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STATUTORY INSTRUMENTS

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**2017 No. 126**

**The West of England Combined Authority Order 2017**

**PART 4**

**Planning**

**Spatial development strategy**

**10.**—(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions in the 1999 Act, specified in paragraph (2), that the Mayor of London has in relation to Greater London.

(2) The functions in the 1999 Act are—

- (a) section 334 (the spatial development strategy);
- (b) section 335 (public participation)(1);
- (c) section 336 (withdrawal);
- (d) section 337 (publication)(2);
- (e) section 338 (examination in public)(3);
- (f) section 339 (review of matters affecting the strategy);
- (g) section 340 (reviews of the strategy);
- (h) section 341 (alteration or replacement)(4);
- (i) section 342 (matters to which the Mayor is to have regard);
- (j) section 346 (monitoring and data collection)(5); and
- (k) section 348 (Mayor’s functions as to planning around Greater London).

(3) The exercise of any of the functions corresponding to the functions in sections 335 (public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act by the Combined Authority requires a unanimous vote in favour by all members of the Combined Authority, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

**Adaptation of enactments in consequence of article 10**

**11.**—(1) This article has effect in consequence of article 10(1).

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- (1) Section 335 was amended by section 29(1) and (2) of the Greater London Authority Act 2007 (c. 24) and section 228(2)(a), (b) and (c) and 237 of, and Part 33 of Schedule 25 to the 2011 Act.
  - (2) Section 337 was amended by section 118(2) of, and paragraph 22(1), and (2)(b) and (c) of Schedule 7 to, the 2004 Act and sections 109(7) and 237 of, and paragraphs 3 and 4 of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.
  - (3) Section 338 was amended by section 48(1) of, and paragraph 52 of Schedule 8 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15) and article 2(2) of, and paragraph 19 of the Schedule to, S.I. 2013/2042.
  - (4) Section 341 was amended by section 118(2) of and, paragraph 22(1) and (3) of Schedule 7 to, the 2004 Act, section 85(1) of, and paragraphs 9 and 10 of Schedule 5 to, the 2009 Act (c. 20) and sections 109(7) and 237 of, and paragraphs 3 and 5(a) and (b) of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.
  - (5) Section 346 was amended by section 118(2) of, and paragraph 23(1) and (4) of Schedule 27 to, the 2004 Act.

(2) Part 8 of the 1999 Act applies in relation to the preparation and publication of a spatial development strategy by the Combined Authority as it applies in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 1 of Schedule 2.

(3) Sections 343 (regulations) and 420 (orders and regulations) of the 1999 Act apply in relation to the functions of the Secretary of State to make regulations by statutory instrument with respect to all or any of the following—

- (a) the form and content of the spatial development strategy published by the Combined Authority;
- (b) the documents (if any) the Secretary of State requires to accompany the spatial development strategy published by the Combined Authority;
- (c) the procedure to be followed by the Combined Authority in connection with the preparation, withdrawal, publication, making, review, alteration or replacement of the spatial development strategy, or in connection with any review under section 339 as modified by Part 1 of Schedule 2; and
- (d) the procedure to be followed at an examination in public examining matters affecting the consideration of the spatial development strategy,

as they apply in relation to the functions of the Secretary of State to make such regulations in relation to the spatial development strategy published by the Mayor of London.

(4) Subject to paragraph (6) and to Schedule 2, in any enactment (whenever passed or made)—

- (a) any reference to a spatial development strategy; or
- (b) any reference which falls to be read as a reference to a spatial development strategy,

is to be treated as including a reference to a strategy prepared and published in accordance with the function conferred by article 10(1).

(5) Sections 19 (preparation of local development documents), 24 (conformity with regional strategy), 37 (interpretation), 38 (development plan) and 113 (validity of strategies, plans and documents) of the 2004 Act(6) apply in relation to the preparation and publication of a spatial development strategy by the Combined Authority as they apply in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 2 of Schedule 2.

(6) Paragraph (4) does not apply to—

- (a) section 41 of the 1999 Act (general duties of the Mayor in relation to his strategies)(7);
- (b) section 356A of the 1999 Act (London Waste and Recycling Board)(8);
- (c) section 10 of the London Olympic Games and Paralympic Games Act 2006(9); and

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(6) Section 19 was amended by sections 180 and 182 of the Planning Act 2008 (c. 29); section 85 of, and paragraph 14 of Schedule 5 to, the 2009 Act; and section 100 of the Deregulation Act 2015 (c. 20). Section 24 was amended by sections 85 and 146 of, and paragraph 15 of Schedule 5 and paragraph 1 of Schedule 7 to, the 2009 Act; section 222 of, and paragraph 55 of Schedule 22 to, the 2011 Act. Section 37 was amended by section 180 of the Planning Act 2008; section 56 of, and paragraph 81 of Schedule 8 to, the 2008 Act; section 85 of, and paragraph 174 of Schedule 5 to, the 2009 Act; and by section 222 of, and paragraph 56 of Schedule 22 to, the 2011 Act. Section 38 was amended by section 180 of the Planning Act 2008; section 82 of the 2009 Act; sections 109 and 116 of, and paragraph 13 of Schedule 8 and paragraph 6 of Schedule 9 to, the 2011 Act. Section 113 was amended by section 185 of the Planning Act 2008; section 85 of, and paragraph 19 of Schedule 5 to, the 2009 Act; and by section 91 of, and paragraph 8 of Schedule 16 to, the Criminal Justice and Courts Act 2015 (c. 2).

(7) Section 41 was amended by sections 24, 28 and 41 of the Greater London Authority Act 2007; and sections 192, 225, 227 and 237 of and paragraph 2 of Schedule 23 and paragraph 1 of Schedule 25 to the 2011 Act.

(8) Section 356A was inserted by section 38 of the Greater London Authority Act 2007 and amended by sections 225 of, and paragraph 6 of Schedule 23 to, the 2011 Act.

(9) 2006 c. 12. Section 10 was amended by section 195 of, and paragraph 9 of Schedule 20 to, the 2011 Act.

- (d) the Town and Country Planning (London Spatial Development Strategy) Regulations 2000<sup>(10)</sup>.

### **Planning applications of potential strategic importance**

**12.**—(1) The Combined Authority has, in relation to the Area, functions corresponding to the following functions that the Mayor of London has in relation to Greater London—

- (a) section 2A of the 1990 Act (the Mayor of London: applications of potential strategic importance);
- (b) section 2B of the 1990 Act (section 2A: supplementary provisions);
- (c) section 2C of the 1990 Act (matters reserved for subsequent approval);
- (d) section 2E of the 1990 Act (section 2A and planning obligations under section 106);
- (e) section 2F of the 1990 Act (representation hearings);
- (f) section 74 of the 1990 Act (directions etc as to method of dealing with applications); and
- (g) the 2008 Order.

(2) Sections 2A, 2B, 2C, 2D, 2E and 2F of the 1990 Act apply in relation to the consideration of applications of potential strategic importance by the Combined Authority as they apply in relation to the consideration of applications of potential strategic importance by the Mayor of London.

(3) In section 2A(3)(a) of the 1990 Act as applied by paragraph (2) the references to “Greater London” are to be read as references to “the Area”.

(4) The provisions in section 333 of the 1990 Act (orders and regulations) apply in relation to the power of the Secretary of State to make orders under sections 2A and 2F of that Act in relation to the Combined Authority, as it applies in relation to the power of the Secretary of State to make orders under sections 2A and 2F of that Act in relation to the Mayor of London<sup>(11)</sup>.

(5) The provisions in the 2008 Order apply in relation to the Combined Authority’s power to direct that applications for planning permission of potential strategic importance must be determined by the Combined Authority in place of the local planning authority as they apply in relation to the Mayor of London’s power to direct that applications for planning permission of potential strategic importance must be determined by the Mayor of London in place of the local planning authority.

- (6) The 2008 Order has effect as if—
- (a) for every reference to “the Mayor” there were substituted “the Combined Authority”;
  - (b) article 3 were omitted;
  - (c) in article 6—
    - (i) every reference to “Greater London” is to be read as a reference to “the Area”,
    - (ii) in paragraph (2)(a) for “the Greater London Authority” there were substituted “the Combined Authority”; and
    - (iii) paragraphs (2)(c) and (f) were omitted;
  - (d) in the Schedule—
    - (i) in paragraph 1(2), for “Parts 1 and 2” there were substituted “Part 1”;
    - (ii) paragraph 4 were omitted;
    - (iii) for Part 1 there were substituted—

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<sup>(10)</sup> S.I. 2000/1491.

<sup>(11)</sup> The Secretary of State’s power to make orders under sections 2A and 2F of the 1990 Act, is by statutory instrument, prescribing the circumstances in which, and the conditions subject to which, the Mayor of London may give a direction under section 2F of that Act and provision in relation to public admission to representation hearings and public access to documents, etc at such hearings under section 2F of that Act.

## “PART 1

Developments which are cross-boundary linear developments identified in the spatial development strategy for the area of the West of England Combined Authority as safeguarded schemes or schemes of strategic importance

1. Development for surface rail.
2. Development for bus ways.
3. Development for rapid transit.
4. Development for public highway infrastructure.
5. Development for bridges.
6. Development of flood defences.”; and

(iv) Parts 2 and 3 were omitted.

(7) In this article “the 2008 Order” means the Town and Country Planning (Mayor of London) Order 2008<sup>(12)</sup>.