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STATUTORY INSTRUMENTS

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**2017 No. 430**

**The Liverpool City Region Combined Authority  
(Functions and Amendment) Order 2017**

**PART 2**

**Planning**

**Spatial development strategy**

**3.**—(1) The Combined Authority shall have, in relation to the Area, functions corresponding to functions in the 1999 Act that the Mayor of London has in relation to Greater London, which are specified in the following provisions in the 1999 Act—

- (a) section 334 (the spatial development strategy);
- (b) section 335 (public participation)(1);
- (c) section 336 (withdrawal);
- (d) section 337 (publication)(2);
- (e) section 338 (examination in public)(3);
- (f) section 339 (review of matters affecting the strategy);
- (g) section 340 (reviews of the strategy);
- (h) section 341 (alteration or replacement)(4);
- (i) section 342 (matters to which the Mayor is to have regard);
- (j) section 346 (monitoring and data collection)(5); and
- (k) section 348 (mayor’s functions as to planning around Greater London).

(2) The exercise by the Combined Authority of the functions corresponding to the functions in sections 335 (public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

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- (1) Section 335 was amended by section 29(1) and (2) of the Greater London Authority Act 2007 (c. 24) and section 228(2)(a), (b) and (c) and 237 of, and Part 33 of Schedule 25 to the Localism Act 2011 (c. 20).
- (2) Section 337 was amended by section 118(2) of, and paragraph 22(1), and (2)(b) and (c) of Schedule 7 to, the 2004 Act and sections 109(7) and 237 of, and paragraphs 3 and 4 of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.
- (3) Section 338 was amended by section 48(1) of, and paragraph 52 of Schedule 8 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15) and article 2(2) of, and paragraph 19 of the Schedule to, S.I. 2013/2042.
- (4) Section 341 was amended by section 118(2) of and, paragraph 22(1) and (3) of Schedule 7 to, the 2004 Act, section 85(1) of, and paragraphs 9 and 10 of Schedule 5 to, the 2009 Act (c. 20) and sections 109(7) and 237 of, and paragraphs 3 and 5(a) and (b) of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.
- (5) Section 446 was amended by section 118(2) of, and paragraph 23(1) and (4) of Schedule 27 to, the 2004 Act.

### Adaptation of enactments in consequence of article 3

4.—(1) This article has effect in consequence of article 3(1).

(2) Part 8 of the 1999 Act applies in relation to the preparation and publication of a spatial development strategy by the Combined Authority as it applies in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 1 of Schedule 1.

(3) Sections 343 (regulations) and 420 of the 1999 Act (orders and regulations) apply in relation to the functions of the Secretary of State to make regulations by statutory instrument under section 343(1) with respect to all or any of the following —

- (a) the form and content of the spatial development strategy published by the Combined Authority;
- (b) the documents (if any) the Secretary of State requires to accompany the spatial development strategy published by the Combined Authority;
- (c) the procedure to be followed by the Combined Authority in connection with the preparation, withdrawal, publication, making, review, alteration or replacement of the spatial development strategy, or in connection with any review under section 339 as modified by Part 1 of Schedule 1; and
- (d) the procedure to be followed at an examination in public examining matters affecting the consideration of the spatial development strategy,

as they apply in relation to the functions of the Secretary of State to make such regulations in relation to the spatial development strategy published by the Mayor of London.

(4) Subject to paragraph (6) and to Schedule 1, in any enactment passed or made on or before 8th May 2017—

- (a) any reference to a spatial development strategy, or
- (b) any reference which falls to be read as a reference to a spatial development strategy,

is to be treated as including a reference to a strategy prepared and published in accordance with the function conferred by article 3(1).

(5) Sections 19 (preparation of local development documents), 24 (conformity with regional strategy), 37 (interpretation), 38 (development plan) and 113 (validity of strategies, plans and documents) of the 2004 Act<sup>(6)</sup> apply in relation to the preparation and publication of a spatial development strategy by the Combined Authority as they apply in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 2 of Schedule 1.

(6) Paragraph (4) does not apply to—

- (a) section 41 of the 1999 Act (general duties of the Mayor in relation to his strategies)<sup>(7)</sup>;
- (b) section 356A of the 1999 Act (London Waste and Recycling Board)<sup>(8)</sup>;

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(6) Section 19 was amended by sections 180 and 182 of the Planning Act 2008 (c. 29); section 85 of, and paragraph 14 of Schedule 5 to, the 2009 Act; and section 100 of the Deregulation Act 2015 (c. 20). Section 24 was amended by sections 85 and 146 of, and paragraph 15 of Schedule 5 and paragraph 1 of Schedule 7 to, the 2009 Act; section 222 of, and paragraph 55 of Schedule 22 to, the 2011 Act. Section 37 was amended by section 180 of the Planning Act 2008; section 56 of, and paragraph 81 of Schedule 8 to, the 2008 Act; section 85 of, and paragraph 174 of Schedule 5 to, the 2009 Act; and section 222 of, and paragraph 56 of Schedule 22 to, the 2011 Act. Section 38 was amended by section 180 of the Planning Act 2008; section 82 of the 2009 Act; sections 109 and 116 of, and paragraph 13 of Schedule 8 and paragraph 6 of Schedule 9 to, the 2011 Act. Section 113 was amended by section 185 of the Planning Act 2008; section 85 of, and paragraph 19 of Schedule 5 to, the 2009 Act; and by section 91 of, and paragraph 8 of Schedule 16 to, the Criminal Justice and Courts Act 2015 (c. 2).

(7) Section 41 was amended by sections 24, 28 and 41 of the Greater London Authority Act 2007; and sections 192, 225, 227 and 237 of and paragraph 2 of Schedule 23 and paragraph 1 of Schedule 25 to the 2011 Act.

(8) Section 356A was inserted by section 38 of the Greater London Authority Act 2007 and amended by sections 225 of, and paragraph 6 of Schedule 23 to, the 2011 Act.

- (c) section 10 of the London Olympic Games and Paralympic Games Act 2006<sup>(9)</sup>; and
- (d) the Town and Country Planning (London Spatial Development Strategy) Regulations 2000<sup>(10)</sup>.

### **Planning applications of potential strategic importance**

5.—(1) The Combined Authority shall have, in relation to the Area, functions corresponding to the following functions that the Mayor of London has in relation to Greater London—

- (a) section 2A of the 1990 Act (the Mayor of London: applications of potential strategic importance)<sup>(11)</sup>;
- (b) section 2B of the 1990 Act (section 2A: supplementary provisions)<sup>(12)</sup>;
- (c) section 2C of the 1990 Act (matters reserved for subsequent approval)<sup>(13)</sup>;
- (d) section 2E of the 1990 Act (section 2A and planning obligations under section 106)<sup>(14)</sup>;
- (e) section 2F of the 1990 Act (representation hearings)<sup>(15)</sup>;
- (f) section 74 of the 1990 Act (directions etc. as to method of dealing with applications)<sup>(16)</sup>;
- (g) the 2008 Order.

(2) Sections 2A, 2B, 2C, 2D, 2E and 2F of the 1990 Act and the 2008 Order apply in relation to the consideration of applications of potential strategic importance by the Combined Authority as they apply in relation to the consideration of applications of potential strategic importance by the Mayor of London.

(3) In section 2A(3)(a) of the 1990 Act as applied by paragraph (2) the references to “Greater London” are to be read as references to “the Area”.

(4) The provisions in section 333 of the 1990 Act (orders and regulations) apply in relation to the power of the Secretary of State to make orders under sections 2A and 2F of that Act in relation to the Combined Authority, as it applies in relation to the power of the Secretary of State to make orders under sections 2A and 2F of that Act in relation to the Mayor of London <sup>(17)</sup>.

(5) The provisions in the 2008 Order apply in relation to the Combined Authority’s power to direct that applications for planning permission of potential strategic importance must be determined by the Combined Authority in place of the local planning authority as they apply in relation to the Mayor of London’s power to direct that applications for planning permission of potential strategic importance must be determined by the Mayor of London in place of the local planning authority.

(6) The 2008 Order shall have effect as if—

- (a) for every reference to “the Mayor” there were substituted “the Combined Authority”;

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<sup>(9)</sup> 2006 c. 12. Section 10 was amended by section 195 of, and paragraph 9 of Schedule 20 to, the 2011 Act.

<sup>(10)</sup> S.I. 2000/1491

<sup>(11)</sup> Section 2A was inserted by section 31 of the Greater London Authority Act 2007 and was amended by section 222 of and paragraph 31 of Schedule 22 to the 2011 Act; section 1 of and paragraph 2 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27); and by sections 149 and 150 of and paragraph 2 of Schedule 12 to the Housing and Planning Act 2016 (c. 22).

<sup>(12)</sup> Section 2B was inserted by section 31 of the Greater London Authority Act 2007 and was amended by section 28 of the Growth and Infrastructure Act 2013.

<sup>(13)</sup> Section 2C was inserted by section 31 of the Greater London Authority Act 2007 and was amended by section 1 of and paragraph 2 of Schedule 1 to the Growth and Infrastructure Act 2013.

<sup>(14)</sup> Section 2E was inserted by section 32 of the Greater London Authority Act 2007.

<sup>(15)</sup> Section 2F was inserted by section 35 of the Greater London Authority Act 2007.

<sup>(16)</sup> Section 74 was amended by section s19 and 84 of and paragraph 1 of Schedule 19 to the Planning and Compensation Act 1991 (c. 34); section 344 of the 1999 Act; section 121 of and paragraph 9 of Schedule 12 to the 2011 Act; section 30 of and paragraph 10 of Schedule 4(2) to the Infrastructure Act 2015 (c. 7); and by sections 149 and 150 of and paragraph 17 of Schedule 12 to the Housing and Planning Act 2016 (c. 22).

<sup>(17)</sup> The Secretary of State’s power to make orders under sections 2A and 2F of that Act, is by statutory instrument, prescribing the circumstances in which, and the conditions subject to which, the Mayor of London may give a direction under section 2F of that Act and provision in relation to public admission to representation hearings and public access to documents, etc at such hearings under section 2F of that Act.

- (b) article 3 were omitted;
- (c) in article 6—
  - (i) every reference to “Greater London” is to be read as a reference to “the Area”,
  - (ii) in paragraph (2)(a) for “the Greater London Authority” there were substituted “the Combined Authority”, and
  - (iii) paragraph (2)(c) and (f) were omitted; and
- (d) for Parts 1, 2 and 3 of the Schedule to the 2008 Order there were substituted Parts 1, 2 and 3 in Schedule 2.