

SCHEDULES

SCHEDULE 4

Section 30

MAYORAL DEVELOPMENT ORDERS

PART 1

MAIN AMENDMENTS

- 1 After section 61D of the Town and Country Planning Act 1990 insert—

“Mayoral development orders

61DA Mayoral development orders

- (1) The Mayor of London may by order (a Mayoral development order) grant planning permission for development specified in the order on one or more sites specified in the order.
- (2) The site or sites must fall within—
 - (a) the area of a local planning authority in Greater London, or
 - (b) the areas of two or more local planning authorities in Greater London.
- (3) The Secretary of State may by development order specify an area or class of development in respect of which a Mayoral development order must not be made.

61DB Permission granted by Mayoral development order

- (1) Planning permission granted by a Mayoral development order may be granted—
 - (a) unconditionally, or
 - (b) subject to such conditions or limitations as are specified in the order.
- (2) A condition imposed by a Mayoral development order may provide for the consent, agreement or approval to a matter specified in the condition to be given by one or more persons specified in the condition.
- (3) A person specified in a condition must be the Mayor of London or a relevant local planning authority.
- (4) The Secretary of State may by development order provide that, if the consent, agreement or approval of a person required by a condition imposed by a Mayoral development order is not given within a specified period, that consent, agreement or approval may be sought from a specified person.

Status: This is the original version (as it was originally enacted).

- (5) In subsection (4) “specified” means specified, or of a description specified, in the development order.
- (6) The Secretary of State may by development order make provision for a person to apply for planning permission for the development of land without complying with a condition imposed on the grant of planning permission by a Mayoral development order.
- (7) A development order under subsection (6) may, in particular make provision similar to that made by section 73, subject to such modifications as the Secretary of State thinks appropriate.
- (8) So far as the context requires, in relation to—
 - (a) an application for the consent, agreement or approval of the Mayor of London to a matter specified in a condition imposed by a Mayoral development order, or
 - (b) the determination of such an application,any reference in an enactment to a local planning authority (however expressed) includes a reference to the Mayor.
- (9) For the purposes of this Act a local planning authority is a relevant local planning authority in relation to a Mayoral development order or proposed Mayoral development order if a site or part of a site to which the order or proposed order relates is within the authority’s area.

61DC Preparation and making of Mayoral development order

- (1) The Secretary of State may by development order make provision about the procedure for the preparation and making of a Mayoral development order.
- (2) A development order under subsection (1) may in particular make provision about—
 - (a) notice, publicity and inspection by the public;
 - (b) consultation with and consideration of views of such persons and for such purposes as are specified in the order;
 - (c) the making and consideration of representations.
- (3) A Mayoral development order may be made only in response to an application to the Mayor of London by each relevant local planning authority.
- (4) A proposed Mayoral development order may be consulted on only with the consent of each relevant local planning authority.
- (5) A Mayoral development order may not be made unless the order has been approved, in the form in which it is made, by each relevant local planning authority.
- (6) If the Mayor of London makes a Mayoral development order, the Mayor must send a copy to the Secretary of State as soon as is reasonably practicable after the order is made.

Status: This is the original version (as it was originally enacted).

61DD Revision or revocation of Mayoral development order

- (1) The Mayor of London may at any time revise or revoke a Mayoral development order with the approval of each relevant local planning authority.
- (2) The Mayor of London must revise a Mayoral development order if the Secretary of State directs the Mayor to do so (and the requirement for the approval of each relevant local planning authority does not apply in those circumstances).
- (3) The Secretary of State may at any time revoke a Mayoral development order if the Secretary of State thinks it is expedient to do so.
- (4) The power under subsection (3) is to be exercised by order made by the Secretary of State.
- (5) If the Secretary of State revokes a Mayoral development order the Secretary of State must state the reasons for doing so.
- (6) The Secretary of State may by development order make provision about—
 - (a) the steps to be taken by the Secretary of State before giving a direction or making an order under this section;
 - (b) the procedure for the revision or revocation of a Mayoral development order.
- (7) A development order under subsection (6) may in particular make provision about—
 - (a) notice, publicity and inspection by the public;
 - (b) consultation with and consideration of views of such persons and for such purposes as are specified in the order;
 - (c) the making and consideration of representations.

61DE Effect of revision or revocation on incomplete development

- (1) This section applies if planning permission for development granted by a Mayoral development order is withdrawn at a time when the development has been started but not completed.
- (2) For this purpose planning permission for development granted by a Mayoral development order is withdrawn—
 - (a) if the order is revoked under section 61DD, or
 - (b) if the order is revised under that section so that it ceases to grant planning permission for the development or materially changes any condition or limitation to which the grant of permission is subject.
- (3) The development may, despite the withdrawal of the permission, be completed, subject as follows.
- (4) If the permission is withdrawn because the Mayoral development order is revoked by the Mayor of London, the Mayor may make a determination that subsection (3) is not to apply in relation to development specified in the determination.

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- (5) A determination under subsection (4) must be published in such manner as the Mayor of London thinks appropriate.
- (6) If the permission is withdrawn because the Mayoral development order is revoked by an order made by the Secretary of State under section 61DD, the order under that section may provide that subsection (3) is not to apply in relation to development specified in that order.
- (7) If the permission is withdrawn because the order is revised as mentioned in subsection (2)(b), the revised order may provide that subsection (3) is not to apply in relation to development specified in the order.
- (8) The power under this section to include provision in an order under section 61DD or a Mayoral development order may be exercised differently for different purposes.”

PART 2

CONSEQUENTIAL AMENDMENTS

- 2 The Town and Country Planning Act 1990 is amended as follows.
- 3 In section 56(5)(a) (time when development begun where planning permission granted by general or local development order) for “or a local development order” substitute “, a local development order or a Mayoral development order”.
- 4 In section 57(3) (planning permission not required for normal use of land where planning permission for development of land granted by development order etc) after “a local development order” insert “, a Mayoral development order”.
- 5 In section 58(1) (planning permission may be granted by development order etc) after “a local development order” insert “, a Mayoral development order”.
- 6 In section 62(2A) (applications for planning permission: references in subsections (1) and (2) to applications for planning permission to include applications under section 61L(2)) after “references to” in the second place insert “—
 - (a) applications for consent, agreement or approval as mentioned in section 61DB(2), and
 - (b)”.
- 7 In section 65(3A) (notice etc of applications for planning permission: references in subsections (1) and (3) to applications for planning permission etc to include applications under section 61L(2) etc) after “references to” in the second place insert “—
 - (a) any application for consent, agreement or approval as mentioned in section 61DB(2) or any applicant for such consent, agreement or approval, and
 - (b)”.
- 8 (1) Section 69 (register of applications etc) is amended as follows.
 - (2) In subsection (1) (duty of local planning authority to keep register containing information about planning applications etc) after paragraph (c) insert—
 - “(cza) Mayoral development orders;”.

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- (3) In subsection (2)(b) (requirement for register to contain information about local development orders etc) after “local development order,” insert “Mayoral development order.”.
- 9 (1) Section 71 (consultations in connection with determinations under section 70) is amended as follows.
- (2) In subsection (2ZA) (references in subsections (1) and (2) to applications for planning permission to include applications under section 61L(2)) after “references to” in the second place insert “—
- (a) an application for consent, agreement or approval as mentioned in section 61DB(2), and
- (b)”.
- (3) In subsection (3A) (disapplication of consultation requirement relating to caravan sites in case of neighbourhood development order) after “granted by” insert “a Mayoral development order or”.
- 10 In section 74(1ZA) (directions etc as to method of dealing with applications: references in subsections (1)(c) and (f) to planning permission etc to include approvals under section 61L(2) etc)—
- (a) in paragraph (a) after “reference to” in the second place insert “—
- (i) a consent, agreement or approval as mentioned in section 61DB(2), and
- (ii)”;
- and
- (b) in paragraph (b) after “references to” in the second place insert “—
- (i) applications for consent, agreement or approval as mentioned in section 61DB(2), and
- (ii)”.
- 11 In section 77(1) (reference of applications to the Secretary of State)—
- (a) for “approval” substitute “consent, agreement or approval”, and
- (b) after “a local development order” insert “, a Mayoral development order”.
- 12 In section 78(1)(c) (right of appeal against refusal of application for approval under development order etc.) after “a local development order” insert “, a Mayoral development order”.
- 13 In section 88(9) (provision for permission for development in enterprise zones does not prevent planning permission from being granted by other means) after “a local development order” insert “, a Mayoral development order”.
- 14 In section 91(4)(a) (provisions about general condition limiting duration of planning permission do not apply to permission granted by development order etc) after “a local development order” insert “, a Mayoral development order”.
- 15 (1) Section 108 (compensation for refusal etc of planning permission formerly granted by development order etc) is amended as follows.
- (2) In the heading after “local development order” insert “, Mayoral development order”.
- (3) In subsection (1)—
- (a) in paragraph (a) after “a local development order” insert “, a Mayoral development order”, and

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(b) after “the local development order” insert “, the Mayoral development order”.

(4) After subsection (1) insert—

“(1A) Where section 107 applies in relation to planning permission granted by a Mayoral development order—

- (a) subsection (1) of that section has effect as if it provided for a claim to be made to, and compensation to be paid by, the Mayor of London rather than the local planning authority, and
- (b) subject to subsection (1B), sections 109 to 112 have effect where compensation is payable by the Mayor of London under section 107(1) as if references to the local planning authority (however expressed) were references to the Mayor of London.

(1B) Subsection (1A)(b) does not apply to section 110(2) or (4).”

(5) In subsection (2)—

- (a) after “a local development order” insert “, a Mayoral development order”, and
- (b) after “revocation” in both places insert “, revision”.

(6) In subsection (3B) after paragraph (b) insert—

“(ba) in the case of planning permission granted by a Mayoral development order, the condition in subsection (3DA) is met, or”.

(7) After subsection (3D) insert—

“(3DA) The condition referred to in subsection (3B)(ba) is that—

- (a) the planning permission is withdrawn by the revocation or revision of the Mayoral development order,
- (b) notice of the revocation or revision was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation or revision took effect, and
- (c) either—
 - (i) the development authorised by the Mayoral development order had not begun before the notice was published, or
 - (ii) section 61DE(3) applies in relation to the development.”

16 In section 109(6) (apportionment of compensation for depreciation: interpretation) in the definition of “relevant planning decision” after “the local development order” insert “, the Mayoral development order”.

17 In section 171H(1)(a) (compensation for temporary stop notice: application where activity authorised by development order etc) after “a local development order” insert “, a Mayoral development order”.

18 In section 264(5)(ca) (land which is treated as operational land of a statutory undertaker by virtue of planning permission for its development granted by a local development order etc) after “a local development order” insert “, a Mayoral development order”.

19 (1) Section 303 (fees for planning applications etc) is amended as follows.

(2) After subsection (1) insert—

“(1ZA) The Secretary of State may by regulations make provision for the payment of a fee to—

- (a) the Mayor of London in respect of an application for consent, agreement or approval as mentioned in section 61DB(2) or the giving of advice about such an application;
- (b) a specified person in respect of an application for consent, agreement or approval for which provision is made under section 61DB(4) or the giving of advice about such an application.”

(3) After subsection (10) insert—

“(10A) If the Mayor of London or a specified person calculates the amount of fees in pursuance of provision made by regulations under subsection (1ZA) the Mayor of London or the specified person must secure that, taking one financial year with another, the income from the fees does not exceed the cost of performing the function.”

(4) After subsection (11) insert—

“(12) In this section “specified person” means a person specified by development order under section 61DB(4).”

20 In section 305(1)(a) (contributions by Ministers towards compensation paid by local authorities) after “local authority” insert “, the Mayor of London”.

21 In section 324 (rights of entry) after subsection (1A) insert—

“(1B) Any person duly authorised in writing by the Secretary of State, a local planning authority or the Mayor of London may at any reasonable time enter any land for the purpose of surveying it in connection with—

- (a) a proposal by a local planning authority to apply to the Mayor of London for the Mayor to make a Mayoral development order, or
- (b) a proposal by the Mayor of London to make a Mayoral development order.”

22 (1) Section 333 (regulations and orders) is amended as follows.

(2) In subsection (4) after “61A(5)” insert “, 61DD(4)”,.

(3) In subsection (5) after “Wales),” insert “61DD(4)”,.

23 In section 336(1) (interpretation) at the appropriate place insert—

““relevant local planning authority” is to be construed in accordance with section 61DB(9);”.