



Greater London Authority Act 2007

2007 CHAPTER 24

PART 7

PLANNING

Development control

31 Mayor to determine certain applications for planning permission

- (1) In section 1 of TCPA 1990 (local planning authorities: general) in subsection (2) (which provides that the council of a London borough is the local planning authority for the borough) at the end insert—

“But, in the case of a London borough, see also sections 2A to 2E (Mayor of London).”.

- (2) After section 2 of TCPA 1990 (joint planning boards) insert—

“2A The Mayor of London: applications of potential strategic importance

- (1) Where an application to which this section applies is made to a local planning authority—
- (a) for planning permission (see section 70), or
 - (b) for planning permission without complying with conditions subject to which a previous planning permission was granted (see section 73),
- the Mayor of London may direct that he is to be the local planning authority for the purposes of determining the application.
- (2) The circumstances in which, and the conditions subject to which, the Mayor may give a direction under subsection (1) may be prescribed by, or by directions given under, an order under this section.
- (3) This section applies to an application if—

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- (a) the land to which the application relates is in Greater London (but is not in an area of Greater London prescribed by an order under this section), and
 - (b) the application is an application of potential strategic importance.
- (4) For the purposes of this section “application of potential strategic importance” is to be construed in accordance with an order under this section.
- (5) So far as the context requires, in relation to—
- (a) the determination of an application by virtue of this section, or
 - (b) the determination of a connected application by virtue of section 2B, any reference in an enactment to a local planning authority or a hazardous substances authority includes a reference to the Mayor of London.
- This subsection is subject to any provision made by an order under this section by virtue of section 2D(2).
- (6) An order under this section—
- (a) may make different provision for different cases or different areas, and
 - (b) may make provision for exceptions or exclusions.
- (7) Sections 2B to 2D and 2F contain provisions supplementing this section.

2B Section 2A: supplementary provisions

- (1) In deciding whether to give a direction under section 2A, the Mayor of London is to have regard to guidance issued by the Secretary of State.
- (2) A direction under section 2A must include the Mayor of London’s reasons for giving it.
- (3) If the Mayor of London gives a direction under section 2A, he must at that time send a copy of the direction to the applicant and to the Secretary of State.
- (4) Subsection (5) applies where the Mayor of London—
 - (a) gives a direction under section 2A in the case of any application, and
 - (b) considers that an application falling within subsection (6) (the “connected application”) is connected with that application.
- (5) Where this subsection applies, the Mayor of London is to be—
 - (a) the local planning authority for the purposes of determining the connected application (in the case of an application falling within subsection (6)(a) or (b)), or
 - (b) the hazardous substances authority for the purposes of determining the connected application (in the case of an application falling within subsection (6)(c)).
- (6) The applications are—
 - (a) an application for listed building consent under the Planning (Listed Buildings and Conservation Areas) Act 1990,
 - (b) an application for conservation area consent under that Act,
 - (c) an application for hazardous substances consent under the Planning (Hazardous Substances) Act 1990.

- (7) In subsection (6)—
- (a) the reference to an application for listed building consent includes a reference to an application for the variation or discharge of conditions subject to which listed building consent has been granted, and
 - (b) the reference to an application for hazardous substances consent includes a reference to an application for hazardous substances consent without a condition subject to which a previous hazardous substances consent was granted.
- (8) Section 38(1) of the Greater London Authority Act 1999 (delegation of functions by the Mayor) does not apply to—
- (a) the function of giving a direction under section 2A(1),
 - (b) the function of determining an application by virtue of section 2A or this section.

2C Matters reserved for subsequent approval

- (1) If the Mayor of London has—
- (a) given a direction under section 2A in relation to an application (“the original application”), and
 - (b) granted outline planning permission,
- he may, on an application for subsequent approval of reserved matters, direct that the application is to be decided by the local planning authority to whom the original application was made.
- (2) “Outline planning permission” has the meaning given by section 92(1).
- (3) If the Mayor of London has—
- (a) granted an application for listed building consent which is a connected application for the purposes of section 2B, and
 - (b) imposed conditions requiring specified details to be approved subsequently,
- he may, on an application for subsequent approval, direct that the application is to be decided by the local planning authority to whom the connected application was made.

2D Further provision about orders under section 2A

- (1) An order under section 2A may make provision—
- (a) in relation to applications to which section 2A applies,
 - (b) in relation to applications which are connected applications by virtue of section 2B,
 - (c) in relation to the procedures to be followed for or in connection with applications mentioned in paragraph (a) or (b),
 - (d) otherwise for the purpose of implementing or supplementing section 2A, 2B or 2C.
- (2) The provision which may be made by virtue of subsection (1) includes the application of any enactment (with or without modification) in relation to cases where, by virtue of section 2A or 2B or an order under section 2A,

the Mayor of London exercises a function that would otherwise have been exercisable by another body or person.

(3) Such provision may include, in particular, provision for the Mayor of London to exercise functions in relation to enforcement (instead of, or as well as, a local planning authority).”.

(3) In section 333 of TCPA 1990 (regulations and orders)—

(a) in subsection (4) after “sections 2,” insert “2A, 2F,”

(b) in subsection (5)(b) after “section” insert “2A, 2F.”.

(4) In section 1 of the Planning (Hazardous Substances) Act 1990 (c. 10) (hazardous substances authorities: general) at the end insert—

“But, in the case of a London borough, see also section 2B(5) of the principal Act (Mayor of London to be the hazardous substances authority in certain circumstances).”.

32 Planning obligations

After section 2D of TCPA 1990 insert—

“2E Section 2A and planning obligations under section 106

(1) This section applies where the Mayor of London has given a direction under section 2A in relation to a planning application.

(2) Where this section applies, the function of agreeing a planning obligation related to the application is a function of the Mayor of London instead of a function of the local planning authority.

(3) In this section “planning obligation” means a planning obligation under section 106.

(4) The Mayor of London must consult the local planning authority before agreeing any planning obligation by virtue of this section.

(5) Any planning obligation entered into in relation to the application—

(a) is enforceable by the Mayor of London, and

(b) is also enforceable by the local planning authority.”.

33 Amendments of section 106 of TCPA

(1) Section 106 of TCPA 1990 (planning obligations) is amended as follows.

(2) In subsection (1)(d) (payment of sums to authority) after “authority” insert “(or, in a case where section 2E applies, to the Greater London Authority)”.

(3) In subsection (9), at the end of paragraph (d) (instrument to identify local planning authority by whom obligation enforceable) insert “and, in a case where section 2E applies, identifies the Mayor of London as an authority by whom the obligation is also enforceable”.

- (4) In subsection (10) (copy to be given to authority) for “authority so identified” substitute “local planning authority so identified and, in a case where section 2E applies, to the Mayor of London”.
- (5) In subsection (12)(b) (charging on land of expenses recoverable by local planning authority etc) after “a local planning authority” insert “or the Mayor of London”.

34 Planning obligations: further provision

- (1) Section 106A of TCPA 1990 (modification and discharge of planning obligations) is amended as follows.
- (2) In subsection (1)(a) for “the authority by whom the obligation is enforceable” substitute “the appropriate authority (see subsection (11))”.
- (3) In subsection (3) for “the local planning authority by whom the obligation is enforceable” substitute “the appropriate authority”.
- (4) At the end of the section insert—
 - “(11) In this section “the appropriate authority” means—
 - (a) the Mayor of London, in the case of any planning obligation enforceable by him;
 - (b) in the case of any other planning obligation, the local planning authority by whom it is enforceable.
 - (12) The Mayor of London must consult the local planning authority before exercising any function under this section.”.
- (5) Section 106B of TCPA 1990 (appeals) is amended as follows.
- (6) In subsection (1), for “a local planning authority” substitute “an authority”.
- (7) At the end of the section insert—
 - “(8) In the application of Schedule 6 to an appeal under this section in a case where the authority mentioned in subsection (1) is the Mayor of London, references in that Schedule to the local planning authority are references to the Mayor of London.”.

35 Representation hearings

After section 2E of TCPA 1990 (which is inserted by section 32 of this Act) insert—

“2F Representation hearings

- (1) This section applies to—
 - (a) an application in relation to which a direction has been given under section 2A, and
 - (b) an application which is a connected application for the purposes of section 2B.
- (2) Before determining an application to which this section applies, the Mayor of London must give—

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- (a) the applicant, and
 - (b) the local planning authority to whom the application was made, an opportunity to make oral representations at a hearing (“a representation hearing”).
- (3) The Mayor of London must prepare and publish a document setting out—
- (a) the persons, in addition to the applicant and the local planning authority, who may make oral representations at a representation hearing,
 - (b) the procedures to be followed at a representation hearing,
 - (c) arrangements for identifying information which must be agreed by persons making oral representations at a representation hearing.
- (4) Each person who may make oral representations at a representation hearing must be given at least 14 days' notice of the hearing.
- (5) The Secretary of State must by order make provision for Part 5A of the Local Government Act 1972 (public admission to meetings of principal councils, public access to documents, etc) to apply to—
- (a) a representation hearing as it applies to a meeting of a principal council, and
 - (b) the Mayor of London in the conduct of a representation hearing as it applies to a principal council in the conduct of a meeting of that council.
- (6) The application of Part 5A may be with such modifications as the Secretary of State considers necessary or expedient.”.

36 Planning contribution under section 46 of PCPA 2004

In section 46 of PCPA 2004 (planning contribution), after subsection (7) insert—

- “(8) The regulations may include provision for the making of a planning contribution in circumstances where the Mayor of London is the local planning authority by virtue of a direction given under section 2A of the principal Act (applications of potential strategic importance).”.