
STATUTORY INSTRUMENTS

2024 No. 402

The North East Mayoral Combined Authority
(Establishment and Functions) Order 2024

PART 7

Housing, regeneration and planning

Conferral of functions corresponding to functions that the Homes and Communities Agency has in relation to the Combined Area

34.—(1) The functions of the Homes and Communities Agency (“HCA”)(¹) which are specified in the following provisions of the 2008 Act, as applied in accordance with article 36(4), are exercisable by the Combined Authority in relation to the Combined Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) section 19 (power to give financial assistance);
- (j) paragraphs 19 and 20 (powers in relation to burial grounds and consecrated land etc.) of Schedule 3 (main powers in relation to land acquired by the HCA); and
- (k) paragraphs 1, 2, 3, 4, 6 (extinguishment or removal powers for the HCA), 10 (counter-notices) and 20 (notification of proposal to make order) of Schedule 4 (powers in relation to, and for, statutory undertakers).

(2) The Combined Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objectives of—

- (a) improving the supply and quality of housing in the Combined Area;
- (b) securing the regeneration or development of land or infrastructure in the Combined Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Combined Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Combined Area,

with a view to meeting the needs of people living in the Combined Area.

(¹) The Homes and Communities Agency is a body corporate established by section 1 of the Housing and Regeneration Act 2008.

- (3) The functions described in the provisions specified in paragraph (1) are—
- (a) exercisable concurrently with the HCA; and
 - (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(5) The exercise of the function referred to in paragraph (1)(e) requires the consent of a Constituent Council Member appointed by a constituent council whose area contains any part of the land in relation to which the function is to be exercised.

Acquisition and appropriation of land for planning and public purposes

35.—(1) The functions of the constituent councils specified in the following provisions of the HA 1985 and the 1990 Act as applied by article 36(3) and (4) are exercisable by the Combined Authority in relation to the Combined Area—

- (a) section 8 of the HA 1985 (periodic review of housing needs);
- (b) section 11 of the HA 1985 (provision of board and laundry facilities);
- (c) section 12 of the HA 1985 (provision of shops, recreation and grounds etc.);
- (d) section 17 of the HA 1985 (acquisition of land for housing purposes)(2);
- (e) section 18 of the HA 1985 (duties with respect to buildings acquired for housing purposes);
- (f) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(3);
- (g) section 227 of the 1990 Act (acquisition of land by agreement);
- (h) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (i) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (j) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (k) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(4);
- (l) section 235 of the 1990 Act (development of land held for planning purposes);
- (m) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(5);
- (n) section 238 of the 1990 Act (use and development of consecrated land);
- (o) section 239 of the 1990 Act (use and development of burial grounds); and
- (p) section 241 of the 1990 Act (use and development of open spaces).

(2) The exercise of the functions in paragraphs (1)(b) to (d) and (f) requires the consent of each Constituent Council Member whose constituent council’s area contains any part of the land in relation to which the function is to be exercised.

- (3) The functions are exercisable concurrently with the constituent councils.

(2) Section 17 was amended by section 222 of, and paragraph 24 of Schedule 18 to, the Housing Act 1996 (c. 52).

(3) Section 226 was amended by sections 79, 99 and 120 of, and paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the Planning and Compulsory Purchase Act 2004 (c. 5) (“the 2004 Act”).

(4) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).

(5) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).

(4) Any requirement in any enactment for a constituent council to exercise any of the functions described in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.

(5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.

Application of provisions of the HA 1985, the 1990 Act and the 2008 Act

36.—(1) This article has effect in consequence of articles 34 and 35.

(2) For the purposes of article 35(1)(a) to (e) the Combined Authority is to be treated as a local housing authority for the Combined Area.

(3) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined Authority and land vested in or acquired by the Combined Authority for planning and public purposes as it applies to a constituent council and land vested in or acquired by a constituent council for planning and public purposes.

(4) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under the functions specified in article 34(1) as they apply to the HCA and land acquired by the HCA but with the modifications specified in Schedule 4 (modification of the 2008 Act) to this Order.

Spatial development strategy

37.—(1) The Combined Authority has, in relation to the Combined Area, functions corresponding to the functions described in the provisions of the 1999 Act specified in paragraph (2) that the Mayor of London has in relation to Greater London.

(2) The provisions of the 1999 Act referred to in paragraph (1) are—

- (a) section 334 (the spatial development strategy);
- (b) section 335 (public participation)(**6**);
- (c) section 336 (withdrawal);
- (d) section 337 (publication)(**7**);
- (e) section 338 (examination in public)(**8**);
- (f) section 339 (review of matters affecting the strategy);
- (g) section 340 (reviews of the strategy);
- (h) section 341 (alteration or replacement);
- (i) section 342 (matters to which the Mayor is to have regard)(**9**);
- (j) section 346 (monitoring and data collection)(**10**); and
- (k) section 348 (Mayor’s functions as to planning around Greater London).

(6) Section 335 was amended by section 29(1) and (2) of the Greater London Authority Act 2007 (c. 24) and sections 228(2)(a), (b) and (c) and 237 of, and Part 33 of Schedule 25 to, the 2011 Act.

(7) Section 337 was amended by section 118(2) of, and paragraph 22(1) and (2)(a) and (b) of Schedule 7 to, the 2004 Act and sections 109(7) and 237 of, and paragraphs 3 and 4 of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act and by S.I. 2000/1435.

(8) Section 338 was amended by section 48(1) of, and paragraph 52 of Schedule 8 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15) and article 2(2) of, and paragraph 19 of the Schedule to, S.I. 2013/2042.

(9) Section 342 was amended by section 118(2) of and, paragraph 22(1) and (3) of Schedule 7 to, the 2004 Act, section 85(1) of, and paragraphs 9 and 10 of Schedule 5 to, the 2009 Act and sections 109(7) and 237 of, and paragraphs 3 and 5(a) and (b) of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.

(10) Section 346 was amended by section 118(2) of, and paragraph 23(1) and (4) of Schedule 7 to, the 2004 Act.

(3) The exercise by the Combined Authority of any of the functions corresponding to the functions in sections 334, 335, 336, 337 and 341 of the 1999 Act requires the consent of a Constituent Council Member appointed by a constituent council whose area contains any part of the land in relation to which the function is to be exercised.

(4) The conferral on the Mayor of the duty to produce a Spatial Development Strategy under this Order may only occur by virtue of a unanimous vote in favour by all seven of the Constituent Council members in line with paragraph 2(7)(c) of Schedule 1 to this Order.

Adaptation of enactments in consequence of article 37

38.—(1) This article has effect in consequence of article 37(1).

(2) Part 8 of the 1999 Act applies in relation to the preparation and publication of a spatial development strategy by the Combined Authority as it applies in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 1 of Schedule 5.

(3) Sections 343 (regulations) and 420 (orders and regulations) of the 1999 Act apply in relation to the functions of the Secretary of State to make regulations by statutory instrument in relation to all or any of the following—

- (a) the form and content of the spatial development strategy published by the Combined Authority;
- (b) the documents (if any) the Secretary of State requires to accompany the spatial development strategy published by the Combined Authority;
- (c) the procedure to be followed by the Combined Authority in connection with the preparation, withdrawal, publication, making, review, alteration or replacement of the spatial development strategy, or in connection with any review under section 339 as modified by Part 1 of Schedule 5; and
- (d) the procedure to be followed at an examination in public examining matters affecting the consideration of the spatial development strategy,

as they apply in relation to the functions of the Secretary of State to make such regulations in relation to the spatial development strategy published by the Mayor of London.

(4) Subject to paragraph (6) and to Schedule 5, in any enactment (whenever passed or made)—

- (a) any reference to a spatial development strategy; or
- (b) any reference which falls to be read as a reference to a spatial development strategy,

is to be treated as including a reference to a strategy prepared and published in accordance with the functions conferred by article 37(1).

(5) Sections 19 (preparation of local development documents), 24 (conformity with regional strategy), 37 (interpretation), 38 (development plan) and 113 (validity of strategies, plans and documents) of the 2004 Act⁽¹¹⁾ apply in relation to the preparation and publication of a spatial development strategy by the Combined Authority as they apply in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 2 of Schedule 5.

⁽¹¹⁾ Section 19 was amended by sections 180 and 182 of the Planning Act 2008 (c. 29); section 85 of, and paragraph 14 of Schedule 5 to, the 2009 Act; and section 100 of the Deregulation Act 2015 (c. 20). Section 24 was amended by sections 85 and 146 of, and paragraph 15 of Schedule 5 and paragraph 1 of Schedule 7 to, the 2009 Act; section 222 of, and paragraph 55 of Schedule 22 to, the 2011 Act. Section 37 was amended by section 180 of the Planning Act 2008; section 56 of, and paragraph 81 of Schedule 8 to, the 2008 Act; section 85 of, and paragraph 174 of Schedule 5 to, the 2009 Act; and by section 222 of, and paragraph 56 of Schedule 22 to, the 2011 Act. Section 38 was amended by section 180 of the Planning Act 2008; section 82 of the 2009 Act; sections 109 and 116 of, and paragraph 13 of Schedule 8 and paragraph 6 of Schedule 9 to, the 2011 Act. Section 113 was amended by section 185 of the Planning Act 2008; section 85 of, and paragraph 19 of Schedule 5 to, the 2009 Act; and by section 91 of, and paragraph 8 of Schedule 16 to, the Criminal Justice and Courts Act 2015 (c. 2).

- (6) Paragraph (4) does not apply to—
- (a) section 41 of the 1999 Act (general duties of the Mayor in relation to his strategies)(**12**);
 - (b) section 356A of the 1999 Act (London Waste and Recycling Board)(**13**); and
 - (c) the Town and Country Planning (London Spatial Development Strategy) Regulations 2000(**14**).

(12) Section 41 was amended by sections 24, 28, 41, 43 and 44 of the Greater London Authority Act 2007; and sections 192, 225, 227 and 237 of, and paragraph 2 of Schedule 23 and paragraph 1 of Schedule 25 to, the 2011 Act.

(13) Section 356A was inserted by section 38 of the Greater London Authority Act 2007 and amended by section 225 of, and paragraph 6 of Schedule 23 to, the 2011 Act.

(14) [S.I. 2000/1491](#).