



London Planning

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- This note describes the town and country planning powers of the Mayor of London, as updated by the *Greater London Authority Act 2007*. It also explains the role of the London Plan.
 - The Mayor's planning powers do not replace either those of the London boroughs or those of the Secretary of State.
 - Originally the Mayor was given the power to direct a borough to reject an application of strategic importance to London. Rejection would automatically allow an appeal to the Secretary of State. The 2007 Act also gave the Mayor the power to approve certain developments.
 - The new London Plan was published on 22 July 2011

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1 The planning powers of the Mayor

The guidance of the Secretary of State on the workings of the system comes in a Circular from the Government Office for London in 2008, [GOL Circular 1/2008 Strategic Planning in London](#). The introduction explains the roles of the main participants:

The Mayor's role

1.4 The Greater London Authority was established in 2000 as a new form of citywide governance, made up of a directly elected Mayor and a separately elected Assembly. The Mayor is responsible for strategic planning for London, and in particular for producing a Spatial Development Strategy for London (the SDS). The SDS provides a strategic framework for the boroughs' Local Development Frameworks and remaining Unitary Development Plans and sets out the spatial context for the Mayor's other policies and strategies (see Section 2(i) below).

1.5 The Government believes that it is important that the Mayor has the right powers to ensure his SDS is implemented. Therefore, the Mayor will have a power to direct changes to borough local development schemes. In addition, certain planning applications must be referred to the Mayor due to their potential strategic importance for planning in London. The 2007 Act [the Greater London Authority Act] introduced a discretionary power for the Mayor to assume jurisdiction over small numbers of planning applications that are of strategic importance to London and determine them in place of the borough. The Mayor will continue to be able to direct a Borough to refuse a planning application where he has not taken over the application, if he considers that to grant planning permission would be contrary to the SDS or prejudice its implementation or otherwise be contrary to good strategic planning in London,

1.6 The Government is committed to the principle that the majority of planning applications are best decided at the local level wherever possible. The Secretary of State expects the number of applications that would most appropriately be decided by the Mayor in any given year to be very low.

1.7 The Mayor is also responsible for ensuring that the strategic planning interests of London are taken into account in the policies and decisions of central and local government and of other relevant bodies, both within London, and in surrounding areas where these could have a significant impact on the planning or development of the

capital. This necessitates a collaborative approach to the Mayor's working relationship with the boroughs.

The boroughs' role

1.8 The boroughs are the local planning authorities for their areas. They are responsible for preparing LDFs [Local Development Frameworks], but these must be in general conformity with the Mayor's SDS. Boroughs are also responsible for determining all planning applications except: a) where the Mayor has taken jurisdiction over the application under the provisions of section 31 of the 2007 Act; or b) where they fall into the area of the London Thames Gateway Development Corporation or Olympic Delivery Authority; or c) where they are called-in by the Secretary of State for Communities and Local Government ('the Secretary of State') under the provisions of section 77 of the Town and Country Planning Act 1990

1.9 Boroughs are required to consult the Mayor on planning applications of potential strategic importance as defined in the Mayor of London Order, for the Mayor to determine whether they raise issues of strategic importance that warrant his intervention.

1.10 The boroughs should have an important role in developing and delivering strategic planning policies in London, in collaboration with the Mayor. The Government considers that good strategic planning in London can best be delivered by co-operation between the Mayor and the boroughs on strategic planning matters, and all parties should work to promote this. This will be particularly important in the consideration of planning applications of potential strategic importance, where both regional and local planning policies will be relevant, irrespective of who is making the decision on the application.

The Secretary of State's role

1.11 The Secretary of State has no role in approving the SDS. She does, however, have powers to direct changes to the SDS in certain limited circumstances, as well as to direct that the SDS be reviewed, altered or replaced (see Section 4 below). The Secretary of State's powers in relation to LDFs and planning applications remain unchanged. However, as a matter of policy the Secretary of State will look to the Mayor in the first instance to ensure that London's strategic planning interests are taken into account in borough decisions on these matters.

2 The London Plan

The Mayor is responsible for producing a planning strategy for London. This replaces the previous strategic planning guidance for London (known as RPG3), issued by the Secretary of State. The London Plan is the name given to the Mayor's Spatial Development Strategy (SDS). A GLA Press Release announced publication of the new [London Plan](#) on 22 July 2011:

The new Plan, which is clearer and more user-friendly than its predecessor, focuses on key areas for London's development over the next two decades against a background of a growing city: economic development, tackling climate change and other environmental issues, housing and transport.

It particularly focuses on ensuring there are enough homes and jobs for a growing and increasingly diverse city, and to make sure the infrastructure London needs – ranging from transport to schools – is planned for and delivered effectively. At its heart is the

protection of those things that define the capital and a determination to improve the quality of life for current and future generations.

The Plan also has a key part to play in helping the Mayor to achieve a successful legacy for the 2012 Games – his highest regeneration priority – and delivers on his commitment to strengthen the protection of London's World Heritage Sites and views across the city of key London landmarks.

The Mayor also announced today he is issuing for consultation an update to the London View Management Framework. The Mayor wants to ensure that developers across the capital have all the information they need to implement the new policies on views in the London Plan.

Addressing all parts of London, the Plan also reflects the recommendations of the Outer London Commission to support growth in London's outer boroughs which received a huge lift recently with the announcement by the Mayor of £50m fund to boost regeneration and rejuvenation of town centres in outer London.¹

Further detail is provided in [Supplementary Planning Guidance](#). On 12 March 2012, supplementary guidance was published for London's World Heritage Sites.

3 The current Mayor's approach to planning

By chance, the new planning powers for the Mayor of London came into force roughly when Boris Johnson succeeded to the post. In July 2008, he published a document explaining his approach to planning. This is his approach to the Mayor's role:

The Mayor's role

The Mayor has a vital part to play in planning for a better London. He can provide:

- strategic direction and coordination to identify key priorities and ways of achieving them
- a coordinated approach across the GLA Group of organisations to policy-making and to delivery on the ground
- information and specialist advice needed across London to support policy-making and monitor implementation,
- specialist services like the London Development Database
- a way of exchanging best practice, through initiatives like the Mayor's Planning Awards, and appropriate guidance
- assistance to partnerships to enable delivery at the local level, such as the Green Arc
- a strong voice for effective planning in the capital.

Although the Mayor will provide this leadership, he will not try to do things that are better done at local level or by other agencies, or to intervene where this would add no value.

¹ GLA Press Release, *Making London the best big city in the world – Mayor publishes new London Plan*, 22 July 2011

In future, the Mayor will focus on genuinely strategic issues and on areas where the GLA and its related organisations can really help improve the quality of planning policy and decisions. This approach will be taken forward in the forthcoming review of the London Plan, with the aim of producing a more concise statement of strategic policy within which more detailed policies and other Mayoral strategies can sit, adopting a similar approach to those being applied by local authorities in Local Development Frameworks and by other regions. We will also look at the format and presentation of the London Plan to see if there are ways of making it easier to use, drawing on the experience and suggestions of those who have to use it in their day-to-day work.

The range of supplementary planning guidance, best practice guidance and implementation reports published to supplement and expand upon policies in the London Plan have proved effective and valuable. We will be examining ways to reinforce their value, ensuring they retain strategic focus and making them more user-friendly to developers, decision-makers and others. We will also review the way they are drawn up, examining ways to bring stakeholders into the process at an earlier stage, so that the key issues can be identified and discussed from the outset.

We will look more widely at the range of planning services that the GLA provides, and whether there are areas where we can develop or extend them to help the planning system in London. As part of this, we will consider whether it would be useful to organise an annual London Planning Convention to provide a forum for discussion of major issues facing those planning in the capital and a way of feeding back to the Mayor on his policies and activities.

Planning decisions

The Mayor has important development control powers over planning applications of strategic importance to London, both negative (the power to direct boroughs to refuse planning permission) and, in some cases, positive (enabling him to take over some applications which he then deals with). He does not intend to use these powers to do boroughs' work for them, or to intervene for its own sake. Rather, he will use them to ensure the delivery of key objectives for London, to protect and enhance London's unique status and character, to promote liveability in its neighbourhoods or to deal with cases where the nature of an application is such that taking a decision at London level would genuinely add value.

The GLA Act 2007 has given the Mayor powers in certain circumstances to take over planning applications that are of "potential strategic importance" for his own decision. The Mayor intends to use his powers carefully and sparingly, only taking over those which do have genuinely strategic implications for the planning of London. It is likely, therefore, that he will use these powers only in the most exceptional circumstances. Equally, in commenting on those applications which boroughs are required to refer to him, the Mayor intends to focus on strategic issues, rather than on matters of detail that are better dealt with locally. He intends to take a similar approach with borough local development frameworks.

This document flags up several areas where there will be changes in policy, which will be implemented either through alterations to the London Plan or through supplementary guidance. For the planning system to work effectively, however, there does need to be some finality in the decision-making process, and it does not make sense to reopen planning decisions made by the previous Mayor. The current Mayor does not consider this would be an effective use of public resources, and would not

encourage the re-submission of applications simply because of the change of administration.²

He considers challenges under the following headings:

- Continued population growth;
- London's changing economy;
- Improving the environment and tackling climate change;
- Providing the homes Londoners need;
- Planning for all Londoners;
- Planning for the whole of London.

Regeneration & Renewal noted the importance of the Mayor's response to the consultation:

London's boroughs are to be given greater control over planning decision-making, mayor of London Boris Johnson has announced. Johnson said that London's planning framework, the London Plan, will be fully reviewed to make it shorter and subject to fewer edicts from City Hall. The revised plan will be produced before the next mayoral elections in 2012. In response to a consultation on the London Plan...Boris Johnson said that, rather than adopting piecemeal alterations to the plan, his office would undertake a "full and comprehensive" review of the document, which sets out the vision and planning framework for London.³

4 Tall Buildings Westminster Hall debate, April 2009

Martin Linton argued against the spread of very tall buildings throughout London:

Recent changes in planning policy, moving away from height and density guidelines and judging each planning application as a whole, have had unintended consequences with which we are only now getting to grips.

First, if there are no height and density guidelines, how does a developer know how much to pay for a site? He does not even know how many flats he will be allowed to build. He has to second-guess the decision of the planning committee, which may be two years down the line. (...)

Secondly, developers should be told exactly where tall buildings will and will not be allowed. If the policy is to confine tower blocks to clusters, which I would support, they should be told exactly where they are. If the policy is to allow landmark buildings, they should be told where those landmarks can be. We must not leave every developer to argue that his building is a landmark, because believe you me, they all will.

Scrapping the height and density guidelines has been a disaster. It means that architects compete against one another to build the tallest towers, instead of complementing one another in the creation of an attractive townscape. It means that developers pay too much for sites and then "have to" build high to recover their outlay. The public feel that they are being blackmailed by developers, who will build something good only if we also allow them to build something monstrous behind it.

² London Mayor, [Planning for a Better London](#), 2008

³ "Boris gives boroughs more control", *Regeneration & Renewal*, 9 January 2009

I want to strike a blow not just against towers in my constituency—the hon. Member for Cities of London and Westminster (Mr. Field) has a similar problem across the river—but against the whole idea that we can improve our cities by building high. Paris, Rome, Venice, Vienna, Prague and St. Petersburg—there may be others—all consign their tall buildings to defined areas. The result is cities that are elegant, atmospheric and economically successful.⁴

In reply, the Parliamentary Under-Secretary for Communities and Local Government described the planning framework for London and then explained Government guidance. He stressed the need for good design generally, in considering an application for a tall building. In addition:

The second item is “Guidance on tall buildings”. The Government strongly endorse the messages in the revised guidance, which the Commission for Architecture and the Built Environment and English Heritage issued together in 2007, called “Guidance on tall buildings”. The guidance should be given serious and careful attention by all those designing tall buildings and considering their location. It is a vital complement to national planning guidance, and is likely to be an important—I stress the word important—material consideration for local planning authorities or planning inspectors in cases that involve tall buildings. My hon. Friend may wish to note that the Secretary of State has always referred to that guidance in determining recent called-in proposals for tall buildings.⁵

5 Community Infrastructure Levy, 2012

In February 2012, the Mayor agreed the Community Infrastructure Levy (CIL) to apply on new buildings after 1 April 2012:

On 29 February 2012, the Mayor agreed his CIL charging schedule, accepting the recommendation of Keith Holland, the independent examiner. The levy will apply to developments consented on or after 1 April 2012, and will be collected by London boroughs once development commences.

The setting of a Londonwide Community Infrastructure Levy is a power given to the Mayor under the Planning Act 2008 designed to raise money for the infrastructure needed to develop an area. The Levy will be charged on most developments in London at the following rates:

Zone 1 boroughs - £50 per square metre

Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth

Zone 2 boroughs - £35 per square metre

Barnet, Brent, Bromley, Ealing, Greenwich, Hackney, Haringey, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, Merton, Redbridge, Southwark, Tower Hamlets

Zone 3 boroughs - £20 per square metre

⁴ HC Deb 29 April 2009 c308WH

⁵ HC Deb 29 April 2009 cc310-4WH

Barking and Dagenham, Bexley, Croydon, Enfield, Havering, Newham, Sutton, Waltham Forest.⁶

⁶ GLA Press Release, [Mayoral Community Infrastructure Levy](#), 2 March 2012