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STATUTORY INSTRUMENTS

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**2000 No. 1491**

**The Town and Country Planning (London Spatial Development Strategy) Regulations 2000**

**Citation and commencement**

1. These Regulations may be cited as the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, and shall come into force on 3rd July 2000.

**Interpretation**

2.—(1) In these Regulations—

“the 1990 Act” means the Town and Country Planning Act 1990;

“by advertisement” means by publication in the London Gazette and by local advertisement;

“by local advertisement” means by publication on at least one occasion in two successive weeks in a newspaper circulating in Greater London; and

“the GLA Act” means the Greater London Authority Act 1999.

(2) These Regulations apply in relation to proposals to alter or replace the spatial development strategy as they apply in relation to a proposed spatial development strategy.

**PART I**

**FORM AND CONTENT OF THE SPATIAL DEVELOPMENT STRATEGY**

**Title of the spatial development strategy**

3. The title of the spatial development strategy shall include the words “spatial development strategy”.

**Content of the spatial development strategy**

4.—(1) The spatial development strategy shall contain a reasoned justification of the Mayor’s strategy for spatial development in Greater London.

(2) Those parts of the spatial development strategy which comprise the Mayor’s strategy for spatial development in Greater London and those parts which comprise the reasoned justification required by paragraph (1) shall be clearly identified in the spatial development strategy.

(3) Where there is conflict between the written statement in the spatial development strategy formulating the Mayor’s strategy for spatial development in Greater London and any other part of the spatial development strategy, the provisions of that statement prevail.

### **Diagrams in the spatial development strategy**

5.—(1) The spatial development strategy shall contain a diagram, called the key diagram, illustrating the Mayor’s strategy for spatial development in Greater London.

(2) The spatial development strategy may also contain a diagram, called an inset diagram, drawn to a larger scale than the key diagram, and illustrating the application of the Mayor’s general policies to part of the area covered by the spatial development strategy.

(3) Where an inset diagram is included in the spatial development strategy, the area covered by the inset diagram shall be identified on the key diagram and the application of the general policies to that area shall be illustrated on that inset diagram only.

(4) No key diagram or inset diagram contained in the spatial development strategy shall be on a map base.

(5) The title of the spatial development strategy shall be set out on the key diagram and on any inset diagram contained in the spatial development strategy and the key diagram and any inset diagram shall include an explanation of any symbol or notation used in the diagram.

### **Regard to be had to certain matters and statement of regard**

6.—(1) In formulating the strategy for spatial development in Greater London the Mayor shall, in addition to the matters specified in sections 41 and 342(1)(a) of the GLA Act, have regard to—

- (a) any statement which contains the Secretary of State’s policies in relation to the recovery and disposal of waste in England and which is made under section 44A (National Waste Strategy: England and Wales) of the Environmental Protection Act 1990(1);
- (b) the objectives of preventing major accidents and limiting the consequences of such accidents; and
- (c) the need—
  - (i) in the long term, to maintain appropriate distances between establishments and residential areas, areas of public use and areas of particular natural sensitivity or interest, and
  - (ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances(2) so as not to increase the risks to people.

(2) Expressions appearing both in paragraph (1) and in Council Directive 96/82/EC have the same meaning as in that Directive.

(3) The reasoned justification required by regulation 4(1) shall contain a statement of the regard the Mayor has had in formulating the strategy for spatial development in Greater London to the matters specified in sections 41 and 342(1)(a) of the GLA Act and in paragraph (1).

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(1) c.43. Section 44A was inserted by section 92 of the Environment Act 1995 (c. 25).

(2) O.J. No. L10, 14.1.1997, p. 13.

## PART II

### PROCEDURE—SPATIAL DEVELOPMENT STRATEGY

#### **Public participation**

7.—(1) The places at which the Mayor is required by section 335(2)(b) of the GLA Act to make the proposed spatial development strategy available for inspection are—

- (a) the principal office of the Greater London Authority, and
- (b) such other places within Greater London as the Mayor considers appropriate.

(2) The proposed spatial development strategy shall be accompanied by an appraisal (referred to in these Regulations as a “sustainability appraisal”) of how it contributes towards the achievement of sustainable development.

(3) The local planning authority for each London borough shall make available for inspection at its principal office and during such period as is specified in the advertisement published pursuant to paragraph (4) a copy of the proposed spatial development strategy and of the sustainability appraisal; and the Mayor shall give to each authority such notice and such documents as they require in order to comply with this paragraph.

(4) The Mayor shall, as soon as reasonably practicable after he makes copies of the proposed spatial development strategy and of the sustainability appraisal available for inspection pursuant to section 335(2)(b), give notice by advertisement in Form 1.

(5) The persons, in addition to those persons set out in section 335(3)(a)–(c) and (e) of the GLA Act, to whom the Mayor is required to send a copy of the proposed spatial development strategy, are—

- (a) the Countryside Agency and the Nature Conservancy Council for England,
- (b) the Environment Agency, and
- (c) the Historic Buildings and Monuments Commission for England.

(6) Subject to paragraph (7), the prescribed period for the purposes of section 335(7)(b) of the GLA Act is a period of not less than 12 weeks ending on such date as the Mayor shall specify in the notice published pursuant to paragraph (4).

(7) Where the Mayor makes available pursuant to section 335(2)(b) of the GLA Act proposed alterations to the spatial development strategy which in the Mayor’s opinion constitute minor alterations, the prescribed period for the purposes of section 335(7)(b) of the GLA Act is a period of not less than 6 weeks ending on such date as the Mayor shall specify in the notice published pursuant to paragraph (4).

(8) The period in paragraphs (6) and (7) begins with the date on which a notice given pursuant to paragraph (4) is first published in a newspaper.

(9) A representation is made in accordance with these Regulations for the purposes of section 335(7)(a) of the GLA Act if it is made in writing and addressed to the Mayor at the address indicated in the notice published pursuant to paragraph (4).

(10) The Mayor shall, from the date referred to in paragraph (6) until the proposed spatial development strategy is published or withdrawn, make available for inspection at the principal office of the Greater London Authority a copy of all representations made in accordance with these Regulations.

(11) The Mayor shall not be required to have regard to any representation made in respect of the spatial development strategy after the date specified in the notice published pursuant to paragraph (4).

**Examination in public**

8.—(1) The Mayor shall, as soon as reasonably practicable after the Secretary of State has appointed a person or persons (referred to in these Regulations as “the panel”) pursuant to section 338(3) of the GLA Act to conduct the examination in public, send to the panel a copy of all representations made in accordance with these Regulations.

(2) The panel shall, not later than 12 weeks before the opening of the examination in public, and after consulting the Mayor—

- (a) make available for inspection, at those places at which the proposed spatial development strategy was made available for inspection, a draft list of—
  - (i) the matters to be examined at the examination in public, and
  - (ii) the persons who will be invited to take part in the examination in public;
- (b) give notice by advertisement in Form 2; and
- (c) send to the Secretary of State a copy of the notice published pursuant to sub-paragraph (b).

(3) Representations on the draft list referred to in paragraph (2)(a) above may be made in writing to the person and at the address indicated in the notice published pursuant to paragraph (2)(b) above, within 28 days of the date on which that notice is first published in a newspaper.

(4) The panel shall, not later than 6 weeks before the opening of the examination in public, and after consulting the Mayor—

- (a) notify those persons who are invited to take part of the matters to be examined;
- (b) make available for inspection, at those places at which the draft list referred to in paragraph 2(a) above was made available for inspection, a list of—
  - (i) the matters to be examined at the examination in public, and
  - (ii) the persons who will be invited to take part in the examination in public; and
- (c) give notice by advertisement of—
  - (i) the places and times at which the lists mentioned in sub-paragraph (b) above will be available for inspection,
  - (ii) the address where the examination in public is to be held,
  - (iii) the dates of the examination in public, and
  - (iv) the name or title of the officer to whom and the address to which written submissions on the matters to be examined at the examination in public should be sent.

(5) Written submissions may be made on the matters to be examined at the examination in public to the person at the address indicated in the notices published pursuant to paragraphs (2)(b) and (4) (c) above.

(6) The panel shall not be required to consider a written submission from any person unless—

- (a) the written submission concerns one or more matters to be examined at the examination in public;
- (b) the written submission is shorter than 2000 words in length; and
- (c) the panel has received no later than 3 weeks before the opening of the examination in public such number of copies of the submission as the panel may reasonably require in order to send a copy of that submission to each person invited to take part in the examination in public.

(7) The report of the panel shall be in writing.

(8) At the same time as the panel sends a copy of that report to the Mayor it shall send a copy to the Secretary of State.

(9) The Mayor shall, before the expiry of a period of 8 weeks beginning with the day he receives that report—

- (a) make the report available for inspection at those places at which the proposed spatial development strategy was made available for inspection, and
- (b) send a copy of the report to the council for each London borough.

### **Publication**

**9.**—(1) The prescribed period for the purposes of section 337(4)(b) of the GLA Act is the relevant period determined in accordance with paragraphs (6) to (8) of regulation 7.

(2) The Mayor shall not publish the spatial development strategy unless:

- (a) he has sent to the Secretary of State—
  - (i) a statement of his intention to publish the spatial development strategy,
  - (ii) a copy of the spatial development strategy which he intends to publish, and
  - (iii) where he proposes not to accept any recommendation contained in the report of the panel, a statement of his reasons for not accepting that recommendation; and
- (b) a period of six weeks, or such longer period as the Secretary of State in writing requires, have elapsed beginning with the date notified to the Mayor in writing by the Secretary of State as the date he received the latest of those statements and that copy.

(3) When the Mayor publishes the spatial development strategy he shall:

- (a) give notice by advertisement in Form 3;
- (b) serve notice in similar form on the persons specified in section 335(3)(c) and (d) of the GLA Act;
- (c) make available for inspection at those places at which the proposed spatial development strategy was made available for public inspection—
  - (i) a copy of the spatial development strategy,
  - (ii) a copy of any direction given by the Secretary of State under section 337(7) of the GLA Act,
  - (iii) a copy of any written statement of the Secretary of State indicating for the purposes of section 337(8)(a) of the GLA Act that the Mayor has satisfied the Secretary of State that the Mayor has made the modifications to the proposed spatial development strategy necessary to conform with any such direction, and
  - (iv) where the Mayor has not accepted any recommendation contained in the report of the panel, a statement of his reason for not accepting that recommendation; and
- (d) send to the Secretary of State and to the council for each London borough a copy of the spatial development strategy, the notice published pursuant to sub-paragraph (a), and any statement of reasons prepared pursuant to sub-paragraph (c)(iv).

### **Withdrawal of proposals**

**10.** On the withdrawal of the proposed spatial development strategy pursuant to section 336(1) of the GLA Act the Mayor shall give notice by advertisement in Form 4.

## PART III

### AVAILABILITY OF DOCUMENTS

#### **Duty to make documents available**

**11.**—(1) The Mayor shall make available for public inspection at the principal office of the Greater London Authority any direction given by the Secretary of State under—

- (a) section 340(2) (reviews of the strategy), or
- (b) section 341(2) (alteration or replacement),

of the GLA Act.

(2) Subject to paragraph (3), where a person makes a document available for inspection under these Regulations that person shall make that document available at the time and place specified in any relevant notice published by that person under these Regulations until the expiry of a period of six weeks beginning with the date of publication of a notice that the proposed spatial development strategy has been published or withdrawn.

(3) A person making a document available for inspection under these Regulations shall, on request and on payment of any reasonable charge required by that person, provide, as soon as reasonably practicable, a copy of that document.

(4) A copy of the spatial development strategy made available for inspection under regulation 9(3) (d) shall remain so available until printed copies of the strategy are made available for inspection under regulation 12.

#### **Availability of the spatial development strategy after publication**

**12.**—(1) As soon as reasonably practicable after the Mayor has published the spatial development strategy under section 337(1) of the GLA Act he shall secure that printed copies of the spatial development strategy are made available for inspection during normal office hours at the principal office of the Greater London Authority and, on payment of any reasonable fee required by the Mayor, for purchase.

(2) The Mayor shall continue to make printed copies of the spatial development strategy available for public inspection and purchase under paragraph (1) until the spatial development strategy is altered or replaced.

## PART IV

### CONFORMITY AND CONFLICT

#### **Statement of conformity between a unitary development plan and the spatial development strategy**

**13.**—(1) An application to the Mayor pursuant to section 13(1A)(3) of the 1990 Act for his written opinion as to whether a unitary development plan or proposals for the alteration or replacement of such a plan are in general conformity with the spatial development strategy is made in accordance with these Regulations if it is—

- (a) made in writing, and

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(3) Section 13 (1A) was inserted by section 344(4) of the Greater London Authority Act 1999 (c. 29).

(b) accompanied by a copy of the relevant unitary development plan or proposals for its alteration or replacement.

(2) The period within which the Mayor shall give such an opinion is the period prescribed as the period within which objections and representations may be made to the local planning authority with respect to the unitary development plan or the proposals for its alteration or replacement.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Keith Hill*  
Parliamentary Under Secretary of State,  
Department of the Environment, Transport and  
the Regions

5th June 2000