STATUTORY INSTRUMENTS

2026 No. 345

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Mayor of London) (Amendment and Transitional Provision) Order 2026

Made - - - -	*24th March 2026*
Laid before Parliament	*25th March 2026*
Coming into force - -	*11th May 2026*

The Secretary of State makes this Order in exercise of the powers conferred by sections 2A, 2D, 59(1), 74 and 333(8) of the Town and Country Planning Act 1990(**a**).

Citation, commencement and extent

1.—(1) This Order may be cited as the Town and Country Planning (Mayor of London) (Amendment and Transitional Provision) Order 2026.

(2) This Order comes into force on 11th May 2026.

(3) This Order extends to England and Wales.

Interpretation

2. In this Order—

"the 1990 Act" means the Town and Country Planning Act 1990;

"the 2008 Order" means the Town and Country Planning (Mayor of London) Order 2008(**b**);

"commencement date" means 11th May 2026;

"Mayor" and "PSI application" have the meaning given in article 2(1) of the 2008 Order;

"section 73 application" means an application under section 73 of the 1990 Act (application to develop land without compliance with conditions previously attached).

(**a**) 1990 c. 8. Section 2A was inserted by section 31(2) of the Greater London Authority Act 2007 (c. 24) and amended by paragraph 31 of Schedule 22 to the Localism Act 2011 (c. 20), paragraph 2(1) and (2)(a) of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27) and section 149(1) of, and paragraph 2 of Schedule 12 to, the Housing and Planning Act 2016 (c. 22). Section 2D was inserted by section 31(2) of the Greater London Authority Act 2007 (c. 24). Section 74 was amended by section 19(1) of, and Schedule 19 to, the Planning and Compensation Act 1991 (c. 34), section 344(9) of the Greater London Authority Act 1999 (c. 29), paragraph 9 of Schedule 12 to the Localism Act 2011 (c. 20), paragraph 10 of Schedule 4 to the Infrastructure Act 2015 (c. 7), section 149(2) and (3) of, and paragraph 17 of Schedule 12 to, the Housing and Planning Act 2016 (c. 22) and paragraph 1(10) of Schedule 9 to the Levelling-up and Regeneration Act 2023 (c. 55). Section 333(8) was inserted by section 130(1)(b) of the Levelling-up and Regeneration Act 2023 (c. 55).

(**b**) S.I. 2008/580; relevant amending instruments are S.I. 2010/602, 2011/550.

Amendment of the 2008 Order

3. The 2008 Order is amended in accordance with articles 4 to 10.

Amendments to article 2

4. In article 2 (interpretation)—

(a) in paragraph (1)—

(i) after the definition of "the Use Classes Order", insert—

""the DMPO" means the Town and Country Planning (Development Management Procedure) (England) Order 2015(**a**);

"Category 3J application" means an application which is a PSI application only by virtue of Category 3J of the Schedule;";

(ii) omit the definition of "the GDPO";

(b) in paragraph (2), for "article 20(3) (time periods for decision) of the GDPO" substitute "article 34(4) and (5) of the DMPO (time periods for decision)".

Revocation of article 3

5. Omit article 3 (land excluded from the application of section 2A).

Amendment to article 4

6. In article 4 (notification to the Mayor of applications of potential strategic importance), after paragraph (2), insert—

"(3) Paragraph (2) does not apply with respect to a Category 3J application.".

Amendments to article 5

7. In article 5 (determination of PSI applications)—

(a) in paragraph (1), for "paragraph (2)" substitute "paragraphs (1A) and (2)";

(b) after paragraph (1), insert—

"(1A) Paragraph (1) does not apply with respect to a Category 3J application.

(1B) In the case of a Category 3J application, the local planning authority must not refuse the application unless—

(a) the authority has sent to the Mayor—

(i) a copy of any representations made to the authority in respect of the application;

(ii) a copy of any report on the application prepared by an officer of the authority;

(iii) a statement setting out that the authority proposes to refuse the application and giving full reasons for the proposed refusal; and

(iv) a statement of any proposed planning conditions, a draft of any proposed planning obligation and details of any proposed planning contribution; and

(b) either—

(**a**) S.I. 2015/595; relevant amending instruments are S.I. 2017/402, 2018/119, 2021/746, 2024/50, 2025/412.

(i) a period of 21 days has elapsed beginning with the date notified in writing by the Mayor to the authority as the date on which he received the documents referred to in sub-paragraph (a); or

(ii) the Mayor has notified the local planning authority in writing that he is content for the authority to determine the application in accordance with the statement referred to in sub-paragraph (a)(iii).

(1C) As soon as practicable after receiving the documents referred to in paragraph (1)(a) or (1B)(a), the Mayor must notify the local planning authority in writing of the date on which he received those documents.";

(c) in paragraph (2), for "Paragraph (1) shall" substitute "Paragraphs (1) and (1B) do".

Amendments to article 6

8. In article 6 (Mayor's power to direct refusal of a PSI application)—

(a) at the beginning insert—

"(A1) This article does not apply with respect to a Category 3J application.";

(b) in paragraph (2), omit sub-paragraph (e);

(c) in paragraph (7)(b), for "article 20(1) of the GDPO" substitute "article 34(1) of the DMPO";

(d) in paragraph (10), for "article 25 of the GDPO (register of applications)" substitute "article 40 of the DMPO (register of applications and biodiversity gain plans)";

(e) omit paragraph (11).

Amendments to article 7

9. In article 7 (direction that the Mayor is to be the local planning authority)—

(a) in paragraph (1), for sub-paragraph (a) substitute—

"(a) the impact criterion is met;";

(b) after paragraph (1), insert—

"(1A) For the purposes of paragraph (1), the impact criterion is met if—

(a) for a Category 3J application, the development or any of the issues raised by the development to which the application relates would have an impact on the implementation of the spatial development strategy;

(b) in any other case, the development or any of the issues raised by the development to which the PSI application relates is of such a nature or scale that it would have a significant impact on the implementation of the spatial development strategy.";

(c) in paragraph (3)(a), after "Category 1A", insert "or Category 3J";

(d) in paragraph (4), after "Category 1A", insert "or Category 3J"

(e) for paragraph (5) substitute—

"(5) A direction under paragraph (1) may not be given after—

(a) in the case of a Category 3J application, the end of the period referred to in article 5(1B)(b)(i);

(b) where paragraph (6) applies, the end of the period of 14 days beginning with the date on which the Mayor received the applicant's request;

(c) in any other case, the end of the period referred to in article 5(1)(b)(i).";

(f) in paragraph (6)(a), for "article 20(2) of the GDPO" substitute "article 34(2) of the DMPO";

(g) in paragraph (8), for "article 25 of the GDPO (register of applications)" substitute "article 40 of the DMPO (register of applications and biodiversity gain plans)".

Amendments to the Schedule

10.—(1) The Schedule (PSI applications and categories of development) is amended as follows.

(2) In "Definition of PSI application", in paragraph 1(2),for "a category set out in Parts 1 or 2 below." substitute "one of the following categories set out below—"

"(a) a category in Parts 1 or 2;

(b) Category 3D;

(c) Category 3J.".

(3) In Part 1 (large scale development), in Category 1B, omit paragraph 2(b).

(4) In Part 3 (development which may affect strategic policies), after Category 3I, insert—

"Category 3J

1. Development which comprises or includes the provision of 50 or more houses, flats, or houses and flats.".

(5) In Part 4, in Category 4, in paragraph 1, for "article 10(3) of the GDPO" substitute "article 18(4) of the DMPO".

Transitional provisions

11.—(1) Paragraph (2) applies in relation to an application for planning permission—

(a) which falls within Category 3D of the Schedule to the 2008 Order,

(b) which is sent to the Mayor under article 5(1)(a) of the 2008 Order before the commencement date, and

(c) in relation to which, before the commencement date, the Mayor is not permitted to give a direction under section 2A of the 1990 Act that he is to be the local planning authority for the purposes of determining the application.

(2) Where this paragraph applies, notwithstanding the amendment made by article 10(2), the Mayor may not give a direction under section 2A of the 1990 Act that he is to be the local planning authority for the purposes of determining the application.

(3) Paragraph (4) applies in relation to an application for planning permission which—

(a) is received by the local planning authority before the commencement date, and

(b) does not meet the definition of "PSI application" in the 2008 Order as it has effect immediately before the commencement date.

(4) Where this paragraph applies, notwithstanding the amendment made by article 10(4), the local planning authority is not required to notify the Mayor of the application under article 4(1) of the 2008 Order.

(5) The amendments made by this Order do not apply in relation to a section 73 application where the previous planning permission was granted before the commencement date.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Matthew Pennycook
Minister of State
24th March 2026 Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

Section 2A of the Town and Country Planning Act 1990 (c. 8) (as inserted by section 31(2) of the Greater London Authority Act 2007 (c. 24)) gives the Mayor of London ("the Mayor") power to direct that an application for planning permission of potential strategic importance ("PSI application") be determined by him in place of the local planning authority.

The Town and Country Planning (Mayor of London) Order 2008 (S.I. 2008/580) ("the 2008 Order") defines "PSI application" by reference to categories of development set out in Parts 1 to 4 of its Schedule. The 2008 Order also sets out the circumstances in which the Mayor's powers to give directions (including the power to direct a local planning authority to refuse a PSI application) may be exercised and makes procedural provision in connection with the exercise of those powers.

Article 10 of this Order amends the 2008 Order to provide that the Mayor may direct that he is to determine a PSI application for development which falls with Category 3D of the Schedule to the 2008 Order. Category 3D covers development on land allocated as Green Belt or Metropolitan Open Land which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

Article 10 of this Order also inserts a new category of development into the Schedule to the 2008 Order. New Category 3J covers development of 50 or more houses, flats, or houses and flats. Applications for development which fall solely within Category 3J will be subject to a new procedure. The Mayor must be notified when a local planning authority is in receipt of an application in this category, but will not be required to respond (see article 4 of the 2008 Order, as amended by article 6 of this Order). The local planning authority will not be able to refuse the application without further notifying the Mayor, and the Mayor will have 21 days to decide whether to direct that the application be determined by him (see articles 5 and 7 of the 2008 Order, as amended by articles 7 and 9 of this Order).

This Order also makes miscellaneous amendments to the 2008 Order, including to update out-of-date legislative references.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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ISBN 978-0-34-828173-6

£6.40

http://www.legislation.gov.uk/id/uksi/2026/345

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