



PLANNING BULLETIN

MORE PLANNING POWERS FOR KEN LIVINGSTONE?

The Office of the Deputy Prime Minister published in November 2005 'The Government's proposals for additional powers and responsibilities for the Mayor and Assembly.' This paper is subject to public consultation until 22 February 2006.

Specifically relating to land use planning matters, the consultation paper is seeking views in relation to the following:

1. Plan Preparation

Existing situation

The Mayor can object to the emerging policies of the new development plan documents where he it is considered that the policies are not in "general conformity" of the London Plan. However, the Mayor does not have the power to direct changes to the development plan documents where he considers this to be the case; only the Secretary of State has powers to direct changes to a development plan.

Proposal

The Mayor to now have the powers from the Secretary of State and to direct changes to Development Plan Documents (and to any Unitary Development Plans still being finalised under the old system) to be in general conformity with strategic policy for London.

2. Planning Applications

Existing situation

The Mayor has the power to direct refusal on specific strategic planning applications where it is considered that such applications, if permitted by the Local Planning Authority would undermine policies in the London Plan.

Proposal

For defined categories of strategic planning applications the Mayor's office becomes the planning authority by having the power to grant or refuse consent.. Applicants of major strategic developments would therefore need to apply for consent from the GLA.

An alternative approach is for the mayor to direct to a Borough to grant planning permission where it was intending to refuse the permission.

3. Planning Agreements

Existing situation

The Mayor cannot at present be a party to section 106 agreements as they are not the Local Planning Authority.



Proposal

The GLA become a party to the engrossed section 106 agreement on strategic applications so as to mitigate the impact of the development and ensure the delivery of affordable housing.

Developers will also be required to contribute towards strategic schemes, using pooling arrangements.

4. Strategic applications outside London

Existing situation

The mayor is not a statutory consultee on strategic planning applications outside the GLA boundary.

Proposal

The mayor to become a statutory consultee on strategic planning applications outside London and where there are implications for London as a whole.

Initial Assessment

The Government assertion is that these additional planning powers might be warranted because it leads to greater devolution of power from the Secretary of State to elected local government.

Opponents – no doubt being lead by the London Boroughs - will argue the contrary that increasing the mayors planning powers are undemocratic and diminish the role of the locally elected councillor.

In terms of implications for landowners, developers and investors, if these additional planning powers are indeed granted to the mayor then the following scenarios are likely to result:

- Increased costs for developers

All developers – and not just those of major strategic sites will have to pay more for their permissions through what in effect will be “strategic planning tariff.” This might be part of the price for winning the Olympics.

- Increased conflict between the GLA and the London Boroughs

Not all of the Borough’s share the mayors vision for London – exemplified by the differing views on the appropriate levels of affordable housing as now being identified in draft development plan core strategies and site specific development plan documents.

This could result in further delay in the adoption of the plethora of development plan documents now taking place in London.

- Quicker decisions for major strategic developments

On the positive side, major developments are likely to be granted permission by the GLA in a quicker timescale than is hitherto the case.

At present, the GLA are promoting in the London major mixed use developments sites at areas opportunity areas and areas of intensification. To date however, few have actually been granted consent because of the need to win over the London Borough.

To date few London Boroughs, with perhaps the notable exception of the London Borough of Newham, have embraced these major development sites because, despite the fact that are within adopted London Plan, the Boroughs do not see how such major developments contribute in meeting their own local needs which is often biased towards protecting residential amenity of the Borough's residents.

Further Information

If you require further advice and wish to make representations on the consultation paper's proposals by 22 February 2006, please contact:

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