
STATUTORY INSTRUMENTS

2023 No. 1279

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023

Amendments to Class M of Part 7 of Schedule 2

3.—(1) Class M (extensions etc for schools, colleges, universities, prisons and hospitals) of Part 7 (non-domestic extensions, alterations etc) of Schedule 2 is amended as follows.

(2) In paragraph M.1 (development not permitted)—

(a) in sub-paragraph (a), in both places, for “21st April 2021” substitute “the relevant date”;

(b) in sub-paragraph (g)(iii)—

(i) in sub-paragraph (aa), for “in closed conditions;” substitute “; and”;

(ii) for sub-paragraph (bb), substitute—

“(bb) in the case of a closed prison, the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on the relevant date.”;

(iii) omit sub-paragraph (cc).

(3) In paragraph M.2 (conditions)—

(a) in sub-paragraph (h), for “date.” substitute “date;”;

(b) after sub-paragraph (h), insert—

“(i) where proposed development under Class M relates to the erection, extension or alteration of an open prison building, before beginning development the developer must—

(i) assess the contamination and flood risks of the development;

(ii) identify measures to reduce, so far as practicable, any contamination or flood risks of the development;

(iii) where the development is in an area within Flood Zone 3, carry out prior consultation in accordance with paragraph M.2B (procedure for prior consultation under Class M); and

(iv) provide written notification to the local planning authority of the proposed development with the documents and information listed in sub-paragraph (j);

(j) the documents and information specified in sub-paragraph (i)(iv) are—

(i) a written description of the proposed development;

(ii) a plan indicating the site and showing the proposed development;

(iii) a drawing, prepared to an identified scale, showing—

(aa) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and

- (bb) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;
 - (iv) the proposed commencement date;
 - (v) written confirmation that development will not take place on any land used as a playing field, and remaining in that use, at any time in the 5 years before the proposed commencement date;
 - (vi) the developer’s contact address; and
 - (vii) the developer’s email address if the developer is content to receive communications electronically.”.
- (4) After paragraph M.2A (procedure for applications for prior approval under Class M), insert—

“Procedure for prior consultation under Class M

M.2B.—(1) Where a developer is required to carry out prior consultation under paragraph M.2(i)(iii), the developer must consult the Environment Agency as to the flood risks of the proposed development.

(2) The developer must notify the Environment Agency specifying the date by which the Environment Agency must respond (being 21 days from the date the notice is received or such other period as may be agreed with the Environment Agency) (“the closing date”).

(3) The development must not begin—

(a) before the occurrence of one of the following—

- (i) the receipt by the developer of responses to the consultation required by this paragraph, or
- (ii) the day after the closing date;

(b) in any event, before the developer takes into account any representations received on or before the closing date as a result of consultation under this paragraph.

(4) Where the developer receives representations on or before the closing date, as a result of consultation under this paragraph, the developer must as soon as reasonably practicable send to the local planning authority—

- (a) a copy of the representations, and
- (b) a statement explaining how the developer has taken the representations into account.”.

(5) In paragraph M.3 (interpretation of Class M)—

(a) before the definition of “footprint”, insert—

““closed prison” means a prison used for the confinement of prisoners in closed conditions located on a site with a closed perimeter;”;

(b) after the definition of “footprint”, insert—

““open prison” means a prison used for the confinement of prisoners in open conditions located on a site without a closed perimeter;”;

(c) after the definition of “published admission number”, insert—

““relevant date” means 21st December 2023 in the case of the development of an open prison building and 21st April 2021 in the case of all other development;”.