

## **The Mayoralty**

In the post war era, the Conservatives have defeated Labour Governments on three occasions, 1951, 1970 and 1979. Each time they had previously “won” London. In the 1949 LCC elections they fought Labour to a dead heat and failed to take control due to the existence of Labour appointed Aldermen. In 1967 and 1979 they won the former GLC comfortably.

Ken Livingstone won the London Mayoralty in 2000 and 2005 and within twelve months Labour won general elections.

This changed late on the night of Friday May 2<sup>nd</sup> when Boris Johnson became the second Mayor of London, polling 1,168,173 votes (more than Steve Norris had polled in 2000 and 2004 put together). In what was a close run fight to the end, Johnson won by a comfortable margin - certainly no calls for repeated recounts. Johnson now has a personal mandate to run London exceeded in Europe only by the Presidents of France and Portugal.

## **The Assembly**

In addition there were considerable changes to the London Assembly with UK/One London and the Liberal Democrats losing seats as the Conservatives gained an additional two seats and, to the consternation of many, the BNP one. The BNP gained a London wide seat as opposed to a constituency seat.

Labour held onto all of their constituency seats and managed to gain one additional seat from the Conservatives in Brent & Harrow. However, this was countered by the loss of two seats from the London List, taking their

representation down to eight seats. The Conservatives lost a constituency seat but gained an additional two from the London List, taking their numbers up to 11.

The discussion as to how and why 130,000 Londoners voted for an extremist group such as the BNP will tax the parties over the coming four year period. There is some speculation that, had it not been for a concerted cross-party effort, the BNP may well have polled even more votes following a targeted and polished campaign which focused on core areas.

The Conservative group leader and GLA member for Ealing and Hillingdon, Richard Barnes, is to become the Deputy Mayor with authority to act in the absence of the Mayor, he will also have responsibility of Regeneration and Cohesion. A respected Member of the Assembly, Barnes significantly raised his profile as an extremely effective Chair of the July 7th Review Committee into the London bombings.

Sir Simon Milton, currently Leader of Westminster City Council, is to be Boris Johnson's advisor on planning issues - effectively the equivalent of Eleanor Young. There is a rather neat turn of events given that Milton was one of Livingstone's most vocal opponents on planning, with many public clashes over the last previous 8 years. Milton comes from a strong background in planning and development having presided over Westminster for many years and also been a prominent figure on London Councils and the Local Government Association. He is a respected Council Leader and will be seen as a strong addition to the team by many observers. However, he is also regarded as anti-tall building and has vociferously opposed proposals for tall buildings in Westminster. Whether this is a position that carries through the rest of London, remains to be seen but his appointment may be greeted with slight nervousness by some. He is expected to stand down from his position as Leader of Westminster City Council.

For the Conservatives, former MP and junior Minister, Richard Tracey; former Westminster City council deputy leader, Kit Malthouse; and former Mayoral candidates Andrew Boff and Victoria Borwick join the Assembly alongside businessman James Cleverley and the ambitious Bexley councillor, Gareth Bacon. These will all shake up the Assembly and are expected to increase the profile of this somewhat colourless body. With eleven members the Conservatives can ensure passage of the Mayoral budget without relying on support of the other parties.

It is likely that Labour will continue to be led by Livingstone "fixer" Len Duvall and the three Liberal Democrats (down from five) will continue to be led by Mike Tuffrey.

From April the Mayor has been granted additional powers and it will fall to Boris Johnson to exercise these. A brief summary of exactly what these are and how they may be used is attached.

## Housing

The Mayor will have responsibility for the London Housing Board. He will be required to publish a strategy for London housing which will set out the priorities to meet the housing needs of Londoners. The Mayor will decide in broad terms how public money for affordable housing is to be spent.

*Boris Johnson;*

- Is to review the rigid affordable housing targets that currently exist and insist on more house building bringing in 50,000 new affordable homes by 2011.
- Will be seeking to provide more family homes as opposed to high density flats.
- Will also be seeking ways to bring into use 84,205 existing empty properties.
- Introduce a "FirstSteps housing scheme" which will be open to first time buyers using £130 million from regional housing and the release of GLA owned land.
- Publish an online "Fair Rents Guide"

**The approach of Johnson towards planning and development in London, particularly housing, has been the subject of intense speculation over recent months. Making affordable housing targets more flexible is likely to be welcomed, with the caveat that the industry will watch and see**

**what alternatives are brought forward before embracing any proposed changes.**

**Planning** (see attached document for further detail)

The Mayor will have the right to direct approval of applications as well as refusal of applications that have strategic importance; the Mayor will be able to direct changes to borough's local development plans; the Mayor will have a stronger say on whether draft local development plans are in general conformity to his London Plan.

*Boris Johnson;*

- Will preserve historic views
- Oppose the concreting of domestic gardens for "flat developments"
- Use planning agreements to protect small shops
- Examine closely high density tall flat developments
- Protect the green belt by using Mayoral power to direct refusal for applications to build on it
- Work closely with the Boroughs in deciding applications and guard against overdevelopment.

As with housing, the approach of Boris Johnson to planning is seen as something of an unknown quantity, although people may well be reassured that a strong team is being assembled. Approaches to major proposals, tall buildings and large residential developments are likely to emerge over the course of the next few months as applications are brought forward. Johnson has previously indicated that he will avoid using his reinforced Mayoral powers over planning however, this remains to be seen as some of the more interesting and high profile developments come into the GLA. There is considerable uncertainty within London at the present time as organisations with major schemes try to assess the

landscape and plot an appropriate course of action. A clear steer may not be apparent until several applications are in process.

## **Learning and skills**

The Mayor will have statutory duties to promote skills and will chair a London Skills and Employment Board.

*Boris Johnson;*

- Will work with Boroughs in how to shape funding
- Ensure better targets for young people at risk of becoming NEETS
- Review children's play space

## **Waste**

The responsibility of the Mayor in relation to waste is to lead a London wide waste and recycling forum, collaborating with Boroughs. All Borough waste strategies will be required to be in conformity with that of the Mayor (in the same vein as planning) and the Mayor has the power to determine strategic waste planning applications. Given the strategic and complex nature of waste, the Mayor is expected to work closely with the Government on the waste infrastructure programme - this is an area which is likely to have an increasingly high profile over the course of the next few years as new Landfill targets and EU penalties come into force placing strict financial obligations on local authorities to address how they deal with waste.

*Boris Johnson;*

- Will rewrite the waste strategy

- Involve Boroughs more directly in the strategy

The waste strategy will need to conform closely with Government and EU targets and is unlikely to be something that can be considered in isolation of the rest of the country. Currently London exports a proportion of waste to alternative facilities, as targets tighten Boroughs are likely to be expected to do more to deal with their own waste. This is a difficult and highly contentious area.

There are also changes to Health (prepare a strategy to tackle health inequality). The Mayor is to prepare a Climate Change and Energy Strategy for London and publish a Climate Change Adaptation Strategy. The Mayor will also have more involvement in Arts Council, London. Finally the Mayor will produce a Water Action Framework for the capital.

Policies on transport and business were part of the existing powers, however, it is well known that Boris Johnson is keen to make some significant changes to transport in London (particularly on the buses and congestion charge) and to the LDA.

The Mayor may now make some (sic) political appointments to the Board of Transport for London, the names and details of his appointments to both Transport for London and the London Development Agency are awaited with interest.

We will keep you updated.

**Call PPS** if ...you need to undertake community consultation or if you feel your scheme may run into political or community opposition.

**Enquiries:**

**Stephen Byfield**  
T. 0207 529 1700  
E. stephen.byfield@ppsgroup.co.uk

**Charles St George**  
T. 01454 275 630  
E. charles.stgeorge@ppsgroup.co.uk

**PPS London, South East & East**

Rebekah Paczek, Mark Kerr, John Mills, Nick Sutcliffe  
T. 020 7529 1700  
E. rebekah.paczek@ppsgroup.co.uk  
mark.kerr@ppsgroup.co.uk  
john.mills@ppsgroup.co.uk  
nick.sutcliffe@ppsgroup.co.uk

**PPS North**

Paul Boyfield  
T. 0161 832 2139  
E. paul.boyfield@ppsgroup.co.uk

**PPS South West & Wales**

Richard Evans  
T. 01454 275 630  
E. richard.evans@ppsgroup.co.uk

**PPS Midlands**

Simon Phillips  
T. 0121 212 2400  
E. simon.Phillips@ppsgroup.co.uk

**PPS Scotland**

Donald Anderson  
T. 0131 226 1951  
E.donald.anderson@ppsgroup.co.uk

**PPS (Waste & Minerals)**

Fiona MacIntosh  
T. 020 7529 1700  
E.fiona.macintosh@ppsgroup.co.uk

Registered Office: 69 Grosvenor Street, London W1K 3JW Registered in England No. 2451155

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## **The Greater London Authority – May 2008**

*Mayor of London – Boris Johnson*

*Deputy Mayor of London – Richard Barnes*

### **Members of the Greater London Assembly**

#### **Conservative**

- Richard Barnes (Ealing and Hillingdon)
- Tony Arbour (South West, Boroughs of Kingston, Richmond and Hounslow)
- Kit Malthouse (West Central, Boroughs of Kensington and Chelsea, Hammersmith and Fulham and City of Westminster)
- Brian Coleman (Barnet and Camden)
- Roger Evans (Havering and Redbridge)
- James Cleverley (Bexley and Bromley)
- Richard Tracey (Merton and Wandsworth)
- Steve O'Connell (Croydon and Sutton)
- Andrew Boff (London List)
- Victoria Borwick (London List)
- Gareth Bacon (London List)

#### **Labour**

- Navin Shah (Brent and Harrow)
- Jenette Arnold (North East, Boroughs of Islington, Hackney and Waltham Forest)
- Joanne McCartney (Enfield Haringey)

- John Biggs (City and East, Boroughs of Barking and Dagenham, Newham, Tower Hamlets and the City of London)
- Len Duvall (Greenwich and Lewisham)
- Val Shawcross (Lambeth and Southwark)
- Nicky Gavron (London List)
- Murad Quereshi (London List)

#### **Liberal Democrat**

- Mike Tuffrey (London List)
- Dee Doocey (London List)
- Caroline Pidgeon (London List)

#### **Green**

- Jenny Jones (London List)
- Darren Johnson (London List)

#### **BNP**

- Richard Barnbrook (London List)

## **The Mayor of London Order Process and Implications for Planning in London**

### **Overview**

The Mayor of London Order officially came into effect on April 6<sup>th</sup> bringing with it a fundamental shift in the power basis between the GLA and the London Boroughs.

The central purpose of the Act is to give the Mayor positive planning powers. To date, the Mayor has had only the power to direct refusal of an application on grounds of diversion from the London Plan. This move towards being able to direct approval and wrest control of planning applications from local authorities is a bold step.

The new Mayoral powers are confined to applications of 'potential strategic importance', or PSIs, covering large-scale development and major infrastructure development. Specifically, the Mayor can take control as the local planning authority where:

1. The application itself would have a significant impact on the implementation of the London Plan
2. The application affects more than one London Borough
3. There are sound planning reasons to take over the application

The exception to this is that the Mayor can take over an application for residential development which is 150 units or above and, in some circumstances, a threshold of 1,000 sq m on mixed-use and other developments

A difficulty with points 1 and 3 is that the judgment on this basis is likely to be subjective, dependent both on the view of the GLA officers and the view of the Mayor in question.

The stated intention from within the Mayor's Office and also from the level of Central Government is not to exercise these powers unless deemed essential to do so. The introduction of the powers was, in a significant part, given momentum by the current Mayor's keenness to overcome some of the problems encountered in specific London Boroughs which were viewed to be blocking the implementation of the London Plan with the Mayor powerless to override them. As a result it has been controversial since the proposal was first floated and many of the London Borough's are vehemently opposed to its implications viewing it as eroding democratic accountability and their own ability to determine the shape and future of their own Boroughs.

(N.B. If Boris Johnson should win the election this week he has stated that he will rewrite core aspects of the London Plan, roll back the new powers to be used only as essential and to provide greater flexibility within the planning system in London, specifically on issues relating to affordable housing).

## **GOL Circular**

A new GOL Circular was introduced on 4<sup>th</sup> April setting out the detail by which the Mayor will be able to intervene in planning applications. It is prefaced with the statement that it is anticipated that a 'very small number' of planning applications will be affected by the new legislation and brought under the control of the Mayor.

### ***Intervention***

Boroughs will be obliged to consult the Mayor at the outset of major applications to enable the Mayor to determine whether or not to take control of the application. The intention of this is to encourage greater collaboration between the Mayor and the Boroughs; by introducing a consultative approach it is hoped that Boroughs will be more inclined to adhere to the views of the Mayor.

Developers will be able to request that the Mayor takes over an application in the event of non-determination by the local authority (after the standard 13 week timescale). However, it is purposefully in the interests of the local authority to retain control of the planning process in order to subsequently retain control over S106 negotiations.

That said, it is relatively easy to see potential situations whereby it is deemed politically expedient for a local authority to allow the Mayor to take over a controversial application and others where the Mayor and the local authority are simply too much at odds to reach an agreement.

### ***London Plan and LDFs***

The London Plan is expected to continue to identify strategic locations for development and establish the parameters for development according to which LPAs must adhere when bringing forward their own policies. The intention is not for the London Plan to preside over issues that are best dealt with at the Borough level, however, the new powers in effect enable the Mayor to do just that where it is felt that there is a conflict with the overarching aims of the London Plan.

From the powers coming into effect, the Mayor will effectively oversee the LDF process within London - the starting point for an EiP on an LDF will now be the view of the Mayor with respect to the London Plan and his own targets. This policy will be introduced through revised Local Development Regulations to be introduced later this year.

The Mayor will have 28 days, running concurrently with that of the Secretary of State to direct amendments to Borough LDF's

## *Consultation*

The exception to the rule relates to applications falling within the LTGDC or ODA areas. These will continue to be determined by the relevant bodies and the Mayor may not intervene to either direct refusal or recommendation.

The Order sets out that the Mayor and the Boroughs should engage in pre-application consultation with the developer to seek to avoid risk of conflict and uncertainty.

Where the Mayor chooses to take over an application, the Borough will be expected to continue to consult on the proposals and to ensure a full record of the application is maintained. However, applications over which the Mayor takes control will not count towards a Borough's Housing and Planning Delivery Grant.

The new powers will have an impact on public pronouncements - the Mayor will need to be circumspect when considering applications in the pre-planning stage in order to avoid a prejudicial interest should he become the ultimate planning authority. The Mayor will need to demonstrate a fair and balanced approach to dealing with applications, thus the relationship with property developers and potential applicants is likely to need to take on a more formal approach.

## *The Process*

### *Stage One:*

Once an application of Potential Strategic Importance has been passed to the Mayor for consideration, if he/she determines that there are sufficient reasons for the involvement of the Mayor he will be able to request to be consulted once the Borough has made a draft decision on the application, thus, the Borough will retain control over the initial part of the planning process.

From the date of receiving a planning application, the Mayor will have a maximum of 6 weeks to consider the application and inform the borough whether the application is deemed to be compliant with London Plan policies, or to set out where deficiencies might lie and suggest possible remedies to address these.

The 6-week period falls within the Borough's 13-week timescale for determining a planning application – thus the need for pre-application consultation is increased.

### *Stage Two*

The Borough's are obliged to make a decision on the application within 13-weeks and inform the Mayor of this decision so that he/she may determine how to proceed.

The Mayor then has 14 days to respond to the proposed decision. Three options are open:

- Allow the borough to proceed
- Direct refusal
- In consideration of the thresholds choose to take control of the application

In directing to determine the application him/herself, the Mayor must demonstrate that the application meets all three aspects of the policy test:

- Significant impact on implementation of the London Plan
- Significant effects on more than one borough
- Sound planning reasons for intervention (as set out above, this is likely to be a subjective assessment)
- The exception to this is housing developments of 150 units and above where the Mayor can seek to determine the application without satisfying the above criteria.

In selecting to determine an application the Mayor must take consideration of the extent to which Borough's have achieved delivery against London Plan targets (this gives the opportunity for the Mayor to potentially penalise those boroughs which are felt to be consistently operating against the principles of the London Plan and the objectives of the Mayor).

#### *Reserve Matters and Conditions:*

Where a planning application determined by the Mayor is outline, the Mayor will have responsibility for determining reserve matters and associated consents related to the application including listed building consent, conservation area consent and hazardous building consent. However, the Mayor can choose to pass these matters back to the Borough.

Where the Mayor grants consent, he/she will be responsible for setting the conditions of the consent – including S106. The Mayor can choose to pass this back to the Borough or determine this him/herself. Boroughs minded to approve applications will be expected to provide the Mayor with relevant information relating to the conditions proposed to be attached to the consent. (This gives an added motivation for boroughs to work collaboratively with the Mayor in order to avoid having S106 rights removed from them).

The Mayor will agree with the applicant a timescale to move from resolution to grant to the dispensing of planning permission through the signing of a S106 agreement. It will remain the responsibility of the Borough to distribute S106 monies accordingly.

*Appeal:*

The applicant has the right to appeal to the Mayor to take over an application on the grounds of non-determination if the application falls within Parts 1 or 2 of the policy criteria.

In the event of an appeal to the Secretary of State following a Mayoral decision, the Mayor will be expected to be represented as the local planning authority with the Mayor's office bearing costs accordingly.

The new powers do not have any implications on the current system of appeal to the Secretary of State.

**Indicative diagram of process of PSI applications referred to the Mayor**

