

STATUTORY INSTRUMENTS

2008 No. 580

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

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (Mayor of London) Order 2008 and shall come into force on 6th April 2008.

(2) Subject to paragraph (3), this Order applies in relation to an application for planning permission, or for planning permission without complying with conditions subject to which a previous planning permission was granted (“a section 73 application”)—

- (a) which is a PSI application; and
- (b) which is received by a local planning authority for a London borough on or after 6th April 2008.

(3) This Order does not apply to a section 73 application where the previous planning permission was granted on an application received by the local planning authority before 6 April 2008.

Interpretation

2.—(1) In this Order—

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

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987^{M1};

“the GDPO” means the Town and Country Planning (General Development Procedure) Order 1995^{M2};

“a PSI application” means an application of potential strategic importance as defined in the Schedule; and

“Mayor” means the Mayor of London.

(2) For the purposes of this Order the date of receipt of a PSI application shall be determined in accordance with article 20(3) (time periods for decision) of the GDPO.

Marginal Citations

M1 [S.I. 1987/764](#). Relevant amendments were made by [S.I. 1991/1567](#), 1994/724, 1995/297, 2005/84 and 2006/1282.

M2 [S.I. 1995/419](#). Relevant amendments were made by [S.I. 1996/1817](#) and 2006/1062.

Land excluded from the application of section 2A

3. Section 2A of the 1990 Act does not apply to a PSI application which relates to land that is in the following areas—

- [^{F1}(a) the planning functions area referred to in article 3(1) of the London Thames Gateway Development Corporation (Planning Functions) Order 2005, as substituted by article

- 4 of the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2011; or]
- (b) the development area referred to in article 3(1) of the Olympic Delivery Authority (Planning Functions) Order 2006 ^{M3}.

Textual Amendments

- F1** Art. 3(a) substituted (1.4.2011) by [The Town and Country Planning \(Mayor of London\) \(Amendment\) Order 2011 \(S.I. 2011/550\)](#), arts. 1, **2(2)**

Modifications etc. (not altering text)

- C1** Art. 3 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)(b)**

Marginal Citations

- M3** [S.I. 2006/2185](#).

Notification to the Mayor of applications of potential strategic importance

4.—(1) The local planning authority must, as soon as reasonably practicable after receiving a PSI application, send to the Mayor at his principal office—

- (a) a copy of the application;
- (b) a copy of any connected application; and
- (c) a copy of any plans, drawings or other documents submitted by the applicant in support of the PSI application and any connected application.

(2) The Mayor must, within six weeks of receiving the documents referred to in paragraph (1), provide the local planning authority with a statement setting out—

- (a) whether he considers that the PSI application complies with the spatial development strategy; and
- (b) his reasons for taking that view.

Determination of PSI applications

5.—(1) Subject to paragraph (2), the local planning authority must not determine a PSI application unless—

- (a) the authority has sent to the Mayor—
 - (i) a copy of any representations made to the authority in respect of the application;
 - (ii) a copy of any report on the application prepared by an officer of the authority;
 - (iii) a statement of the decision the authority proposes to make; and
 - (iv) where the authority proposes to grant permission, a statement of any conditions it proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution; and
- (b) either—
 - (i) a period of 14 days has elapsed beginning with the date notified in writing by the Mayor to the authority as the date on which he received the documents referred to in article 5(1)(a); or

- (ii) the Mayor has notified the local planning authority in writing that he is content for the authority to determine the application in accordance with the statement referred to in sub-paragraph (a)(iii) and, if applicable, the matters referred to in sub-paragraph (a)(iv).

(2) Paragraph (1) shall not apply with respect to a particular PSI application where the Mayor has notified the local planning authority in writing that he does not wish to be consulted pursuant to this article in relation to that application.

(3) The local planning authority must, at the time that it gives notice to an applicant of a determination on an application, send to the Mayor a copy of that notice.

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^{M4} (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 [^{F2}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;
- [^{F3}(g) the national waste management plan within the meaning of the Waste (England and Wales) Regulations 2011 and prepared by the Secretary of State;]
- [^{F4}(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 [^{F5}regulation 5 of the Control of Major Accident Hazards

Regulations 2015], so as not to increase the risks to human health and the environment.]

^{F6}(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.

[^{F7}(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

- F2** 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)**
- F3** 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))
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)

- C2** 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

- M4** 1999 c.29.

Direction that the Mayor is to be the local planning authority

7.—(1) Subject to paragraphs (4) and (5), the Mayor may give to the local planning authority a direction under section 2A of the 1990 Act if he considers that—

- (a) the development or any of the issues raised by the development to which the PSI application relates is of such a nature or scale that it would have a significant impact on the implementation of the spatial development strategy;
- (b) the development or any of the issues raised by the development to which the application relates has significant effects that are likely to affect more than one London Borough; and
- (c) there are sound planning reasons for issuing a direction.

(2) The direction must state that the Mayor is to act as the local planning authority for the purpose of—

- (a) determining the application; and
- (b) where relevant, determining any connected application.

(3) In deciding whether to give a direction the Mayor must take account –

- (a) where the application relates to development which falls within Category 1A of the Schedule, of the extent to which the council of the London Borough in which the development is or is to be situated is achieving, and has achieved the applicable development plan targets for new housing, including affordable housing;
- (b) in relation to all applications, of the extent to which the council of the London Borough is achieving, and has achieved any other targets set out in the development plan which are relevant to the subject matter of the application.

(4) Where an application for development which falls within Category 1A of the Schedule is referred to the Mayor, paragraph (1)(b) does not apply.

(5) A direction must be given either—

- (a) within the period referred to in article 5(1)(b)(i); or
- (b) where paragraph (6) applies, within 14 days of receiving the applicant's request .

(6) This paragraph applies where—

- (a) the authority has failed to provide the statement referred to in article 5(1)(a)(iii) within the relevant period specified in article 20(2) of the GDPO; and
- (b) the applicant has requested the Mayor in writing to give a direction under section 2A of the 1990 Act.

(7) In giving reasons for making a direction the Mayor must specify how the matters set out in paragraph (3) have affected his decision.

(8) 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.

Provision of information where the Mayor has given a direction

8. Where the Mayor has given a direction under section 2A of the 1990 Act, the local planning authority must provide to the Mayor, as soon as reasonably practicable, any information relevant to the application and to any connected application which it has not already provided.

Access to representation hearings and documents

9.—(1) Subject to paragraphs (2) to (8), Part 5A of the Local Government Act 1972^{M5}(access to meetings and documents of certain authorities, committees and sub-committees) shall apply to—

- (a) a representation hearing as it applies to a meeting of a principal council, and
 - (b) the Mayor in the conduct of a representation hearing as it applies to a principal council in the conduct of a meeting of that council.
- (2) Sections 100E, 100F, 100G (1) and (2) and 100J do not apply.
- (3) Section 100A (admission to meetings of principal councils) shall have effect—
- (a) as if subsection (4) were omitted;
 - (b) if the Mayor excludes the public under subsection (2), as if subsections 5(a) and (b) apply to the Mayor;
 - (c) as if, in subsection (6)(a), the number of days for public notice of the time and place of the hearing were seven clear days.
- (4) Section 100B (access to agenda and connected reports), shall have effect as if the number of days referred to in subsections (3) and (4)(a) for inspection of documents were seven clear days.
- (5) Section 100G (principal councils to publish additional information) shall have effect as if—
- (a) for the purposes of subsection (3) (summary of the rights to attend meetings and inspect documents), the reference to the offices of every principal council were a reference to the principal office of the Mayor; and
 - (b) subsection (4) applied only in respect of the summary kept under subsection (3).
- (6) Section 100H(3) (acts which infringe copyright) shall have effect as if the Mayor were a principal council.
- (7) Section 100K(1) shall have effect, in relation to the Mayor's conduct of representation hearings, only for the purpose of the interpretation of, the expressions “copy”; “exempt information”; “information”; and “newspaper”.
- (8) Schedule 12A to the Local Government Act 1972 (access to information: exempt information) shall have effect as if any reference to “the authority” included references to the Mayor.

Marginal Citations

M5 1972 c.70. Part 5A and Schedule 12A were inserted by the [Local Government \(Access to Information\) Act 1985 \(1985 c.43\)](#)

Revocation

10.—(1) Subject to paragraph (2), the Town and Country Planning (Mayor of London) Order 2000 ^{M6} is revoked.

(2) The Town and Country Planning (Mayor of London) Order 2000 continues to apply in relation to applications received by a local planning authority for a London borough made before 6th April 2008.

Marginal Citations

M6 [S.I. 2000/1493](#)

Changes to legislation: *There are currently no known outstanding effects for the The Town and Country Planning (Mayor of London) Order 2008. (See end of Document for details)*

Signed by authority of the Secretary of State for Communities and Local Government

Department for Communities and Local
Government

John Healey
Minister of State

Changes to legislation:

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