

First Aid for Planning

The Mayor and the call-in process

By Planning Aid for London (PAL) and Just Space¹

Published: February 2022

Who is the guide for?

This guide explains when the Mayor of London can use their powers to decide on a planning application, and what the established process for this is. The local authority (LA) usually decides on applications in your area. But in some cases, the Mayor of London (or Mayor) will determine an application.

The Mayor heads the Greater London Authority (GLA) and prepares a strategic plan for London, called the London Plan. To help implement this plan, the Mayor has special decision-making powers and can take over the decision-making on certain planning applications. You can participate in this process and share your concerns about the proposed development with the Mayor's office. This guide explains how you do this. We will cover:

- Why and when the Mayor can decide on a planning application
- How the Mayor can decide on a planning application
- The three different stages of the process
- What happens after the Mayor makes a decision
- When and how you can get involved in this process

If you want to respond to a planning application that will be decided by your LA (usually your council), you will probably not need this guide. Instead, use PAL's guidance and videos on PAL's website that explain how you submit a response

¹ This guide has been created by [Planning Aid for London](#) (PAL) and [Just Space](#). Thanks to Gill, George and Koen Rutten from PAL, and Lucy Rogers and Michael Edwards from Just Space, for writing the guide. Thanks also go to Clare Delmar from [Listen to Locals](#) and members of the [Save Nour / Stop The Tower campaign](#) for their contributions.

to a planning application [here](#).² If you think that important policies in the London Plan would be seriously breached by a proposed development, and you want to know how the Mayor is involved in local decisions, then this guide will be helpful.

This guide has benefitted from the input of several community groups who told us about their experiences with the Mayor's office. We are thankful for their insights. Tactics and approaches can be learned from community groups and campaigns who have sought to influence decision-making in planning.

Why does the Mayor get involved?

The Mayor's London Plan articulates their vision and expectations for new development. The London Plan is the Spatial Development Strategy (SDS) for London, and identifies how London should develop over the next 20-25 years. The plan provides policies to achieve this. The Mayor and officers at the GLA create policies and put the plan in place. You can read more about the London Plan [here](#).³ To help deliver the policies of the plan, the Mayor has the power to get involved in decisions on planning applications. The LPA, who usually decides on the application, refers some applications to the Mayor, so that the Mayor can assess the proposals and comment. In certain circumstances, the Mayor can 'call in' the application. In both cases, the Mayor will make the final decision.

When does the Mayor get involved?

Once an applicant (normally a developer) has submitted an application to the LPA, the application will be referred to the Mayor if it meets the criteria set out in the [Mayor of London Order \(2008\)](#).⁴ The Order is secondary legislation issued by Central Government and lists the types of applications on which the Mayor should be consulted. The LPA should refer an application to the Mayor when:

- the planned development consists of 150 homes or more;
- the planned development is over 30 metres in height and is outside the City of London, or is adjacent to the River Thames and is over 25 metres

² <https://planningaidforlondon.org.uk/planning-library/our-resources/>

³ <https://planningaidforlondon.org.uk/planning-library/greater-london-authority/>

⁴ <https://www.london.gov.uk/file/7944/download?token=j7RiZ9II>

high. Inside the City of London, the Mayor can take over when the planned development is over 150 metres;

- the planned development is on Green Belt or Metropolitan Open Land. These are both categories of land to be protected from development: Green Belt is a nationwide designation of land that keeps large amounts of land undeveloped and separates the countryside from urban areas. Metropolitan Open Land is a London-wide designation which identifies and protects areas of landscape, recreation, nature conservation and scientific interest.

If the application does not meet these criteria, the Mayor has no power to become involved. The decision will be made by the LA, following the regular procedure.⁵

But if one or more criteria are met and the application is referred to the Mayor, the application will go through two or three stages, each explained below:

- Stage 1 GLA consultation
- Stage 2 The Mayor's decision
- Stage 3 Call in, the public hearing and final decision

Stage 1: GLA consultation

During Stage 1, the Mayor acts as a Statutory Consultee and comments on the proposed development. Within six weeks of submission, GLA officers will evaluate the application and assess whether it meets the policies of the London Plan. They then write the **Stage 1 Response**, which contains the Mayor's comments on the application together with any recommended changes to ensure the application complies with London Plan policies. It is important you also share your views on the application with the LPA during the consultation period (a 21 day period after submission).⁶ You can do so via the LPA's planning portal, which you find [here](#).⁷

⁵ For an overview of this process, see PAL's leaflets and videos:

<https://planningaidforlondon.org.uk/planning-library/our-resources/>

⁶ This period differs for applications for public service infrastructure, see paragraph 53 of the guidance on consultation issued by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government: <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>

⁷ <https://planningaidforlondon.org.uk/planning-library/your-local-planning-authority/>

Before your Local Authority makes its decision, you should be able to read the Mayor's Stage 1 Response in two places:

1. On the **LPA's planning portal** along with all the documents relating to the planning application. This portal is the LPA's public record of information submitted with an application and can be found through their website. PAL's guide 'Finding the planning information you need' ([here](#)) explains how you find this information.⁸
2. Responses from the Mayor are also published on the **planning portal of the GLA** [here](#).⁹ Note that this is a different portal than your council's and that planning applications listed in this portal often have a different reference number. You can also search for an application using its street address.

After you have read the Mayor's Stage 1 Response, you will know whether the planning application conforms with the Mayor's London Plan policies. At this point, you may want to comment further, sending comments to your LPA via the portal. If you are speaking against the application in front of the local planning committee, you may want to refer to the Mayor's response, stating where the application contravenes the London Plan.

The Local Planning Authority's decision

Having considered the Mayor's Stage 1 response, the local planning officer will evaluate it as part of their Officer's Report, which is presented to the Planning Committee of the LA. Based on the report, the Mayor's response, and all other representations received (including yours), the Planning Committee will meet to grant or refuse planning permission.

Stage 2: The Mayor's Decision

Following the Planning Committee's decision, the application must be referred back to the Mayor to make a final decision. The LPA must send the Mayor all the paperwork related to the application for the Mayor's team to read and evaluate. This is called the Stage 2 referral. After the referral has been made, the Mayor has 14 days to decide one of three things:

⁸ <https://planningaidforlondon.org.uk/planning-library/our-resources/>

⁹ <https://gla.force.com/pr/s/>

1. Allow the LPA's decision to stand (be this approval or refusal). The Mayor will write a letter to the LA stating this, and will have no further role in the decision.
2. Direct the LPA to refuse the application if it has been approved. The decision is announced in a letter and is binding. But this rarely happens: since 2016, the Mayor has directly refused only 10 applications.¹⁰
3. 'Call in' the application, meaning the Mayor becomes the Planning Authority. The application then passes to Stage 3.

What you should do before the Mayor's decision

Following the decision by your LA, with the application now passing to the Mayor, you want to be sure that the Mayor is fully aware of your concerns. It is not known whether objections are reported to the Mayor in full, so this is the moment to **re-submit your objections** to the Mayor's Office. At the foot of the Stage 1 Response, you should see the name of the case officer connected to the application. Contact this case officer to check whether they will be the person reporting the case to the Mayor. You will want to copy the case officer into any emails, petitions, or objections sent to the Mayor at this point. The Mayor's email address is mayor@london.gov.uk.¹¹ You can continue to submit new comments to the Mayor by contacting the case officer or commenting via the GLA's planning portal. It is essential to focus your comments on 'material planning considerations' and relevant planning policy, especially any London Plan policies which you consider would be seriously breached by the development in its present form (see Appendix 1).

When will the Mayor make a decision?

At this stage of the process, unlike in planning procedures at your LPA, there is no statutory requirement for the Mayor to inform people when the decision will be taken. So you may not know exactly when to get your letter in, or plan any publicity about the decision. The decision itself does not happen in a council chamber with witnesses, it is the decision of one person in private, advised by the unelected Deputy Mayor for Planning and other unelected officers. Some

¹⁰ See a list of applications that the current Mayor directed refusal on here: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/direction-refuse-applications-0>

¹¹ You can read more about how you submit a petition here: <https://www.london.gov.uk/about-us/london-assembly/petitions>

campaigners and organisations have been asking for change, to make the Mayor's decision-making more accountable to the public.¹²

If the Mayor decides to 'call in' the application, the application passes to Stage 3, and the Mayor has become the planning authority.

Stage 3: Call in, the public hearing and final decision

The Mayor of London Order (2008) states that the Mayor can only take over from a LPA and call in an application where the application is of Potential Strategic Importance (sometimes referred to as PSI applications). In order to fall within this category, it needs to meet one or more of the following three policy tests:

- The development would have a significant impact on the implementation of the London Plan
- The development would have significant effects that are likely to affect more than one London borough
- There are sound planning reasons for intervention.

Article 7 of the Mayor of London Order (2008) explains the various tests.¹³

Once it is determined that an application is of PSI and the Mayor has decided to take over, the submitted application will be reviewed and further statements requested, as necessary, from both the LPA and the applicant.

Once the Mayor has called in the application, the proposal for the site can evolve significantly. The case officer at City Hall, who has been assigned to the application by the Mayor, may discuss the Mayor's objections to the scheme with the applicant. During this process amendments to the application are likely to be made. If significant changes are made, further consultation on the proposed development will be carried out and announced on the GLA's and the LPA's websites.

¹² See for example recent calls on the Mayor to publish a Statement of Community Involvement that is co-produced with Londoners:

<https://www.centreforlondon.org/reader/public-planning-manifesto/community-involvement/>

¹³ The Town and Country Planning (Mayor of London) Order 2008 (legislation.gov.uk)

<https://www.legislation.gov.uk/uksi/2008/580/article/7/made>

You will need to regularly check both websites to monitor progress and not assume you will be notified of changes by the GLA and the LPA. If you have comments, they can be submitted to the GLA during this stage. Discussions between the Mayor's office and the applicant are usually confidential, and it is not clear what minutes, if any, are kept. To remain up to date with the discussions between the GLA and the applicant, you will need to contact the case officer to request this information. It is extremely rare for community groups to secure meetings with the case officer so they can be informed about how the scheme is evolving. To obtain this information you may need to submit freedom of information applications (FOI's) if the case officer has not answered your questions to your satisfaction.¹⁴ Community groups have found it notoriously difficult to get access to this information: even to discover how many meetings between the Mayor's office and the applicant have taken place, community groups have had to make FOI's. Despite this, it's important you keep track of how the scheme is evolving and provide your comments, when possible, to ensure your community remains represented.

Public hearing

A public hearing must be held before the Mayor determines the application. The public hearing offers anyone interested in the planning proposal an opportunity to express their views. If you or your community group have submitted objections to the proposed scheme to your LPA, you should be notified about the hearing.

In the lead-up to the hearing you can submit further evidence and views on the application. The case officer at City Hall should be the recipient of your comments. On the GLA website, you will find a portal to submit further comments, or an email address to send your submissions to.¹⁵

The case officer will prepare a report to the Mayor before the hearing, the Stage 3 report, which summarises the case. The Stage 3 report will refer to all representations received, including yours, if received in time. Usually,

¹⁴ Friends of the Earth (2020) has published guidance on how you can make a freedom of information request: <https://friendsoftheearth.uk/system-change/guide-community-rights-environment-and-planning-laws>

¹⁵ To do so, go to the GLA's webpage on public hearings. Click on the link to the application you want to comment on. Then go to the section 'How to comment on the application': <https://www.london.gov.uk/what-we-do/planning/planningapplications-and-decisions/public-hearings>)

comments submitted made up until the public hearing will be considered by the case officer but it is best to submit well before the report is written. You may or may not be told when this report will be written, but it is usually published 7 days before the hearing date. This report will be made available on the GLA's website [here](#).¹⁶

The public hearing will take place at City Hall on a single day. During this hearing, the Mayor will discuss and evaluate the application. If you have submitted comments during Stages 1, 2 or 3, you should be informed about the hearing and can apply to the case officer to ask to speak (see below). You should also contact the case officer to discuss any access needs. Having considered all representations received and following discussion at the Public Hearing, the Mayor will decide whether permission should be granted. Participation at the public hearing will ensure you have availed yourselves of every opportunity to influence the outcome of the application. If you do not wish to speak, you may attend the hearing to watch.

How the hearing works

If you attend the hearing and intend to speak, it is important to familiarise yourself with the procedures. The GLA has published guidance explaining the process on the GLA website.¹⁷

Provisional dates for public hearings are published on the GLA website.¹⁸ The actual date of the hearing will be confirmed 21 days before it takes place. Community and campaigning groups can choose to encourage people to attend or watch the hearing, so they can scrutinise the presentations and the Mayor's decision. Involving the local press may increase interest and coverage.

Remember: unlike the applicant and the LPA, Third Parties (i.e., objectors and supporters) do not have an automatic right to speak. So you must make a specific request to the case officer to do so, provided you have already made

¹⁶ <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings>

¹⁷ GLA, Procedure for Representation Hearings at the Greater London Authority (June 2021) https://www.london.gov.uk/sites/default/files/mayoral_rep_hearing_procedure_-_june_2021.pdf

¹¹ Public hearings, London City Hall: <https://www.london.gov.uk/what-we-do/planning/planningapplications-and-decisions/public-hearings>

¹⁸ Public hearings, London City Hall: <https://www.london.gov.uk/what-we-do/planning/planningapplications-and-decisions/public-hearings>

representations, either to the LPA or the GLA. You should be contacted by email at least 21 days prior to the hearing with details on how you can register to speak but you might have to request this information from the case officer.

The written statement

If you wish to speak, you must provide the GLA case officer a brief written statement of the issues you intend to address 14 days in advance of the hearing. You must state whether you wish to attend the hearing in person or remotely; whether you object or support the scheme; and if you represent a community group or other association. In preparing your statement it will be essential to explain which of the policies of the London Plan support your position. Refer to the policies you believe the proposed development will breach. Remember that the Mayor needs to justify their decision based on policy in the London Plan. If the application has changed significantly since the Mayor called in the application, you can introduce any new issues arising from these changes. Ensure you limit your comments to 'material planning considerations' only (see Appendix 1).

Speaking at the hearing

At the hearing, you can elaborate on your written statement. You can present information visually if it assists your case and mention in advance to the case officer what equipment or software you require. If you present information visually, you should include this information in your written statement.

A maximum of 15-minutes in total (so not per objector!) is allocated to objectors. The same amount of time is allocated to the supporters of an application. If there are three or fewer speakers from either group, the time will be limited to 5-minutes per person. That is very little time, particularly when you may have to share your timeslot with many other speakers. The Mayor has the discretion to allow more time for objectors to speak. For instance, the Mayor may grant additional time where Third Parties provide convincing reasons, such as the size or complexity of a scheme and the number of issues needing to be covered. If you require more time, you should request this by contacting the case officer as soon as possible after the hearing date is announced, so the speakers can start to prepare what to say.

You can select who your speaker(s) will be and whoever is chosen should be good communicators, well versed on all or most aspects of the scheme. You may

need to coordinate your presentation with other parties carefully to avoid unnecessary repetition and maximise the effectiveness of the overall case presented.

Banners and placards are not allowed at the hearing.

Community groups have expressed frustration about the limited amount of time provided for them to present. This highlights the pressure on community groups to be organised in their response and coordinate well with others who also wish to make a representation at the hearing. It's well worth rehearsing with a timer to ensure you put across all your points within the allotted time.

The hearing process

The agenda of the hearing will be published on the GLA's website. Every hearing roughly follows the process below:

- If you are speaking you should identify yourself to the case officer no less than 15-minutes before the hearing is due to start.
- The Mayor will preside at the hearing.
- The Mayor's legal adviser will introduce the hearing by setting out the procedure to be followed. A representative of the Mayor, usually the GLA case officer, will give a presentation on the application.
- A representative from the LPA (usually a council planning officer, or officers, if the application is within multiple boroughs) will be invited to address the hearing for a maximum of 5 minutes.
- Objectors and supporters will be invited to address the hearing. All speakers will be notified when 30 seconds of their allotted speaking time remains.
- The applicant or their agent will be invited to address objections for, in most cases, a maximum of 5 minutes.
- The Mayor may then ask questions of those speaking. You won't be cross examined by the Mayor, but you may be required to answer questions or elaborate on a point.
- The hearing will be filmed and webcasted live. The recording will be available on the GLA's website afterwards.

Adjournments

If new matters are raised that need further investigation by GLA officers before the Mayor can determine the application, the Mayor can decide to get the hearing adjourned (or suspended).

Notice of any reconvened hearing will be posted on the GLA website and displayed near the development site. The LPA will be asked to display a notice at its offices and on its website. Those who spoke at the original hearing should be notified. Anyone else may request written notice of the reconvened hearing by supplying their details to the GLA case officer at the close of the original hearing.

The decision

At the public hearing the Mayor may decide on the application before them. In this case, the Mayor briefly retires to consider the case, then returns and reads out the reasons for making the decision. The Mayor may also choose to retire and close the hearing before giving a decision. If the Mayor decides to retire before deciding, then they may be joined by the Deputy Mayor for Planning Regeneration and Skills, the Deputy Mayor for Housing and Residential Development, the GLA Legal Advisors, and other representatives from the GLA's planning team.

It is important to remember that the Mayor (with the input of advisors) is the sole decision maker. The London Assembly, which consists of Elected Members who hold the Mayor accountable, is not involved in the making of a planning decision. They may be able to help you with raising your concerns about the proposed development. You can find the Assembly Member for your area on the GLA's website [here](#).¹⁹

If the Mayor has postponed the decision, the decision is usually made within five working days of the hearing. Once the decision is made it will be posted on the GLA website. The written decision, in which the Mayor sets out the reasons for the decision, will be published.

While there is the possibility that an application may be refused, the track record of recent Mayoral decisions shows that the vast majority of applications are approved. Two recent exceptions to this are the Charlton Riverside refusal

¹⁹ <https://www.london.gov.uk/people/assembly>

([here](#)) and the Mortlake Brewery refusal ([here](#)), both of which had (and still have) active community campaigns raising their concerns about the schemes.²⁰

Top tips

1. Stay informed: check the websites of the GLA and the LA regularly for updates. Do not assume you will be contacted (on time).
2. Find out who the GLA's case officer will be. They are your main point of contact once the application is called in.
3. Request information and ask the case officer for updates on the meetings they are having with the developer team and consequential changes to the plans – this may need to be done through a FOI request.
4. Engage with the London Assembly Member for your area: they may be able to help to get more information about the application or help with coordination with the case officer.²¹
5. Rehearse your representations before the hearing. Work together with other speakers.
6. Use every opportunity throughout the process to comment and share your views.
7. Get as many people as you can to attend or watch the hearing.

Learn more about the process

To learn more about the challenges and experiences of other community groups, check out the conversation hosted by London Assembly Planning and Regeneration Committee on the 9th of November 2021 on community engagement for applications that the Mayor considers. In this meeting the London Assembly members asked the following questions:

- What barriers or challenges exist for communities engaging with the Mayor on planning applications?
- Does the Mayor take adequate account of community views when considering called-in applications?

²⁰ <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/vip-trading-estate-public-hearing>

<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/former-stag-brewery-public-hearing>

²¹ You can find who your Assembly Member is and how to contact them here:

<https://www.london.gov.uk/people/assembly> Note that some Assembly Members cover the entirety of London (called London wide) and not just one area within the city.

You find an overview and find the full transcript of the meeting [here](#).²² Watch out for a report that the Committee will produce in 2022

These discussions emphasise that participation in the hearing process can be both challenging and time consuming – despite this, it is a worthwhile process and can result in positive change. To learn more about the experience of community groups in the process, visit the Listen to Locals website [here](#), and the Just Space website [here](#).²³ You can also visit the Save Nour / Stop The Tower campaign, which is currently (at the time of writing) campaigning around the Pope’s Road Public Hearing, [here](#).²⁴

In 2022 it is probable that the London Assembly will recommend changes to the process, or at least to the transparency and openness of the process, so watch out for changes. We will update the information in this guide accordingly but check when this was updated last.

Some final words

Getting engaged when the Mayor calls in an application and preparing for the public hearing is hard work. You will not always succeed in convincing the Mayor of your case. Nevertheless, there are examples of community groups and campaigns which have in the past persuaded the Mayor to reject an application, or have negotiated significant changes and improvements to the original scheme. So be clear on the key arguments in your case, prepare well, stay positive, and give it your best shot.

²² <https://justspace.org.uk/2021/11/29/assembly-probes-mayors-planning-decisions/>

²³ <https://www.listentolocal.co.uk/> & <https://justspace.org.uk/>

²⁴ See <https://www.savenour.com/> for the campaign. For information about the public hearing, go to: <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/popes-road-public-hearing>

Who is Planning Aid for London?

Planning Aid for London provides free advice and training on town planning to individuals, community groups and voluntary organisations in London, who are unable to afford professional advice. We help people understand and get involved in planning processes that affect their neighbourhoods, such as housing development, land use changes and regeneration projects.

We are a charity committed to supporting members of the public looking to make their voice heard in planning decisions.

Email: info@planningaidforlondon.org.uk

Website: planningaidforlondon.org.uk

Twitter: @Planaidlondon

Correspondence: Planning Aid for London, c/o TCPA 17 Carlton House Terrace, London, SW1Y 5AS

Who is Just Space?

Just Space is an informal alliance of around 250 community groups, campaigns and concerned independent organisations which was formed to amplify the voices of Londoners at a grassroots level. Our aim is to improve public participation in planning, to ensure that policy is fairer towards communities in a system dominated by the interests of developers.

We work by supporting our member groups and spreading information further afield. Groups collaborate and coordinate in making representations to planning authorities, share learning, research and experience through workshops and publications.

Email: richardlee50@gmail.com

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Just Space does not have an office or street address.

Appendix 1

Material planning considerations are the matters that the local planning committee or the Mayor can consider when deciding a planning application. Legislation and case law defines what material considerations are. These include (but are not limited to):

- Overlooking/loss of privacy
- Loss of light or overshadowing
- Parking
- Highway safety
- Traffic
- Noise
- Effect on listed building and conservation area
- Layout and density of building
- Design, appearance, and materials
- Government policy
- Disabled persons' access and equality impacts generally
- Proposals in the Development Plan including Policies of the London Plan
- Previous planning decisions (including appeal decisions)
- Nature conservation
- Environmental impact including emissions, biodiversity and more
- Housing size mix, affordability, and tenure
- Health impacts

Property values, restrictive covenants or other private rights, moral issues and business competition are not material planning considerations.

It will be essential to explain which of the policies of the London Plan support your position. Refer to the policies that you consider the proposed development will breach: the Mayor needs to justify the decision based on policy in the London Plan.

If you want more help and training on planning, contact us at www.planningaidforlondon.org.uk

Need further help?

Find more information on our [website](http://www.planningaidforlondon.org.uk) or contact us at:
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With support from Trust for London and the Town