

The duty to co-operate and the Mayor's duties to consult and inform

The 'duty to co-operate' was introduced through section 110 of the Localism Act 2011 which adds a new section 33A to the Planning and Compulsory Purchase Act 2004. The duty applies to prescribed categories of organisations and/or people in respect of particular strategic planning activities which deal with strategic matters.

Strategic matters are defined as sustainable development or use of land that has or would have a significant impact on at least two planning areas, and including in particular strategic infrastructure that has or would have a significant impact on at least two planning areas.

The Mayor of London is a 'prescribed person' for these purposes, but preparing or amending the London Plan is not an activity covered by this duty. The duty does apply to Development Plan Documents (DPDs); whilst the London Plan, the Mayor's spatial development strategy, is part of the development plan relating to London, it is not itself a DPD (section 38 (2) of the Planning and Compulsory purchase Act 2004). The duty also applies to activities that prepare the way for an LPD or DPD, and supporting activities for other planning documents – but the London Plan is neither of these. It is a planning activity in its own right.

The Mayor is however bound by the duty to co-operate with other authorities in the preparation of their plans – including those of the London boroughs and of authorities neighbouring London – as they too are required to co-operate with the Mayor. Alongside this requirement, London boroughs' plans must be in general conformity with the London Plan (Planning and Compulsory Purchase Act 2004).

Although the formal duty to co-operate does not apply to London Plan preparation, [London Plan Policy 2.2](#) makes clear that the Mayor is strongly committed to working with authorities and agencies in the East and South East of England to secure sustainable development and the management of growth in the wider metropolitan area and to co-ordinate approaches to other strategic issues of common concern.

The Mayor's duties to 'consult' and 'inform' – predating the Localism Act – provide the statutory context for this. Under the Greater London Authority Act 1999 (as amended), the Mayor of London must:

- consult on any alteration to or replacement of the spatial development strategy (the London Plan) with counties and districts adjoining London (GLA Act section 335), and
- inform local planning authorities in the vicinity of London of his views concerning any matters of common interest relating to the planning or development of London or those areas (GLA Act sections 339 and 348).