

# Authority Monitoring Report 2024/25: Duty to co-operate

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# 1 Introduction

**1.1** This report provides an overview of the actions that have been taken by the Council under the duty to co-operate and covers the period from 1 January 2025 to 31 December 2025.

**1.2** The document is divided into two parts. Section 2 provides a brief explanation of the duty to co-operate, including its national legislative and policy background. Section 3 summarises the collaboration on documents produced by Bracknell Forest Council (BFC) and those produced by others over the period covered by this report. It also includes advice on the location of further information.

**1.3** This AMR should be read in conjunction with other topic based AMRs such as:

- Progress against the Local Development Scheme
- Housing
- Economy
- Environment and Infrastructure

## 2 Background

### **The duty to co-operate (legislation relevant to the monitoring period covered by this AMR)**

**2.1** National legislation<sup>(1)</sup> and policy<sup>(2)</sup> require local planning authorities (LPAs), county councils and ‘prescribed bodies’ (see para. 2.2) to co-operate with each other on strategic matters. These are matters that involve more than local issues that cannot be dealt with by one LPA working alone (including those that cross administrative boundaries). The aim is to maximise the effectiveness of the preparation of local development documents (LDDs) (including local plans and supplementary planning documents (SPDs)). This is called the ‘duty to co-operate’ and the bodies involved are collectively known as ‘duty to co-operate bodies’.

**2.2** The ‘prescribed bodies’<sup>(3)</sup> referred to above are as follows:

- Environment Agency
- Historic Buildings and Monuments Commission for England (known as Historic England)
- Natural England
- Mayor of London
- Civil Aviation Authority
- Homes England (formerly Homes and Communities Agency)
- Integrated Care Boards (ICBs) (Frimley ICB in respect of Bracknell Forest)
- NHS England (formerly National Health Service Commissioning Board)
- Office of Rail and Road (ORR)
- Transport for London (TfL)
- Each Integrated Transport Authority (not relevant to Bracknell Forest)
- Each highway authority (including National Highways, formerly Highways England)
- Marine Management Organisation (not relevant to Bracknell Forest)

**2.3** National legislation<sup>(1)</sup> also requires duty to co-operate bodies to co-operate with Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs).

### **Duty to co-operate compliance**

**2.4** In the preparation of local plans, compliance with the duty to co-operate is tested by an independent Inspector. There are two tests: a legal compliance test, which is undertaken initially after a plan is submitted for examination by the Inspector, and a ‘soundness’ test, which is undertaken during the examination. It is essential that compliance with the duty to co-operate is robustly evidenced when the plan is submitted, as examination cannot proceed if the legal test has not been passed.

**2.5** For the ‘soundness’ test to be passed, compliance with the co-operation requirements set out in the NPPF needs to be demonstrated. This includes a requirement for statements of common ground to demonstrate effective and on-going joint working<sup>(4)</sup>. Guidance on this is provided in Planning Practice Guidance (PPG).

1 Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by Localism Act 2011)

2 Para. 24 of the National Planning Policy Framework (NPPF, 2024)

3 As defined by Part 2 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended)

4 NPPF para. 36

**2.6** The actions that have been taken by the Council to meet the requirements of the duty to co-operate in the preparation of documents are discussed in the next section.

## **The future of the duty to co-operate**

**2.7** The 'Levelling Up and Regeneration Act' (LURA)<sup>(5)</sup> was enacted on 26 October 2023. Schedule 7 (not yet in force) relates to a new plan making system and replaces sections 15-37 of Part 2 of the Planning and Compulsory Purchase Act 2004.

**2.8** The new plan-making system provided by the Levelling-Up and Regeneration Act 2023 does not include the duty to co-operate that was inserted into the Planning and Compulsory Purchase Act 2004 through the Localism Act 2011 to help bridge the gap in cross-boundary co-operation resulting from the abolition of regional planning. Instead, the new system will rely on revised national policy and a new tier of strategic planning to ensure effective co-operation between plan-making authorities.

**2.9** Furthermore, in November 2025, Matthew Pennycook (Minister of State for Housing and Planning) stated in a Written Ministerial Statement that the Government also intends to revoke the duty to co-operate for the current plan making system since it has proved “difficult to comply with and has led to some notable local plan failures”, partly because any deficiencies “cannot be lawfully remedied during examination”.

**2.10** However, he stressed that planning authorities should continue to work together across their boundaries, including on unmet development needs from neighbouring areas.

**2.11** Regulations are to be laid before Parliament in a few months, which will enable planning authorities to start the formal preparation of new-style plans. The Regulations will also abolish the duty to co-operate for the existing plan-making system.

**2.12** Any changes in approach will be reflected in a future AMR relating to this topic.

5 LURA 2023: [www.legislation.gov.uk/ukpga/2023/55/enacted](https://www.legislation.gov.uk/ukpga/2023/55/enacted)

## 3 Actions taken under the duty to co-operate

### 3.1 Co-operation on documents being produced by Bracknell Forest Council

#### **Bracknell Forest Local Plan (BFLP)**

**3.1** The Bracknell Forest Local Plan (BFLP) was adopted on 19th March 2024, following submission to the Secretary of State for Levelling Up, Housing and Communities on 20 December 2021. A Duty to Co-operate Statement (2021) [LP/CORE/006] was submitted with the BFLP. The BFLP forms part of the statutory development plan for the Borough. It replaces the Bracknell Forest Local Plan (2002), the Core Strategy (2008) and some policies in the Site Allocations Local Plan (2013). It also provides the basis for the Council's SPDs which provide additional guidance for certain policies.

**3.2** The Inspectors' Report that was received at the end of the examination process (1 March 2024) concluded (paragraph 20) that the BFLP had met the duty to co-operate requirements, and that with the incorporation of prescribed main modifications, could be found sound and legally compliant. Further details can be viewed on the examination website <sup>(6)</sup>

#### **Supplementary Planning Documents (SPD)**

**3.3** Following the adoption of the BFLP the Council has been progressing a number of SPDs.

**3.4** SPDs do not form part of the Development Plan as they are not development plan documents (DPDs). They are capable of being a material consideration and add further detail on the implementation of policies set out in DPDs.

#### **Bracknell Town Centre Masterplans SPD**

**3.5** The Bracknell Town Centre Masterplans SPD provides land use and design guidance for three strategic development sites in Bracknell town centre. These are: Southern Gateway (Policy LP10 in the BFLP), Eastern Gateway (Policy LP9 in the BFLP), and High Street multi-storey car park. The Council held a 6 week public consultation on the draft SPD between 8 April 2024 and 20 May 2024. This included public exhibitions at the Lexicon on 25 April 2024 and 27 April 2024. Following the close of the consultation officers considered all representations made which helped inform the contents of the final document. The prescribed bodies were consulted and BFC received representations from National Highways and Historic England. All documents were published on the Council's Bracknell Town Centre Masterplans SPD website <sup>(7)</sup>. The SPD was adopted in October 2024.

#### **Housing SPD**

**3.6** The Housing SPD was approved by Cabinet on 18 March 2025 and came into effect on 27 March 2025. The SPD was produced jointly between the Council's Planning and Housing Teams and provides additional guidance for the housing related policies in the BFLP. These include:

6 Examination website: [Examination of the Bracknell Forest Local Plan | Bracknell Forest Council \(bracknell-forest.gov.uk\)](https://www.bracknell-forest.gov.uk/examination-of-the-bracknell-forest-local-plan)  
7 [Bracknell Town Centre Masterplans Supplementary Planning Document | Bracknell Forest Council](https://www.bracknell-forest.gov.uk/bracknell-town-centre-masterplans-supplementary-planning-document)

- Policy LP16 Affordable housing
- Policy LP37 Protection of existing housing stock and land
- Policy LP38 Accessible and adaptable dwellings
- Policy LP39 Specialist housing
- Policy LP40 Housing mix

**3.7** The public consultation on the draft SPD ran between Tuesday 1 October and Tuesday 5 November. Those consulted included the prescribed bodies. All the consultation responses received were considered by officers and used to inform the final version of the document.

**3.8** The Housing SPD alongside the adoption statement and consultation statement are available to view on the Council's website<sup>(8)</sup>.

### **Statement of Community Involvement**

**3.9** Whilst not an SPD, the Statement of Community Involvement (SCI) sets out how Bracknell Forest's planning services consult and engage on planning matters. It provides brief guidance on how the planning system works, how to participate in planning decisions and what to expect from involvement. The SCI was approved for adoption by the Council on 29 April 2025 and came into effect on 8 May 2025.

**3.10** The public consultation on the draft SPD ran between Tuesday 29 October and Tuesday 3 December 2024. Those consulted included the prescribed bodies. All the consultation responses received were considered by officers and used to inform the final version of the document.

**3.11** The SCI alongside the adoption statement and consultation statement are available to view on the Council's website<sup>(9)</sup>.

### **Thames Basin Heaths Special Protection Area (SPA) SPD**

**3.12** The Thames Basin Heaths SPA SPD was updated following the adoption of the BFLP and provides further guidance on Policy LP31 - Designated nature conservation and geological sites, and Policy LP32 - Thames Basin Heath Special Protection Area. The SPD was approved for adoption by the Council on 29 April 2025 and came into effect on 8 May 2025. The Thames Basin Heaths SPA SPD (2025) supersedes the Thames Basin Heaths SPA SPD (2018).

**3.13** The public consultation on the draft SPD ran between Wednesday 15 January and Wednesday 12 February 2025. Those consulted included the prescribed bodies. All the consultation responses received were considered by officers and used to inform the final version of the document.

**3.14** The Thames Basin Heaths SPA SPD alongside the adoption statement and consultation statement are available to view on the Council's website<sup>(10)</sup>.

8 [Housing Supplementary Planning Document | Bracknell Forest Council](#)

9 [Statement of Community Involvement | Bracknell Forest Council](#)

10 [Thames Basin Heaths Special Protection Area Supplementary Planning Document | Bracknell Forest Council](#)

## 3.2 Co-operation on documents produced by other authorities/bodies

**3.15** In addition to co-operating with duty to co-operate bodies on the preparation of its own DPDs, BFC also co-operates with others on the production of joint strategies and DPDs plus associated supporting evidence. Some of the collaboration that has been undertaken during the period covered by this report is summarised below.

### Co-operation across Berkshire Authorities

**3.16** The Berkshire Prosperity Board was set up by all six Berkshire local authorities, during the Spring of 2024, with the aim of helping to drive forward and deliver future economic success across the area. It involves working together as a formal joint committee to secure more funding and boost prosperity. Work is currently focused on six themes – Affordable Housing, Net Zero, Health and Inequalities, Employment and Skills, Sector Development and Strategic Infrastructure. It is recognised that it will be critical to work with partners including the Local Economic Partnership, Thames Valley Chamber of Commerce (TVCC), Homes England, registered providers and Integrated Care Boards.

### Co-operation between the West of Berkshire Authorities

**3.17** BFC, Wokingham Borough Council, Reading Borough Council and West Berkshire Council, collectively referred to as the West of Berkshire Authorities, maintain a close relationship with one another. This is due to strong linkages and flows that create an interdependence between the constituent authorities. For example, they are well-linked by road corridors such as the M4, A329(M) and A33, as well as the railway network, Reading Railway Station acting as a major transport hub. There are also navigable waterways flowing through the area - the River Thames and the Kennet and Avon Canal.

**3.18** As reported in previous duty to co-operate AMRs, the West of Berkshire Housing Market Area (HMA) was considered the most appropriate geography on which to base a SoCG for local plan making purposes. A SoCG was signed off by all four authorities in August 2021.<sup>(11)</sup>

### Co-operation on transport matters

**3.19** Over the period covered by this report, the Council has been involved in dialogue with the other Berkshire Unitary Authorities on transport matters, including via the Development Plans Group<sup>(12)</sup>, Berkshire Strategic Transport and Highways Officers Forum, (previously known as Berkshire Strategic Transport Forum), which includes membership from the six Berkshire authorities. Information on growth planned in the BFLP has also been shared with Transport for the South East (the sub-national transport body) to support the preparation of a long term strategy.

### Co-operation on natural environment matters

**3.20** The Council is involved in well established cross-boundary partnerships concerned with the TBH SPA and these have resulted in the following attainments:

11 West of Berkshire Area Statement of Common Ground For local plan-making August 2021 (LP/Ev/2n):

<https://consult.bracknell-forest.gov.uk/file/5939372>

12 Development Plans Group: comprising the Planning Policy Team Leaders of each of the Berkshire Unitary Authorities



- Thames Basin Heaths Joint Strategic Partnership Board and associated officer groups<sup>(13)</sup> (hosted by Surrey Heath Borough Council).
- Suitable Alternative Natural Greenspace (SANG) Capacity Agreement with Surrey Heath Borough Council to enable housebuilding within its administrative area, whilst using available SANG capacity in Bracknell Forest SANGs.
- The facilitation of housing development in other authorities (such as Hart and RBWM) through utilisation of the Council's strategic SANG capacity.
- Continued and extensive working relationships between the Council and Natural England on TBH SPA projects.
- Day to day running of the SAMM Project in accordance with a legal agreement with Natural England and the 10 other local authorities affected by the Thames Basin Heaths issues - Waverley, Guildford, Surrey Heath, Woking, Hart, Wokingham, Elmbridge, Runnymede, RBWM, and Rushmoor Councils.
- Sharing good practice regarding SANG and TBH SPA issues including the monitoring of SANGs and the TBH SPA mitigation project.

### **3.21** In relation to biodiversity:

- Officers from BFC attend Berkshire Biodiversity Net Gain (BNG) meetings. These are aimed at sharing information regarding joint working and collaboration on BNG policy, process and strategy across Berkshire.
- An officer from BFC sits on the Berkshire Local Nature Partnership Steering Group<sup>(14)</sup>, and Berkshire Local Authority Ecologists group<sup>(15)</sup>.
- BFC was a Supporting Authority in the development of the Berkshire Local Nature Recovery Strategy (LNRS), which was co-ordinated by the Royal Borough of Windsor and Maidenhead (the Responsible Authority). The LNRS was agreed by the Royal Borough of Windsor and Maidenhead in September 2025 and published in October 2025<sup>(16)</sup>.

## **Co-operation on minerals and waste matters**

**3.22** As a Minerals Planning Authority, BFC is a member of the South East England Aggregate Working Party (SEAWP). All members have a responsibility for planning the supply of minerals in their areas, through the preparation of minerals local plans.

**3.23** A Position Statement was completed in November 2023, setting out technical information in respect of soft sand supply in the South East, which is being used as a basis for future Statements of Common Ground.

**3.24** Similarly, as a Waste Planning Authority (WPA), BFC is also a member of the South East Waste Authority Planning Advisory Group (SEWPAG) comprising WPAs in the South East of England, the Environment Agency, representatives from similar forums in London and the East of England and waste industry representation through the Environmental Services Association (ESA). SEWPAG exists to help WPAs in the South East fulfil their 'duty to co-operate' responsibility on strategic cross boundary waste issues, and to give effect to the Government's stated intention of encouraging WPAs to work together in groups in order that they may carry out their individual responsibilities more effectively.

13 Information on the Joint Strategic Partnership Board, including member organisations and meeting minutes can be found on the Surrey Heath Borough Council website: <https://surreyheath.moderngov.co.uk/ieListMeetings.aspx?Committeed=316>

14 Berkshire LNP Steering Group: <https://www.berkshirelnp.org/homepage/the-partners>

15 The Berkshire Local Authority Ecologists group includes a representative from each local authority in Berkshire

16 [Berkshire's Local Nature Recovery Strategy | RBWM Together](#)

## **Duty to co-operate consultations and requests**

**3.25** Under the duty to co-operate, the Council responds to consultations and requests from other LPAs. Over the period covered by this report, the Council has responded to the following:

### **Reading Borough Council**

- April 2025: BFC responded to a request from Reading Borough Council to provide comments on its draft Transport Model that it was intending to use to support the Reading Borough Local Plan Partial Update. BFC did not express any concerns regarding the presented impact of the plan's traffic on Bracknell Forest's transport network.
- May 2025: BFC and Reading Borough Council jointly produced a Statement of Common Ground, signed 7 May 2025, regarding the Reading Borough Local Plan Partial Update. It was agreed that BFC and Reading Borough Council would continue to engage on unmet Gypsy and Traveller needs and the impacts arising from major transport projects.
- The Reading Borough Local Plan Partial Update was subsequently submitted to Government for examination on the 9 May 2025.
- August 2025: BFC received notification of Stage 1 Hearing Sessions in respect of the Reading Borough Local Plan Partial Update.
- November 2025: Stage 1 Hearings were held on 11 and 12 November 2025. BFC did not participate as it had no additional comments to make following its response to the Regulation 19 consultation in November 2024 and the position set out in the Statement of Common Ground.

### **Wokingham Borough Council**

- March 2025: A Statement of Common Ground in relation to the Wokingham Local Plan Update 2023-2040 was jointly produced by officers at BFC and Wokingham Borough Council. The statement related to the Proposed Submission Plan and key points are summarised below.
- Within the context of agreeing that the extension to the South Wokingham Strategic Development Location (SDL) was developable in principle, BFC put forward the following detailed aspects.
  - It had not been demonstrated that the highways and transport impacts from the extension to the South Wokingham SDL would not result in severe residual cumulative impact on BFC's transport network. The Submission Local Plan had not clearly set out what highway improvements would be required within BFC nor how they would be funded and delivered within the plan period.
  - In respect of the specific location of the roundabout to access the site from Old Wokingham Road, BFC's preference was for an alternative location further south on the Old Wokingham Road, in the area identified on the concept plan as SANG/Open Space.
  - The adequacy of the landscape buffer along Old Wokingham Road was questioned in view of the need to safeguard the character of the adjoining landscape within BFC.
- Concern about the lack of reference to the need for a Flood Risk Assessment in the policy.
- The need to refer to existing, committed and planned public and private investment in retail centres specifically within proposed Policy ER7.

- October 2025: BFC confirmed its intention to submit statements in relation to the Wokingham Borough Local Plan Stage 1 Hearings 'Matters, Issues and Questions' (MIQs). The statements submitted were in respect of Matter 2 (Issue 1) Strategic Transport and Matter 3 (Issue 2) South Wokingham SDL.
- November 2025: Stage 1 Hearing Sessions were held between 18 November and 20 November 2025. BFC participated at the sessions concerned with Strategic Transport and the South Wokingham SDL.

#### Medway Council

- August 2025: SEWPAG responded on behalf of BFC and other local authorities in respect of the Medway Local Plan Regulation 19 consultation and expressed general support for the approach.

#### Hart District Council

- October 2025: Officers from BFC and Hart District Council (HDC) met to discuss Hart's intention to produce a new Local Plan as their current Local Plan is 5 years old and they no longer have a 5 year Housing Land Supply. The Hart District Council Local Development Scheme, adopted in September 2025, includes a timetable for the new Local Plan that suggests it will be submitted for examination by March 2028. HDC is undertaking a Call for Sites which remains open until further notice.
- The relevant cross boundary issues between the two authorities were discussed. These are potentially housing, gypsies and travellers, employment, retail, transport, air quality, health and landscape (in relation to Sandhurst and Yateley).

#### Buckinghamshire

- August 2025: BFC jointly provided comments on the Buckinghamshire Green Belt Assessment methodology with the Royal Borough of Windsor and Maidenhead, Slough Borough Council and Wokingham Borough Council. Various comments were made and it was asked if there was to be a formal public consultation on the intended Green Belt Assessment methodology.

#### West Berkshire

- June 2025: BFC received notification of the adoption of the West Berkshire Local Plan.

#### Cheshire West and Chester Council

- October 2025: BFC received a consultation request from Cheshire West and Chester Council (CW&C) regarding strategic waste movements. It was agreed that there were no identified waste movements or strategic cross-boundary matters between the authorities.

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### **Nepali**

यस प्रचारको सक्षेप वा सार निचोड चाहिं दिइने छ ठूलो अक्षरमा, ब्रेल वा क्यासेट सून्नको लागी । अरु भाषाको नक्कल पनि हासिल गर्न सकिने छ । कृपया सम्पर्क गर्नुहोला ०१३४४ ३५२००० ।

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