

**EXPLANATORY MEMORANDUM TO  
THE TOWN AND COUNTRY PLANNING (MAYOR OF LONDON)  
(AMENDMENT) ORDER 2011**

**2011 No. 550**

**1.** This explanatory memorandum has been prepared by Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 The Order amends the Town and Country Planning (Mayor of London) Order 2008 (S.I. 2008/580) (“the 2008 Order”), which gave effect to section 2A of the Town and Country Planning Act 1990 (“the 1990 Act”). This section enables the Mayor of London to direct that applications for planning permission of potential strategic importance (“PSI applications”) must be determined by him in place of the local planning authority. Article 3(a) of the 2008 Order excluded land in the planning functions area referred to in article 3(1) of the London Thames Gateway Development Corporation (Planning Functions) Order 2005 (S.I. 2005/2721) (“the 2005 Order”) from the application of section 2A. The planning functions area is amended by the London Thames Gateway Development Corporation (Planning Functions) Order 2011 (S.I. 2011/549); the effect being that planning functions are returned from the development corporation to certain London boroughs. The purpose of this instrument is to ensure that the Mayor may issue directions in relation to PSI applications where the development corporation is no longer the local planning authority.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Context**

4.1 The Greater London Authority Act 1999 gave certain development control powers to the Mayor of London in relation to certain applications for planning permission made to London boroughs. These powers were increased by the Greater London Authority Act 2007.

4.2 Sections 31 of the latter Act inserted sections 2A to 2D into the 1990 Act (and made related amendments), giving the Mayor the power to direct that he is to be the local planning authority for the purposes of determining a PSI application made to a London borough.

4.3 The Schedule to the 2008 Order defines PSI applications by reference to categories of development set out in the Schedule. The categories include

certain large scale developments, major infrastructure and development which may affect strategic policies.

4.4 Section 2A of the 1990 Act provides an order under the section to make provision for exceptions or exclusions. Article 3(a) of the 2008 Order excludes land which is in the planning functions area referred to in article 3(1) of the London Thames Gateway Development Corporation (Planning Functions) Order 2005 and article 3(b) land in the planning functions area referred to in article 3(1) of the Olympic Delivery Authority (Planning Functions) Order 2006 (S.I. 2006/2186).

4.1 This Order amends article 3(a) of the 2008 Order . This reflects the amendment to the planning functions area of the London Thames Gateway Development Corporation ('the Corporation') made by the London Thames Gateway Development Corporation (Planning Functions) Order 2011 (S.I./549).

## **5. Territorial Extent and Application**

5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- What is being done and why

7.1 The Greater London Authority Act 1999 established the Mayor of London and the London Assembly. The Mayor is responsible for strategic planning London, mainly through the London Plan (the Spatial Development Strategy-<http://www.london.gov.uk/thelondonplan>). The London Plan provides the spatial context for the Mayor's other strategies and a framework for the boroughs' Unitary Development Plans and Local Development Frameworks. The Mayor is responsible for ensuring that the strategic planning interests of London are taken into in planning policies and decisions on planning applications in the capital.

7.2 The 2003 Sustainable Communities Plan identified four growth areas to accommodate the economic success of London and the wider South East, and included a commitment to set up strengthened local delivery vehicles in these areas with the necessary powers to drive forward development. The London Thames Gateway Development Corporation ("the Corporation") was established in 2004, and became the local planning authority for strategic planning applications in its area in 2005. The extent of this area was amended in 2006, on the establishment of the Olympic Delivery Authority.

7.3 The Mayor's strategic planning powers were strengthened by the Greater London Authority Act 2007 giving the Mayor the power to direct that he is to be the local planning authority for the purposes of determining a PSI application made to a London borough. These powers do not apply in the area for which the Corporation is the planning authority.

7.4 The London Thames Gateway Development Corporation (Planning Functions) Order 2011 transfers the Corporation's planning functions in the part of its area known as London Riverside to the relevant London boroughs (Barking and Dagenham, Havering and Newham) from 1 April 2011. The effect of this Order is that the Mayor's strategic planning powers should apply to the areas for which the Corporation no longer has planning functions.

- Consolidation

7.2 The Department does not intend to consolidate the Orders.

## **8. Consultation outcome**

8.1 There has not been a period of formal public consultation. The Department has consulted the Corporation, the Greater London Authority and the relevant London Boroughs who have agreed that the Mayor of London's strategic planning powers should be extended to this area

## **9. Guidance**

9.1 No guidance on this Order will be issued. The Order does not impose any new obligations on the local authorities affected. They are already the local planning authorities for the parts of their areas outside the Corporation's boundary.

## **10. Impact**

10.1 There is no expected impact on business or the third sector as the planning process for applicants has not been amended. This Order removes a potential differential impact and standardises strategic planning powers across London outside of the area for which the Corporation remains the local planning authority

10.2 The impact on the public sector is limited to the Mayor of London whose existing strategic planning powers will be extended to the area, bringing it into line with all other areas where the local planning authority is a London borough..

10.3 An Impact Assessment has not been prepared for this instrument as there is no expected impact on business or the third sector and the impact on the public sector is expected to be below £5m.

## **11. Regulating small business**

11.1 The legislation applies to the way major planning applications by small businesses are handled but the only impact will be to bring the process into line with other areas of London where the local authority is also the local planning authority.

## **12. Monitoring & review**

12.1 The Order is consequential on the return of all planning functions in the London Riverside area to the relevant local authorities on 1st April 2011, by virtue of the London Thames Gateway Development Corporation (Planning Functions) (Amendment) Order 2011. The Department has put in place arrangements to monitor the transition. The local authorities concerned and the Corporation have put in place arrangements to ensure delivery and identify issues and risks.

## **13. Contact**

Alison Bowerbank at the Department for Communities and Local Government  
Tel: 0303 444 1936 or email: [Alison.bowerbank@communities.gsi.gov.uk](mailto:Alison.bowerbank@communities.gsi.gov.uk) can answer any queries regarding the instrument.