



# Localism Act 2011

## 2011 CHAPTER 20

### PART 8

#### LONDON

### CHAPTER 2

#### MAYORAL DEVELOPMENT CORPORATIONS

#### *Planning and infrastructure functions*

#### **202 Functions in relation to Town and Country Planning**

- (1) Subsections (2) to (4) apply if the Mayor designates a Mayoral development area.
- (2) The Mayor may decide that the MDC for the area (“the MDC”) is to be the local planning authority, for the whole or any portion of the area, for the purposes of any one or more of the following—
  - (a) Part 3 of the Town and Country Planning Act 1990,
  - (b) Part 2 of the Planning and Compulsory Purchase Act 2004, and
  - (c) Part 3 of that Act.
- (3) The Mayor may decide that the MDC is to have, in the whole or any portion of the area, the functions conferred on the local planning authority by the provisions mentioned in Part 1 of Schedule 29 to the Local Government, Planning and Land Act 1980.
- (4) The Mayor may decide that the MDC is to have, in the whole or any portion of the area, the functions conferred on the relevant planning authority by Schedule 8 to the Electricity Act 1989 so far as applying to applications for consent under section 37 of that Act.
- (5) If the Mayor makes a decision under subsection (3), the Mayor may decide that the provisions specified in Part 2 of Schedule 29 to the Local Government, Planning and

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Land Act 1980 are to have effect, in relation to land in the whole or any portion of the area and to the MDC, subject to the modifications specified in that Part of that Schedule.

- (6) The Mayor may, at any time before the order establishing the MDC is made, decide that a decision under any of subsections (2) to (5) (whether as originally made or as varied under this subsection) should be subject to variations specified in the decision under this subsection.
- (7) The Mayor may make a decision under any of subsections (2) to (6) only if—
- (a) the Mayor has consulted the persons specified by section 197(4) in relation to the area,
  - (b) the Mayor has had regard to any comments made in response by the consultees, and
  - (c) in the event that those comments include comments made by the London Assembly or an affected local authority that are comments that the Mayor does not accept, the Mayor has published a statement giving the reasons for the non-acceptance.
- In paragraph (c) “affected local authority” means a person specified by section 197(4) (d), (e), (f) or (g) in relation to the area.
- (8) If the Mayor makes a decision under any of subsections (2) to (6), the Mayor must—
- (a) publicise the decision, and
  - (b) notify the Secretary of State of the decision.
- (9) A decision under subsection (2), or a decision under subsection (6) varying a decision under subsection (2), may make different provision for different portions of the area.
- (10) For the purposes of subsection (6) “variation”, in relation to a decision, includes a variation that involves—
- (a) revocation of all or part of the decision, or
  - (b) substitution of something new for all or part of the decision, including substitution of something wholly unlike what it replaces.

### **203 Arrangements for discharge of, or assistance with, planning functions**

- (1) Where an MDC, as a result of being the local planning authority for purposes of Part 3 of the Town and Country Planning Act 1990 in relation to any area, has functions in place of a London borough council or the Common Council of the City of London, the MDC may make arrangements for the discharge of any of those functions by that council.
- (2) Where arrangements are in force under subsection (1) for the discharge of any functions of an MDC by a council—
- (a) that council may arrange for the discharge of those functions by a committee, sub-committee or officer of the council, and
  - (b) section 101(2) of the Local Government Act 1972 (delegation by committees and sub-committees) applies in relation to those functions as it applies in relation to the functions of that council.
- (3) Arrangements under subsection (1) for the discharge of any functions do not prevent the MDC from exercising those functions.

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- (4) Subsection (5) applies where an MDC, as a result of being the local planning authority for purposes of Part 2 or 3 of the Planning and Compulsory Purchase Act 2004 in relation to any area, has functions in place of a London borough council or the Common Council of the City of London.
- (5) The MDC may seek from that council, and that council may give, assistance in connection with the MDC's discharge of any of those functions.

## **204 Removal or restriction of planning functions**

- (1) This section applies if an order establishing an MDC (“the MDC”) has been made.
- (2) The Mayor may decide in relation to a function conferred on the MDC as a result of a decision under section 202(2), (3) or (4)—
  - (a) that the MDC is to cease to have the function, whether in all respects or in respects specified in the decision, or
  - (b) that the exercise of the function by the MDC is to be subject to restrictions specified in the decision.
- (3) If the Mayor makes a decision under subsection (2) (“the new decision”), the Mayor may decide that any provision made under section 198(2) in consequence of a decision under section 202(5) should, in consequence of the new decision, be amended or revoked as specified in the decision under this subsection.
- (4) A reference in subsection (2) or (3) to a decision under a provision of section 202 is, where that decision has been varied (whether once or more than once) under section 202(6), a reference to that decision as varied.
- (5) If the Mayor makes a decision under subsection (2) or (3), the Mayor must—
  - (a) publicise the decision, and
  - (b) notify the Secretary of State of the decision.
- (6) The Secretary of State must give effect to a decision notified under subsection (5) by exercising the power to amend the order under 198(2) that establishes the MDC (see section 14 of the Interpretation Act 1978).

## **205 Powers in relation to infrastructure**

- (1) An MDC may provide infrastructure.
- (2) An MDC may facilitate the provision of infrastructure.
- (3) In this section “provide” includes provide by way of acquisition, construction, conversion, improvement or repair (and “provision” is to be read in the same way).
- (4) In this section “infrastructure” means—
  - (a) water, electricity, gas, telecommunications, sewerage or other services,
  - (b) roads or other transport facilities,
  - (c) retail or other business facilities,
  - (d) health, educational, employment or training facilities,
  - (e) social, religious or recreational facilities,
  - (f) cremation or burial facilities, and
  - (g) community facilities not falling within paragraphs (a) to (f).

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