution approved under section 41 of the Children and Families Act 2014; or
 - (e) an institution within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992;”.

Insertion of new article 7A

22. After article 7 insert—

“Fire statements

7A.—(1) Paragraph (4) applies to a relevant application⁽²⁾ for planning permission for—

- (a) development which involves the provision of one or more buildings to which paragraph (2) applies (“a relevant building”);
- (b) development of an existing relevant building; or
- (c) development within the curtilage of a relevant building.

(2) This paragraph applies to a building which satisfies the height condition in paragraph (3) and contains—

- (a) two or more dwellings; or
- (b) educational accommodation.

(2) See section 62A(2) of the 1990 Act for the definition of “relevant application”.

- (3) The height condition is that—
- (a) the building is 18 metres or more in height; or
 - (b) the building contains 7 or more storeys (ignoring any storey which is below ground level).
- (4) An application for planning permission to which this paragraph applies must, except where paragraph (6) applies, be accompanied by a statement (“a fire statement”) about the fire safety design principles, concepts and standards that have been applied to the development.
- (5) A fire statement must—
- (a) be on a form published by the Secretary of State (or a form substantially to the same effect); and
 - (b) include the particulars specified or referred to in the form.
- (6) This paragraph applies—
- (a) where—
 - (i) the application is for a material change in use of a relevant building; and
 - (ii) the material change of use would result in the building no longer being a relevant building;
 - (b) where the application is—
 - (i) for a material change in use of land or buildings within the curtilage of a relevant building; and
 - (ii) the material change of use would not result in the provision of one or more relevant buildings;
 - (c) to an application for outline planning permission.
- (7) For the purposes of paragraph (3)—
- (a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms);
 - (b) when determining the number of storeys a building has—
 - (i) any storey which is below ground level is to be ignored; and
 - (ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.
- (8) For the purpose of this article a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building.
- (9) In this article—
- “16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010;
 - “boarder” includes a student who boards during the week but not at weekends;
 - “dwelling” includes a flat;
 - “educational accommodation” means—
 - (a) residential accommodation for the use of students who are boarders at school in connection with them attending a school; or
 - (b) residential accommodation for the use of students attending higher education courses, further education courses or courses at 16 to 19 Academies;

“further education” has the meaning given by section 2 of the Education Act 1996;
“ground level”, in relation to a building, means the level of the surface of the ground immediately adjacent to the building or, where the level of the surface of the ground on which the building is situated or is to be situated is not uniform, the level of the lowest part of the surface of the ground adjacent to it;
“higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988 or an equivalent course outside England;
“school” has the meaning given by section 4 of the Education Act 1996.”.

Amendment of article 8 (general provisions in relation to applications)

23. In article 8, in paragraph (1), before sub-paragraph (bb) insert—

“(ba) in a case to which article 7A applies, the fire statement;”.

Amendment of article 14 (publicity for relevant applications: designated planning authority)

24. In article 14, after paragraph (6) insert—

“(7) In the case of a relevant application for public service infrastructure development in paragraphs (2)(a) (3)(a)(i) and (4), “21 days” is to be read, in each place it occurs, as if it were a reference to “18 days”.”.

Amendment of article 17 (consultations before the grant of permission)

25.—(1) Article 17 is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (4)(b) for “subject to paragraph (5)” substitute—

“subject to paragraphs (5) and (7)”.

(3) After paragraph (6) insert—

“(7) In the case of a relevant application for public service infrastructure development, in paragraph (4)(b), “21 days” is to be read as if it were a reference to “18 days”.”.

Amendment of article 18 (consultation with relevant authority)

26.—(1) Article 18 is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1), for “Subject to paragraph (2)” substitute—

“Subject to paragraph (2) and, in relation to public service infrastructure development, the modifications in paragraph (2A)”.

(3) After paragraph (2) insert—

“(2A) In the case of a relevant application for public service infrastructure development, in paragraph (1), “21 days” is to be read as if it were a reference to “18 days”.”.

Amendment of article 19 (duty to respond to consultation)

27.—(1) Article 19 is amended in accordance with paragraphs (2) and (3).

(2) For paragraph (1) substitute—

“(1) Subject to paragraph (3) an authority or person consulted under article 17 or 18 must give a substantive response to that consultation before the end of the period of 21 days beginning with the day on which—

- (a) the document on which the authority or person's views are sought is received by the consultee ; or
 - (b) where there is more than one such document and they are sent on different days, the last of those documents is received by the consultee, or such other period as may be agreed in writing between the consultee and the Secretary of State.”.
- (3) After paragraph (2) insert—
- “(3) In the case of a relevant application for public service infrastructure development, in paragraph (1), “21 days” is to be read as if it were a reference to “18 days”.”.

Amendment of article 23 (time periods for decisions)

- 28.**—(1) Article 23 is amended in accordance with paragraphs (2) to (4).
- (2) In paragraph (2)—
- (a) after sub-paragraph (a) insert—
 - “(aa) in relation to a relevant application for public service infrastructure development, 10 weeks beginning with the day immediately following that on which the application is received by the Secretary of State;”;
 - (b) in sub-paragraph (b), for “sub-paragraph (a)” substitute—
 - “sub-paragraphs (a) or (aa),”.
- (3) For paragraphs (4) and (4A) substitute—
- “(4) Subject to paragraphs (4A), (4B) and (6), the Secretary of State must not determine a relevant application, where any notice of, or information about, the application has been—
- (a) published in a newspaper under article 9, within the period of 14 days beginning with the date when the notice was published;
 - (b) served on an owner of the land or tenant of an agricultural holding under article 9, before the end of the period of 21 days beginning with the date when the notice was served on that person;
 - (c) given by site display under article 9, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;
 - (d) published in a newspaper under article 13, within the period of 14 days beginning with the date on which the notice was published;
 - (e) published on a website under article 13, within the period of 14 days beginning with the date on which the information was published;
 - (f) served on an adjoining owner or occupier under article 14, before the end of the period of 21 days beginning with the date on which the notice was served on that person;
 - (g) given by site display under article 14, before the end of the period of 21 days beginning with the date when the notice was first displayed by site display;
 - (h) served on an infrastructure manager under article 14A, before the end of the period of 21 days beginning when with the date when then notice was first served on that person.
- (4A) When computing the number of days in sub-paragraphs (d) to (g) of paragraph (4), any day which is a public holiday must be disregarded.

(4B) In the case of an EIA application accompanied by an environmental statement, the Secretary of State must not determine a relevant application, where any notice of, or information about, the application has been—

- (a) published on a website under article 13, within the period of 30 days beginning with the date on which the information was published;
- (b) published in a newspaper under article 13, within the period of 30 days beginning with the date on which the information was published;
- (c) given by site display under article 14, within the period of 30 days beginning with the date when the notice was first displayed by site display.”.

(4) After paragraph (4B) insert—

“(6) In the case of a relevant application for public service infrastructure development, in sub-paragraphs (f), (g) and (h) of paragraph (4), “21 days” is to be read, in each place it occurs, as if it were a reference to “18 days” .”.

Amendment of Schedule 2 (Publicity for applications for planning permission)

29. In the form in Schedule 2 in the last box beginning with “Insert” for paragraph (e) substitute—

- “(e) date giving a period (as the case may be and subject to (f)) of—
- (i) 14 days beginning with the date when the notice is published in a newspaper under article 13; or
 - (ii) 21 days beginning with the date when the notice is first displayed on or near the site or served on an owner/occupier of adjoining land under article 14; or
 - (iii) 21 days beginning with the date the notice is served on an infrastructure manager under article 14A; or
 - (iv) 30 days beginning with the date the notice is published, displayed or served in relation to an EIA application accompanied by an environmental statement,
- and when computing the number of days in sub-paragraphs (i) and (ii), any day which is a public holiday must be disregarded;
- (f) in the case of a relevant application for public service infrastructure development, date giving a period of—
- (i) 14 days beginning with the date the notice is first published in a newspaper under article 13; or
 - (ii) 18 days beginning with the date when the notice is first displayed on or near the site or served on an owner/occupier of adjoining land under article 14; or
 - (iii) 18 days beginning with the date the notice is served on an infrastructure manager under article 14A,
- and when computing the number of days in sub-paragraphs (i) and (ii), any day which is a public holiday must be disregarded.”.