

GREATER LONDON AUTHORITY ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part VIII: Planning

514. London boroughs are the local planning authorities in London. Under the Town and Country Planning Act 1990 they produce unitary development plans (UDPs) for their areas and deal with applications for planning permission for new development. Strategic Guidance for London planning authorities (currently RPG3 ("Regional Planning Guidance 3"), published in May 1996) is issued by the Secretary of State. It sets out planning policies and principles for the guidance of boroughs in exercising these functions.

Sections 334 to 338: The Mayor's spatial development strategy

515. *Sections 334 to 338* of the Act contain provisions relating to the preparation of a spatial development strategy. The Act provides that the Mayor should produce a spatial development strategy setting out strategic planning policies for London. This will provide a framework for the boroughs' UDPs, and also set out the spatial context for the Mayor's other policies and strategies. The strategy will replace the current guidance issued by the Secretary of State. It is incorporated into the planning system established by the Town and Country Planning Act 1990, but it will not be a development plan within the meaning of that Act. Boroughs will remain the designated planning authorities for their areas.
516. *Sections 334 to 337* set out the procedures for producing the strategy. These provisions are closely modelled on those for development plans contained in the Town and Country Planning Act 1990. The Secretary of State will be able to prescribe in regulations the matters to be covered in the strategy, and the inclusion of, for example, a key diagram. The strategy must deal only with matters of strategic importance to London. The Secretary of State may prescribe bodies or persons to be consulted by the Mayor before publishing his strategy in addition to those otherwise required to be consulted included in the Act.
517. *Section 338* makes provision, as part of the consultation process, for holding a public examination of the Mayor's proposals. This is a procedure which applies at present for county structure plans and for regional planning guidance. In this case, however, the chairman or panel appointed by the Secretary of State to conduct the examination is responsible for deciding which matters need to be covered, and will report their findings to the Mayor. The Secretary of State will be able to make regulations or publish guidance concerning the conduct of the examination. The intention is that the examination should provide a non-adversarial opportunity for the discussion and testing in public of the justification for selected policies and proposals; it will not be a hearing of objections, nor need it cover every aspect of the proposals.
518. *Section 336* provides for the withdrawal of any proposed strategy. Because a draft strategy might well be a "material consideration" to be taken into account in a planning decision, the Act specifically provides for the formal withdrawal of a draft strategy by

the Mayor at any time before it is published so that it will be clear it no longer can be a material consideration.

519. *Section 337* covers conditions to be satisfied before publication of the strategy. The Mayor will not be able to publish his final strategy until he has considered representations made in response to the consultation exercise, received the report from the examination in public, and complied with any directions given by the Secretary of State. The Secretary of State is able to give directions requiring the modification of the Mayor's proposals where he may consider this necessary to secure consistency with national policies, including relevant planning policy guidance, or to avoid harm to the interests of areas outside Greater London.

Sections 339 to 341: Review, alteration and replacement

520. *Sections 339 to 341* deal with the review, alteration and replacement of the spatial development strategy. The Mayor is required to keep under review both the strategy itself and matters likely to affect it. The Secretary of State may direct the Mayor to undertake a review, and may also direct the alteration or replacement of the Strategy. In developing proposals for altering or replacing the strategy the same consultation procedures and other provisions apply as for the original strategy.

Sections 342: Matters to which the Mayor is to have regard

521. *Section 342* provides that in drawing up his strategy the Mayor is required to have regard to any regional planning guidance issued by the Secretary of State (such as that which currently exists for the South East region (currently RPG9 published in March 1994)) and any other matters that the Secretary of State may prescribe in regulations. He will also be required, by virtue of section 41(5), to have regard to current national policies (such as are set out in the Secretary of State's planning policy guidance notes ("PPGs")), to the availability of resources, and to the other matters set out there which apply to all the Mayor's strategies.

Sections 344 and 345: Amendments to the Town and Country Planning Act 1990

522. *Subsections (1) to (8) of section 344* deal with the relationship between the Mayor's strategy and UDPs. The boroughs will continue to produce UDPs for their areas under sections 10 to 28 of the Town and Country Planning Act 1990. But, by amending sections 12 and 15 of that Act, the Act requires that these plans be "in general conformity with" the spatial development strategy before they can be adopted. (A similar requirement currently exists outside London for districts' local plans in relation to county structure plans).
523. *Subsections (4) and (5)* amend section 13 of the 1990 Act to require boroughs, before publicising their UDP proposals, to obtain from the Mayor a written opinion as to whether these are in general conformity with his Strategy. Where he considers that they are not, the Mayor's opinion will be considered as a formal objection at the public inquiry into the UDP. Through an amendment to section 26 of the 1990 Act made by *subsection 8*, the Secretary of State is able to make provision in regulations about how the Mayor's opinion should be obtained.
524. *Subsection 7* inserts a new section after section 21 of the 1990 Act which has the effect of enabling a borough to apply the conformity test to any published proposals for amending the strategy as if they were in force. This "permitted assumption" is based on a similar provision in section 46 of the Town and Country Planning Act 1990 in relation to the conformity between structure and local plans.
525. *Subsection (9) of section 344* makes provision for the Mayor's role in relation to planning applications by amending section 74 of the Town and Country Planning Act 1990. Section 74 enables the Secretary of State to make development orders specifying how planning applications are to be dealt with by the local planning authority. The

*These notes refer to the Greater London Authority Act 1999
(c.29) which received Royal Assent on 11th November 1999*

new provision allows the Secretary of State to empower the Mayor of London to direct the borough to refuse planning permission for prescribed classes of application and in prescribed circumstances. These classes and circumstances may be prescribed by the Secretary of State in the development order. The Secretary of State's existing order-making powers under this section enable him to specify the Mayor as a statutory consultee in such cases and to set deadlines for commenting on applications.

526. *Section 345* provides for the Mayor to be liable for the costs of an inquiry into an appeal against refusal of planning permission resulting from a Mayoral direction if it is found the power has been used unreasonably. In such cases this relieves the local planning authority of liability where it has followed a Mayoral direction.

Section 346: Monitoring and data collection

527. *Section 346* places the Mayor under a duty to monitor the implementation of the strategy and matters relevant to its preparation and review, as well the boroughs' UDPs.

Sections 348 and 349: The Mayor's functions in relation to planning around Greater London and abolition of joint planning committee for Greater London and.

528. *Section 348* provides for the Mayor to inform local planning authorities for areas in the vicinity of Greater London, or any representative bodies (eg SERPLAN), the Mayor's views on matters of common interest in relation to the planning and development of Greater London or those areas. This role is currently carried out by the London Planning Advisory Committee which was set up under section 5 of the Local Government Act 1985 and which is in consequence abolished by section 349. The section also provides for the Mayor to consult the London boroughs in the exercise of this function.