



Greater London Authority Act 1999

1999 CHAPTER 29

PART VIII

PLANNING

Implementation

344 Amendments of the Town and Country Planning Act 1990

- (1) The Town and Country Planning Act 1990 shall be amended as follows.
- (2) In section 12 (preparation of unitary development plan) after subsection (3B) there shall be inserted—
 - “(3C) In the case of a London borough, Part I of the unitary development plan shall be in general conformity with the spatial development strategy for the time being in force.”
- (3) In subsection (7) of that section (Part II to be in general conformity with Part I) after “Part I” there shall be inserted “and, in the case of a London borough council, with the spatial development strategy”.
- (4) In section 13 (public participation) after subsection (1) there shall be inserted—
 - “(1A) Where the local planning authority for a London borough have prepared a unitary development plan, they shall, before complying with subsection (2), make an application in accordance with regulations under section 26 to the Mayor of London for his written opinion whether the unitary development plan is in general conformity with the spatial development strategy.”
- (5) After subsection (5) of that section there shall be inserted—
 - “(5A) If, on an application under subsection (1A), the opinion given by the Mayor of London in accordance with regulations under section 26 is that the unitary development plan is not in general conformity with the spatial development

strategy, the giving of the opinion shall be treated as the making by the Mayor of objections in accordance with the regulations.”

- (6) In section 15 (adoption of unitary development plan by local planning authority) after subsection (2) there shall be inserted—

“(2A) A unitary development plan shall not be adopted by a London borough council unless Parts I and II of the plan are in general conformity with the spatial development strategy.”

- (7) After section 21 there shall be inserted—

“Greater London: conformity with spatial development strategy

“21A Greater London: conformity with spatial development strategy

- (1) Where—

- (a) a local planning authority in Greater London propose to make, alter or replace a unitary development plan;
- (b) copies of proposed alterations of, or of a proposed new spatial development strategy to replace, the spatial development strategy have been made available for inspection under section 335(2) of the Greater London Authority Act 1999; and
- (c) the local planning authority include in any relevant copy of the plan or proposals a statement that they are making the permitted assumption, the permitted assumption shall, subject to subsection (4), be made for all purposes (including in particular any question as to conformity between the plan and the spatial development strategy).

- (2) In this section “the permitted assumption” means the assumption that—

- (a) the proposed alterations or new spatial development strategy mentioned in subsection (1)(b); or
- (b) if any proposed modifications to those proposed alterations or that new spatial development strategy have been published in accordance with regulations made under section 343 of the Greater London Authority Act 1999, the proposed alterations or spatial development strategy as so modified,

have become operative under section 337(9) of that Act.

- (3) For the purposes of subsection (1)(c) a copy is a relevant copy of a plan or proposals if it is served on the Greater London Authority.

- (4) The permitted assumption shall not be made at any time after the local planning authority know that the proposed alterations or new spatial development strategy mentioned in subsection (1)(b) have been withdrawn.””

- (8) In section 26 (regulations and directions) in subsection (2), after paragraph (b) there shall be inserted—

“(bb) make provision with respect to the making of an application to the Mayor of London for a written opinion under section 13(1A) and the giving by him of such an opinion (including provision as to the time within which such an application or opinion must be made or given);”.

(9) In section 74 (directions etc as to method of dealing with applications) after subsection (1A) there shall be inserted—

“(1B) Provision may be made by a development order—

- (a) for enabling the Mayor of London in prescribed circumstances, and subject to such conditions as may be prescribed, to direct the local planning authority for a London borough to refuse an application for planning permission of a prescribed description in any particular case;
- (b) for prohibiting a local planning authority to which any such direction is given from implementing the direction in prescribed circumstances or during prescribed periods; and
- (c) for modifying any provision of this Act relating to an appeal against a refusal of planning permission (and, in particular, any such provision concerning parties or costs) in its application in relation to a refusal in compliance with such a direction;

and in the preceding provisions of this subsection “prescribed” means prescribed by, or by directions made under, a development order.

(1C) In determining whether to exercise any power under subsection (1B) to direct a local planning authority to refuse an application, the Mayor of London shall have regard to—

- (a) the development plan, and
- (b) the spatial development strategy prepared and published under Part VIII of the Greater London Authority Act 1999,

so far as material to the application.”

(10) In section 336 (interpretation) the following definition shall be inserted at the appropriate place in subsection (1)—

““spatial development strategy” shall be construed in accordance with Part VIII of the Greater London Authority Act 1999 (planning);”.

345 Town and Country Planning Act 1990: costs of appeals

After section 322A of the Town and Country Planning Act 1990 there shall be inserted—

“322B Local inquiries in London: special provision as to costs in certain cases

(1) This section applies where—

- (a) the local planning authority for a London borough refuse an application for planning permission,
- (b) that refusal is in compliance with a direction made by the Mayor of London in accordance with provision made in a development order by virtue of section 74(1B)(a), and
- (c) an appeal against the refusal is made to the Secretary of State under section 78.

(2) If the Secretary of State causes a local inquiry to be held under section 320(1) to determine the appeal, in its application to the inquiry section 250 of the 1972 Act shall be treated as if—

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

- (a) for subsection (4) there were substituted the subsection set out at subsection (5) below, and
 - (b) for subsection (5) there were substituted the subsection set out at subsection (6) below.
- (3) If the appeal does not give rise to a local inquiry under section 320, in the application of section 322(2) in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.
- (4) If arrangements are made for a local inquiry in relation to the appeal and the inquiry does not take place, in the application of section 322A in relation to the appeal the reference to section 250(5) of the 1972 Act shall be treated as if it were a reference to that provision as modified by subsection (2)(b) above.
- (5) The subsection referred to in subsection (2)(a) above is as follows—

“Where this subsection applies to an inquiry, the costs incurred by the Secretary of State in relation to the inquiry shall be paid—

 - (a) by the Mayor of London, if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making the direction in accordance with which the local planning authority refused the planning permission, or
 - (b) if the Mayor is a party or if the Secretary of State does not so decide, by such local authority or party to the inquiry as he may direct;

and the Secretary of State may cause the amount of the costs so incurred to be certified, and any amount so certified and directed to be paid by the Mayor or by any authority or person shall be recoverable from the Mayor or from that authority or person by the Secretary of State summarily as a civil debt.”
- (6) The subsection referred to in subsection (2)(b) above is as follows—

“Where this subsection applies to an inquiry, or to costs incurred for the purposes of an inquiry, the Secretary of State may make orders as to the costs of the parties to the inquiry and as to the parties by whom the costs are to be paid; and—

 - (a) the parties by whom the costs are ordered to be paid may include the Mayor of London if he is not a party to the inquiry and if the Secretary of State decides that the Mayor acted unreasonably in making the direction in accordance with which the local planning authority refused the planning permission;
 - (b) every such order may be made a rule of the High Court on the application of any party named in the order.”
 - (7) In this section “the 1972 Act” means the Local Government Act 1972.”