

SCHEDULE 1

Article 4

Spatial development strategy

PART 1

Modification of Part 8 of the 1999 Act

- 1.—(1) Part 8 of the 1999 Act (planning) is modified in accordance with the following provisions.
- (2) Part 8 of the 1999 Act shall have effect as if—
- (a) sections 344, 345 and 349 were omitted;
 - (b) for every reference to—
 - (i) “Greater London” there were a reference to “the Liverpool City Region”;
 - (ii) “the Mayor” there were a reference to “the Combined Authority”, save for section 338(7);
 - (iii) “he” there were a reference to “the Combined Authority”, save for section 337(6) (publication);
 - (iv) “under section 343” there were substituted “relating to the Combined Authority under section 343”.
- (3) Section 334 of the 1999 Act (the spatial development strategy) shall have effect as if—
- (a) in subsection (3) for “his” there were substituted “its”;
 - (b) for subsection (4) there were substituted—

“(4) The spatial development strategy must include statements dealing with the general spatial development aspects of such of the Combined Authority’s other policies or proposals as involve considerations of spatial development.”.
- (4) Section 335 of the 1999 Act (public participation) shall have effect as if—
- (a) in subsection (2)(a) for “his” there were substituted “its”;
 - (b) subsection (3)(aa) were omitted;
 - (c) in subsection (3)(b), for “London borough council” there were substituted “constituent council”;
 - (d) in subsection (4), for the words after “include” to the end of the subsection there were substituted—

“—

 - (a) voluntary bodies some or all of whose activities benefit the whole or part of the Liverpool City Region;
 - (b) bodies which represent the interests of different racial, ethnic or national groups in the Liverpool City Region;
 - (c) bodies which represent the interests of different religious groups in the Liverpool City Region; and
 - (d) bodies which represent the interests of different persons carrying on business in the Liverpool City Region.”.
- (5) Section 336 of the 1999 Act (withdrawal) shall have effect as if —
- (a) in subsection (3)—
 - (i) paragraph (a) were omitted; and

(ii) paragraph (b) were omitted.

(6) Section 338(9) of the 1999 Act (examination in public) shall have effect as if for “Authority” there were substituted “Combined Authority”.

(7) Section 339 (review of matters affecting the strategy) shall have effect as if in subsection (2) for “his” there were substituted “its”.

(8) Section 342 of the 1999 Act (matters to which the Mayor is to have regard) shall have effect as if—

(a) for subsection (1) there were substituted—

“(1) In exercising its functions under the preceding provisions of this Part, the Combined Authority shall have regard to—

(a) the National Planning Policy Framework;

(b) the effect that the proposed spatial development strategy or revision would have on—

(i) the health of persons in the Liverpool City Region;

(ii) health inequalities between persons living in the Liverpool City Region;

(iii) the achievement of sustainable development in the United Kingdom;

(iv) climate change and the consequences of climate change;

(v) the need to ensure that the strategy is consistent with national policies and the EU obligations of the United Kingdom; and

(c) such other matters as the Secretary of State may prescribe.”;

(b) subsection (2) were omitted.

(9) Section 347 of the 1999 Act (functional bodies to have regard to the strategy), shall have effect as if there were substituted—

“Constituent councils to have regard to the strategy

347. In exercising any function, each of the constituent councils and the Combined Authority shall have regard to the spatial development strategy, but this is without prejudice to section 24 of the Planning and Compulsory Purchase Act 2004 as modified by Part 2 of Schedule 1 to the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (which requires certain documents of a constituent council to be in general conformity with the strategy).”.

(10) Section 348 of the 1999 Act (Mayor’s functions as to planning around Greater London) shall have effect as if—

(a) in subsections (1), (2) and (3) for “his” there were substituted “its”;

(b) in subsection (3), for “London borough councils” there were substituted “constituent councils”; and

(c) in subsection (4), for “Authority” there were substituted “Combined Authority”.

(11) Section 350 of the 1999 Act (interpretation of Part VIII) shall have effect as if—

(a) the following definitions were inserted, in the appropriate places—

““constituent councils” means the councils for the local government areas of Halton, Knowsley, Liverpool, St Helens, Sefton, and Wirral;”;

““the Combined Authority” means the Liverpool City Region Combined Authority;”;

““the Liverpool City Region” means the area of the Combined Authority;”;

““Mayor of the Liverpool City Region” is the person elected to the position established by article 3 of the Halton, Knowsley, Liverpool, St Helens, Sefton, and Wirral Combined Authority (Election of Mayor) Order 2016;”;

- (b) subsection (2) were omitted.

PART 2

Modification of the 2004 Act

2.—(1) The 2004 Act is modified in accordance with the following provisions.

(2) Section 19 of the 2004 Act (preparation of local development documents), shall have effect as if for subsection (2)(c) there were substituted—

“(c) the spatial development strategy if the authority is a constituent council of the Combined Authority or if any of the authority’s area adjoins the Liverpool City Region;”.

(3) In section 24 of the 2004 Act (conformity with regional strategy) shall have effect as if—

(a) for subsection (1)(b) there were substituted—

“(b) the spatial development strategy if the authority is a constituent council of the Combined Authority.”;

(b) after subsection (4) there were inserted—

“(4A) A local planning authority which is a constituent council of the Combined Authority—

(a) must request the opinion in writing of the Combined Authority as to the general conformity of a development plan document with the spatial development strategy;

(b) may request the opinion in writing of the Combined Authority as to the general conformity of any other local development document with the spatial development strategy.”;

(c) after subsection (5) there were inserted—

“(5A) The Combined Authority may give an opinion as to the general conformity of a local development document with the spatial development strategy irrespective of whether a request is made under subsection (4A).”; and

(d) in subsection (7) for “Mayor” there were substituted “Mayor of the Liverpool City Region”.

(4) Section 37 of the 2004 Act (interpretation) shall have effect as if after subsection (6A)(1), there were inserted—

“(6B) In relation to the Combined Authority, in this section—

“constituent council” means one of the councils for the local government areas of Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral;

“the Combined Authority” means the Liverpool City Region Combined Authority established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014;

(1) Section 37(6A) was inserted by section 85 of, and paragraph 17 of Schedule 5 to, the 2009 Act.

“Liverpool City Region” means the area of the Combined Authority as specified in article 3 of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014;

“Mayor of the Liverpool City Region” is the person elected to the position established by article 3 of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority (Election of Mayor) Order 2016; and

“spatial development strategy”, in relation to the Combined Authority, means a strategy established by the Combined Authority in exercise of powers under article 3 of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017.”.

(5) Section 38 of the 2004 Act (development plan) shall have effect as if—

(a) after subsection (2) there were inserted—

“(2A) For the purposes of any area in the Liverpool City Region the development plan is—

- (a) the spatial development strategy;
- (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area; and
- (c) the neighbourhood development plans which have been made in relation to that area.”;

(b) after subsection (10) there were inserted—

“(11) In this section—

“the Combined Authority” means the Liverpool City Region Combined Authority established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014;

“the Liverpool City Region” is the area of the Combined Authority as specified in article 3 of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014; and

“spatial development strategy”, in relation to the Combined Authority, means a strategy established by the Combined Authority in exercise of powers under article 3 of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017.”.

(6) Section 113 of the 2004 Act (validity of strategies, plans and documents) shall have effect as if—

(a) in subsection (1), after “the Mayor of London’s”, there were inserted “or the Combined Authority’s”;

(b) in subsection (11)(e), after “the Mayor of London”, there were inserted “or the Combined Authority”;

(c) after subsection (12), there were inserted—

“(13) In this section “the Combined Authority” means the Liverpool City Region Combined Authority established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014.”.

SCHEDULE 2

Article 5(6)(d)

Modifications to the Town and Country Planning (Mayor of London) Order 2008: substituted Parts of Schedule to the Order regarding planning applications of potential strategic importance

“PART 1

Large scale developments

Category 1A

Development which—

- (a) comprises or includes the provision of more than 500 houses, flats, or houses and flats; or
- (b) comprises or includes the provision of flats or houses and the development occupies more than 10 hectares.

Category 1B

Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings with a total floorspace of more than 30,000 square metres.

Category 1C

Development which comprises or includes the erection of a building more than 30 metres high.

PART 2

Major infrastructure

Category 2A

1. Development which comprises or includes mining operations where the development occupies more than 10 hectares.

2. In paragraph 1 “mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working.

Category 2B

1. Waste development to provide an installation with capacity for a throughput of more than 50,000 tonnes per annum of waste produced outside the land in respect of which planning permission is sought.

2. In paragraph 1 “waste development” means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, keeping, processing or disposing of refuse or waste materials.

Category 2C

Development to provide—

- (a) an aircraft runway;

- (b) a heliport (including a floating heliport or a helipad on a building);
- (c) an air passenger terminal at an airport;
- (d) a railway station;
- (e) a tramway, an underground, surface or elevated railway, or a cable car;
- (f) a bus or coach station;
- (g) a crossing over or under the River Mersey; or
- (h) a passenger pier on the River Mersey.

PART 3

Development which may affect strategic policies

Interpretation

1. In this Part land shall be treated as used for a particular use if—
 - (a) it was last used for that use, or
 - (b) it is allocated for that use in—
 - (i) the development plan in force in the area in which the application site is situated,
 - (ii) proposals for such a plan, or
 - (iii) proposals for the alteration or replacement of such a plan.

Category 3A

1. Development which is likely to—
 - (a) result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats); or
 - (b) prejudice the residential use of land which exceeds 4 hectares and is used for residential use.

Category 3B

Development—

- (a) which occupies more than 4 hectares of land which is used for a use within Class B1 (business), B2 (general industrial) or B8 (storage or distribution) of the Use Classes Order⁽²⁾; and
- (b) which is likely to prejudice the use of that land for any such use.

Category 3C

1. Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which—
 - (a) is used as a playing field at the time the relevant application for planning permission is made, or

(2) See Article 2(1) of the 2008 Order for the definition of “the Use Classes Order”.

- (b) has at any time in the five years before the making of the application been used as a playing field.

2. In paragraph 1 “playing field” has the same meaning as in paragraph 1(j) of the notes to Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 ([S.I. 2015/595](#)).

Category 3D

Development—

- (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and
- (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

Category 3E

Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and—

- (a) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following Classes in the Use Classes Order—
 - (i) class A1 (retail);
 - (ii) class A2 (financial and professional);
 - (iii) class A3 (food and drink);
 - (iv) class B1 (business);
 - (v) class B2 (general industrial);
 - (vi) class B8 (storage and distribution);
 - (vii) class C1 (hotels);
 - (viii) class C2 (residential institutions);
 - (ix) class D1 (non-residential institutions);
 - (x) class D2 (assembly and leisure); or
- (b) comprises or includes the provision of more than 150 houses or flats or houses and flats.

Category 3F

Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.”

SCHEDULE 3

Article 9(3)

Housing and Regeneration

PART 1

Modification of the application of Chapters 1 and 2 of Part 1 of the 2008 Act

1.—(1) Chapters 1 and 2 of Part 1 of the 2008 Act are modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc.), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, as applied by article 9, shall have effect as if for every reference to—

- (a) “the HCA” there were substituted a reference to “the Liverpool City Region Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 3 of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017”;
- (c) the HCA’s land or land acquired or held by the HCA there were substituted a reference to “the Liverpool City Region Combined Authority’s land” or land acquired or held by the Liverpool City Region Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act shall have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Liverpool City Region Combined Authority”.

(4) Section 57(1) of the 2008 Act shall have effect as if the following definition were inserted at the appropriate place—

““the Liverpool City Region Combined Authority” means the body corporate established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014;”.

(5) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for every reference to “section 9” of that Act there were substituted a reference to “article 6 of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017”.

(6) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) has effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Liverpool City Region Combined Authority.

(7) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Liverpool City Region Combined Authority under article 6 of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017.

PART 2

Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Schedules 2 to 4 to the 2008 Act are modified in accordance with the following provisions.

- (ii) in paragraph (d) for “the London Assembly” there were substituted “the Combined Authority” and for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection 4(d)”; and
 - (iii) in subsection (f) for “the London Assembly” there were substituted “the Combined Authority”;
 - (c) in subsection (4)—
 - (i) paragraph (a) were omitted;
 - (ii) paragraph (b) were omitted;
 - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted a reference to “each district council or county council whose local government area”;
 - (iv) paragraphs (e), (f) and (g) were omitted;
 - (d) in subsection (5)—
 - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”;
 - (ii) in paragraph (b)(i) for “the Assembly members voting” there were substituted “the Combined Authority”;
 - (iii) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
 - (e) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
 - (f) subsection (7) were omitted.
- (5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) shall have effect as if—
- (a) in the heading for “Mayoral development corporation” there were substituted “Corporation”; and
 - (b) for every other reference to “Mayoral development corporation” there were substituted “Corporation”.
- (6) Section 199 of the 2011 Act (exclusion of land from mayoral development corporation) shall have effect as if in subsection (2) for “the London Assembly” there were substituted “the Combined Authority”.
- (7) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) shall have effect as if—
- (a) in subsection (3)—
 - (i) in paragraph (a), for “a London borough council” there were substituted “a district council wholly or partly in the Area”;
 - (ii) paragraph (b) were omitted;
 - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted “in the Area”,
 - (iv) paragraph (f) to (g) were omitted; and
 - (v) paragraph (k) were omitted;
 - (b) in subsection (4) paragraph (b) were omitted;

- (c) subsection (7) were omitted;
 - (d) subsection (8) were omitted; and
 - (e) in subsection (10) the definitions of a “functional body” and “public authority” were omitted.
- (8) Section 201 of the 2011 Act (object and powers) shall have effect as if subsection (8)(b) were omitted.
- (9) Section 202 of the 2011 Act (functions in relation to town and country planning) shall have effect as if in subsection (7)—
- (a) in paragraph (c) for “the London Assembly” there were substituted “the Combined Authority”, and
 - (b) in the definition of “affected authority” there were omitted “, (f) or (g)”.
- (10) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) shall have effect as if for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council or a county council”.
- (11) Section 207 of the 2011 Act (acquisition of land) shall have effect as if—
- (a) in subsection (2) for “in Greater London” there were substituted a reference to “in the Area”; and
 - (b) in subsection (3) for the words “Mayor of London” there were substituted “the Combined Authority”.
- (12) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) shall have effect as if—
- (a) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the Combined Authority or a district council or county council wholly or partly in the Area”; and
 - (b) in subsection (4) the definition of “an affected local authority” were omitted.
- (13) Section 216 of the 2011 Act (transfers of property, rights and liabilities) shall have effect as if—
- (a) in subsection (2) “, (e)” were omitted; and
 - (b) in subsection (4)—
 - (i) the definition of “functional body” were omitted; and
 - (ii) in the definition of “permitted recipient”—
 - (aa) paragraph (b) were omitted,
 - (bb) in paragraph (d) for “a London borough council” there were substituted “a district council or county council wholly or partly within the Area”, and
 - (cc) paragraph (e) were omitted.
- (1) Schedule 21 (Mayoral development corporations) to the 2011 Act shall have effect as if—
- (a) for each reference to “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);
 - (b) for each reference to “MDC” there were substituted “Corporation”;
 - (c) in paragraph 1(1)—
 - (i) for the reference to “Mayoral development corporation (“MDC”) there were substituted “Corporation”;
 - (ii) for the reference to “the Mayor of London (“the Mayor”)” there were substituted “the Combined Authority”;

- (d) in paragraph 1(2) for the reference to “each relevant London council” there were substituted “each relevant district council or county council”;
- (e) in paragraph 1(3)—
 - (i) sub-paragraph (a) were omitted, and
 - (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council or county council”;
- (f) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council or county council”;
- (g) in paragraph 4(4) for the reference to “the London Assembly” there were substituted “the Combined Authority”;
- (h) in paragraph (9)(c) for “each relevant London council” there were substituted “each relevant district council or county council”; and
- (i) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.