

PLANNING POWERS FOR MAYORS IN ENGLAND

CONSULTATION RESPONSE

Response from: BusinessLDN, One Oliver's Yard, 55-71 City Road, London EC1Y 1HQ

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INTRODUCTION

1. BusinessLDN is a business membership organisation with the mission to make London the best city in the world to do business, working with and for the whole UK. BusinessLDN works with the support of the capital's major businesses in key sectors such as housing, commercial property, finance, transport, infrastructure, professional services, ICT, and education. We welcome the opportunity to respond to the consultation on planning powers for mayors in England. We have answered the questions relevant to the planning powers of the Mayor of London.

RESPONSES TO RELEVANT CONSULTATION QUESTIONS

Q.2: Do you propose any other categories of development which should be considered a PSI application, including in London??

2. The starting point should be a consistent approach to the categories of development eligible for PSI applications across England. There is little justification for London having access to a narrower set of categories than other mayoral areas, particularly where the strategic importance of infrastructure is comparable. The categories applying in London should therefore be updated to include the 'energy scheme' category that will be available to all other mayors, ensuring the Mayor of London has equivalent powers to support the delivery of strategically important energy infrastructure.
3. Major energy projects provide essential strategic infrastructure that is fundamental to economic growth, housing delivery and the transition to a more resilient and decarbonised energy system. However, projects of this nature can face disproportionate local opposition, despite their wider regional or national benefits, which can result in significant delays to

delivery. The power for a mayor to intervene where an energy project is of strategic importance should therefore be available consistently to all mayors in England, including the Mayor of London. The Town and Country Planning (Mayor of London) Order 2008 should be updated accordingly, allowing the Mayor to take a strategic view of proposals where their benefits extend beyond the local planning authority area.

Q.6: Do you agree with the proposed criteria for mayors to use their PSI application powers following adoption of a SDS?

5. Strongly agree.
6. We support the rationale set out in the consultation document to update the criteria which allow the Mayor of London to issue a direction to determine a planning application, namely deletion of Article 7 1) b) from the Town and Country Planning (Mayor of London) Order 2008, *“the development or any of the issues raised by the development to which the application relates has significant effects that are likely to affect more than one London Borough”*.
7. We agree that this criterion is superfluous, given the matter is already effectively covered by Article 7 1) a) and c) and any opportunities to simplify legislation should be embraced.

Q.7: Do you agree with the proposed approach to written representations for called-in PSI applications?

8. Strongly agree.
9. The ability to use the written representations procedure for all types of called-in PSI applications is supported. In London, the current hearing process can be lengthy and the number of hearings has increased in recent months, meaning projects are more likely to be subject to delays. Whether a public hearing or written representations procedure is most appropriate for a project will depend upon the number, and nature, of the strategic issues arising from the proposed development rather than the application type per se. The option to follow the written representations procedure in more straightforward cases has the potential to bring time savings and ensure a planning decision can be issued more quickly.
10. It is noted that on any application, the decision of whether to pursue a hearing or written representations will ultimately be at the discretion of the Mayor, but it is proposed that consultation must take place with the applicant and the local planning authority who will both have the opportunity to set out a case for their preferred format. This approach is supported. It is essential that this process of consultation is included in the final version of the secondary legislation when it is brought forward.

Q.12: Do you agree with the proposed approach to preparing a Mayoral Development Order?

11. BusinessLDN is pleased to see that the Government is moving forward with ‘switching on’ the powers for Mayors to make Development Orders, which have been included in previous

primary legislation. BusinessLDN members are bringing forward large-scale, strategic sites in London and welcome an additional consenting option for the Mayor, which could help accelerate appropriate sites.

12. The proposed approach for Mayoral Development Orders, as set out in the consultation document, achieves the necessary aim of avoiding an overly prescriptive process and appears to strike an appropriate balance.
13. To date, Local Development Orders have not been widely taken up by London Boroughs and, where they have been introduced, they have been used for quite narrow topics. If Development Orders are to be used more extensively, for them to be attractive to the private sector, it will be important that the regulations and associated guidance provide clarity to investors on two specific issues:
 - i. How any planning obligations and/or delivery of infrastructure and affordable housing will be secured, and how 'free rider' effects will be avoided where one developer puts in significant upfront investment and others benefit;
 - ii. How developers and investors can be provided with certainty that Mayoral Development Orders will not be revoked after either initial costs have been expended in producing orders (we understand that it is likely that the Mayor will seek contributions from developers towards this) or where, for multi-phase schemes, significant early infrastructure investment is made. Unless equal certainty is provided through an MDO, as would be achieved with an Outline Planning Permission, it is unlikely that they would be attractive to private investors.
14. We would be happy to engage further with the Department on this, including providing real life project examples from developers to test the implications and options that you are considering.