
STATUTORY INSTRUMENTS

2013 No. 2140

**The Town and Country Planning (Section 62A Applications)
(Procedure and Consequential Amendments) Order 2013**

PART 5

Miscellaneous

Mayor of London: PSI applications

26.—(1) This article applies to a relevant application in relation to land in Greater London if it is an application for planning permission for development which the Secretary of State considers falls within a category set out in Part 1 or 2 of the Schedule to the Town and Country Planning (Mayor of London) Order 2008(1) (“a PSI application”).

(2) The Secretary of State must, as soon as reasonably practicable after receiving a PSI application, notify the Mayor of London of the application and send to him at his principal office—

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

(3) The Mayor of London must, within 6 weeks of the date of the notification under paragraph (2), provide the Secretary of State 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.

(4) Subject to paragraph (5), the Secretary of State must not determine a PSI application to which this article applies until the period referred to in paragraph (3) has elapsed beginning with the date of the notification given to the Mayor of London under paragraph (2).

(5) Paragraph (4) does not apply with respect to a particular PSI application where the Mayor of London provides the statement referred to in paragraph (3) before the end of the period mentioned in that paragraph or has notified the Secretary of State in writing that he does not wish to be consulted pursuant to this article in relation to that application

(6) The Mayor of London may give to the Secretary of State 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 a 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.

- (7) In deciding whether to give a direction the Mayor of London must take account —
- (a) where the PSI application relates to development which falls within Category 1A of the Schedule to the Town and Country Planning (Mayor of London) Order 2008, 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 PSI 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.
- (8) Where a PSI application for development which falls within Category 1A of the Schedule to the Town and Country Planning (Mayor of London) Order 2008 is referred to the Mayor of London, paragraph (6)(b) does not apply.
- (9) A direction referred to in paragraph (6) must be given within the period referred to in paragraph (3).
- (10) In giving reasons for making a direction the Mayor must specify how the matters set out in paragraph (7) have affected his decision.
- (11) The Mayor of London must, at the time that he gives a direction to the Secretary of State referred to in paragraph (6), send a copy of that direction to the local planning register authority and the authority must place it on the register required to be kept by article 36 of the 2010 Order within 14 days of receiving it.

Consequential amendments to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

27.—(1) The Town and Country Planning (Environmental Impact Assessment) Regulations 2011(2) are amended as follows.

(2) In regulation 2, in the definition of “relevant planning authority”, after “would, but for” insert “an application made directly to the Secretary of State under section 62A (applications made directly to the Secretary of State) or”.

(3) After regulation 10 insert—

“Applications made directly to the Secretary of State without an environmental statement

10A.—(1) Where an application has been made directly to the Secretary of State under section 62A, and it appears to the Secretary of State that—

- (a) it is an EIA application, and
- (b) it is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the Secretary of State must notify the applicant in writing that the submission of an environmental statement is required and send a copy of that notification to the relevant planning authority.

(2) The Secretary of State must notify the applicant in accordance with paragraph (1) within 3 weeks beginning with the date the application was received or such longer period as may agreed in writing with the applicant.

(3) Where the Secretary of State is aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by

(2) [S.I. 2011/1824](#). There are amendments to this instrument which are not relevant to this Order.

means of a site notice or by local advertisement, the Secretary of State must notify the applicant of any such person.

(4) An applicant who receives a notification under paragraph (1) may, within 3 weeks beginning with the date of the notification, confirm in writing to the Secretary of State that an environmental statement will be provided.

(5) If the applicant does not write in accordance with paragraph (4), the Secretary of State is under no duty to deal with the application and, at the end of the 3 week period, he must inform the applicant in writing that no further action is being taken on the application.

(6) Where—

- (a) a notification has been given under paragraph (1), and
- (b) the applicant does not submit an environmental statement and comply with regulation 17(6),

the Secretary of State must determine the relevant application only by refusing planning permission.”

(4) In regulation 15(3)(b), after “regulation 10(4)(a),” insert “10A(4),”.

(5) In regulation 17—

(a) in paragraph (2)(a)—

- (i) after “consent” insert “to the relevant planning authority or the Secretary of State, as the case may be,”; and
- (ii) at the end add “ or (in the case of an application made to the Secretary of State) the name and address of the Secretary of State”;

(b) in paragraph (2)(i) after “of an application” insert “made or”;

(c) in paragraph (2)(j) after “of an application” insert “made or”; and

(d) in paragraph (3), after “regulation 10(2),” insert “10A(3),”.

(6) In regulation 20, after “the Order” insert “, article 13 of the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013(3)”.

(7) In regulation 23(1)(e), after “regulation 10(1),” insert “10A(1),”.