



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART IX

#### ENVIRONMENTAL FUNCTIONS

##### *Report on the state of the environment*

#### **351 The Mayor's environmental report.**

- (1) The Mayor shall produce and publish a report on the environment in Greater London to be known as a "state of the environment report".
- (2) The report required of the Mayor under subsection (1) shall be published—
  - (a) in the case of the first state of the environment report, before the end of the period of three years beginning with the day of the first ordinary election, and
  - (b) in the case of each state of the environment report subsequent to the first, before the end of the period of four years beginning with the day on which the previous state of the environment report was published.
- (3) A state of the environment report shall contain information about the following matters in relation to Greater London—
  - (a) air quality and emissions to air, including in particular emissions from road traffic,
  - (b) road traffic levels,
  - (c) water quality and emissions to water,
  - (d) ground water levels,
  - (e) energy consumption and the emission of substances which contribute to climate change,
  - (f) land quality,
  - (g) biodiversity,
  - (h) the production, minimisation, recycling and disposal of waste,
  - (i) noise,

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*Status: Point in time view as at 23/10/2007.*

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- (j) natural resources, and
  - (k) litter,
- and may contain information about any other matters in relation to Greater London which the Mayor considers appropriate.
- (4) Before producing a state of the environment report, the Mayor shall consult—
    - (a) the Environment Agency,
    - (b) each London borough council,
    - (c) the Common Council, and
    - (d) any other person who the Mayor considers it appropriate to consult.
  - (5) A copy of each state of the environment report shall be kept available for the appropriate period by the Mayor for inspection by any person on request free of charge at the principal offices of the Authority at reasonable hours.
  - (6) A copy of each state of the environment report, or any part of such a report, shall be supplied to any person on request during the appropriate period for such reasonable fee as the Mayor may determine.
  - (7) In this section “the appropriate period” in the case of any state of the environment report is the period of six years beginning with the date of publication of that report pursuant to this section.

### *Biodiversity*

#### **352 The Mayor’s biodiversity action plan.**

- (1) The Mayor shall prepare and publish a document to be known as the “London Biodiversity Action Plan”.
- (2) The London Biodiversity Action Plan shall contain information about—
  - (a) the ecology of Greater London,
  - (b) the wildlife of Greater London and its habitat,
  - (c) any proposals for the conservation and promotion by the Mayor of biodiversity within Greater London, which have been agreed between the Mayor and any person or body he is required to consult in relation to the London Biodiversity Action Plan, and
  - (d) any commitments as to the conservation and promotion of biodiversity within Greater London made by any person or body who is required to be consulted by the Mayor in relation to the London Biodiversity Action Plan.
- (3) In preparing or revising the London Biodiversity Action Plan the Mayor shall consult—
  - [<sup>F1</sup>(a) Natural England, and]
  - (c) the Environment Agency.
- (4) In preparing or revising the London Biodiversity Action Plan the Mayor shall also—
  - (a) have regard to any plans relating to biodiversity prepared by a London borough council or the Common Council, and
  - (b) have regard to any guidance given to him by the Secretary of State about the matters which he is to take into account in preparing or revising the London Biodiversity Action Plan.

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- (5) Where the Mayor revises the London Biodiversity Action Plan, he shall publish it as revised.
- (6) In this Act, references to the London Biodiversity Action Plan include, except where the context otherwise requires, a reference to the London Biodiversity Action Plan as revised.

#### Textual Amendments

- F1** S. 352(3)(a) substituted for s. 352(3)(a)(b) (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 151; S.I. 2006/2541, art. 2 \(with Sch.\)](#)

### Waste

#### **353 The Mayor’s municipal waste management strategy.**

- (1) The Mayor shall prepare and publish a document to be known as the “municipal waste management strategy”.
- (2) The municipal waste management strategy—
  - (a) shall contain the Mayor’s proposals and policies for the recovery, treatment and disposal of municipal waste, and
  - (b) may contain such other proposals and policies relating to municipal waste as he considers appropriate.

<sup>F2</sup>(3) . . . . .

[<sup>F3</sup>(3A) In revising the municipal waste management strategy the Mayor is to have regard to any strategies which authorities in Greater London have for the purposes of section 32 of the Waste and Emissions Trading Act 2003 (joint waste management strategies for areas where disposal authority is not also collection authority).]

- (4) In preparing or revising the municipal waste management strategy the Mayor shall have regard to—
  - (a) the strategy prepared by the Secretary of State in accordance with section 44A of the <sup>M1</sup>Environmental Protection Act 1990 (the national waste strategy),
  - [<sup>F4</sup>(aa) the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England),]and
  - (b) any guidance given to him by the Secretary of State for the purposes of the implementation of [<sup>F5</sup>that strategy][<sup>F5</sup> those strategies (or either of them) ] and relating to the content of the municipal waste management strategy.
- (5) In preparing or revising the municipal waste management strategy the Mayor shall consult—
  - (a) the Environment Agency,
  - (b) waste disposal authorities in Greater London,
  - (c) any waste disposal authority the area of which has a boundary which adjoins any part of the boundary of Greater London,
  - (d) local authorities in whose areas municipal waste is disposed of by waste disposal authorities in Greater London or is proposed in the strategy to be so disposed of, and

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- (e) any other body which is concerned with the minimisation, recovery, treatment or disposal of municipal waste and which the Mayor considers it appropriate to consult.
- (6) Where the Mayor revises the municipal waste management strategy, he shall publish it as revised.
- (7) In this Act, references to the municipal waste management strategy include, except where the context otherwise requires, a reference to the municipal waste management strategy as revised.

#### Textual Amendments

- F2** S. 353(3) repealed (1.1.2005) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 35(b)**, 40(1); S.I. 2004/3320, art. 2
- F3** S. 353(3A) inserted (1.1.2005) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 32(12)**, 40(1); S.I. 2004/3320, art. 2
- F4** S. 353(4)(aa) inserted (E.W.) (20.7.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 17(8)(a)**, 40(1); S.I. 2004/1874, art. 2
- F5** Words in s. 353(4)(b) substituted (E.W.) (20.7.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), **ss. 17(8)(b)**, 40(1); S.I. 2004/1874, art. 2

#### Marginal Citations

- M1** 1990 c. 43.

### 354 Directions by the Secretary of State.

- (1) Where the Secretary of State considers that either of the conditions specified in subsection (2) below is satisfied, he may give the Mayor a direction about the content of the municipal waste management strategy.
- (2) The conditions mentioned in subsection (1) above are—
  - (a) that the municipal waste management strategy or its implementation is likely to be detrimental to any area outside Greater London, or
  - (b) that a direction about the content of the municipal waste management strategy is required for the purposes of the implementation of the policies contained in the strategy prepared by the Secretary of State in accordance with section 44A of the <sup>M2</sup>Environmental Protection Act 1990 (national waste strategy) [<sup>F6</sup> or of the policies contained in the strategy required by section 17 of the Waste and Emissions Trading Act 2003 (landfill strategy for England) ] .
- (3) The power of the Secretary of State to give a direction to the Mayor under subsection (1) above—
  - (a) may be exercised either generally or specially, and
  - (b) may only be exercised after consultation with the Mayor.
- (4) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall comply with the direction.

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#### Textual Amendments

- F6** Words in s. 354(2)(b) inserted (E.W.) (20.7.2004) by [Waste and Emissions Trading Act 2003 \(c. 33\)](#), [ss. 17\(9\)](#), [40\(1\)](#); S.I. 2004/1874, [art. 2](#)

#### Marginal Citations

- M2** [1990 c. 43](#).

### 355 Duties of waste collection authorities etc.

In exercising any function under Part II of the <sup>M3</sup>Environmental Protection Act 1990 (waste on land)—

- (a) each of the waste collection authorities in Greater London, and
- (b) each of the waste disposal authorities in Greater London,

shall have regard to the municipal waste management strategy.

#### Marginal Citations

- M3** [1990 c. 43](#).

### 356 Directions by the Mayor.

- (1) Where the Mayor considers that it is necessary for the purposes of the implementation of the municipal waste management strategy, he may give to a waste collection authority in Greater London, or a waste disposal authority in Greater London, a direction requiring the authority to exercise a function in a manner specified in the direction.
- (2) The Mayor may not give to an authority a direction under subsection (1) above requiring the authority—
  - (a) to terminate a waste contract before the expiry of the term of the contract; or
  - (b) to do anything which would result in a breach of any term of a waste contract.
- (3) The Mayor may not give to an authority a direction under subsection (1) above requiring the authority to exercise a function in relation to the awarding of a waste contract if—
  - (a) the authority is required to comply with the public procurement regulations in awarding that contract, and
  - (b) in compliance with those regulations the authority has sent the second information notice relating to the awarding of that contract to the Official Journal of the European Communities.
- (4) The power of the Mayor to give a direction to an authority under subsection (1) above—
  - (a) may be exercised either generally or specially, and
  - (b) may only be exercised after consultation with the authority concerned.
- (5) Where the Mayor gives an authority a direction under subsection (1) above, the authority to whom the direction is given shall comply with the direction.

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## [<sup>F7</sup> 356A London Waste and Recycling Board

- (1) There shall be a body known as the London Waste and Recycling Board (referred to in this section and section 356B as “the Board”).
- (2) The objectives of the Board are to promote and encourage, so far as relating to Greater London,—
  - (a) the production of less waste;
  - (b) an increase in the proportion of waste that is re-used or recycled;
  - (c) the use of methods of collection, treatment and disposal of waste which are more beneficial to the environment.
- (3) For the purpose of achieving its objectives, the Board may provide financial assistance to any person towards or for the purposes of—
  - (a) the provision of facilities for or in connection with the collection, treatment or disposal of waste produced in Greater London;
  - (b) conducting research into new technologies or techniques for the collection, treatment or disposal of waste;
  - (c) securing, or assisting in securing, the performance of any function of a London borough council or the Common Council relating to waste.
- (4) For the purpose of achieving its objectives, the Board may provide advice on such matters as it thinks fit to any of the following—
  - (a) the Mayor;
  - (b) any London borough council;
  - (c) the Common Council;
  - (d) such other persons as the Board thinks fit.
- (5) In carrying out its functions under this section, the Board must—
  - (a) act in accordance with the municipal waste management strategy;
  - (b) act in general conformity with the spatial development strategy so far as relating to the collection, treatment and disposal of waste.
- (6) The Board may do anything that it thinks will facilitate, or is incidental or conducive to, the carrying out of its functions under subsections (2) to (4) above.
- (7) The Board does not have the power to borrow money.
- (8) The Secretary of State may issue to the Board guidance as to the exercise of its functions.
- (9) The Board shall have regard to any guidance issued under subsection (8) above.
- (10) Any reference in this section to the collection, treatment or disposal of waste includes a reference to the transport of waste for or in connection with that purpose.

### Textual Amendments

- F7** Ss. 356A, 356B inserted (23.10.2007 for specified purposes, 24.7.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 38(1), 59(4)(b)**; [S.I. 2008/2037](#), art. 2

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### **356B Supplemental provision concerning the Board**

- (1) The Secretary of State may by order make provision as to—
  - (a) the constitution of the Board;
  - (b) the appointment of its members (who must not be fewer than 7 nor more than 13 in number);
  - (c) the payment of allowances and expenses to its members;and such other matters in connection with its establishment and administration as the Secretary of State thinks fit.
- (2) The Board shall not be regarded—
  - (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, privilege or immunity of the Crown,and the property of the Board shall not be regarded as property of, or property held on behalf of, the Crown.
- (3) The Secretary of State may make payments by way of grant to the Board towards expenditure incurred or to be incurred by it.
- (4) The amount of any grant and the manner of its payment are to be such as the Secretary of State may determine.
- (5) Any grant may be paid on such conditions as the Secretary of State may determine.
- (6) Conditions under subsection (5) above may, in particular, include—
  - (a) provision as to the use of the grant;
  - (b) provision as to circumstances in which the whole or part of the grant must be repaid.]

#### **Textual Amendments**

- F7** Ss. 356A, 356B inserted (23.10.2007 for specified purposes, 24.7.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 38(1), 59(4)(b)**; [S.I. 2008/2037](#), art. 2

### **357 Information about existing waste contracts.**

- (1) Where at the date on which this section comes into force a waste authority is a party to a waste contract, the authority shall, before the end of the period of 21 days beginning with the date on which this section comes into force, notify the Mayor of the date on which the term of the contract is due to expire.
- (2) A waste authority which is a party to a waste contract shall—
  - (a) at least two years before the date on which the term of the contract is due to expire, but
  - (b) no earlier than three years before that date,notify the Mayor of that date.
- (3) Subsection (1) above is without prejudice to subsection (2) above.
- (4) If at any time before the date on which the term of a waste contract is due to expire a waste authority which is a party to the contract—
  - (a) proposes to terminate or amend the contract, or

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- (b) receives notification from another party to the contract that the contract is or is proposed to be terminated or amended,  
 the authority shall as soon as reasonably practicable notify the Mayor.
- (5) Where the Mayor has been notified by a waste authority under subsection (1), (2) or (4) above he may direct the authority to provide him with such information as he may require for the purposes of deciding whether—
  - (a) the arrangements which the authority is making to enter into a new contract,
  - (b) the terms upon which the authority is proposing to enter into a new contract, or
  - (c) the amendments or proposed amendments to the contract,
 would be detrimental to the implementation of the municipal waste management strategy.
- (6) Where the Mayor gives an authority a direction under subsection (5) above, the authority to whom the direction is given shall comply with the direction.

### **358 Information about new waste contracts.**

- (1) If in the awarding of a waste contract a waste authority is required to comply with the public procurement regulations, the authority shall not send the first information notice relating to the awarding of the contract to the Official Journal of the European Communities unless—
  - (a) the authority has notified the Mayor that it proposes to send such a notice, and
  - (b) a period of at least 56 days beginning with the day on which the Mayor is so notified has elapsed.
- (2) If in the awarding of a waste contract a waste authority is not required to comply with the public procurement regulations, the authority shall not enter into the contract unless—
  - (a) the authority has notified the Mayor that it proposes to enter into such a contract, and
  - (b) a period of at least 56 days beginning with the day on which the Mayor is so notified has elapsed.
- (3) Where the Mayor has been notified under subsection (1) or (2) above he may direct the waste authority to provide him with such information about the contract as he may require for the purposes of deciding whether the contract would be detrimental to the implementation of the municipal waste management strategy.
- (4) Where the Mayor gives an authority a direction under subsection (3) above, the authority to whom the direction is given shall comply with the direction.

### **359 Confidential information about waste contracts.**

- (1) Nothing in section 357 or 358 above shall require a waste authority to provide any information if—
  - (a) the information has been provided to the waste authority by another person,
  - (b) that person has imposed requirements as to the maintenance by the waste authority of confidentiality in respect of the information,
  - (c) the waste authority is, by virtue of the public procurement regulations, under a duty to comply with those requirements, and
  - (d) the provision of the information would be in breach of that duty.



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(2) If at the time when information is provided by a waste authority to the Mayor under section 357 or 358 above the waste authority notifies the Mayor that, in the opinion of the authority, the information is confidential information or exempt information, the information shall not be disclosed—

- (a) by the Mayor, except to a person appointed under section 67(1) or (2) above, or
- (b) by such a person, except to another such person.

(3) For the purposes of subsection (2) above—

“confidential information” has the meaning given by section 100A(3) of the <sup>M4</sup>Local Government Act 1972, but taking the reference to the council in paragraph (a) of that provision as a reference to the waste authority;

“exempt information” shall be construed in accordance with section 100I of that Act, but taking references to a principal council in paragraph 1(2) of Schedule 12A to that Act (meaning of “the authority”) as references to a waste authority.

#### Marginal Citations

M4 1972 c. 70.

### 360 Interpretation of sections 353 to 359.

(1) This section applies for the purposes of sections 353 to 359 above.

(2) The following expressions have the meanings given below—

“disposal”, in relation to waste, shall be construed in accordance with section 29(6) of the <sup>M5</sup>Environmental Protection Act 1990,

“municipal waste” means any waste in the possession or under the control of—

- (a) a body which, or a person who, is a waste collection authority in Greater London, or
- (b) a body which is a waste disposal authority in Greater London,

whether or not the waste is in the possession or under the control of the body or person under or by virtue of that Act,

[<sup>F8</sup>“the public procurement regulations” means any of the following—

- (a) the <sup>M6</sup>Public Works Contracts Regulations 1991,
- (b) the <sup>M7</sup>Public Services Contracts Regulations 1993,
- (c) the <sup>M8</sup>Public Supply Contracts Regulations 1995, and
- (d) the <sup>M9</sup>Utilities Contracts Regulations 1996,]

[<sup>F8</sup>“the public procurement regulations” means either the Public Contracts Regulations 2006 or the Utilities Contracts Regulations 2006,]

“recovery”, in relation to waste, includes the recovery of materials from waste and the recovery of energy from waste,

“treatment”, in relation to waste, shall be construed in accordance with section 29(6) of the <sup>M10</sup>Environmental Protection Act 1990,

“waste” shall be construed in accordance with section 75 of that Act,

“waste authority” means—

- (a) a waste collection authority in Greater London, or

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(b) a waste disposal authority in Greater London,

“waste collection authority in Greater London” shall be construed in accordance with section 30(3)(b) of that Act,

“waste contract” means a contract which includes or is to include provision relating to municipal waste and is made or to be made by a waste authority in the performance of its functions under Part II of that Act (waste on land), and

“waste disposal authority in Greater London” shall be construed in accordance with section 30(2)(b) of that Act.

[<sup>F9</sup>(3) “First information notice”, in relation to the awarding of a waste contract by a waste authority, means—

- (a) in a case where the authority is required in the awarding of that contract to comply with the Public Contracts Regulations 2006, a notice in respect of that contract sent to the Official Journal of the European Union in compliance with regulation 11: or
- (b) in a case where the authority is required in the awarding of that contract to comply with the Utilities Contracts Regulations 2006, a notice in respect of that contract sent to the Official Journal of the European Union in compliance with regulation 15.]

[<sup>F10</sup>(4) “Second information notice” in relation to the awarding of a waste contract by a waste authority, means—

- (a) in a case where the authority is required in the awarding of that contract to comply with the Public Contracts Regulations 2006, a notice in respect of that contract sent to the Official Journal of the European Union in compliance with regulation 15, 16, 17 or 18; or
- (b) in a case where the authority is required in the awarding of that contract to comply with the Utilities Contracts Regulations 2006, a notice in respect of that contract sent to the Official Journal of the European Union which in accordance with regulation 16(2)(b) satisfies the requirement of regulation 16(1) to make a call for competition.]

(5) Until the date on which the municipal waste management strategy is first published under section 353(1) above, sections 356(1), 357(5) and 358(3) above have effect as if the references to the municipal waste management strategy were references to the policies contained in the strategy prepared by the Secretary of State in accordance with section 44A of the <sup>M11</sup>Environmental Protection Act 1990 (national waste strategy).

#### Textual Amendments

- F8** Words in s. 360(2) substituted (E.W.) (31.1.2006) by [The Public Contracts Regulations 2006 \(S.I. 2006/5\)](#), reg. 1(1), [Sch. 7 para. 1\(2\)](#) (with reg. 49)
- F9** S. 360(3) substituted (E.W.) (31.1.2006) by [The Public Contracts Regulations 2006 \(S.I. 2006/5\)](#), reg. 1(1), [Sch. 7 para. 1\(3\)](#) (with reg. 49)
- F10** S. 360(4) substituted (E.W.) (31.1.2006) by [The Public Contracts Regulations 2006 \(S.I. 2006/5\)](#), reg. 1(1), [Sch. 7 para. 1\(4\)](#) (with reg. 49)

#### Marginal Citations

- M5** 1990 c. 43.
- M6** S.I. 1991/2680.
- M7** S.I. 1993/3228.
- M8** S.I. 1995/201.

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- M9 S.I. 1996/2911.
- M10 1990 c. 43.
- M11 1990 c. 43.

### <sup>F11</sup>361 Waste recycling plans.

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#### Textual Amendments

- F11 S. 361 repealed (1.1.2005) by Waste and Emissions Trading Act 2003 (c. 33), ss. 35(b), 40(1); S.I. 2004/3320, art. 2

### [<sup>F12</sup>361B The London climate change mitigation and energy strategy

- (1) The Mayor shall prepare and publish a document to be known as the “London climate change mitigation and energy strategy”.
- (2) The London climate change mitigation and energy strategy shall contain the Mayor's proposals and policies with respect to the contribution to be made in Greater London towards each of the following—
  - (a) the mitigation of climate change,
  - (b) the achievement of any objectives specified or described in national policies relating to energy.
- (3) The strategy must include the Mayor's proposals and policies relating to each of the following—
  - (a) minimising emissions of carbon dioxide and other significant greenhouse substances from the use of energy in Greater London for the purposes of surface transport,
  - (b) minimising emissions of carbon dioxide and other significant greenhouse substances from the use of energy in Greater London for purposes other than those of transportation,
  - (c) supporting innovation, and encouraging investment, in energy technologies in Greater London,
  - (d) promoting the efficient production and use of energy in Greater London.
- (4) In subsection (3) above “other significant greenhouse substances” means substances (other than carbon dioxide)—
  - (a) which contribute to climate change, and
  - (b) which the Mayor considers it appropriate to deal with in the strategy.
- (5) In performing the duty under subsection (3)(c) above, the Mayor must have regard to the desirability of advancing energy technologies which involve the emission of lower levels of substances which contribute to climate change.
- (6) The strategy shall also contain information about—
  - (a) the pattern of energy use in Greater London,
  - (b) the levels of emissions in, or attributable to, Greater London of substances which contribute to climate change,

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- (c) the number of households in Greater London in which one or more persons are living in fuel poverty, within the meaning of the Warm Homes and Energy Conservation Act 2000 (see section 1 of that Act),
  - (d) the measures to be taken, for the purpose of implementing the strategy, by each of the following—
    - (i) the Authority,
    - (ii) Transport for London,
    - (iii) the London Development Agency,
  - (e) the measures which other bodies or persons are to be encouraged by the Mayor to take for the purpose of implementing the strategy.
- (7) The Mayor must have regard to any guidance given to him by the Secretary of State in relation to the preparation or revision of the strategy.
- (8) The strategy must not be inconsistent with—
- (a) national policies relating to mitigation of climate change, or
  - (b) national policies relating to energy.
- (9) In preparing or revising the strategy the Mayor must consult each of the following—
- (a) the Gas and Electricity Markets Authority,
  - (b) the Gas and Electricity Consumer Council,
  - (c) prescribed holders of licences granted under—
    - (i) section 7 or 7A of the Gas Act 1986, or
    - (ii) section 6 of the Electricity Act 1989.
- (10) If at any time (whether before, on or after the day on which this Act is passed) there ceases to be—
- (a) a body known as the Gas and Electricity Markets Authority, or
  - (b) a body known as the Gas and Electricity Consumer Council,
- the Secretary of State may by order amend subsection (9) above so as to substitute for that body such other body as he may consider appropriate.
- (11) An order under subsection (10) above may have effect in relation to times before the day on which it is made.
- (12) In this section—
- “climate change” has the same meaning as in section 361A above;
  - “energy technologies” means technologies for—
    - (a) the production of energy, or
    - (b) the more efficient or effective use of energy;
  - “mitigation” has the same meaning as in section 361A above;
  - “prescribed” means specified or described in guidance under subsection (7) above;
  - “surface transport” means any form of transport other than transport by air.

#### Textual Amendments

**F12** Ss. 361B, 361C inserted (E.W.) (23.10.2007 for specified purposes, 21.1.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 43(2), 59(4)(b)**; S.I. 2008/113, art. 2(i)

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### **361C Directions by the Secretary of State to revise the strategy**

- (1) Where the Secretary of State considers that—
  - (a) the London climate change mitigation and energy strategy (or any part of it) is inconsistent with any policies announced by Her Majesty's government with respect to energy or to climate change or the consequences of climate change, and
  - (b) the inconsistency would have a detrimental effect on achieving any or all of the objectives of those policies,he may direct the Mayor to make such revisions of the strategy in order to remove the inconsistency as may be specified in the direction.
- (2) The Secretary of State must consult the Mayor before giving him a direction under subsection (1) above.
- (3) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor must revise the strategy in accordance with the direction.
- (4) In this section—
  - “climate change” has the same meaning as in section 361A above;
  - “consequences”, in relation to climate change, has the same meaning as in section 361A above.]

#### **Textual Amendments**

- F12** Ss. 361B, 361C inserted (E.W.) (23.10.2007 for specified purposes, 21.1.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), **ss. 43(2)**, 59(4)(b); S.I. 2008/113, art. 2(i)

### *Air quality*

### **362 The Mayor's air quality strategy.**

- (1) The Mayor shall prepare and publish a document to be known as the “London air quality strategy”.
- (2) The London air quality strategy shall contain the Mayor's proposals and policies—
  - (a) for the implementation in Greater London of the policies contained in the strategy prepared and published by the Secretary of State in accordance with section 80 of the <sup>M12</sup>Environment Act 1995 (national air quality strategy), and
  - (b) for the achievement in Greater London of the air quality standards and objectives prescribed in regulations made under section 87(2)(a) and (b) of that Act,and may contain such other proposals and policies relating to the improvement of air quality in Greater London as the Mayor considers appropriate.
- (3) The London air quality strategy shall also contain information about—
  - (a) the air quality in Greater London and the likely future air quality in Greater London,
  - (b) the measures which are to be taken by the Authority, Transport for London and the London Development Agency for the purpose of the implementation of the London air quality strategy,

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- (c) the measures which other persons or bodies are to be encouraged by the Mayor to take for the purpose of the implementation of the London air quality strategy.
- (4) In preparing or revising the London air quality strategy the Mayor shall have regard—
  - (a) to reviews and assessments of air quality made by local authorities in Greater London in accordance with section 82 of the <sup>M13</sup>Environment Act 1995,
  - (b) to any designation by a local authority in Greater London of an air quality management area in accordance with section 83 of that Act,
  - (c) to any plan prepared for the purposes of the achievement of air quality standards by a local authority in Greater London in accordance with section 84(2)(b) of that Act, and
  - (d) to any guidance about the content of the London air quality strategy given to him by the Secretary of State for the purposes of the implementation of the strategy prepared and published by the Secretary of State in accordance with section 80 of that Act, (national air quality strategy).
- (5) In preparing or revising the London air quality strategy the Mayor shall consult—
  - (a) the Environment Agency, and
  - (b) any local authority the area of which has a boundary which adjoins any part of the boundary of Greater London.
- (6) Where the Mayor revises the London air quality strategy, he shall publish it as revised.
- (7) In this Act, references to the London air quality strategy include, except where the context otherwise requires, a reference to the London air quality strategy as revised.

#### Marginal Citations

**M12** 1995 c.25.

**M13** 1995 c. 25.

### 363 Directions by the Secretary of State.

- (1) Where the Secretary of State considers that either of the conditions specified in subsection (2) below is satisfied, he may give the Mayor a direction about the content of the London air quality strategy.
- (2) The conditions mentioned in subsection (1) above are—
  - (a) that the London air quality strategy or its implementation is likely to be detrimental to any area outside Greater London, or
  - (b) that a direction about the content of the London air quality strategy is required for the purposes of the implementation of the policies contained in the strategy prepared and published by the Secretary of State in accordance with section 80 of the <sup>M14</sup>Environment Act 1995 (national air quality strategy).
- (3) The power of the Secretary of State to give a direction to the Mayor under subsection (1) above—
  - (a) may be exercised either generally or specially, and
  - (b) may only be exercised after consultation with the Mayor.

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- (4) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall comply with the direction.

**Marginal Citations**

M14 1995 c. 25.

**364 Duty of local authorities in Greater London.**

In exercising any function under Part IV of the <sup>M15</sup>Environment Act 1995 (air quality) a local authority in Greater London shall have regard to the London air quality strategy.

**Marginal Citations**

M15 1995 c.25.

**365 Directions by the Mayor.**

- (1) The Mayor may give a direction to any local authority in Greater London requiring the authority to provide him with such information, advice and assistance as he may require in the preparation and revision of the London air quality strategy.
- (2) The power of the Mayor to give a direction to an authority under subsection (1) above may be exercised either generally or specially.
- (3) Where the Mayor gives an authority a direction under subsection (1) above, the authority to whom the direction is given shall comply with the direction.

**366 Interpretation of sections 362 to 365.**

For the purposes of sections 362 to 365 above “local authority” has the meaning given to it by section 91(1) of the Environment Act 1995.

**367 Directions under the Environment Act 1995.**

- (1) Section 85 of the <sup>M16</sup>Environment Act 1995 (reserve powers of the Secretary of State in relation to air quality) shall be amended in accordance with [<sup>F13</sup>subsections (2) to (5)]below.
- (2) In subsection (1) (definition of “appropriate authority” for the purposes of the section)
- 
- (a) in paragraph (a), for “England and Wales, the Secretary of State; and” there shall be substituted “ local authorities in England and Wales other than local authorities in Greater London, the Secretary of State; ”, and
- (b) after that paragraph there shall be inserted—
- “(aa) in relation to local authorities in Greater London, the Mayor of London; and”.
- (3) After subsection (4) there shall be inserted—



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“(4A) The powers of the Mayor of London to give directions under this section to a local authority in Greater London may only be exercised after consultation with the local authority concerned.

(4B) In exercising any function under subsection (2), (3) or (4) above the Mayor of London shall have regard to any guidance issued by the Secretary of State to local authorities under section 88(1) below.”

(4) In subsection (5) (power of the Secretary of State to give directions relating to obligations under the Community Treaties or to international obligations) after “local authorities” there shall be inserted “, other than local authorities in Greater London,”.

(5) After subsection (6) (publishing of directions under the section) there shall be inserted—

“(6A) The Mayor of London shall send a copy of any direction he gives under this section to the Secretary of State.”

#### Textual Amendments

**F13** Words in s. 367(1) substituted (27.5.2000) by S.I. 2000/1435, art. 2, Sch 1 Pt. I para. 9

#### Marginal Citations

**M16** 1995 c. 25.

### 368 Duty of the Mayor in relation to air quality action plans.

After section 86 of the <sup>M17</sup>Environment Act 1995 (functions of county councils in relation to district councils) there shall be inserted—

#### “86A Functions exercisable by the Mayor of London.

- (1) Where a local authority in Greater London is preparing an action plan, the Mayor of London (referred to in this section as “the Mayor”) shall, within the relevant period, submit to the authority proposals for the exercise (so far as relating to the designated area) by the Mayor, in pursuit of the achievement of air quality standards and objectives, of any powers exercisable by the Mayor.
- (2) Where the Mayor submits proposals to a local authority in pursuance of subsection (1) above, he shall also submit a statement of the time or times by or within which he proposes to implement each of the proposals.
- (3) An action plan shall include a statement of—
  - (a) any proposals submitted pursuant to subsection (1) above; and
  - (b) any time or times set out in the statement submitted pursuant to subsection (2) above.”

#### Marginal Citations

**M17** 1995 c. 25.



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### 369 Consultation with the Mayor.

In paragraph 1 of Schedule 11 to the <sup>M18</sup>Environment Act 1995 (duty of local authorities to consult certain persons in the exercise of their functions under Part IV of that Act), after sub-paragraph (2) there shall be inserted—

“(2A) A local authority specified in sub-paragraph (2B) below shall in carrying out the functions falling within sub-paragraph (1)(a) to (c) above also consult the Mayor of London.

(2B) The local authorities mentioned in sub-paragraph (2A) above are—

- (a) any local authority in Greater London,
- (b) any local authority whose area is contiguous to the area of Greater London.”

#### Marginal Citations

M18 1995 c. 25.

### Noise

### 370 The London ambient noise strategy.

- (1) The Mayor shall prepare and publish a document to be known as the “London ambient noise strategy”.
- (2) The London ambient noise strategy shall consist of—
  - (a) information about ambient noise levels in Greater London and the impact of such noise levels on those living and working in Greater London,
  - (b) an assessment of the impact of the Mayor’s strategies specified in section 41(1) above on ambient noise levels in Greater London, and
  - (c) a summary of action taken, or proposed to be taken, by the Mayor for the purpose of promoting measures to reduce ambient noise levels in Greater London and the impact of such noise levels on those living and working in Greater London.
- (3) In this section—

“ambient noise” means—

  - (a) noise related to transport, including road traffic, rail traffic, aircraft and water transport; and
  - (b) noise of such other descriptions as the Mayor may consider it appropriate to include in the matters dealt with by the London ambient noise strategy,

but does not include noise falling within subsection (4) below; and  
“noise” includes vibration.
- (4) Noise falls within this subsection if it is—
  - (a) noise emitted from works falling within section 60(1) of the <sup>M19</sup>Control of Pollution Act 1974 (construction works etc. which may be controlled by a local authority);
  - (b) noise caused by the operation of a loud-speaker in a street, whether or not the operation would be a contravention of section 62(1) of the <sup>M20</sup>Control of

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Pollution Act 1974 (loud-speaker not to be operated in the street during certain hours);

- (c) noise at work which, under or by virtue of the <sup>M21</sup>Health and Safety at Work etc. Act 1974, it is the duty of an employer to control; or
- (d) noise emitted from premises or emitted from or caused by a vehicle, machinery or equipment in a street, except noise caused by aircraft other than model aircraft or noise made by traffic;

but noise does not fall within this subsection if it is noise from a fixed industrial source.

- (5) Expressions used in paragraph (d) of subsection (4) above and in section 79 of the <sup>M22</sup>Environmental Protection Act 1990 have the same meaning in that paragraph as they have in that section.
- (6) In preparing or revising the London ambient noise strategy the Mayor shall consult the Environment Agency.
- (7) Where the Mayor revises the London ambient noise strategy he shall publish it as revised.
- (8) In this Act, references to the London ambient noise strategy include, except where the context otherwise requires, a reference to the London ambient noise strategy as revised.

#### Marginal Citations

- M19** 1974 c. 40.
- M20** 1974 c. 40.
- M21** 1974 c. 37.
- M22** 1990 c. 43.

### 371 Consultation about aviation noise.

- (1) A person who provides air navigation services shall consult the Mayor about the matters specified in subsection (2) below where it is reasonably practicable to do so.
- (2) Those matters are—
  - (a) the proposed alteration by that person of any route used regularly by civil aircraft before arrival at, or after departure from, any aerodrome;
  - (b) the proposed addition by that person of any route to be so used;
  - (c) any substantial alteration proposed to be made by that person to procedures used for managing the arrival of civil aircraft at any aerodrome,
 where the proposed alteration or addition will have a significant adverse effect on the noise caused by civil aircraft in Greater London.
- (3) For the purposes of subsection (2) above the reference to a route used regularly by civil aircraft includes a reference to the altitude at which such aircraft regularly fly.
- (4) In this section—
  - “aerodrome” has the meaning given by subsection (1) of section 105 of the <sup>M23</sup>Civil Aviation Act 1982;
  - “air navigation services” shall be construed in accordance with that subsection;

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“noise” includes vibration.

**Marginal Citations**

**M23** 1982 c. 16.

**372 Consultation at aerodromes.**

(1) Section 35 of the <sup>M24</sup>Civil Aviation Act 1982 (facilities to be provided by certain aerodromes for consultation with bodies representing local interests) shall be amended as follows.

(2) After subsection (2) (persons or bodies to be consulted) there shall be inserted—

“(3) The reference in subsection (2)(b) above to any local authority includes in relation to the area of Greater London a reference to the Mayor of London acting on behalf of the Greater London Authority.”.

**Marginal Citations**

**M24** 1982 c. 1.

*Miscellaneous and supplementary*

**373 Functional bodies to have regard to strategies under this Part.**

In exercising any function, each of the functional bodies shall have regard to the strategies prepared and published by the Mayor under this Part.

**374 Abolition of the London Ecology Committee.**

The joint committee appointed pursuant to the provisions of Part VI of the <sup>M25</sup>Local Government Act 1972 and known as “the London Ecology Committee” is abolished by this section.

**Marginal Citations**

**M25** 1972 c. 70.

**Status:**

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