

SCHEDULES

SCHEDULE 4

MAYORAL DEVELOPMENT ORDERS

PART 2

CONSEQUENTIAL AMENDMENTS

- 2 The Town and Country Planning Act 1990 is amended as follows.
- 3 In section 56(5)(a) (time when development begun where planning permission
granted by general or local development order) for “or a local development order”
substitute “, a local development order or a Mayoral development order”.
- 4 In section 57(3) (planning permission not required for normal use of land where
planning permission for development of land granted by development order etc)
after “a local development order” insert “, a Mayoral development order”.
- 5 In section 58(1) (planning permission may be granted by development order etc)
after “a local development order” insert “, a Mayoral development order”.
- 6 In section 62(2A) (applications for planning permission: references in subsections
(1) and (2) to applications for planning permission to include applications under
section 61L(2)) after “references to” in the second place insert “—
(a) applications for consent, agreement or approval as mentioned in
section 61DB(2), and
(b)”.
- 7 In section 65(3A) (notice etc of applications for planning permission: references
in subsections (1) and (3) to applications for planning permission etc to include
applications under section 61L(2) etc) after “references to” in the second place
insert “—
(a) any application for consent, agreement or approval as mentioned in
section 61DB(2) or any applicant for such consent, agreement or
approval, and
(b)”.
- 8 (1) Section 69 (register of applications etc) is amended as follows.
- (2) In subsection (1) (duty of local planning authority to keep register containing
information about planning applications etc) after paragraph (c) insert—
“(cza) Mayoral development orders;”.
- (3) In subsection (2)(b) (requirement for register to contain information about
local development orders etc) after “local development order,” insert “Mayoral
development order;”.
- 9 (1) Section 71 (consultations in connection with determinations under section 70) is
amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (2ZA) (references in subsections (1) and (2) to applications for planning permission to include applications under section 61L(2)) after “references to” in the second place insert “—
- (a) an application for consent, agreement or approval as mentioned in section 61DB(2), and
 - (b)”.
- (3) In subsection (3A) (disapplication of consultation requirement relating to caravan sites in case of neighbourhood development order) after “granted by” insert “a Mayoral development order or”.
- 10 In section 74(1ZA) (directions etc as to method of dealing with applications: references in subsections (1)(c) and (f) to planning permission etc to include approvals under section 61L(2) etc)—
- (a) in paragraph (a) after “reference to” in the second place insert “—
 - (i) a consent, agreement or approval as mentioned in section 61DB(2), and
 - (ii)”,
 - and
 - (b) in paragraph (b) after “references to” in the second place insert “—
 - (i) applications for consent, agreement or approval as mentioned in section 61DB(2), and
 - (ii)”.
- 11 In section 77(1) (reference of applications to the Secretary of State)—
- (a) for “approval” substitute “consent, agreement or approval”, and
 - (b) after “a local development order” insert “, a Mayoral development order”.
- 12 In section 78(1)(c) (right of appeal against refusal of application for approval under development order etc.) after “a local development order” insert “, a Mayoral development order”.
- 13 In section 88(9) (provision for permission for development in enterprise zones does not prevent planning permission from being granted by other means) after “a local development order” insert “, a Mayoral development order”.
- 14 In section 91(4)(a) (provisions about general condition limiting duration of planning permission do not apply to permission granted by development order etc) after “a local development order” insert “, a Mayoral development order”.
- 15 (1) Section 108 (compensation for refusal etc of planning permission formerly granted by development order etc) is amended as follows.
- (2) In the heading after “local development order” insert “, Mayoral development order”.
- (3) In subsection (1)—
- (a) in paragraph (a) after “a local development order” insert “, a Mayoral development order”, and
 - (b) after “the local development order” insert “, the Mayoral development order”.
- (4) After subsection (1) insert—
- “(1A) Where section 107 applies in relation to planning permission granted by a Mayoral development order—

Status: This is the original version (as it was originally enacted).

- (a) subsection (1) of that section has effect as if it provided for a claim to be made to, and compensation to be paid by, the Mayor of London rather than the local planning authority, and
- (b) subject to subsection (1B), sections 109 to 112 have effect where compensation is payable by the Mayor of London under section 107(1) as if references to the local planning authority (however expressed) were references to the Mayor of London.

(1B) Subsection (1A)(b) does not apply to section 110(2) or (4).”

(5) In subsection (2)—

- (a) after “a local development order” insert “, a Mayoral development order”, and
- (b) after “revocation” in both places insert “, revision”.

(6) In subsection (3B) after paragraph (b) insert—

“(ba) in the case of planning permission granted by a Mayoral development order, the condition in subsection (3DA) is met, or”.

(7) After subsection (3D) insert—

“(3DA) The condition referred to in subsection (3B)(ba) is that—

- (a) the planning permission is withdrawn by the revocation or revision of the Mayoral development order,
- (b) notice of the revocation or revision was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation or revision took effect, and
- (c) either—
 - (i) the development authorised by the Mayoral development order had not begun before the notice was published, or
 - (ii) section 61DE(3) applies in relation to the development.”

16 In section 109(6) (apportionment of compensation for depreciation: interpretation) in the definition of “relevant planning decision” after “the local development order” insert “, the Mayoral development order”.

17 In section 171H(1)(a) (compensation for temporary stop notice: application where activity authorised by development order etc) after “a local development order” insert “, a Mayoral development order”.

18 In section 264(5)(ca) (land which is treated as operational land of a statutory undertaker by virtue of planning permission for its development granted by a local development order etc) after “a local development order” insert “, a Mayoral development order”.

19 (1) Section 303 (fees for planning applications etc) is amended as follows.

(2) After subsection (1) insert—

“(1ZA) The Secretary of State may by regulations make provision for the payment of a fee to—

- (a) the Mayor of London in respect of an application for consent, agreement or approval as mentioned in section 61DB(2) or the giving of advice about such an application;

Status: This is the original version (as it was originally enacted).

- (b) a specified person in respect of an application for consent, agreement or approval for which provision is made under section 61DB(4) or the giving of advice about such an application.”
- (3) After subsection (10) insert—
- “(10A) If the Mayor of London or a specified person calculates the amount of fees in pursuance of provision made by regulations under subsection (1ZA) the Mayor of London or the specified person must secure that, taking one financial year with another, the income from the fees does not exceed the cost of performing the function.”
- (4) After subsection (11) insert—
- “(12) In this section “specified person” means a person specified by development order under section 61DB(4).”
- 20 In section 305(1)(a) (contributions by Ministers towards compensation paid by local authorities) after “local authority” insert “, the Mayor of London”.
- 21 In section 324 (rights of entry) after subsection (1A) insert—
- “(1B) Any person duly authorised in writing by the Secretary of State, a local planning authority or the Mayor of London may at any reasonable time enter any land for the purpose of surveying it in connection with—
- (a) a proposal by a local planning authority to apply to the Mayor of London for the Mayor to make a Mayoral development order, or
- (b) a proposal by the Mayor of London to make a Mayoral development order.”
- 22 (1) Section 333 (regulations and orders) is amended as follows.
- (2) In subsection (4) after “61A(5)” insert “, 61DD(4),”.
- (3) In subsection (5) after “Wales),” insert “61DD(4),”.
- 23 In section 336(1) (interpretation) at the appropriate place insert—
- ““relevant local planning authority” is to be construed in accordance with section 61DB(9);”.