
STATUTORY INSTRUMENTS

2000 No. 1493

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Mayor of London) Order 2000

<i>Made</i>	- - - -	<i>5th June 2000</i>
<i>Laid before Parliament</i>		<i>12th June 2000</i>
<i>Coming into force</i>	- -	<i>3rd July 2000</i>

The Secretary of State for the Environment, Transport and the Regions in exercise of the powers conferred upon him by section 74 of the Town and Country Planning Act 1990(1) and all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (Mayor of London) Order 2000 and shall come into force on 3rd July 2000.

(2) This Order applies to every application of potential strategic importance received on or after 3rd July 2000 by a local planning authority for a London borough.

Interpretation

2.—(1) In this Order—

“the 1972 Act” means the Local Government Act 1972(2);

“the 1990 Act” means the Town and Country Planning Act 1990;

“the GLA Act” means the Greater London Authority Act 1999;

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987(3);

“GDPO” means the Town and Country Planning (General Development Procedure) Order 1995(4);

“application of potential strategic importance” has the meaning given in the Schedule; and

“Mayor” means the Mayor of London.

(1) 1990 c. 8. Section 74(1A) was inserted by section 19(1) of, and section 74(2) was amended by paragraph 17 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34). Sections 74(1B) and (1C) were inserted by section 344(9) of the Greater London Authority Act 1999 (c. 29). See section 336(1) for the definition of “prescribed” for the purposes of section 74(1) and section 74(1B) for the definition of “prescribed” for the purposes of that section.

(2) 1972 c. 70.

(3) S.I. 1987/764; relevant amending instruments are S.I. 1991/1567, 1994/724, 1995/297.

(4) S.I. 1995/419; a relevant amending instrument is S.I. 1996/1817.

(2) For the purposes of this Order the date of receipt of an application shall be determined in accordance with article 20(3) (time periods for decision) of the GDPO.

Notification to the Mayor of applications of potential strategic importance

3. The local planning authority shall as soon as reasonably practicable after receiving an application of potential strategic importance send to the Mayor at his principal office a copy of the application and a copy of any plans, drawings or other documents submitted by the applicant in support of the application.

Determination of applications of potential strategic importance

4.—(1) The local planning authority shall not grant permission on an application which they were required to notify to the Mayor under article 3 unless—

- (a) the authority have sent to the Mayor—
 - (i) a copy of any representations made to the authority in respect of the application,
 - (ii) a copy of any report on the application prepared by an officer of the authority, and
 - (iii) a statement of the permission the authority propose to grant and of any conditions the authority propose to impose; and
- (b) (i) a period of 14 days has elapsed beginning with the date notified in writing by the Mayor to the authority as the date he received the items specified in subparagraph (a), or
- (ii) the Mayor has notified the local planning authority in writing that he is content for the authority to grant permission in accordance with the statement referred to in subparagraph (a)(iii).

(2) Paragraph (1) shall not apply where the Mayor has notified the local planning authority in writing that he does not wish to be consulted pursuant to this article.

(3) The local planning authority shall, at the same time as they give notice to an applicant of a determination on an application of potential strategic importance, send to the Mayor a copy of that notice.

Mayor's power to direct refusal of permission

5.—(1) If the Mayor considers that to grant permission on an application which has been notified to him under article 3 would be—

- (a) contrary to the spatial development strategy or prejudicial to its implementation, or
- (b) otherwise contrary to good strategic planning in Greater London,

he may, within the period specified in article 4(1)(b)(i), direct the local planning authority to refuse the application.

(2) Before giving a direction under paragraph (1)(b) above, the Mayor shall have regard to the following matters so far as material to the application—

- (a) the principal purposes of the Greater London Authority;
- (b) the effect that permission would have on—
 - (i) the health of persons in Greater London, and
 - (ii) the achievement of sustainable development in the United Kingdom;
- (c) national policies and such international obligations as the Secretary of State may notify to the Mayor for the purposes of section 41(5)(a) of the GLA Act;

- (d) any regional planning guidance issued by the Secretary of State so far as relating to an area which includes or adjoins Greater London;
 - (e) the desirability of promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services and for the transportation of freight;
 - (f) any statement which contains the Secretary of State's policies in relation to the recovery and disposal of waste in England and which is made under section 44A (National Waste Strategy: England and Wales) of the Environmental Protection Act 1990⁽⁵⁾;
 - (g) the objectives of preventing major accidents and limiting the consequences of such accidents; and
 - (h) the need—
 - (i) in the long term, to maintain appropriate distances between establishments and residential areas, areas of public use and areas of particular natural sensitivity or interest, and
 - (ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances⁽⁶⁾ so as not to increase the risks to people.
- (3) Expressions appearing both in paragraph (2) and in Council Directive 96/82/EC have the same meaning as in that Directive.
- (4) Any direction given under paragraph (1) shall be accompanied by a statement setting out the Mayor's reasons for that direction.
- (5) At any time before the local planning authority have determined the application the Mayor may by a further direction cancel a direction given under paragraph (1).
- (6) The Mayor shall, at the same time as he gives a direction to a local planning authority under paragraph (1) or (5), send to the Secretary of State a copy of that direction and, in the case of a direction under paragraph (1), a copy of the statement of reasons required by paragraph (4).
- (7) Subject to any direction given under paragraph (8), the local planning authority shall as soon as reasonably practicable after receiving a direction under paragraph (1)—
- (a) refuse the application, and
 - (b) include with the notice given in accordance with article 20(1) of the GDPO a copy of the statement setting out the Mayor's reasons referred to in paragraph (4) above.
- (8) The Secretary of State may give a direction prohibiting a local planning authority to which a direction is given under paragraph (1) from implementing that direction in such circumstances or during such period as are specified in the Secretary of State's direction.
- (9) The Secretary of State shall, at the same time as he gives a direction to a local planning authority under paragraph (8), send to the Mayor a copy of that direction.
- (10) An authority shall place on Part II of the register required by article 25 of the GDPO a copy of any direction it receives under this article.

⁽⁵⁾ c. 43. Section 44A was inserted by section 92 of the Environment Act 1995 (c. 25).

⁽⁶⁾ O.J. No. L10, 14.1.1997, p. 13.

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Signed by authority of the Secretary of State for the Environment, Transport and the Regions

5th June 2000

Keith Hill
Parliamentary Under Secretary of State
Department of the Environment, Transport and
the Regions

SCHEDULE

Article 2(1)

Definition of “application of potential strategic importance”

1.—(1) Subject to sub-paragraphs (2) and (3) below, “application of potential strategic importance” means any application for planning permission for development which the local planning authority consider falls within a category set out below.

(2) Sub-paragraph (1) does not apply to—

- (a) an application under section 73 of the 1990 Act, or
- (b) an application for renewal of planning permission,

where the previous planning permission was granted pursuant to an application for planning permission which was received by the local planning authority on or before 2 July 2000.

(3) In sub-paragraph (2) above, “previous planning permission” means the planning permission in respect of which the application referred to in paragraph (a) or (b) is made.

2. If the local planning authority receive an application for planning permission for development, which they consider forms part of more substantial proposed development, on the same land or adjoining land, they shall for the purposes of this Schedule treat that application as an application for planning permission for the more substantial development.

3. In deciding, in accordance with paragraph 2 above, whether an application for planning permission for development (referred to in this paragraph as “the relevant application”) forms part of more substantial development, a local planning authority shall take into account other development of the same land or adjoining land—

- (a) in respect of which an application for planning permission has been made but not finally determined on the date the relevant application is received by the local planning authority;
- (b) in respect of which planning permission has been granted within the period of five years immediately preceding that date;
- (c) substantially completed within the period of five years immediately preceding that date.

4. For the purposes of this Schedule development occupies that area in respect of which the application for planning permission for the development seeks planning permission.

5. For the purposes of this Schedule “floorspace” means the total floor space in a building or buildings, including the width of external walls.

PART I

LARGE SCALE DEVELOPMENT

Category 1A

1. Development which—

- (a) comprises or includes the provision of more than 500 houses, flats, or houses and flats; or
- (b) comprises or includes the provision of flats or houses and the development occupies more than 10 hectares.

Category 1B

1. Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings—

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- (a) in the City of London and with a total floorspace of more than 30,000 square metres, or
- (b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres, or
- (c) outside Central London and with a total floorspace of more than 15,000 square metres.

2. In paragraph 1 “Central London” means the area bounded by the outer edge of the red line on a map entitled “Map of Central London referred to in the Town and Country Planning (Mayor of London) Order 2000” of which prints, dated 25th May 2000 and signed by a Director in the Department of the Environment, Transport and the Regions, are deposited and available for inspection at—

- (a) the principal office of Secretary of State for the Environment, Transport and the Regions;
- (b) the Government Office for London;
- (c) the principal office of the Mayor; and
- (d) the principal office of the local planning authority for each London borough.

Category 1C

1. Development which comprises or includes the erection of a building in respect of which one or more of the following conditions is met—

- (a) the building is more than 25 metres high and is adjacent to the River Thames,
- (b) the building is more than 75 metres high and in the City of London,
- (c) the building is more than 30 metres high and outside the City of London.

2. A building is adjacent to the River Thames for the purposes of paragraph 1(a)—

- (a) if the building is wholly or partly on a site which falls within an area identified as a Thames Policy Area in the development plan, or
- (b) where no such area is so identified in respect of the relevant part of the River Thames, if the building is wholly or partly on a site which falls within the Thames Policy Area being the area bounded by the outer edge of the red line on the set of maps numbered 1 to 3 entitled “Maps of the Thames Policy Area referred to in the Town and Country Planning (Mayor of London) Order 2000” of which prints, dated 25th May 2000 and signed by a Director in the Department of the Environment, Transport and the Regions, are deposited and available for inspection at—
 - (i) the principal office of Secretary of State for the Environment, Transport and the Regions;
 - (ii) the Government Office for London;
 - (iii) the principal office of the Mayor; and
 - (iv) the principal office of the local planning authority for each London borough.

3. Any part of a building below ground level shall be ignored for the purposes of paragraph 1.

Category 1D

1. Development which comprises or includes the alteration of an existing building where—

- (a) the development would increase the height of the building by more than 15 metres; and
- (b) the building would, on completion of the development, be higher than a relevant threshold set out in paragraph 1 of Category 1C.

PART II

MAJOR INFRASTRUCTURE

Category 2A

1. Development which comprises or includes mining operations where the development occupies more than 10 hectares.

2. In paragraph 1 “mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working.

Category 2B

1. Waste development to provide an installation with capacity for a throughput of more than 50,000 tonnes per annum of waste produced outside the land in respect of which planning permission is sought.

2. In paragraph 1 “waste development” means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, keeping, processing or disposing of refuse or waste materials.

Category 2C

1. Development to provide—

- (a) an aircraft runway;
- (b) a heliport (including a floating heliport or a helipad on a building);
- (c) an air passenger terminal at an airport;
- (d) a railway station;
- (e) a tramway, an underground, surface or elevated railway, or a cable car;
- (f) a bus or coach station;
- (g) an installation for a use within Class B8 (storage or distribution) of the Schedule to the Use Classes Order where the development would occupy more than 4 hectares;
- (h) a crossing over or under the River Thames; or
- (i) a passenger pier on the River Thames.

2. Development to alter an air passenger terminal to increase its capacity by more than 500,000 passengers per year.

PART III

DEVELOPMENT WHICH MAY AFFECT STRATEGIC POLICIES

Interpretation

1. In this Part land shall be treated as used for a particular use if—

- (a) it was last used for that use, or
- (b) it is allocated for that use in—
 - (i) the development plan in force in the area in which the application site is situated,

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- (ii) proposals for such a plan, or
- (iii) proposals for the alteration or replacement of such a plan.

Category 3A

1. Development which is likely to—
 - (a) result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats); or
 - (b) prejudice the residential use of land which exceeds 4 hectares and is used for residential use.

Category 3B

1. Development—
 - (a) which occupies more than 4 hectares of land which is used for a use within Class B1 (business), B2 (general industrial) or B8 (storage or distribution) of the Use Classes Order; and
 - (b) which is likely to prejudice the use of that land for any such use.

Category 3C

1. Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which—
 - (a) is used as a playing field at the time the relevant application for planning permission is made, or
 - (b) has at any time in the five years before the making of the application been used as a playing field.
2. In paragraph 1 “playing field” has the same meaning as in article 10(2)(l) of the GDPO.

Category 3D

1. Development—
 - (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and
 - (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

Category 3E

1. Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and—
 - (a) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following Classes in the Use Classes Order—
 - (i) class A1 (retail);
 - (ii) class A2 (financial and professional);
 - (iii) class A3 (food and drink);
 - (iv) class B1 (business);

- (v) class B2 (general industrial);
- (vi) class B8 (storage and distribution);
- (vii) class C1 (hotels);
- (viii) class C2 (residential institutions);
- (ix) class D1 (non-residential institutions);
- (x) class D2 (assembly and leisure);

or

- (b) comprises or includes the provision of more than 150 houses or flats or houses and flats.

Category 3F

1. Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.

PART IV

DEVELOPMENT ON WHICH THE MAYOR MUST BE CONSULTED BY VIRTUE OF A DIRECTION OF THE SECRETARY OF STATE

Category 4

1. Development in respect of which the local planning authority is required to consult the Mayor by virtue of a direction given by the Secretary of State under article 10(3) of the GDPO.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the determination of strategic planning applications in London following the coming into force of Part VIII of the Greater London Authority Act 1999.

Articles 1 and 2 provide for preliminary matters, including citation, commencement and application (article 1) and interpretation (article 2).

Article 3 requires the notification of applications of potential strategic importance to the Mayor of London. Applications of potential strategic importance are defined in article 2(1) and the Schedule to the Order.

The procedure for the determination of applications of potential strategic importance is specified in article 4 and article 5 enables the Mayor to direct refusal of permission in specified circumstances and subject to specified conditions.

A regulatory impact assessment has been prepared and copies can be obtained from the Planning Division, Government Office for London, Riverwalk House, 157-161 Millbank, London SW1P 4RR. A copy has been placed in the library of each House of Parliament.

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