**EXPLANATORY MEMORANDUM TO**

# THE TOWN AND COUNTRY PLANNING (MAYOR OF LONDON) (AMENDMENT AND TRANSITIONAL PROVISION) ORDER 2026

**2026 No. 345**

## 1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

## 2. Declaration

2.1 Matthew Pennycook, Minister of State for Housing and Planning at the Ministry of Housing, Communities and Local Government, confirms that this Explanatory Memorandum meets the required standard.

2.2 Lucy Hargreaves, Deputy Director for Planning – Development Management, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

## 3. Contact

3.1 Widemar Spruijt at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: Widemar.Spruijt@communities.gov.uk. Alternatively, the department can be contacted by telephone: 0303 444 0000.

## Part One: Explanation, and context, of the Instrument

## 4. Overview of the Instrument

***What does the legislation do?***

4.1 This Order amends provisions of the Town and Country Planning (Mayor of London) Order 2008 ('the 2008 Order') which give effect to the Mayor of London's power under section 2A of the Town and Country Planning Act 1990 ('the 1990 Act') to become the local planning authority for applications of potential strategic importance (PSI applications) under certain conditions (this is known as 'call-in').

4.2 Firstly, a new category of PSI application is inserted allowing for call-in for developments of 50 or more houses, flats, or houses and flats where the local planning authority is minded to refuse planning permission (new Category 3J).

4.3 Secondly, it allows call-in of PSI applications for development of a building with over 1,000 square metres of floorspace on Green Belt or Metropolitan Open Land (existing Category 3D).

***Where does the legislation extend to, and apply?***

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

## 5. Policy Context

***What is being done and why?***

5.1 In order to help meet London's ambitious annual housing need of over 80,000 homes, the government and Mayor of London announced on 23 October 2025 a proposed package of support to accelerate housebuilding in the capital. It sits alongside the government's wider reforms to the planning system and the steps the Mayor has taken to increase housing delivery in London.

5.2 This London housing package included two proposals to expand the Mayor of London's powers under the 1990 Act to become the local planning authority for PSI applications, through 'call-in' of these applications. Firstly, to allow a new streamlined procedure for allowing call-in of residential development of 50 or more houses, flats, or houses and flats if the development is not included in other PSI categories. The Mayor will, under certain circumstances, have the power to call-in the application if the local planning authority is minded to refuse the application (Category 3J).

5.3 Secondly, to allow the Mayor to call-in applications for development of a building with more than 1,000 square metres of floorspace on Green Belt or Metropolitan Open Land (Category 3D). Currently the Mayor can use powers under section 74 of the 1990 Act to direct refusal of these applications only.

5.4 The government published a public consultation on these proposals in November 2025, and the government's response confirming the implementation of these proposals was published on 25 March 2026.

***What was the previous policy, how is this different?***

Existing process for call-in

5.5 The 2008 Order defines PSI applications in terms of categories of development which are set out under four Parts within the Order's Schedule. If the local planning authority receives an application it consider falls within one or more of the categories in the Order's Schedule, the local planning authority must notify the Mayor of this application under article 4 of the 2008 Order.

5.6 The Mayor then has 6 weeks from receiving the application to provide a statement to the local planning authority about whether he considers the proposed development is compliant with the spatial development strategy (the London Plan) and his reasons for taking that view (this is known as 'Stage 1').

5.7 Under article 5 of the 2008 Order, the local planning authority must notify the Mayor of its recommended decision to grant or refuse permission. The Mayor has 14 days in which to respond whether he will intervene or not (this is known as 'Stage 2'). If this 14 day period lapses with no response, or the Mayor indicates he does not want to intervene, the local planning authority can proceed to make its decision.

5.8 Under circumstances set out in article 7 of the 2008 Order the Mayor of London has the power to call-in applications in Parts 1 and 2 of the Schedule to the Order. If the Mayor becomes the local planning authority he must arrange for a representation hearing in public, hosted by the Mayor, where the applicant, local planning authority, and any other person authorised by the Mayor, can express their views (this is known as 'Stage 3').

5.9 The Mayor can also direct the local planning authority to refuse a PSI application under circumstances set out in Article 6 of the 2008 Order, enabled through powers in

section 74 of the 1990 Act. Where the Mayor directs refusal, he must give reasons for his decision.

Residential developments of 50 or more houses, flats, or houses and flats

5.10 For residential development, the Mayor can currently call-in PSI applications for housing schemes of 150 or more houses, flats, or houses and flats (Category 1A). The changes to the 2008 Order will enable the Mayor to call-in housing schemes of 50 or more houses, flats, or houses and flats but only where the local planning authority is minded to refuse the scheme.

5.11 A new category of PSI development is inserted into the 2008 Order to capture this type of development and the Order is amended to allow for a more streamlined procedure for dealing with applications which fall solely within this new category. Instead of the current Stage 1 process the local planning authority will send the Mayor a notification that the application has been received, but the Mayor will be under no obligation to respond within 6 weeks.

5.12 The local planning authority will formally notify the Mayor again if it is minded to refuse the application, at which point the Mayor has 21 days to consider whether to use his new 'call-in' powers. He may do this where he considers that 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 and there are sound planning reasons for calling-in the application.

Development in Green Belt or Metropolitan Open Land

5.13 Currently the Mayor of London has the power to direct refusal of development of a building with more than 1,000 square metres of floorspace on Green Belt or Metropolitan Open Land (Category 3D), but he cannot apply his call-in powers to this category. The change to the 2008 Order will allow the Mayor to call-in PSI applications on Green Belt or Metropolitan Open Land for his determination. This process will operate as a conventional referral Stage 1, Stage 2, and (if the Mayor calls-in the application) Stage 3.

5.14 The change to the 2008 Order does not change the existing policy protections which are afforded to these designations, and the Mayor can still direct refusal, or refuse development following a call-in, where it cannot be demonstrated that development would be appropriate in these areas.

## 6. Legislative and Legal Context

***How has the law changed?***

6.1 Articles 4 to 10 of this Order amend the 2008 Order and Article 11 provides for transitional provisions in relation to the call-in provisions it inserts.

6.2 Articles 4, 5, 8, 9, and 10 of this Order also make various amendments to the 2008 Order updating outdated references. For example, Article 4 omits the definition of the 'GDPO', the Town and Country Planning (General Development Procedure) (England) Order 1995, in Article 2 of the 2008 Order and adds the definition of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ('DMPO') to replace the former.

6.3 Articles 6 to 10 further amend the 2008 Order to make provision in relation to the procedure for the new PSI category for 50 or more houses, flats, or houses and flats (Category 3J).

6.4 Article 6 of this Order amends Article 4 of the 2008 Order, which relates to notifications to the Mayor of PSI applications. This has the effect that the requirement on the Mayor to respond within 6 weeks does not apply where the local planning authority has notified the Mayor of London that it is in receipt of an application it believes falls solely in Category 3J.

6.5 Article 7 of this Order amends Article 5 of the 2008 Order, which relates to determination of PSI applications. The changes require the local planning authority to notify the Mayor of London where it is minded to refuse an application which falls solely in Category 3J, this sits alongside the existing provisions for all other PSI applications.

6.6 Where the local planning authority is minded to refuse a Category 3J application it must send the Mayor of London a copy of the representations made to it in relation to the application; a copy of any report prepared by an officer of the authority in relation to the application; a statement setting out that the authority is minded to refuse the application including full reasons for the proposed refusal; and a statement of any proposed planning conditions, planning obligation and planning contribution.

6.7 The local planning authority is restricted from refusing the application until 21 days following the notification to the Mayor, or if the Mayor has notified the local planning authority he is content for it to determine the application. These provisions do not apply if the Mayor has notified the local planning authority in writing he does not wish to be consulted in relation to the application.

6.8 Article 5 of the 2008 Order is also amended requiring the Mayor to, in writing, notify the local planning authority of the date he received the documents referred to in article 5. This addresses an omission in the existing drafting. Under article 5 of the 2008 Order the local planning authority was restricted from determining a PSI application for 14 days from the date on which the Mayor had received the documents (referred to in Article 5(1)(a)), however there was no requirement for the Mayor to notify the local planning authority when these documents had been received.

6.9 Article 8 of this Order amends Article 6 of the 2008 Order (Mayor's power to direct refusal of PSI application) setting out that the provisions in this article do not apply to PSI applications for development which fall solely within Category 3J.

6.10 Article 9 of this Order amends Article 7 of the 2008 Order (direction that the Mayor is to be the local planning authority). This enables the Mayor to give a direction, and become the local planning authority, on an application solely within Category 3J where he considers that 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; and there are sound planning reasons for issuing a direction.

6.11 When considering whether to give a direction, that the Mayor is to be the local planning authority, on a Category 3J application the Mayor must take account of the extent to which the council of the London Borough in which the development is or is to be situated is achieving, and has achieved the applicable development plan targets for new housing, including affordable housing; and the extent to which the council is achieving, and has achieved any other targets set out in the development plan which are relevant to the subject matter of the application.

6.12 Article 10 of this Order amends provisions in the Schedule of the 2008 Order in relation to call-in powers. It inserts a new category of PSI application, Category 3J, for development consisting of 50 or more houses, flats, or houses and flats. It also

adds Category 3J and Category 3D applications (applications with a floorspace of more than 1,000 square metres on Green Belt or Metropolitan Open Land) to the list of categories of application which are subject to the Mayor's call-in powers.

6.13 Article 11 makes provision in relation to transitional arrangements for the implementation of the amendments made by this Order.

6.14 In relation to a PSI application which falls within Category 3J, the requirement for the local planning authority to notify the Mayor upon receiving an application, under Article 4 (1) of the 2008 Order, does not apply if the application has been received by the local planning authority before the commencement of this Order.

6.15 In relation to a PSI application which falls within Category 3D where the local planning authority has sent the documents required under Article 5(1)(a) of the 2008 Order before the commencement of this Order, the Mayor is not able to use his call-in power under section 2A of the 1990 Act.

6.16 The amendments made by this Order do not apply to an application under section 73 of the 1990 Act where the previous planning permission was granted by the local planning authority before the commencement of this Order.

***Why was this approach taken to change the law?***

6.17 As the categories of PSI applications and process for dealing with them is set out in the 2008 Order, secondary legislation is the only possible approach to make the necessary changes to the law.

## 7. Consultation

***Summary of consultation outcome and methodology***

7.1 From 27 November 2025 to 22 January 2026 a public consultation[1] on these changes was carried out as part of the Support for housebuilding in London package. 217 responses were received from a range of stakeholders including London Borough Councils, non-governmental organisations, developers, and individuals.

7.2 The consultation sought views in three areas: the principle of including a new PSI application category for 50 or more houses, flats, or houses and flats and allowing, under certain circumstances, the Mayor of London to call-in these applications where the local planning authority is minded to refuse planning permission; the streamlined procedure for the new 50 or more houses, flats, or houses and flats category; and enabling the Mayor of London to call-in applications for development with a floorspace of more than 1,000 square metres on Green Belt or Metropolitan Open Land.

7.3 The consultation responses indicate that developers and representative bodies were generally supportive of the measures. Public authorities and Interest groups expressed concerns about the loss of democratic control, a lack of evidence that the measures are within a strategic remit, and Greater London Authority resourcing. A government response has been published.

## 8. Applicable Guidance

8.1 There are no plans for the government to issue specific guidance for this instrument. The government is working closely with the Greater London Authority on the wider

[1] Support for housebuilding in London - GOV.UK (https://www.gov.uk/government/consultations/support-for-housebuilding-in-london)

Support for housebuilding in London package. The Greater London Authority has existing guidance[2] for London Borough Councils which will be updated.

## Part Two: Impact and the Better Regulation Framework

### 9. Impact Assessment

9.1 Internal analysis concludes that the Estimated Annual Net Direct Cost to Business would not exceed the +/- £10 million threshold required for scrutiny by the Regulatory Policy Committee. This is in accordance with the 2023 Better Regulation Framework guidance.

***Impact on businesses, charities and voluntary bodies***

9.2 There is no significant impact on business, charities or voluntary bodies. There may be positive benefits for applicants if the Mayor decides to grant permission for a PSI application. Analysis shows that these would not exceed £10 million per annum threshold given the number of applications likely affected.

9.3 The legislation does not impact small or micro businesses, who do not bring forward applications which are likely to be considered of potential strategic importance.

9.4 The impact on the public sector is a possible increase in PSI applications that are referred to the Mayor of London for his consideration. The Greater London Authority has indicated that an increase in PSI applications can be handled with existing budgets.

### 10. Monitoring and review

***What is the approach to monitoring and reviewing this legislation?***

10.1 The instrument does not include a statutory review clause. The Ministry of Housing, Communities and Local Government will continue to monitor the delivery of housing in Greater London to ensure intended outcomes are achieved.

## Part Three: Statements and Matters of Particular Interest to Parliament

### 11. Matters of special interest to Parliament

11.1 None

### 12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

### 13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").

[2] The Greater London Authority publishes guidance on the 'call-in' process: What powers does the Mayor have for planning applications? | London City Hall (https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/what-powers-does-mayor-have-planning-applications)