
STATUTORY INSTRUMENTS

2021 No. 962

The Town and Country Planning (Napier Barracks) Special Development Order 2021

Grant of temporary planning permission

4.—(1) Planning permission is granted for development consisting of a change of use of Napier Barracks to use for—

- (a) providing facilities for the accommodation of a person under section 4(1) (accommodation for failed asylum-seekers and their dependants) of the 1999 Act;
- (b) providing support for a person under the following provisions of the 1999 Act—
 - (i) section 95(2) (support for asylum-seekers and their dependants);
 - (ii) section 95A(3) (support for failed asylum-seekers, etc who are unable to leave UK);
 - (iii) section 98 (temporary support for asylum-seekers and their dependants);
 - (iv) section 98A(4) (temporary support for failed asylum-seekers and their dependants);
- (c) providing accommodation for a person in an accommodation centre under section 17(5) (support for destitute asylum-seekers and their dependants) of the 2002 Act;
- (d) providing accommodation for a person in an accommodation centre, or any other support or assistance for a person, under section 24(6) (provisional assistance) of the 2002 Act;
- (e) providing—
 - (i) to a resident of an accommodation centre anything under subsection (1) of section 29(7) (facilities) of the 2002 Act;
 - (ii) under section 29(3) of the 2002 Act, facilities in an accommodation centre for the use of a person in providing legal advice to a resident of the centre;
- (f) providing facilities for making or determining a protection claim or a connected appeal;
- (g) any function or activity ancillary to the uses described in sub-paragraphs (a) to (f).

(2) The planning permission granted by paragraph (1) ceases, and Napier Barracks immediately reverts to its previous lawful use, on the sooner of—

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- (1) Section 4 has been amended by section 49 of the 2002 Act, section 10(1) of the Asylum, Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), section 43(7) of the Immigration, Asylum and Nationality Act 2006 (c. 13) and paragraph 1 of Schedule 11 to the Immigration Act 2016 (“the 2016 Act”).
 - (2) Section 95 has been amended by section 50(1) of the Nationality, Immigration and Asylum Act 2000 (“the 2002 Act”) and paragraph 29 of Schedule 10 to the 2016 Act.
 - (3) Section 95A is to be inserted by paragraph 9 of Schedule 11 to the 2016 Act and is to come into force on a date to be appointed by regulations under section 94(1) of that Act.
 - (4) Section 98A is to be inserted by paragraph 13 of Schedule 11 to the 2016 Act and is to come into force on a date to be appointed by regulations under section 94(1) of that Act.
 - (5) Section 17, 24 and 29 of the 2002 Act are to come into force in accordance with provision made by order under section 162(1) of that Act.
 - (6) Section 24 is to come into force in accordance with provision to be made by the Secretary of State by order under section 162 of the 2002 Act.
 - (7) Section 29 is to come into force in accordance with provision to be made by the Secretary of State by order under section 162 of the 2002 Act, and is to be amended by paragraph 36 of the 2016 Act on a date to be appointed by regulations under section 94(1) of that Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the date on which the Secretary of State permits possession of the whole of Napier Barracks to enable building operations to be undertaken in accordance with phase 4 of the outline planning permission granted by Shepway District Council pursuant to application number Y14/0300/SH, or
 - (b) the end of 20th September 2026.
- (3) In paragraph (1)—
- (a) “protection claim” has the meaning given by section 82(2)(a)(8) of the 2002 Act;
 - (b) a reference to providing facilities, support or accommodation under a provision of an Act includes a reference to providing facilities, support or accommodation under arrangements made under that provision.