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STATUTORY INSTRUMENTS

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**2008 No. 580**

**The Town and Country Planning (Mayor of London) Order 2008**

**Mayor's power to direct refusal of a PSI application**

6.—(1) If the Mayor considers that to grant permission on a PSI application would be—

- (a) contrary to the spatial development strategy or prejudicial to its implementation; or
- (b) otherwise contrary to good strategic planning in Greater London,

he may, within the period specified in article 5(1)(b)(i), direct the local planning authority to refuse the application.

(2) Before giving a direction under paragraph (1) on the ground specified in sub-paragraph (b), the Mayor must have regard to the following matters so far as material to the application—

- (a) the principal purposes of the Greater London Authority;
- (b) the effect that permission would have on—
  - (i) the health of persons in Greater London;
  - (ii) the achievement of sustainable development in the United Kingdom;
- (c) national policies and such international obligations as the Secretary of State may notify to the Mayor for the purposes of section 41(5)(a) of the Greater London Authority Act 1999<sup>MI</sup> (matters to which the Mayor is to have regard in preparing or revising his strategies);
- (d) the spatial development strategy and any guidance issued by the Secretary of State so far as it relates to Greater London;
- (e) any [<sup>F1</sup>regional strategy] relating to areas which adjoin Greater London;
- (f) the desirability of promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services and for the transportation of freight;
- [<sup>F2</sup>(g) the national waste management plan within the meaning of the Waste (England and Wales) Regulations 2011 and prepared by the Secretary of State;]
- [<sup>F3</sup>(h) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment;
- (i) the need, in the long term—
  - (i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;
  - (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures; and
  - (iii) in the case of existing establishments, to take additional technical measures, in accordance with [<sup>F4</sup>regulation 5 of the Control of Major Accident Hazards Regulations 2015], so as not to increase the risks to human health and the environment.]

<sup>F5</sup>(3) .....

(4) Any direction given under paragraph (1) must set out the Mayor's reasons for that direction.

(5) At any time before the local planning authority have determined the application the Mayor may by a further direction cancel a direction given under paragraph (1).

(6) The Mayor must, at the time that he gives a direction to a local planning authority under paragraph (1) or (5), send a copy of it to the Secretary of State.

(7) Subject to any direction given under paragraph (8), the local planning authority must as soon as reasonably practicable after receiving a direction under paragraph (1)—

(a) refuse the application; and

(b) include with the notice given in accordance with article 20(1) of the GDPO (time periods for decision) a copy of the direction given under paragraph (1).

(8) The Secretary of State may give a direction prohibiting a local planning authority to which a direction is given under paragraph (1) from implementing that direction during such period as is specified in the Secretary of State's direction.

(9) The Secretary of State must, at the time that he gives a direction to a local planning authority under paragraph (8), send a copy of it to the Mayor.

(10) A local planning authority must place on Part 2 of the register required to be kept by article 25 of the GDPO (register of applications) a copy of any direction it receives under this article within 14 days of receiving it.

[<sup>F6</sup>(11) For the purposes of paragraph (2), “regional strategy” has the same meaning as in section 70 of the Local Democracy, Economic Development and Construction Act 2009 (regional strategy).]

#### Textual Amendments

- F1** Words in art. 6(2)(e) substituted (1.4.2010) by [The Local Democracy, Economic Development and Construction Act 2009 \(Consequential Amendments\) \(England\) Order 2010 \(S.I. 2010/602\)](#), arts. 1(2), **6(2)**
- F2** Art. 6(2)(g) substituted (29.3.2011) by [The Waste \(England and Wales\) Regulations 2011 \(S.I. 2011/988\)](#), reg. 1(2), **Sch. 4 para. 26** (with regs. 2, 47(2))
- F3** Art. 6(2)(h)(i) substituted (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), reg. 1(1), **Sch. 5 para. 3(2)** (with reg. 34)
- F4** Words in art. 6(2)(i)(iii) substituted (31.12.2020) by [The Planning \(Hazardous Substances and Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1234\)](#), regs. 1, **3(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 6(3) omitted (31.12.2020) by virtue of [The Planning \(Hazardous Substances and Miscellaneous Amendments\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1234\)](#), regs. 1, **3(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Art. 6(11) substituted (1.4.2010) by [The Local Democracy, Economic Development and Construction Act 2009 \(Consequential Amendments\) \(England\) Order 2010 \(S.I. 2010/602\)](#), arts. 1(2), **6(3)**

#### Modifications etc. (not altering text)

- C1** [Art. 6](#) modified (8.5.2017) by [The Liverpool City Region Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/430\)](#), arts. 1(3), **5(6)(c)(i)(ii)(iii)**

#### Marginal Citations

- M1** [1999 c.29](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Mayor of London) Order 2008, Section 6.