

GREATER LONDON AUTHORITY ACT 2007

EXPLANATORY NOTES

COMMENTARY

Part 7: Planning

Development control

Section 31: Mayor to determine certain applications for planning permission

81. This section amends the Town and Country Planning Act 1990 (“the 1990 Act”) to give the Mayor power to direct that planning applications which are of potential strategic importance in Greater London should be determined by him in place of the local planning authority. It also provides for the application of enactments in relation to cases where the Mayor determines an application, including provision enabling the Mayor to enforce the terms of any planning permission he has granted. The term “application of potential strategic importance” will be defined in secondary legislation. The secondary legislation will also set out the procedure for giving directions.
82. In deciding whether to give a direction, the Mayor must have regard to guidance issued by the Secretary of State. Where a direction is given, the Mayor will determine any connected applications for listed building consent, conservation area consent and hazardous substances consent. For any planning application he decides, the Mayor may pass decision making for any subsequent applications for the approval of reserved matters or approval of details under a listed building consent, back to the relevant London borough.
83. Secondary legislation will set out the procedures the Mayor must follow in determining applications.
84. The Mayor's existing power to direct a local planning authority to refuse a planning application of potential strategic importance is unaffected by this section (see section 74(1B) of the 1990 Act) other than by the changes to the thresholds identifying planning applications as being of potential strategic importance set out in the secondary legislation made under this section.

Sections 32, 33, 34: Planning obligations

85. These sections amend the 1990 Act so as to give the Mayor power to agree planning obligations related to applications which he is to determine by virtue of section 31. They provide for the Mayor to enforce and discharge obligations as well as the local planning authority and for monies to be payable to the Authority.

Section 35: Representation Hearings

86. This section amends the 1990 Act to enable the applicant and the local planning authority to whom the application was made to make oral representations to the Mayor at a “representation hearing” before he determines an application. The Mayor

*These notes refer to the Greater London Authority Act 2007
(c.24) which received Royal Assent on 23 October 2007*

must prepare and publish a document setting out any other persons he will hear representations from and the procedures to be followed at a representation hearing.

87. The Secretary of State is required to make provision by order for Part 5A of the Local Government Act 1972 to apply to representation hearings and to the Mayor in the conduct of a representation hearing, with such modifications as she considers necessary or expedient.

Section 36: Planning Contribution under section 46 of PCPA 2004

88. This section amends section 46 of the 2004 Act to allow regulations made under that section to provide for the circumstances in which a planning contribution is made where the Mayor is acting as the local planning authority (that is, where he is determining an application of potential strategic importance).