



# **LONDON PLANNING STATEMENT**

## **SUPPLEMENTARY PLANNING GUIDANCE**

MAY 2014

**LONDON PLAN 2011  
IMPLEMENTATION FRAMEWORK**

**MAYOR OF LONDON**

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The Mayor would like to thank those who contributed to this document by sharing case studies, photographs and responding to the consultation.

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May 2014

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# CHAPTER 1

## INTRODUCTION

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## INTRODUCTION

- 1.1 Good planning has never been more important, particularly in the face of the scale and pace of change expected in London over the next twenty years. Between now and 2036 London's population is expected to grow by over 1.5 million; the last time we saw growth of this order was in the late nineteenth century.
  - 1.2 If we fail to plan, we are planning to fail. And if we fail, we let down not only those living and working in our city today, but those who will follow us – what we do (or don't do) now will determine quality of life here for years to come. Inadequate planning will put at risk the Mayor's objective of accommodating London's growth within its current boundaries, without either encroaching on the Green Belt and the capital's protected open spaces or having unacceptable environmental consequences<sup>1</sup>. Good planning is essential if we are to make the case for investment in infrastructure, and then see it implemented effectively.
  - 1.3 These are not long – or medium – term issues; they are priorities we have to meet now. How we do this is set out in the London Plan, and is further articulated and explained in the Mayor's "London Vision 2020" – which sets out the actions and investments needed to deliver the Plan's strategy of supporting and managing development to help London accommodate growth without unacceptable environmental, social or economic impacts.
  - 1.4 At the same time, the planning system is undergoing major change. The Government has published its National Planning Policy Framework<sup>2</sup> (NPPF). This replaces over a thousand pages of national policy guidance across 44 documents with a succinct statement of 57 pages. It focuses on things the Government considers really need to be addressed nationally, leaving flexibility for those of us concerned with development at a more local level to work out approaches that suit our needs and circumstances.
  - 1.5 London faces unique challenges – social, environmental and economic change on a scale not seen anywhere else, a land market that operates with a distinctive intensity and a reliance on private investment not seen in other cities in the United Kingdom. We also have a unique planning system, with an elected Mayor setting strategic policy in conjunction with boroughs, developers and the huge range of organisations concerned with the development of the city and its neighbourhoods, and boroughs overseeing the development of their area through local plans which are in general conformity with the London Plan.
  - 1.6 London is well-served by arrangements where for the most part cooperation is a practical reality rather than a statutory duty, where there is a wide agreement about the objectives that should be sought and where there is a high degree of cooperation to tackle issues of common concern. We have the opportunity now to build on this. This document is intended to help everyone concerned with planning in London understand the Mayor's role in ensuring the system works effectively to meet these challenges.
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## THIS DOCUMENT

- 1.7 The NPPF revoked Government Office for London Circular 1/2008 which “provided advice and guidance on the arrangements for strategic planning in London”. The Mayor considers that it is helpful for him to fill the gap this leaves with a document that provides some information about his planning functions, and the way in which he intends to carry them out. This document is intended to be helpful to anyone concerned with planning in London, including boroughs, specialist agencies, developers, amenity and voluntary groups, individual neighbourhoods and Londoners. It:
- sets out some general principles of fundamental importance to the planning system in London;
  - explains the Mayor’s part in London’s planning system, both in preparing strategic planning policy through his spatial development strategy (or “London Plan”) and in the taking of planning decisions about strategic developments;
  - highlights the issues that the Mayor considers are particular priorities for the London planning system and which he thinks it is helpful to draw to the attention of others; and
  - sets out the Mayor’s intended programme of planning-related work for the next four years.
- 1.8 In formal terms, it is published as supplementary guidance to the London Plan, providing guidance and context about how the Plan and its policies will be implemented. This Planning Statement does not have the formal development plan status of the London Plan; it should be read alongside the Plan itself. It has been formally adopted by the Mayor as

supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). Adoption follows a period of public consultation, and a summary of the comments received and the responses of the Mayor to those comments are available on the Greater London Authority website. It is therefore a material consideration in drawing up development plan documents and in taking planning decisions.

## GENERAL PRINCIPLES

- 1.9 There are three principles that the Mayor regards as being of fundamental importance to the taking of planning decisions, whether in the preparation of strategic planning policies or in taking individual planning decisions.
- 1.10 The first of these is the overriding importance of ensuring that decisions are taken (and clearly seen to be taken) in accordance with the principles of propriety – that is in compliance with all legal requirements regarding procedural fairness, and ensuring that decisions are properly based on relevant planning considerations. The Mayor will take particular care to avoid conflicts of interest, and will ensure transparency in declaring any personal interest he may have that is relevant to a particular decision. He will avoid any perception of bias, or of pre-judging such decisions. The GLA has prepared a code of conduct for the Mayor, members of the London Assembly and co-opted members of the Greater London Authority involved in taking planning decisions; this is attached as Annex A to this document.
- 1.11 The second relates to promoting sustainable growth. It has already

been noted that London is a city that is growing rapidly. If its people are to enjoy the kind of opportunities and facilities, neighbourhoods and urban realm they need, it will be vital to encourage and promote sustainable growth and development. This is the approach running through the London Plan and its detailed policies; it is also the clear direction taken by national Government in the National Planning Policy Framework. The Mayor is clear that without growth and development, and the renewal of the built environment these will bring, the social, environmental and economic policies in the London Plan and his other strategies will not be delivered. Having assessed the policies in the London Plan, the Mayor is satisfied that they are consistent with national policies in the NPPF. As such, the London Plan can be seen as the London expression of national policy, and if a plan or planning proposal is consistent with the Plan, he is satisfied that it will also be consistent with the NPPF. The Mayor shares the Government's view that planning applications that accord with the London Plan and any adopted borough local plans should be approved without delay unless material considerations indicate otherwise. In assessing and determining development proposals, the presumption in favour of sustainable development should apply.

- 1.12 Third, in a city where seventy percent of the economy is driven by the private sector, this means giving particular attention to ensuring development is viable – making sure that landowners and developers both make enough through the development process to make development worth their while. There are different techniques for establishing what is “enough” in this

context, and agreeing this is likely to be a matter of debate between those involved in development and planning decision-makers. The Mayor is clear about the importance of making sure these issues are fully considered in taking planning decisions, and he will work with all those involved to develop guidance and tools to help make sure this is done rigorously and effectively.

- 1.13 Viability should be taken into account at every stage; consideration should be given to the cost implications of the requirements for information and assessments supporting planning applications, and to those of conditions and other requirements imposed on developers. Particular care should be taken in considering the use of planning obligations and the level at which the Community Infrastructure Levy (CIL) is set; these need to reflect likely market conditions now and into the future. It should always be borne in mind that there will be no benefit to the community from section 106 agreements or the CIL at all if development does not actually take place (further guidance on CIL is given by the Mayor in his supplementary guidance on “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy”).



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## CHAPTER 2

# THE MAYOR'S PLANNING FUNCTIONS: THE LONDON PLAN

## **THE MAYOR'S PLANNING FUNCTIONS: THE LONDON PLAN**

### **THE STATUS OF THE LONDON PLAN**

- 2.1 Under the Greater London Authority Act 1999 (as amended), the Mayor is required to publish a Spatial Development Strategy (SDS) for London<sup>3</sup>. This strategy is more commonly known as “the London Plan”, and it is intended to provide a strategic framework for London boroughs’ local development frameworks (also known as “local plans”), neighbourhood plans and for the taking of planning decisions. The current Plan is that published in July 2011, as amended by the Revised Early Minor Alterations to the London Plan, published in October 2013. Further alterations to the Plan are currently being prepared to address the recent substantial increase in London’s population.
- 2.2 In most cases, boroughs are the local planning authorities for their areas (unless the Mayor assumes that role – see below) and are also responsible for preparing local plans, but these must be in general conformity with the London Plan. The Localism Act 2011 enables the preparation of neighbourhood plans and neighbourhood development orders to steer development at a more local level; these also have to be in general conformity with the London Plan as well as the relevant local plan. Together, these three sets of documents make up the statutory development plan.
- 2.3 When planning decisions are made, the policies set out in the development plan have to be applied unless there are planning reasons why they should not be<sup>4</sup>. The London Plan also sets out the policies

the Mayor will apply in dealing with the planning applications that he sees (see section 3 of this document). Where there is a conflict between the London Plan and a borough local plan, it is the policy in the most recently published or adopted plan that should be given greater weight.

- 2.4 The London Plan also provides an overarching framework for the Mayor’s other strategies, by:
- providing a spatial (geographical and locational) framework and context for his other strategies (such as those on transport, economic development, housing and the environment);
  - bringing his strategies and policies together in a single, comprehensive framework, showing how together they will contribute to the sustainable development of London over the next twenty years; and
  - giving effect to those of the Mayor’s policies that require the planning system for implementation.

### **THE LONDON PLAN AND THE NATIONAL PLANNING POLICY FRAMEWORK**

- 2.5 Section 41 of the GLA Act 1999 (as amended) requires the Mayor to have regard to the need to ensure that the London Plan is consistent with national policies. The Government has published a comprehensive statement of national planning policy in the NPPF, and the Mayor considers that it is important to ensure consistency between the two documents, particularly to avoid uncertainty among users of the London planning system.
- 2.6 Having reviewed the policies in the London

Plan against those in the NPPF, the Mayor is satisfied that the Plan reflects the intent of the Framework, particularly its presumption in favour of sustainable development. He is also satisfied that the detailed policies in the Plan are generally consistent with the NPPF.

- 2.7 Given the level of consistency between the London Plan and the NPPF, the Mayor considers that the Plan can be seen as the expression of national policy for London, tailored to meet local circumstances and to respond to the opportunities to achieve sustainable development here. In other words, if a development proposal or local plan is consistent with the London Plan, it will also be consistent with the NPPF.

## PREPARATION OF THE LONDON PLAN

- 2.8 The process for preparing and publishing (and altering) the SDS is set out in the Greater London Authority Act 1999 (as amended) and supporting regulations. It was further changed by the Localism Act 2011, and is now as follows:

- The Mayor publishes a draft of his proposals for consultation with the London Assembly and the GLA functional bodies at the same time as he consults the Secretary of State, London boroughs, neighbouring authorities and the wider public<sup>5</sup>.
- There is an examination in public conducted by an independent person or persons (known as “the Panel”) appointed by the Secretary of State<sup>6</sup>. These examinations are intended to be relatively informal and non-adversarial, providing an opportunity to test the Mayor’s proposals through discussion of selected matters. The Panel decides

what matters should be discussed, and who should be invited to participate. Examinations in public are not intended to cover every aspect of the Mayor’s proposals, nor are they hearings of every representation received (although all the representations made as part of the consultation stage will be considered).

- The Panel will report to the Mayor. It may make recommendations about changes to the Mayor’s proposals. The Mayor is required to consider the Panel report and its recommendations, if any.
- The Mayor sends the Secretary of State the text of his proposals as he intends to publish them. This allows time (at least six weeks) for the Secretary of State to decide whether to direct the Mayor to make changes in order to avoid inconsistency with national policy or detriment to an area outside London<sup>7</sup>.
- Assuming the Secretary of State decides not to make a direction, the Mayor is required to lay a copy of his draft proposals before the London Assembly, which has 21 days to decide whether to reject it in its entirety (rejection requires two thirds of those voting in favour)<sup>8</sup>.
- Assuming the London Assembly does not decide to reject the draft, the Mayor can then publish the London Plan (or alterations to the Plan), and it will have formal status as part of the development plan.
- The Mayor can formally withdraw his proposals at any stage<sup>9</sup>.

The same process is followed to make amendments to (or “alter”) the London Plan.

- 2.9 In preparing the London Plan, and alterations to it, the Mayor is not bound by the ‘Duty to Cooperate’ as set out in the

Localism Act 2011. Although the London Plan forms part of the Development Plan in London, it is not a development plan document. However, under the GLA Act 1999, as amended, in connection to the preparation of the London Plan the Mayor has duties to:

- consult all London boroughs and the council of any county or district whose area adjoins Greater London and is affected by the proposed spatial development strategy (section 335);
- consult LPAs outside Greater London about any matter that he intends to keep under review because it may be expected to affect the development of Greater London or the planning of its development or which are otherwise relevant to the content of his Spatial Development Strategy (section 339);
- inform the LPAs for areas in the vicinity of Greater London, any body on which these authorities are represented or any other body which the Mayor considers should be informed, of his views concerning any matters of common interest, whether general or specific, relating to the development of Greater London or those areas (section 348).

### CONTENT OF THE LONDON PLAN

2.10 The Greater London Authority Act 1999<sup>10</sup> requires that the London Plan should deal only with matters of strategic importance to Greater London. These need not affect all parts of London (it is likely that the Plan will contain policies promoting the distinctive roles of central, inner and outer London), but have to be of significance to the wider interests of the capital. It is substantially a matter for the Mayor to decide whether an issue is sufficiently

strategic either in itself, or in its cumulative impact, to merit coverage in the London Plan, but he will seek to avoid including so much detail that the Plan's strategic nature is lost or that he starts dealing with matters that are more properly for boroughs or neighbourhoods. It is expected that ensuring an appropriate balance has been struck will be among the key roles of the examination in public of replacement Plans or alterations.

2.11 Londonwide targets, benchmarks and standards can play an essential part in delivering key strategic objectives and in demonstrating progress. The Mayor will, however, ensure that targets do not become an end in themselves or militate against developing local approaches to particular issues. In setting targets he will pay particular regard to the views of the range of London stakeholders, and he will justify the approach he has taken at the examination in public.

2.12 The London Plan will assume a 20 year forward planning period, and:

- set out the Mayor's general policies for the development and use of land;
- incorporate the geographic and locational elements of transport; environmental, economic development and other strategic policies for London, bringing them together in a single, comprehensive framework;
- adopt an integrated approach, covering all aspects of physical planning, infrastructure, development and other policies affecting or affected by the distribution of activities and promoting their implementation;
- support effective coordination and targeting of resources and provide



the basis for the Mayoral Community Infrastructure Levy;

- provide a strategic context, framework and information resource for boroughs and neighbourhoods in planning for their areas;
- illustrate the Mayor's strategy through the appropriate use of maps and diagrams (having regard to what is said about locational specificity below);
- where appropriate, incorporate targets and indicators of performance to support delivery of key policies and objectives and to enable the Mayor to carry out his responsibility to keep the SDS under review;
- deal in particular with policies for the River Thames in line with the duty in the GLA Act to promote and encourage its use<sup>11</sup> (including through designation of a Thames Policy Area); the safeguarding of wharves; and the designation of strategically important sites and views; and
- contribute to the achievement within London of sustainable development, a healthy economy and a more inclusive society.

2.13 The London Plan will give guidance on the broad location of strategically important development and set out policies and criteria providing clear strategic guidance about the acceptability of development proposals raising strategic importance. It will not include details more appropriate for borough development plans or neighbourhood plans, such as site-specific proposals, but it is appropriate for the Plan to identify broad locations that may be suitable for particular types of use.

2.14 The Mayor thinks it is helpful to produce guidance to supplement the

policies in the London Plan or to help in their implementation, including area frameworks. Under section 34 of the Greater London Authority Act 1999 (as amended) he has the power to do anything which is calculated to facilitate, or is conducive or incidental to the exercise of his other powers – in this case the requirements to prepare and publish a spatial development strategy (section 334) and to keep it under review (section 339).

2.15 Although such guidance does not have the formal development plan status enjoyed by the Plan itself, it may be taken into account as a material consideration in taking planning decisions. In future, the Mayor intends to ensure that any future guidance he issues will be:

A consistent with national planning policy and with the London Plan;

B clearly referenced to the relevant Plan policy to which it is supplementary and clearly identified as supplementary guidance; and

C issued separately from the London Plan and made publicly available.

2.16 In accordance with established practice, supplementary guidance will be subject to public consultation and views expressed will be taken into account before it is finalised. A report on the consultation, the views expressed and the Mayor's response will be placed on the Greater London Authority's website. In each case there will be a formal Mayoral resolution to adopt supplementary guidance before formal publication.

2.17 The Mayor is required to monitor

implementation of the London Plan and to publish an annual monitoring report setting out progress in meeting the objectives, policies, targets and performance indicators set out in it. He will maintain an appropriate and proportionate programme of research to inform monitoring and review of the Plan. In carrying out these duties, the Mayor will have regard to the importance of collecting and disseminating information likely to be useful to boroughs and neighbourhoods in preparing more local plans.

- 2.18 To support this, the Mayor will continue to maintain his London Development Database. This is a comprehensive resource monitoring key development trends across London, based on data the London boroughs are required to provide under a statutory scheme<sup>12</sup>.
- 2.19 The Mayor is also required to review the London Plan from time to time to ensure it remains up-to-date<sup>13</sup>. This could take the form of a review of a limited number of policies, leading to formal alterations to the Plan, or a complete review resulting in a replacement document. The form and timing of a review, and the policy areas to be covered, are matters for the Mayor to decide. Ministers retain powers of direction to deal with exceptional circumstances.
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## CHAPTER 3

# THE MAYOR'S PLANNING FUNCTIONS: PLANNING DECISIONS

### THE MAYOR'S PLANNING FUNCTIONS: PLANNING DECISIONS

3.1 The Mayor has two types of planning decision referred to him for review:

- Drafts of borough local plans (which includes Local Development Documents (LDDs) such as Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs)) and of neighbourhood plans to ensure they are in general conformity with the London Plan; and
- planning applications of potential strategic importance as defined in the Mayor of London Order 2008. These are types of development that are considered to be likely to raise issues of strategic importance to Greater London.

### LOCAL AND NEIGHBOURHOOD PLANS

3.2 The Planning and Compulsory Purchase Act 2004 requires that London borough Local Development Documents (LDDs), comprising core strategies and other DPDs, other LDDs, and pre-2004 policies that boroughs have “saved” (the NPPF calls these documents taken together “the local plan”), must not be adopted unless they properly reflect the policies in the London Plan. The test to be applied is whether they are “in general conformity” with the London Plan. Boroughs must request the Mayor’s written opinion on the general conformity of all DPDs, and may request his opinion on other LDDs. This test also applies to plans prepared by the Lee Valley Regional Park Authority under the Lee Valley Regional Park Act 1966 (as amended)

3.3 There are similar requirements in respect of neighbourhood plans, which must be

in general conformity with the strategic policies of the development plan<sup>14</sup>.

3.4 “General conformity” does not mean that these documents have to follow the London Plan in every respect. The Mayor will only consider that a document is not in general conformity where it either contains an inconsistency, or leaves something out, that could cause significant harm to delivery of the London Plan as a whole, or its individual policies. The London Plan now identifies the aspects of the Mayor’s policies that are of particular significance in the preparation of these documents (although policies have to be considered as a whole).

3.5 The Mayor’s opinion about whether their proposed plans are in general conformity with the London Plan will be the starting point of the independent examination of borough plans. However, the Mayor will wherever possible seek to resolve any issues of non-conformity before this stage. He will also make sure that boroughs are aware of his programme for reviewing and altering the London Plan to help them develop their programmes for local plan-making.

3.6 Although the statutory duty to cooperate does not apply to the preparation of the London Plan (as outlined above), the Mayor has indicated that he will apply its principles in working with planning authorities inside and outside London. Both the Mayor and Transport for London are covered by the duty with regard to the preparation of local plans and will consider how current arrangements should be developed with the new duty in mind.

### THE MAYOR'S ROLE IN PLANNING

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## APPLICATIONS

- 3.7 The Mayor has powers to refuse or take over for his own determination planning applications of “potential strategic importance” – that is applications of a nature or scale that mean they will raise issues that could have a significant effect on delivery of the London Plan.
- 3.8 The types of application that are of “potential strategic importance” are defined in the Schedule to the Town and Country Planning (Mayor of London) Order 2008<sup>15</sup> and are called “referable applications”. They fall in four categories:
- large scale development (Part 1 of the Schedule);
  - major infrastructure (Part 2 of the Schedule);
  - development which may affect strategic policies (Part 3 of the Schedule); and
  - development on which the Mayor must be consulted by virtue of a direction of the Secretary of State (Part 4 of the Schedule – these include development affecting strategic views<sup>16</sup> and safeguarded wharves<sup>17</sup>).
- 3.9 London local planning authorities are required to refer all applications in these categories to the Mayor. Following receipt of a valid referral the Mayor has six weeks to provide a statement of compliance with the London Plan. This will usually take the form of a “stage 1 report”, which will identify whether and how the application does not comply, and in most cases identify ways in which changes can be made to bring it in compliance. In all cases, GLA case officers will seek to work with applicants and planning and transport authorities to try to resolve areas of non-compliance prior to the planning authority’s determination of the application.
- 3.10 Once the planning authority has determined a referable application, it must refer it back to the Mayor (unless previously advised that it need not). Following receipt of a valid referral the Mayor has fourteen days to decide whether to allow the authority’s decision to stand, direct it to refuse permission or, in some circumstances (see para. 3.12) direct that he is to become the planning authority for the purpose of determining the application.
- 3.11 Under the GLA Act 1999 (as amended), the Mayor has the power to direct a borough to refuse these referable planning applications if to allow it to go ahead would either:
- prejudice implementation of the London Plan; or
  - otherwise be contrary to good strategic planning.
- 3.12 In some prescribed circumstances, the Mayor also has the power to take planning applications over and decide them himself – by directing that he is to be the local planning authority for this purpose. This power can be used in respect of applications which:
- 3.13 Fall within the categories of development described in Parts 1 (large scale development) and 2 (major infrastructure) of the Schedule to the 2008 Order; and
- 3.14 Meet the following “policy tests” – the application should have:
- 3.15 a significant impact on the implementation

of the London Plan;

- significant effects on more than one borough; and
- there should be sound planning reasons for the Mayor's intervention<sup>18</sup>.

3.16 Where an application involves a housing scheme of over 150 units<sup>19</sup>, the second part of the policy test will not apply as these are more likely to be of cumulative strategic significance than to have impacts on more than one borough individually.

3.17 In deciding whether to give a Direction, the Mayor must take account of the relevant planning authority's performance in meeting relevant development plan targets. The Mayor's powers to take over applications do not apply to those dealt with by mayoral development corporations (see Section 4 of this document).

3.18 Where the Mayor takes an application over he is also responsible for deciding:

- Any "connected applications" – applications for listed building, conservation area consent or hazardous substances consents connected with the application.
- Whether or not to set any conditions to be attached to the planning permission. In considering this, the Mayor will work constructively with the borough concerned about the conditions to be imposed. He will ensure that each condition is clear as to who will be responsible for matters reserved for later approval and, in most cases, he considers that these are matters best dealt with locally by the borough. The borough will then be responsible for the discharge of the conditions, and for the handling

of any applications for amendment or removal of a planning condition imposed by the Mayor on an application he had determined (Section 73 application) – although such applications would be referable for Mayoral consideration.

- The matters to be covered by any planning obligations (widely known as section 106 agreements). In doing so, the Mayor will consult boroughs and take account of their local plan policies as well as those in the London Plan. The Mayor would expect the borough to be signatories of any section 106 agreement, and would seek to involve them in the drafting of any agreement.

3.19 The Mayor has powers to enforce section 106 agreements (but not planning conditions) for planning permissions he grants. In most cases, however, he will leave these to boroughs, as they have the specialist staff and local knowledge required to deal with them effectively.

3.20 The Mayor may delegate the power to direct that the GLA is to become the local planning authority and the power to determine the application (and any connected application) to members of staff appointed under Section 67 (1) of the 1999 GLA Act\*. The Mayor has given a delegation, which is set out in the current Mayoral Scheme of Delegation (1 November 2013). This limits delegated authority to the Chief of Staff, Deputy Mayor for Housing, Land and Property, Deputy Mayor for Transport and Deputy Mayor for Education and Culture, but as with all other powers the Mayor reserves the right to exercise the power himself. Before he takes such a decision he is required<sup>20</sup> to hold a "representation hearing" in which the



borough concerned, the applicant and others the Mayor identifies address him to make representations. These hearings must be held in public, with access given to agendas and reports; the Mayor has published a guidance note about these hearings, set out as Annex B to this document.

3.21 Where the GLA takes over an application for its own determination it will, where appropriate, seek to enter into a Planning performance Agreement with the applicant to set a programme for determination of the application and subsequent section 106 negotiation (if the application is approved) which may include a financial contribution to enable the delivery of this programme.

3.22 Annex C to this document contains guidance on procedural matters relating to the application of the Mayor of London Order 2008 and related matters.

### **THE MAYOR'S APPROACH TO PLANNING DECISIONS**

3.23 The Mayor will continue to use his formal planning powers sparingly. He has had considerable success in achieving delivery of strategic policy priorities set out in the London Plan through discussion with developers and boroughs, and this will continue to be his preferred way of working.

3.24 While the Mayor does not set out to do local planning authorities' jobs for them, he will not hesitate to use his powers either to direct refusal or to take applications over to deal with applications raising genuinely strategic issues for London's development – for example to:

- ensure delivery of key objectives and priorities for London, as set out in the London Plan;
- protect and enhance London's unique status and character;
- ensure the effective encouragement and management of sustainable growth;
- support effective planning for, and implementation of, infrastructure;
- encourage delivery of housing to meet Londoners' needs; or
- deal with cases where the nature of the application is such that taking a decision at Londonwide level would add value – to ensure delivery of key infrastructure, for example.

In taking planning decisions the Mayor will always keep in mind the importance of prompt decision-making and borough planning performance.

### **PRE-APPLICATION ADVICE SERVICE**

3.25 The Mayor offers a pre-application advice service for developers. Discussions at this stage can allow provision of advice about ensuring compliance with the London Plan and can help speed the process post-application. Under the Local Government Act 2003, the Mayor can make a charge to recover the costs of this service. Details of current charges and arrangements can be found on the GLA website (<http://www.london.gov.uk/priorities/planning/strategic-planning-applications/pre-planning-application-meeting-service>). All pre-application meetings are charged for (including those for local authority schemes and those of registered charities).

3.26 The Mayor is keen to work with jointly with councils on pre-application discussions with developers, and will,

where appropriate, hold joint meetings and enter into joint pre-application planning performance agreements.

### **STOPPING UP ORDERS**

- 3.27 Under section 247(2A) of the Town and Country Planning Act 1990, boroughs may authorise the stopping up or diversion of any highway if it is necessary to do so to enable development to be carried out in accordance with any planning permission granted under the Act. The Act requires the borough to advertise its intention to make such an order, and under section 252(4)(b) of the 1990 Act, the borough must notify the Mayor of any objections made by any local authority, utility undertaker, public gas transporter or from any other person appearing to the council to be affected by the order. If any of these objections is made by a local authority, an undertaker or transporter, an inquiry must be held. However if the only outstanding objections are from organisations or individuals, the Mayor shall decide whether in the “special circumstances of the case” the holding of an inquiry is unnecessary. If he does, he will notify the borough, which may dispense with the need for an inquiry. In coming to a conclusion on this matter, the Mayor will consider whether the objections are appropriate for hearing at an inquiry (as they may not be if they deal with non-highway matters or are not made in good faith). If an inquiry is held, and the borough intends to make an order, it must take account of the inquiry inspector’s report, and obtain the Mayor’s consent<sup>21</sup>.
- 3.28 These notifications should be referred to the Mayor in the same way as referable planning applications (although the

requirement to refer applies to all proposed orders and not just those relating to referable planning applications) together with the documents prescribed by Schedule 22 of the Greater London Authority Act 1999 (as amended), including:

- a copy of the committee report;
- a copy of the committee decision;
- a copy of the notice to press;
- a copy of the draft order;
- a copy of any objections including any comments the authority may have; and
- any traffic survey undertaken.

- 3.29 There is no statutory time limit for the Mayor to take decisions on these orders, although he is mindful that delays can impede delivery of new development and he aims to deal with these cases as expeditiously as possible (currently to the same six week timeframe as for Stage 1 referrals). The Government has proposed changes to the procedures for stopping up orders, which may allow for them to be dealt with at the same time as the planning applications to which they relate. This is not likely to affect the procedure outlined here, but further guidance will be provided if necessary.

### **MAJOR INFRASTRUCTURE PROJECTS**

- 3.30 Consents for nationally significant infrastructure projects (defined in the Planning Act 2008 (“the 2008 Act”) and by the Secretary of State through subsequent regulations) are dealt with by the National Infrastructure Directorate of the Planning Inspectorate. A register of these projects in London can be found on the National Infrastructure website: <http://infrastructure.planningportal.gov.uk/projects/>

3.31 Under section 42(c) of the 2008 Act, applicants promoting these projects in London are required to consult the Greater London Authority; section 49 requires the applicant to have regard to any response. Once an application has been submitted and accepted by the Inspectorate, the applicant must consult the GLA again<sup>22</sup>. The Inspectorate is also required to invite the GLA to submit a local impact report<sup>23</sup>. If the GLA makes representations it may also request to appear at a hearing to examine the application.

3.32 The Growth and Infrastructure Act 2013 enables the Secretary of State to direct that business or commercial projects prescribed by Regulation (SI 2013 No. 3221) be treated as a nationally significant infrastructure project. Within London this direction can only be made with the consent of the Mayor\*.

### **APPLICATIONS MADE DIRECT TO THE SECRETARY OF STATE**

3.33 The Growth and Infrastructure Act 2013 amended the Town and Country Planning Act 1990 to allow planning applications to be made direct to the Secretary of State where the relevant local planning authority has been designated by ministers because it is not adequately performing its function of determining applications.

3.34 The procedures for dealing with planning applications submitted directly to the Secretary of State remain exactly the same insofar as they relate to the role of the Mayor, including the power to direct refusal and the power to direct that he is to become the local planning authority \* (SI 2013 No. 2140)

### **REVIEW OF AFFORDABLE HOUSING CLAUSES IN SECTION 106 AGREEMENTS**

3.35 The 2013 Act also provides for review of section 106 agreements containing affordable housing requirements. It added a section 106BB to the 1990 Act requiring local planning authorities to send the Mayor a copy of any application to vary a planning obligation under the new power where it relates to an application of potential strategic importance on which he was previously consulted (other than applications determined by the Mayor himself). The Mayor then has seven days to consider whether to make representations on the application to vary the obligation and further seven days to make any representation, unless a longer period is agreed with the council.

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## CHAPTER 4

# THE MAYOR'S PLANNING FUNCTIONS: MAYORAL DEVELOPMENT CORPORATIONS

## **THE MAYOR'S PLANNING FUNCTIONS: MAYORAL DEVELOPMENT CORPORATIONS**

- 4.1 The Localism Act 2011 gives the Mayor powers to designate Mayoral Development Corporations (MDCs) to secure the regeneration of designated development areas in Greater London. These development corporations will have powers to do anything they consider appropriate for the purposes of regeneration or development of land, including acquisition and disposal. The Mayor may also decide that an MDC should take on some or all of the functions of the local planning authority for all or part of the area they cover.
- 4.2 The detailed provisions dealing with the establishment of MDCs, their planning and infrastructure, land and other functions are set out in Part 8 of the 2011 Act. MDCs can only be designated where the Mayor considers it is expedient to further one or more of the principal purposes of the Greater London Authority (promoting economic development and wealth creation, social development and improvement of the environment in Greater London), and the 2011 Act sets out requirements for consultation and approval by the London Assembly.
- 4.3 On 6 February 2012, the Mayor decided to establish an MDC (London Legacy Development Corporation (LLDC)) for the area including the Olympic Park, the Olympic Village, the Stratford City development site, Hackney Wick/Fish Island, Bromley-by-Bow North, Pudding Lane/Sugarhouse Lane, Three Mills/Mill Meads and Carpenters Estate. A map showing the boundaries of the LLDC can be found on the GLA website at [http://www.london.gov.uk/sites/default/files/120206%20Mayoral%20Designation%20and%20map%20\(both%20signed\).pdf](http://www.london.gov.uk/sites/default/files/120206%20Mayoral%20Designation%20and%20map%20(both%20signed).pdf)). The LLDC came into being in March 2012 and assumed all the property rights and liabilities of the former Olympic Park Legacy Company, and some property, rights and liabilities of the London Thames Gateway Development Corporation on 1 April 2012. Its aims include delivery of integrated land management and town planning necessary to implement a coherent plan for the Olympic Park and surrounding area.
- 4.4 The LLDC has planning functions in relation to plan making and development management. Planning applications are still referable to the Mayor, although the power for him to take over applications in the area has been dis-applied. The LLDC is also a Community Infrastructure Levy charging authority and deals with functions like applications affecting listed buildings, the making of tree preservation orders and planning enforcement in its area.
- 4.5 The Mayor has made clear his intention that the LLDC should have regard to the relevant London boroughs' planning policies as part of a wider co-operative approach between the LLDC and boroughs on planning and other matters and as such has published supplementary guidance setting out his strategic planning priorities for the LLDC area<sup>24</sup>.
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## CHAPTER 5

# THE MAYOR'S PRIORITIES FOR THE LONDON PLANNING SYSTEM

## THE MAYOR'S PRIORITIES FOR THE LONDON PLANNING SYSTEM

5.1 The key challenge facing London is planning for London's sustainable growth. The latest Greater London Authority projections suggest:

- Stronger population growth than anticipated in the London Plan, with a total population of 10.11 million in 2036 as opposed to 8.82 million anticipated in the 2011 Plan. On this basis, London will exceed its previous peak population of 8.6 million by 2019, rather than 2026. The initial Census results suggest that the risk is probably on the up side.
- Slightly stronger jobs growth than anticipated in the London Plan, with 5.57 million jobs in London in 2031, rather than the 5.42 million projected in the London Plan.

5.2 The Mayor shares the Government's view that the major challenge for the planning system in London is to plan effectively for this growth on a sustainable basis – that is to take an approach that recognises that delivery of economic, social and environmental priorities are inextricably intertwined. Achieving these objectives means encouraging renewal of London's urban realm – its buildings, townscapes, public spaces and neighbourhoods. And this means being supportive of development. The Mayor agrees with the Government that planning decision makers should take a positive attitude to new development proposals, reflecting the presumption in favour of sustainable development set out in both the NPPF and the London Plan. The London planning system should work proactively

with developers, potential developers and others with an interest in development to find solutions enabling planning permission to be given wherever possible, and to secure development that improves the economic, social and environmental conditions of Greater London.

5.3 London's economy is substantially driven by the private sector. The London planning system has an important role to play in ensuring a supportive climate for investment both in setting strategic policy and taking planning decisions. In practice, this means:

- Helping ensure there are enough jobs, training opportunities and education facilities to meet the needs of a growing and changing population, and to help tackle London's persistent problems of worklessness – particular priorities given the likely growth in the number of working age Londoners. This means encouraging and supporting developments that will support additional employment (including in the construction sector). It also involves using the planning system to make sure there are enough schools and training opportunities to ensure the London workforce is skilled and qualified to succeed in an increasingly high-value service economy.
- Securing London's position as the United Kingdom's World City and supporting improved prosperity for all Londoners. The London planning system should support London's economic specialisms and strengths and help identify and support new ones (such as technology, media and telecommunications and the green industries). It should provide a welcoming climate for inward investment,

both in ensuring a supportive policy framework and in delivering prompt and effective planning decisions.

- Ensuring delivery of enough good quality homes for a growing and ever more diverse population. Wherever possible, the housing benchmarks and targets in the London Plan should be exceeded. The London planning system should seek to deliver a range of homes, including affordable homes, meeting the range of housing needs across London. This will particularly require approaches that maximise the return to public resources in accordance with the policies in the London Plan.
- Ensuring a growing city has the infrastructure (including transport, energy and other utilities, health, education and other social and community safety provision, flood management, parks and other green infrastructure) it needs. The London planning system should identify needs and likely gaps in provision, and then help to lever resources to help meet them (including through use of mechanisms like planning obligations and the Community Infrastructure Levy). The Mayor intends to work with boroughs, developers and others to make a step change improvement in infrastructure planning in London so that every organisation concerned can help identify and address needs on a consistent basis, and that robust mechanisms are in place to secure implementation.

#### 5.4 To be sustainable, this growth has to be encouraged and managed in ways that:

- Tackle London's environmental problems and improve quality of life for all Londoners. The London planning

system has a particular role to play in ensuring that we identify, and find creative responses to, the environmental challenges and opportunities London faces – particularly in making real progress in adapting to, and mitigating the extent of, climate change and tackling London's pressing problems of air quality. Planning has a vital role to play in ensuring we grow in ways that make the most efficient use of resources (particularly water – but also, increasingly, energy).

- Make London an ever better place for everyone to live, work, visit or invest. The London planning system should protect and improve the things that make the city and its neighbourhoods distinctive. It can also be a powerful tool in delivering neighbourhoods people are happy to live in at all stages of their lives and securing, improving and extending London's resources of trees and woodlands, parks and other open spaces. The neighbourhood planning process introduced through the Localism Act 2011 will have an important part to play in this, which the Mayor will be keen to support.

#### 5.5 All of those concerned with London planning should ensure that it is efficient, predictable, transparent and prompt in dealing with proposals large and small, for example:

- Avoiding making undue demands of developers, ensuring that the amount of detail sought from them is proportionate to the nature of the decision to be taken.
- Engaging with developers at the earliest stages to identify key issues and ways of addressing them. This is the approach the Mayor seeks to take with the

applications he sees, and he commends it to other planning authorities.

- Taking proper account of development viability and local financial implications.
- Ensuring decision-makers have the information they require to take properly-informed decisions.

5.6 The Mayor recognises that making these principles a reality depends on the London planning system being properly resourced. He will work with boroughs and others to ensure this is the case to the extent possible while public resources are at a premium, and encourages developers and planning authorities to consider options like planning performance agreements or contributions towards the costs of dealing with applications. He is keen to work with others to identify ways of improving the efficiency and effectiveness of the planning process.

5.7 He will also ensure that the specialist resources he makes available to those involved in the planning system continue to be provided – particularly the London Development Database, which uses data provided by the London boroughs to provide a comprehensive picture of development trends across London. Ways of improving this service are being explored, particularly to ensure it is fully integrated with other GLA data sources and to improve its accessibility through the London Datastore. The Mayor will also work with boroughs, developers, amenity and voluntary groups and the whole range of agencies and bodies supporting the London planning system to identify subjects on which guidance or best practice would be helpful, and to develop and maintain tools like the GLA's Affordable Housing Toolkit.

5.8 Delivering on these priorities can only work if everyone concerned works together.

The Mayor will provide the constructive engagement required by the new statutory duty to cooperate, and will apply these principles where this duty does not formally apply (to preparing and altering the London Plan, for example). He will be taking particular action to ensure effective engagement with strategic planning authorities in neighbouring regions, and to providing advice and support for boroughs on dealing with issues straddling the Greater London boundary.



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## **CHAPTER 6**

# **THE MAYOR'S PLANNING WORK PROGRAMME**

## **THE MAYOR'S PLANNING WORK PROGRAMME**

- 6.1 This section outlines the Mayor's planning work programme for the next four years.

### **CHANGES TO THE 2011 LONDON PLAN**

- 6.2 Revised early minor alterations were made to the Plan in 2012-13 to ensure it reflected the NPPF and the Government's approach to affordable housing. These were formally published on 11 October 2013.
- 6.3 The Mayor is currently promoting further alterations to the London Plan (FALP). These reflect Mayoral priorities as set out in '2020 Vision: The Greatest City on Earth – Ambitions for London', particularly the need to plan for the housing and economic capacity, needed for London's sustainable development against the background of the growth trends revealed by the 2011 Census. These alterations will take the Plan forward to 2036.
- 6.4 These alterations are subject to examination in public in the summer 2014, and are likely to be formally published/adopted in early 2015.

### **IMPLEMENTATION OF THE LONDON PLAN**

- 6.5 The Mayor published a London Plan Implementation Plan in January 2013. It will be updated regularly. This will set out how the policies in the Plan will be translated into practical action, identifying implementation actions, key delivery agents and timescales. It is also intended to provide the basis for more effective

infrastructure planning in London, an issue the Mayor will be working on with boroughs, Transport for London and his other functional bodies and other agencies. The London Plan Annual Monitoring Report will continue to be published each February.

- 6.6 The Mayor is also producing an Implementation Framework of supplementary guidance supporting London Plan policies. This will comprise different types of documents:
- The Implementation Plan and Annual Monitoring Report (see above). These will not have formal supplementary guidance status.
  - Supplementary policy guidance (SPG): providing advice and guidance supporting London Plan policy, and with formal status.
  - Opportunity Area/Intensification Area Frameworks, with formal status.
  - Implementation guides: shorter documents providing guidance on particular aspects of implementation and produced on a more ad hoc basis. Some may have formal status, some might not. Boroughs, developers and other stakeholders are invited to suggest subject areas that could be covered.
  - Best practice: this provides a means of identifying and disseminating best practice, perhaps on a case study basis. Again, not all these documents would need to have formal status, and stakeholders are invited to suggest topics and perhaps take the lead in drawing them up – subject always to the Mayor having the final decision to publish.
- 6.7 The Mayor intends to use a web-based approach, making it easier to keep



documents up to date, allowing him to update particular sections without having to withdraw and re-write whole documents (these would effectively become “folders” of linked documents, any one of which could be updated without affecting the others). The folders proposed are shown in Appendix 1 to this chapter (which is not formally part of this guidance, to aid updating).

## **OPPORTUNITY AREA PLANNING FRAMEWORKS**

- 6.8 Achieving the Mayor’s strategy of accommodating London’s growth within its existing boundaries without encroaching on open spaces or the Green Belt requires that the most efficient use is made of London’s finite land resources. In particular, the optimum use must be made of the opportunity and intensification areas identified in the London Plan – the capital’s main reservoirs of brownfield land with significant capacity for new housing, commercial and other development. To help realise this potential, the Mayor produces Opportunity Area Planning Frameworks (OAPFs) in conjunction with boroughs and local communities, developers and others.

## **THE COMMUNITY INFRASTRUCTURE LEVY**

- 6.9 The Mayor brought his charging schedule into force from 1 April 2012. This enables him to charge the Community Infrastructure Levy in order to raise £300 million towards the cost of the Crossrail project. During the process of setting his CIL, the Mayor announced that in addition to the continuous monitoring of any effects his CIL might have on development in London, he would conduct formal

reviews every two years looking particularly at whether the rates remain appropriate, and whether he should make available the discretionary reliefs for exceptional circumstances and charitable development allowed under the CIL Regulations 2010 (as amended). The first of these biennial reviews will be conducted in 2014. The results will be published through the London Plan Annual Monitoring Report.

- 6.10 The Mayor and Transport for London will continue to support boroughs both in collecting the Mayor’s CIL and in setting their own – in particular, by continuing to support the London CIL Collection and Implementation Advisory Group. He will also work with boroughs to support the infrastructure planning required to support the CIL, and will examine borough CIL proposals to ensure they take account of the rates he has set, as required by legislation. The Mayor has produced detailed guidance on CIL.

## **INTER-REGIONAL COOPERATION**

- 6.11 Following the suspension of the Inter-Regional Planning Forum, the Mayor is considering the best way to engage with the planning authorities in regions neighbouring London, to complement established arrangements for waste and transport planning. He has conducted research on strategic planning activity and actors in the wider south-east, and following consultation with authorities inside and adjoining London, is working with partner organisations to put in place new arrangements for future engagement based on its findings.

### **OTHER AREAS**

- 6.12 The Mayor will continue his support for the establishment of regional parks, and for the Annual London Planning Awards. He will continue to provide an efficient and timely planning decisions service, dealing with roughly 350 planning applications and holding 150 pre-application meetings a year.

## APPENDIX 1: LONDON IMPLEMENTATION FRAMEWORK

'FOLDER' NAME	DOCUMENTS AND ACTUAL/ANTICIPATED PUBLICATION DATES
Shaping Neighbourhoods and Localities SPG	<ul style="list-style-type: none"> <li>• Character and Context (to be published 2014)</li> <li>• Social Infrastructure (consultation draft 2014 )</li> <li>• Play and Informal Recreation (published September 2012)</li> <li>• Accessible London (consultation draft 2014)</li> </ul>
Green/Open Environments SPG	<ul style="list-style-type: none"> <li>• Open space strategies (published 2008)</li> <li>• London's Foundations (Geodiversity) (published March 2012)</li> <li>• All London Green Grid (published March 2012)</li> <li>• Trees and Woodlands (published July 2012)</li> </ul>
Sustainable Design and Construction SPG (incorporating guidance on emissions from development sites)	<ul style="list-style-type: none"> <li>• The Control of Dust and Emissions from construction sites (to be published 2014)</li> <li>• Sustainable Design/Construction SPG (to be published 2014)</li> </ul>
London View Management Framework	<ul style="list-style-type: none"> <li>• SPG published March 2012</li> </ul>
World Heritage Sites – Guidance on Settings SPG	<ul style="list-style-type: none"> <li>• SPG published February 2012</li> </ul>
Central Activities Zone Framework	<ul style="list-style-type: none"> <li>• SPG to be published 2014/15</li> </ul>
London's Town Centres SPG	<ul style="list-style-type: none"> <li>• SPG to be published 2014</li> </ul>
Land for Industry, Employment and Transport	<ul style="list-style-type: none"> <li>• SPG published July 2012</li> </ul>
Housing	<ul style="list-style-type: none"> <li>• SPG published in November 2012</li> </ul>
Community Infrastructure Levy / S106	<ul style="list-style-type: none"> <li>• Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG (published April 2013)</li> </ul>

Table correct at time of going to press - subject to change

## ENDNOTES

<sup>1</sup> Mayor of London, London Plan, Policy 1.1

<sup>2</sup> Department for Communities and Local Government, March 2012

<sup>3</sup> Greater London Authority Act 1999 (as amended), section 334(1)

<sup>4</sup> Planning and Section 37 (6) Planning and Compulsory Purchase Act 2004

<sup>5</sup> Greater London Authority Act 1999, section 33

<sup>6</sup> Ibid, section 338

<sup>7</sup> Ibid, section 337

<sup>8</sup> Ibid, section 42B

<sup>9</sup> Ibid, section 336

<sup>10</sup> Ibid, section 334(5)

<sup>11</sup> Ibid, section 41(5)(d)

<sup>12</sup> Ibid, section 398

<sup>13</sup> Ibid, section 340

<sup>14</sup> See Schedule 4B, Town and Country Planning Act 1990, as inserted by the Localism Act 2011, and National Planning Policy Framework, paragraph 184

<sup>15</sup> SI 2008/580

<sup>16</sup> See Mayor of London, London View Management Framework (March 2012)

<sup>17</sup> See Mayor of London, Safeguarded Wharves on the River Thames – London Plan

Implementation Report, January 2005. This document is in the course of being reviewed and updated

<sup>18</sup> Town and Country Planning (Mayor of London) Order 2008, Article 7

<sup>19</sup> Category 1A in the Schedule to the 2008 Order

<sup>20</sup> Town and Country Planning Act 1990, section 2F

<sup>21</sup> Section 252(8A0(b)(ii), Town and Country Planning Act 1990

<sup>22</sup> Section 56(2)(c), Planning Act 2008

<sup>23</sup> Ibid, section 60(2)(b)

<sup>24</sup> Mayor of London, Olympic Legacy SPG, July 2012



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## ANNEX A

### Introduction

- 1.13 This document is the Planning Code of Conduct (“the Planning Code”) for the exercise of the planning functions and matters of the Greater London Authority (“the Authority”). It is adopted under section 27 of the Localism Act in order to ensure the highest standards of probity in planning. It should be read alongside the Code of Conduct (“the Code”) where the exercise of planning matters are being considered.

### Definitions

- 1.14 In this Planning Code, unless the context otherwise requires:

“Mayor” means the Mayor and the statutory Deputy Mayor

“disclosable pecuniary interest” shall be interpreted in accordance with Part 2 of the Code.

“persons to whom this Planning Code applies” means:

- i the Mayor;
- ii any Member of the Assembly;
- iii any co-opted Member of the Authority.

“planning functions” include anything done in furtherance of any planning power or duty of the Authority:

“planning matter” includes all matters arising under town and country planning

legislation in which the Authority is involved, including the exercise of any planning functions by the Authority.

“Procedure for Representation Hearings” refers to the document required under section 2F of the Town and Country Planning Act 1990 (as inserted by section 35 of the GLA Act 2007) attached as appendix 4 to the Code

### Principles

- 1.15 Members of the Authority shall conduct themselves, in relation to planning matters and functions in accordance with the principles of public life as set out within Part 1 section 1(3) of the Code and shall in particular ensure:

- i that all planning matters are considered solely on their merits;
- ii that no improper or undue influence is brought to bear by or on any of the persons to whom this Planning Code applies or on any other person including staff of the Authority in connection with any planning matter; and
- iii that proper and adequate reasons are published for its decisions.

- 1.16 No person to whom this Planning Code applies shall misuse any information gained in the course of their work in relation to planning matters for the Authority for personal gain or political purpose, nor seek to promote their private interest or that of any connected persons, businesses or other organisations.



### **Declarations of interest**

1.17 All persons to whom this Planning Code applies shall, when exercising or advising on the exercise of planning functions, declare any disclosable pecuniary interest as defined in Part 2 of the Code.

1.18 When any person to whom this Planning Code applies is subject to a party whip in relation to any planning matter, that person shall declare the existence of the whip and its nature.

1.19 Effect of a disclosable pecuniary interest  
The Mayor is not to be taken to have, or to have appeared to have, a closed mind when making a decision just because he has previously done something that directly or indirectly indicated what view he took, or would or might take, in relation to a particular decision.

### **Pre-application/post submission discussions/Site visits**

1.20 In the interests of open consultation the Mayor may agree to presentations on potential planning applications, or have meetings with potential applicants or applicants, local authorities and other interested parties, provided that relevant Authority staff are also present, for the purpose of discussion and clarification only and:

- i ensure that a note is kept and filed of any such meetings and placed on the website in the event of such an application being formally notified to the Mayor in due course;
- ii may seek to involve other interested parties in such meetings;

iii shall ensure that no indication of opinion is given or a view expressed that may give the impression that a final view on the application/matter in question has already been reached; and

iv shall ensure that discussions do not develop into negotiations and confirm that such meetings do not form part of the formal determination process.

1.21 Where any planning matter requires a site visit these shall be carried out in accordance with section 3 of the Procedure for Representation Hearings.

### **Accountability to the Assembly**

1.22 The Mayor shall include a report on all planning decisions in his next Report to the Assembly.

### **Breach of the Planning Code & the role of the Monitoring Officer**

Any allegation of a breach of the Planning Code will automatically be referred to the Monitoring Officer who will consider whether this is also a breach of the Authority's Code of Conduct. The Monitoring Officer will then follow the steps set out within Stage 3 and 4 (if appropriate) of the Code.

Dated: January 2012

## ANNEX B

### SECTION 2F OF THE TOWN AND COUNTRY PLANNING ACT 1990 REPRESENTATION HEARINGS

#### Background

- 1.1 Before determining an application (and any connected application) that he has taken over, the Mayor must give the applicant and the relevant local planning authority the opportunity to make oral representations at a Representation Hearing (“hearing”).
- 1.2 The Mayor has published this document to meet the requirements of Section 2F of the Town and Country Planning Act 1990 (as inserted by Section 35 of the Greater London Authority Act 2007), which requires the Mayor to publish a document setting out:
  - iv Who else may make oral representations.
  - v The procedures to be followed at the hearing.
  - vi Arrangements for identifying information which must be agreed by persons making representations.
- 1.3 The hearing is akin to the process whereby the public can speak at planning committee, which most London boroughs permit. However, the detailed procedures are different, reflecting the fact that the Mayor is the sole decision maker – i.e. it is not a committee decision that is made after taking a vote.
- 1.4 The Mayor has based these arrangements and those for site visits also detailed within

this procedure on the best practices of London borough councils.

#### Procedural arrangements

- 1.5 The GLA will give at least fourteen clear days notice of the hearing to those who may make oral representations (see paragraph 4.1 for an explanation of who may speak) together with details of the procedure for those who want to speak.
- 1.6 The GLA will give at least seven clear days notice of the hearing to the public. This will take the form of a notice on the GLA website and a site notice at City Hall. The GLA will request that the relevant local planning authority publicise the hearing on its website, put up a site notice and notify all those that were originally notified of the planning application.
- 1.7 The GLA will make the agenda and a report on the application, with a recommendation from GLA officers, available seven clear days in advance of the hearing. These papers will also be made available on the GLA website.
- 1.8 The hearings will be public meetings held in the Chamber at City Hall in the evening, unless otherwise advertised. Anyone can attend.
- 1.9 The chamber has a capacity of 250 people and is fully accessible.
- 1.10 Details of access to City Hall can be found here:  
<http://www.london.gov.uk/city-hall/visitor-information/location-map>.  
More detailed disabled access information can be found here: <http://www.london.gov.uk/city-hall/visitor-information/location-map>.

[gov.uk/city-hall/visitor-information/disabled-access](http://gov.uk/city-hall/visitor-information/disabled-access).

- 1.11 If anyone attending the hearing has any particular requirements (e.g. a signer) they should let the GLA know as soon as possible in advance of the hearing and every reasonable endeavour will be made to meet the request.

### Site Visits

- 1.12 Site visits can be helpful in assisting the Mayor to gain a better understanding of the proposal. Where the Mayor takes over an application for his own determination a site visit will be organised by GLA officers in advance of the hearing.
- 1.13 In accordance with the Lees Report *“Enquiry into the planning system in North Cornwall, 1993”* and various other legislative requirements including the Human Rights Act 1998 site visits should:
- focus precisely on the observation of site factors which are relevant to the decision
  - not be an opportunity for lobbying, public address, submission of new information etc;
  - always involve officer representation; and
  - be carefully conducted so that the Mayor cannot be accused of bias in favouring any of the parties involved
- 1.14 It is for these reasons that no opportunity for speaking will be afforded to the applicant or other parties who attend the site visit unless specifically requested by the Mayor in order to answer questions of fact.
- 1.15 The GLA case officer will provide a short site visit briefing paper for the Mayor

prior to the visit containing details of the proposals and the relevant issues for consideration.

- 1.16 The following individuals are able to attend the site visit.
- The Mayor
  - The Chief of Staff and Deputy Mayor for Planning
  - GLA officers (including GLA legal advisors)
  - TfL Officer(s)
  - No more than four representatives from the Local Planning Authority
  - 
  - No more than four representatives from the applicant to include where applicable, the owner, agent, architect and technical expert
  - 
  - Objectors/supporters will not normally be invited to attend a site visit. Any request for objectors/supporters to attend will be considered by the Mayor and attendance will be at the discretion of the Mayor.
- 1.17 A written note of the site visit will be taken including a brief record of the questions and issues raised in order to assist the Mayor in his decision making.
- 1.18 Site visits will be conducted in a formal manner and organised in accordance with the following principles:
- On assembling at the site, the GLA case officer will open the visit and advise those present of the purpose of the visit in line with this procedure, to ensure that all those present are aware that it is a fact-finding exercise only and that no decision will be taken until the hearing
  - The case officer will then describe the

development and point out/explain the issue(s) which the Mayor has come to view

- The Mayor should stay with the GLA officers and should not engage in discussion individually with the applicant's representatives or any other persons present
- Any request for the Mayor to express a view or to accept an offer of hospitality should be politely declined
- The Mayor should address any questions of clarification to the GLA officers present. Questions should not be directed to the applicant's representatives or other parties present. However, should the Mayor consider it appropriate, he may ask the applicant's representatives or others present to respond to questions of fact

### **Oral representations at the Hearing**

- 1.19 In addition to GLA officers, the local planning authority, the applicant and an individual or organisation that has previously made a written representation about the application either to the relevant local planning authority or directly to the GLA will be given an opportunity to speak. For the avoidance of doubt this does not include individuals who have signed a petition but would include an individual who has made a written representation, even if it is a standard letter.
- 1.20 However, this does not mean that anyone who has made a written representation on the application has an automatic right to speak as this could make the hearings unmanageable.
- 1.21 Experience from the boroughs has shown that although there may be different

people wishing to speak, in fact they tend to make similar points.

- 1.22 Therefore a maximum of 15 minutes each will be allowed for the oral representations from objectors and supporters.
- 1.23 To make best use of this time the GLA will expect different groups to join together and appoint spokespersons to represent shared views so that agreement is reached between the different groups about who will speak and how the time will be shared.
- 1.24 In order to facilitate this arrangement, those wishing to speak will be required to submit to GLA officers a detailed statement of the issues to be raised, seven clear days in advance of the hearing. They should also clearly state in what capacity they wish to speak (i.e. objector or supporter) and which organisation (if any) they represent. That information will be put onto the GLA website (unless any objection to that is received) together with contact details so that agreement can be reached about who will speak on the evening. The letter giving fourteen clear days notice of the hearing to those who may speak will provide more details of these arrangements.
- 1.25 It should be noted that oral representations provide the opportunity for parties to have their views heard and should not be used to introduce new evidence.
- 1.26 Given the 15 minutes time limit, the GLA expects people with similar views to agree a spokesperson to act on their behalf and it is the spokesperson's responsibility to ensure that all the relevant points are made within the time limit. For this reason, it will be usual for the spokesperson to be someone from one of the main societies,

residents or interest groups involved. The time may be divided up between individuals and groups as agreed but it is the responsibility of those who want to speak to co-ordinate themselves and agree who will speak and for how long. On the evening of the hearing, GLA officer's will take the names of those who wish to speak and ensure that it is clear who the speakers are to be.

1.27 The GLA will expect the nomination of spokespersons to be carried out reasonably, fairly and sensibly, within the time constraints that have been set.

1.28 Where there are more people wishing to speak, each for a period of time that in total would exceed 15 minutes and where no agreement can be reached amongst them for the nomination of a spokesperson, then as a last resort GLA officers will seek to agree who can speak. Priority will be given to speakers representing local interests.

### **The procedures to be followed at the hearing**

1.29 The applicant may provide a model of the proposed development for the hearing. Where they do so, this will be available for public inspection for an hour before the hearing. The applicant or their agent may wish to make themselves available to answer factual questions.

1.30 Those speaking should identify themselves to GLA officers no less than fifteen minutes before the hearing is due to start.

1.31 The Mayor will preside at the hearing.

1.32 The Legal Advisor to the hearing will start by setting out the procedure to be followed at the hearing.

1.33 The GLA case officer will give a presentation on the application.

1.34 A representative from the local planning authority will be invited to address the hearing for a maximum of 5 minutes (where the application straddles local planning authority boundaries each affected authority will be entitled to speak for 5 minutes).

1.35 Objectors will be invited to address the hearing for a total of 15 minutes to be divided as agreed.

1.36 Supporters will be invited to address the hearing for a maximum of 15 minutes in total to be divided as agreed.

1.37 The applicant or their agent will be invited to address objections for a maximum of 5 minutes (joint applicants will be expected to divide the time as agreed).

1.38 All those who address the hearing will be timed and notified by GLA officers when 30 seconds remain. It is the responsibility of the speaker to ensure that they use the allotted time to best effect.

1.39 Speakers should confine their comments to 'material planning considerations'. These include planning policies at the national, regional and local levels. Examples of valid planning considerations include amenity issues, noise, disturbance, design, overlooking, loss of light and highway safety.

1.40 Speakers should not refer to non-planning

matters such as property values, restrictive covenants or other private rights, moral issues and business competition.

1.41 Speakers must ensure that any comments they make do not conflict with the GLA's Equal Life Chances for All policy statement <http://www.london.gov.uk/publication/equal-life-chances-all-2012>.

1.42 Speakers will be expected to conduct themselves in an orderly manner and only speak when called upon by the Mayor. The Mayor will ensure that speakers adhere to the above guidance.

1.43 Speakers may present information visually, although there is no obligation to do so. If speakers do wish to use visual material they must set out what material they wish to present, and in what format, at the time they make their detailed statement. The GLA will make reasonable endeavours to provide the necessary equipment.

1.44 GLA officers may respond to any points made by the speakers. However, there will be no opportunity for speakers to make further comments, unless specifically asked to do so by the Mayor.

1.45 The Mayor has the discretion to change the order of speakers, change the amount of time allowed to speak or to allow additional speakers if he considers it appropriate. This will be entirely at the Mayor's discretion and his decision will be final.

1.46 As it is a public hearing the press will be able to attend. However, filming of the hearing by the press or public will not be permitted. A transcript of the hearing will be taken.

1.47 Placards and banners will not be permitted at the hearing. If a member of the public interrupts the hearing or behaves in a manner that is threatening or disruptive the Mayor will warn them and may order their removal from the hearing.

### **The final decision by the Mayor**

1.48 There is no statutory requirement for the Mayor to make his decision in public. Unlike a council committee where the decision is made following a vote, the Mayor is the sole decision maker and therefore there is no decision making process to witness – the Mayor would simply be announcing the decision he has made.

1.49 The Mayor may wish to retire from the hearing to consider all of the information that he has heard prior to giving his decision. If he decides to retire then the Deputy Mayor for Planning and a legal advisor may retire with him.

1.50 The Mayor is under no obligation to announce his decision at the end of the hearing and he may choose to take the decision later, in private, in order to give further consideration to the points that have been made. In these circumstances the Mayor will usually make his decision within five working days.

1.51 Once the decision is made it will be posted on the GLA website.

1.52 The local planning authority, applicant, anyone previously consulted, anyone else that made comments (either to the local planning authority or directly to the GLA) and any other person who has spoken will

be notified of the decision in writing or by e-mail.

### **Monitoring and review.**

- 1.53 The GLA will monitor the operation of the hearings and will carry out a review of the arrangements as required.

## **ANNEX C**

### **PLANNING DECISIONS: PROCEDURAL MATTERS**

- 1.1 Consultations on referable applications (with connected listed building consent, conservation consent or hazardous substance consent), stopping up orders, NSIPs, section 106 affordable housing clause reviews should either be posted to the Senior Co-ordinator, Planning Team, GLA, City Hall, The Queen's Walk, LONDON, SE1 2AA or e-mailed to; [planningadmin@london.gov.uk](mailto:planningadmin@london.gov.uk). Posted consultations should either include hard copies of all documents relating to the proposal, or a CD; e-mail consultations should have all of the relevant documents attached.
- 1.2 Letters or e-mails setting out where documents can be downloaded from websites will not be accepted as a valid referral and in such circumstances the Planning Decisions Unit will contact the sender requesting documents to be sent. Where there is a relevant statutory time period, this will not start until the requisite documents have been received. Please do not send notifications by e-mail to individual named officers as these may not be received and dealt with.
- 1.3 Stage II referrals must include a copy of all representations (including those from statutory consultees), a copy of the draft decision notice, a copy of the officers report and any addendum, a copy of the minutes of the committee and a draft of the section 106 agreement. These documents should be sent in hard copy, CD or by e-mail. Exceptionally where there are a significant number of representations the

GLA may accept alternative arrangements, e.g. receiving the original representations and returning them on completion.

- 1.4 The GLA recognises that in most cases a draft of the section 106 agreement will not be available at the time an application is presented to committee. Noting that the decision cannot be issued until the 106 is completed in any event, but having regard to a desire not to unnecessarily delay stage II referral the GLA will not usually expect a full draft of the 106 agreement provided that the heads of terms set out in the committee report are of sufficient detail to address any issues of London Plan compliance. However, in certain circumstances a full draft of the 106 agreement will be required, where the detail goes to the heart of London Plan compliance. Such circumstances may include, for example, details of off-site affordable housing contributions, details of any affordable housing review mechanism, bespoke clauses relating specifically to the application (e.g. provision of a specific use or service). The GLA will seek to identify at stage I where a full draft 106 agreement is likely to be required. However, it reserves the right to request one at any point.
- 1.5 Please note that all Section 73 applications (i.e. applications to vary or delete conditions) are referable where the parent application was referable under the 2008 Order. Many of these will involve changes to or deletion of conditions that do not raise issues of compliance with the London Plan. In those circumstances the Planning Team will issue a 'no strategic issues' letter as soon as possible. In a limited number of circumstances, where the condition does concern a matter of compliance with the London Plan a full stage I report will be

produced.

- 1.6 Applications to extend the time period for implementing a permission are new planning applications and are therefore referable if they meet one or more of the categories in the 2008 Order. Please note that in some cases the original application would not have been referable under the 2000 Order, but that the extension of time application is referable under the 2008 Order. Most commonly this applies to applications of between 150 and 500 housing units.
- 1.7 Non-material amendments are not planning applications and are therefore not referable.
- 1.8 Reserved matters applications are not planning applications and are therefore not referable, although in some instances the Mayor will ask to be consulted.
- 1.9 Prior Approval Notifications are not planning applications and are therefore not referable.

### **INTERPRETATION OF THE TOWN AND COUNTRY PLANNING (MAYOR OF LONDON) ORDER**

- 1.10 The following advice is a GLA interpretation of the application of the 2008 Mayor of London Order, primarily based on frequently asked questions by local councils.
- 1.11 Category 1B – please note that this category includes mixed use schemes with housing and the total floorspace should be calculated not just the non-residential element. Only 100% residential schemes are excluded from this category.

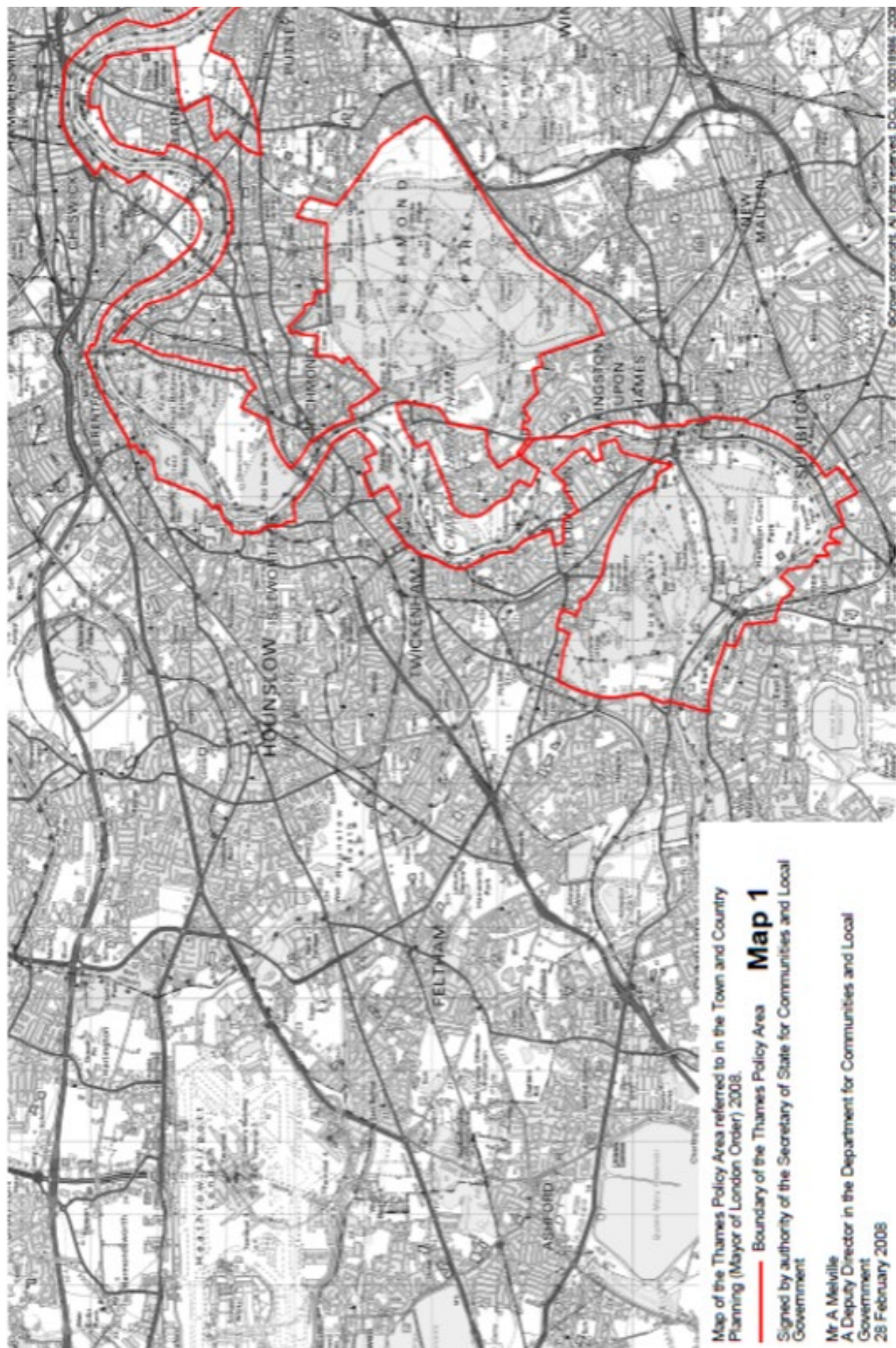


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- 1.12 Category 1C – please note that the referral is triggered if the development exceeds the relevant height threshold at any point within the site, not just from street frontage.
- 1.13 Category 3D – please note that this applies to a single building or more than one building where the total floorspace is more than 1,000 sq.m. It also applies where the development is more than 1,000 sq.m but only part of it is on MOL or Green Belt.
- 1.14 Category 3E – please note this applies to changes of use as well as new development.
- 1.15 Category 3F – please note this only applies to car parking and not any other vehicle parking, it also does not apply to applications just for car parking i.e. where there is no development connected to the car park.
- 1.16 Category 4 – applications are referable as specified in the relevant Direction. There are currently three sets of Directions: Safeguarded Wharves, Protected Vistas and the Silvertown Crossing.
- 1.17 Any planning application for development on a safeguarded wharf, whatever the size of the proposal, is referable.
- 1.18 Applications for the erection, extension or alteration of a building or other structure within protected vistas are referable where the development is above the defined development threshold plane. Applications for change of use above the defined development threshold plane are not referable. Guidance on how to calculate the height of the development threshold plane at any given point within the protected vista is given in Appendix E of the London View Management Framework SPG (2012). Indicative heights at certain points within each protected vista are shown for each of the protected vistas in appendix D.
- 1.19 Any application within the Silvertown Crossing Safeguarding Direction is referable to the Mayor.
- 1.20 The floorspace thresholds in categories 1B, 3D and 3E are GEA and are gross, i.e. irrespective of floorspace on-site to be demolished.
- 1.21 The reference to building in categories is taken to be the same definition as contained in the Development Management Procedure Order.
- 1.22 Some of the thresholds in the Order differ by geographical location - within the City, inside or outside Central London or adjacent to the River Thames. A map showing the area to be treated as "Central London" for this purpose is shown as Figure 1. Maps showing the Thames Policy Area are shown as Figures 2,3 and 4 (please note this area applies unless there is a Thames Policy Area designated in the development plan in which case that area applies).
- 1.23 If during the course of an application there is an amendment which would take the application below the relevant size/ height threshold for referral it is no longer referable to the Mayor.
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MAP 1

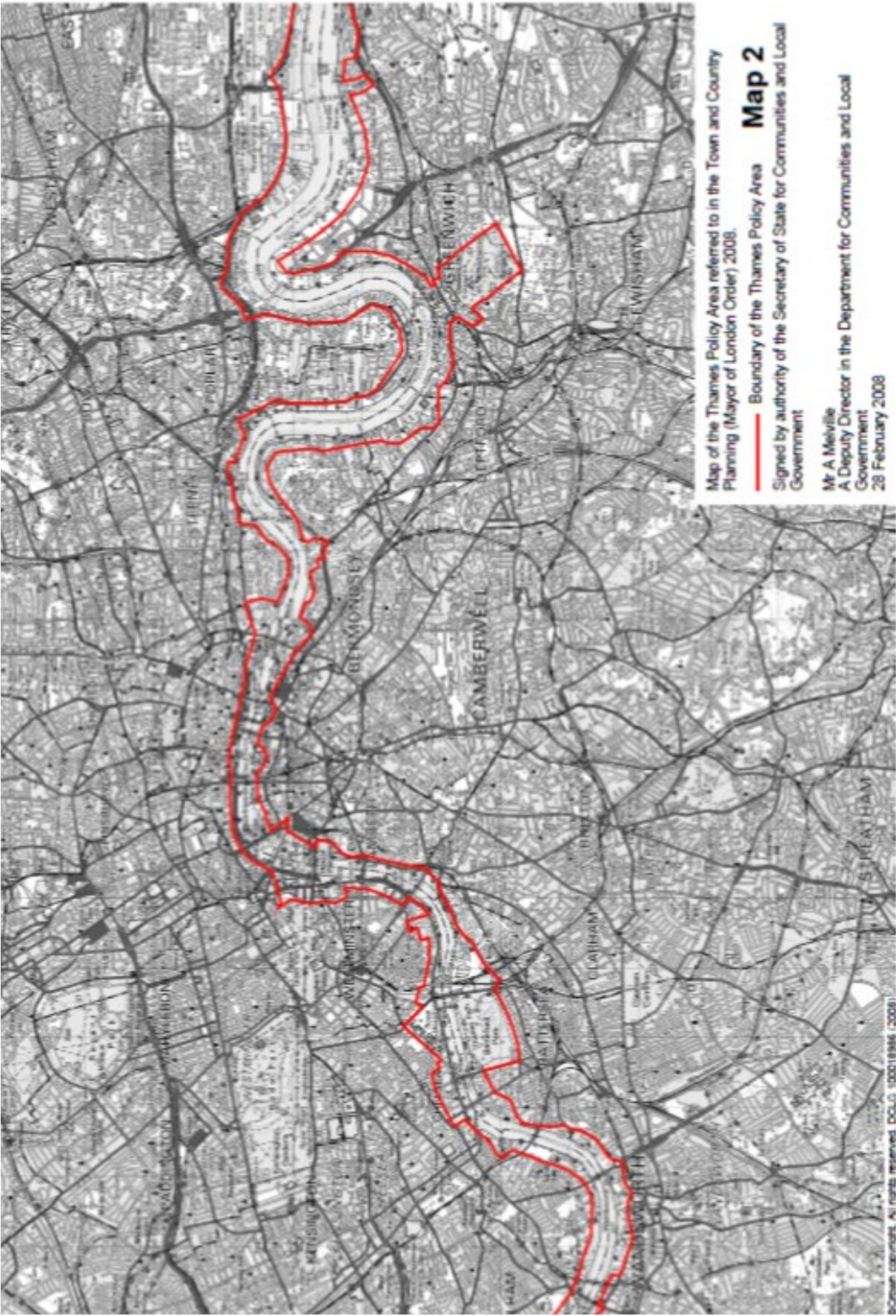






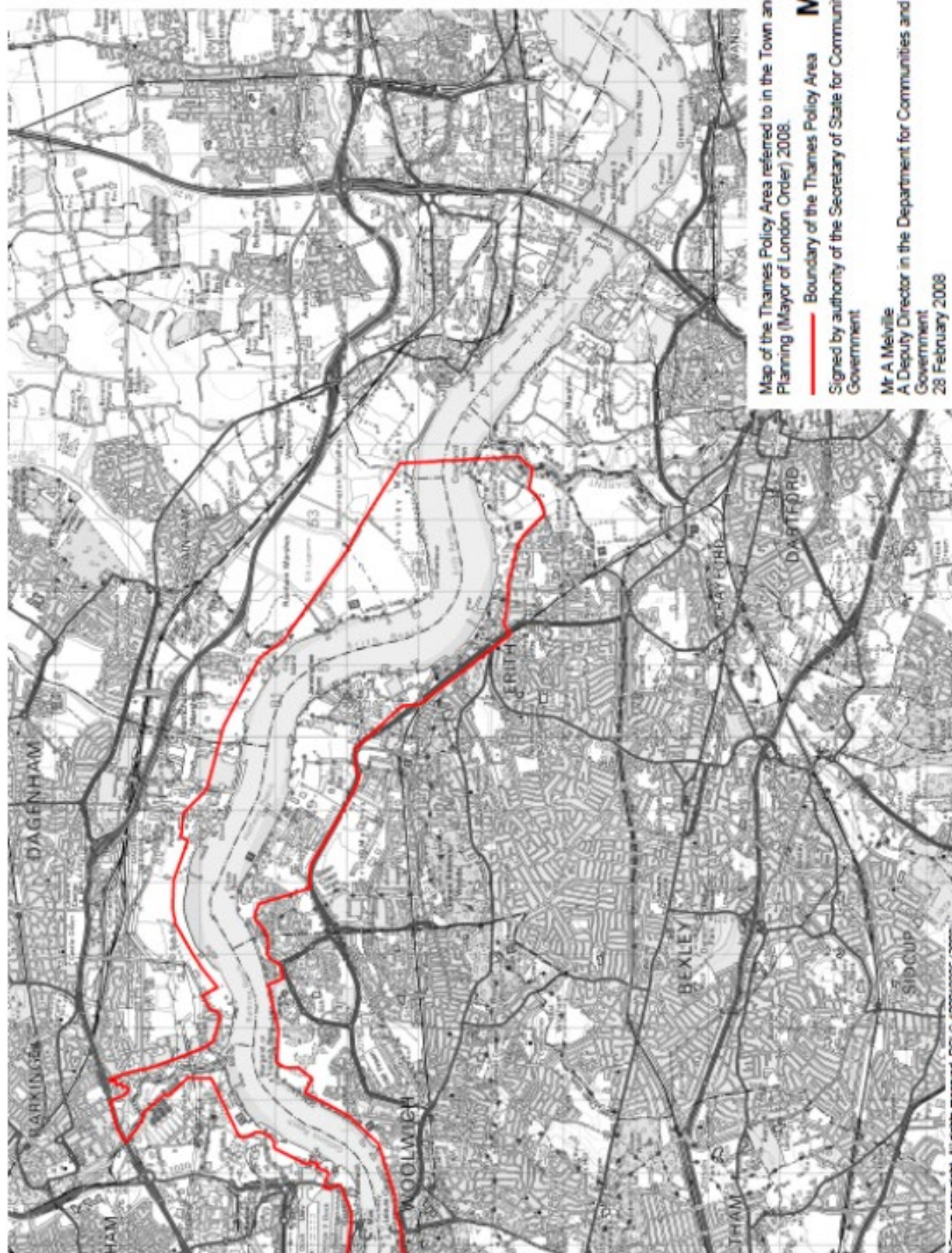


MAP 3





MAP 4



## Other formats and languages

For a large print, Braille, disc, sign language video or audio-tape version of this document, please contact us at the address below:

### Public Liaison Unit

Greater London Authority  
City Hall  
The Queen's Walk  
More London  
London SE1 2AA

Telephone **020 7983 4100**  
Minicom **020 7983 4458**  
**www.london.gov.uk**

You will need to supply your name, your postal address and state the format and title of the publication you require.

If you would like a summary of this document in your language, please phone the number or contact us at the address above.

### Chinese

如果需要您母語版本的此文件，  
請致電以下號碼或與下列地址聯絡

### Vietnamese

Nếu bạn muốn có văn bản tài liệu này bằng ngôn ngữ của mình, hãy liên hệ theo số điện thoại hoặc địa chỉ dưới đây.

### Greek

Αν θέλετε να αποκτήσετε αντίγραφο του παρόντος εγγράφου στη δική σας γλώσσα, παρακαλείστε να επικοινωνήσετε τηλεφωνικά στον αριθμό αυτό ή ταχυδρομικά στην παρακάτω διεύθυνση.

### Turkish

Bu belgenin kendi dilinizde hazırlanmış bir nüshasını edinmek için, lütfen aşağıdaki telefon numarasını arayınız veya adrese başvurunuz.

### Punjabi

ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਦੀ ਕਾਪੀ ਤੁਹਾਡੀ ਆਪਣੀ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੀਦੀ ਹੈ, ਤਾਂ ਹੇਠ ਲਿਖੇ ਨੰਬਰ 'ਤੇ ਫ਼ੋਨ ਕਰੋ ਜਾਂ ਹੇਠ ਲਿਖੇ ਪਤੇ 'ਤੇ ਰਾਬਤਾ ਕਰੋ:

### Hindi

यदि आप इस दस्तावेज़ की प्रति अपनी भाषा में चाहते हैं, तो कृपया निम्नलिखित नंबर पर फोन करें अथवा नीचे दिये गये पते पर संपर्क करें

### Bengali

আপনি যদি আপনার ভাষায় এই দলিলের প্রতিলিপি (কপি) চান, তা হলে নীচের ফোন নম্বরে বা ঠিকানায় অনুগ্রহ করে যোগাযোগ করুন।

### Urdu

اگر آپ اس دستاویز کی نقل اپنی زبان میں چاہتے ہیں، تو براہ کرم نیچے دئے گئے نمبر پر فون کریں یا دیئے گئے پتے پر رابطہ کریں

### Arabic

إذا أردت نسخة من هذه الوثيقة بلغتك، يرجى الاتصال برقم الهاتف أو مراسلة العنوان أدناه

### Gujarati

જો તમને આ દસ્તાવેજની નકલ તમારી ભાષામાં જોઈતી હોય તો, કૃપા કરી આપેલ નંબર ઉપર ફોન કરો અથવા નીચેના સરનામે સંપર્ક સાધો.

**MAYOR OF LONDON**