EXPLANATORY MEMORANDUM TO

THE SPATIAL DEVELOPMENT STRATEGY (EXAMINATION PROCEDURE) RULES 2026

2026 No. 1161

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Alex Davies-Jones, Parliamentary Under-Secretary of State at the Ministry of Justice, confirms that this Explanatory Memorandum meets the required standard.

2.2 Arthur Young, Deputy Director for Development Plans, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Peter Skalski at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: strategicplanning@communities.gov.uk. Alternatively, the department can be contacted by telephone: 0303 444 0000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Planning and Infrastructure Act 2025 inserted Part 1A (strategic plan-making) into the Planning and Compulsory Purchase Act 2004. This places a requirement on strategic planning authorities to prepare a spatial development strategy.

4.2 Unless the Secretary of State directs otherwise, a draft spatial development strategy must be subject to a public examination by a person appointed by them. An examination provides for public participation and enables the draft spatial development strategy to be independently tested before it is made operative.

4.3 These rules make provision about the procedure to be followed in connection with the public examination of a draft spatial development strategy.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is to England only.

5. Policy Context

What is being done and why?

5.1 Town planning across an area of multiple local authorities is commonly referred to as "strategic planning." The Government is establishing a universal system of strategic planning across England, to replace the ad hoc and largely voluntary system of strategic planning that has been in place since the abolition of regional spatial strategies in 2011.

5.2 The Planning and Infrastructure Act 2025 inserted Part 1A (strategic plan-making), sections 12A to 12X, into the Planning and Compulsory Purchase Act 2004. This places a requirement on strategic planning authorities to prepare a document called a spatial development strategy. A spatial development strategy will form part of the development plan which local planning authorities must determine planning applications in accordance with, unless material considerations determine otherwise. Local plans produced by local planning authorities (most of which are lower-tier and unitary authorities) will be required to be in "general conformity" with a spatial development strategy.

5.3 Section 12D of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework published in August 2026 set out the matters that spatial development strategies are expected to deal with.

5.4 Combined authorities, combined county authorities, upper-tier county councils and unitary authorities, also referred to as "principal authorities," will all be strategic planning authorities.

5.5 Section 12B of the Planning and Compulsory Purchase Act 2004 gives the Secretary of State the power to establish a strategic planning board consisting of two or more principal authorities. In these instances, the strategic planning board is the strategic planning authority, and the principal authorities that are members of the strategic planning board will jointly produce a spatial development strategy to cover their combined area.

5.6 The Mayor of London has not been designated a strategic planning authority because the Mayor already has a duty to prepare a spatial development strategy placed on them by Part VIII of the Greater London Authority Act 1999. This strategy is commonly known as the London Plan.

5.7 Section 12I of the Planning and Compulsory Purchase Act 2004 makes provision for the public examination of a spatial development strategy. In most cases, the strategic planning authority will be responsible for making arrangements for the examination of a draft strategy. However, section 12P of the Planning and Compulsory Purchase Act 2004 allows the Secretary of State to intervene in the preparation of a strategy and take over preparation of a strategy. In these circumstances the Secretary of State must make arrangements for the examination of a draft strategy or direct the strategic planning authority to make such arrangements.

5.8 Examinations will be undertaken by a person appointed by the Secretary of State, the "examiner". Whilst it is for the examiner to determine the matters to be considered at the examination, the National Planning Policy Framework sets out that examinations should assess whether relevant procedural requirements have been met and that the strategy is "sound" alongside any other matters the examiner considers to be appropriate.

5.9 The strategic planning authority that prepared the draft spatial development strategy, or where section 12P of the Planning and Compulsory Purchase Act 2004 applies, the Secretary of State, may take part in the examination, as well as any person invited to do so by the examiner.

5.10 These rules make provision about the procedure to be followed in connection with the public examination of a draft spatial development strategy. This includes the procedure for identifying the matters to be examined, the process for inviting written submissions, requirements for the examiner to prepare a timetable for the examination and the requirements for publicity by strategic planning authorities and the Secretary of State.

5.11 These rules are necessary to provide greater certainty to strategic planning authorities as to how examinations may be conducted, as well as to provide greater clarity to the public as to how they may participate in the process. Whilst many aspects of the examination procedure are at the discretion of the examiner, the rules also provide for greater consistency between examinations of different strategies.

What was the previous policy, how is this different?

5.12 Prior to the introduction of Part 1A, arrangements for strategic planning in England were largely ad hoc and voluntary. In addition to the Mayor of London, four combined authorities have also had a duty to produce a spatial development strategy placed on them through secondary legislation, derived from the Greater London Authority Act 1999. These are Greater Manchester Combined Authority, Liverpool City Region Combined Authority, North East Combined Authority and West of England Combined Authority. However, no combined authority has yet to adopt such a strategy.

5.13 Other than that, authorities could either produce non-statutory strategic plans, which carried very little weight in decision-making, or attempt to produce a strategic plan through the local plans system. Several of these plans failed as they had to be examined against requirements for local plans.

5.14 A voluntary system of spatial development strategies was legislated for in the Levelling-up and Regeneration Act 2023. Those provisions are being repealed and replaced by the England-wide system now provided for by Part 1A of the Planning and Compulsory Purchase Act 2004.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument is part of a series of statutory instruments that are being made to implement Part 1A of the Planning and Compulsory Purchase Act 2004.

6.2 The Planning and Infrastructure Act 2025 (Consequential Amendments) Regulations 2026 came into force on 16th July 2026. This instrument made amendments to primary legislation consequential on Part 1A of the Planning and Compulsory Purchase Act 2004, in addition to those amendments made by Schedule 2 to the Planning and Infrastructure Act 2025.

6.3 The other statutory instruments in this package are:

6.4 The Planning and Infrastructure Act 2025 (Commencement No. 5) and English Devolution and Community Empowerment Act 2026 (Commencement No. 5)

Regulations 2026. These regulations bring into force provisions related to spatial development strategies.

6.5 The Strategic Planning Authorities (Spatial Development Strategy) Regulations 2026 make provision as to the procedure to be followed in connection with preparation of a spatial development strategy.

6.6 The Strategic Planning (Costs of Public Examinations) (Standard Daily Amount) (England) Regulations 2026 specify the standard daily amount that may be charged by a person appointed to hold an examination into a spatial development strategy.

6.7 The Strategic Planning (Consequential and Miscellaneous Amendments) Regulations 2026 revoke and amend secondary legislation relating to spatial development strategies and previous models of strategic planning.

6.8 A single explanatory memorandum for the instruments detailed in paragraphs 6.5 to 6.7 has been published.

Why was this approach taken to change the law?

6.9 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 There has not been a public consultation on this instrument. It makes procedural rules to support the effective implementation of Part 1A of the Planning and Compulsory Purchase Act 2004.

8. Applicable Guidance

8.1 The Government intends to publish procedural guidance for the examination of spatial development strategies in due course. This will be structured to reflect the chronology of events from the preparation of a draft SDS through examination to its adoption and will be of use to both strategic planning authorities and members of the public wishing to, or invited to, participate in the examination.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no impacts on business, charities or voluntary bodies are expected.

9.2 An impact assessment was prepared for the Planning and Infrastructure Act 2025. It can be found at https://www.gov.uk/government/publications/planning-and-infrastructure-bill-impact-assessment and can be inspected at the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies. Participation in the examination process is voluntary, and any impacts arising from the submission of representations, participation in hearings, or the provision of information are expected to be minimal.

9.4 The legislation does not impact small or micro businesses.

9.5 There is no, or no significant, impact on the public sector. Participation in the examination process is voluntary, and any impacts arising from the submission of representations, participation in hearings, or the provision of information are expected to be minimal.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument does not include a statutory review clause because there is no expected significant impact on business.

10.2 The Ministry of Housing, Communities and Local Government will monitor the overall effect of the implementation of the spatial development strategy system, including the production of spatial development strategies by individual strategic planning authorities.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This statutory instrument is part of the package of statutory instruments being prepared to support the effective implementation of Part 1A of the Planning and Compulsory Purchase Act 2004, as set out in section 6.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").