



# Localism Act 2011

## 2011 CHAPTER 20

### PART 6

#### PLANNING

### CHAPTER 1

#### PLANS AND STRATEGIES

#### **110 Duty to co-operate in relation to planning of sustainable development**

- (1) In Part 2 of the Planning and Compulsory Purchase Act 2004 (local development) after section 33 insert—

**“33A Duty to co-operate in relation to planning of sustainable development**

- (1) Each person who is—
- (a) a local planning authority,
  - (b) a county council in England that is not a local planning authority, or
  - (c) a body, or other person, that is prescribed or of a prescribed description,
- must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
- (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and

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- (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are—
- (a) the preparation of development plan documents,
  - (b) the preparation of other local development documents,
  - (c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
  - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
  - (e) activities that support activities within any of paragraphs (a) to (c), so far as relating to a strategic matter.
- (4) For the purposes of subsection (3), each of the following is a “strategic matter”—
- (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
  - (b) sustainable development or use of land in a two-tier area if the development or use—
    - (i) is a county matter, or
    - (ii) has or would have a significant impact on a county matter.
- (5) In subsection (4)—
- “county matter” has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i)),
- “planning area” means—
- (a) the area of—
    - (i) a district council (including a metropolitan district council),
    - (ii) a London borough council, or
    - (iii) a county council in England for an area for which there is no district council,
 but only so far as that area is neither in a National Park nor in the Broads,
  - (b) a National Park,
  - (c) the Broads,
  - (d) the English inshore region, or
  - (e) the English offshore region, and
- “two-tier area” means an area—
- (a) for which there is a county council and a district council, but
  - (b) which is not in a National Park.
- (6) The engagement required of a person by subsection (2)(a) includes, in particular—

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- (a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and
  - (b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.
- (7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.
- (8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.
- (9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.
- (10) In this section—
  - “the English inshore region” and “the English offshore region” have the same meaning as in the Marine and Coastal Access Act 2009, and
  - “land” includes the waters within those regions and the bed and subsoil of those waters.”
- (2) In section 16 of the Planning and Compulsory Purchase Act 2004 (applying Part 2 for purposes of a county council’s minerals and waste development scheme) after subsection (4) insert—
  - “(5) Also, subsection (3)(b) does not apply to section 33A(1)(a) and (b).”
- (3) In section 20(5) of the Planning and Compulsory Purchase Act 2004 (development plan documents: purpose of independent examination) after paragraph (b) insert “; and
  - (c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.”