
STATUTORY INSTRUMENTS

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⁽¹⁾ (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 regional spatial 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;
- (g) any statement under section 44A (National Waste Strategy: England and Wales) of the Environmental Protection Act 1990⁽²⁾ of the Secretary of State's policies in relation to the recovery and disposal of waste in England;
- (h) the objectives of the prevention and limitation of the consequences of major accidents; and
- (i) 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⁽³⁾ so as not to increase the risks to people.

⁽¹⁾ 1999 c.29.

⁽²⁾ 1990 c. 43. Section 44A was inserted by the Environment Act 1995 (c. 25), section 92.

⁽³⁾ O.J. No. L10, 14.1.1997, p.13.

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

(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.

(11) For the purposes of paragraph (2), "regional spatial strategy" has the same meaning as in section 1 of the Planning and Compulsory Purchase Act 2004⁽⁴⁾.

(4) [2004 c. 5.](#)