

## East of England LGA Written Statement

Respondent no.1384.

Matter 4

Legal and Procedural Matters

*Duty to Cooperate*

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### **M4. Does the duty to cooperate set out in section 33A of the *Planning and Compulsory Purchase Act 2004* apply to the Mayor's preparation of the Plan?**

Section 33A of the 2004 Act states that the duty to cooperate applies to the preparation of development plan documents. In the past, the Mayor has argued that the London Plan is not a development plan document and that the duty does not therefore apply. This argument was accepted by the Inspector into the Further Alterations to the London Plan in 2014.

The Mayor of London is, however, included in the list of prescribed bodies<sup>1</sup> to which the duty to co-operate applies. The National Planning Practice Guidance states:

“The duty to cooperate applies in London, and other combined authority areas. Within these areas local planning authorities are required to cooperate with each other, county councils, other local planning authorities outside the combined authority area, and prescribed public bodies.”<sup>2</sup>

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<sup>1</sup> Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 included the Mayor as a prescribed body through Section 33A(1)(c) of the Planning and Compulsory Purchase Act 2004

<sup>2</sup> NPPG September 2018: 007 Reference ID: 025 Reference ID: 61-025-20180913