**EXPLANATORY MEMORANDUM TO**

**THE STRATEGIC PLANNING AUTHORITIES (SPATIAL DEVELOPMENT STRATEGY) REGULATIONS 2026**

**2026 No. 1162**

**THE STRATEGIC PLANNING (COSTS OF PUBLIC EXAMINATIONS) (STANDARD DAILY AMOUNT) (ENGLAND) REGULATIONS 2026**

**2026 No. 1163**

**THE STRATEGIC PLANNING (CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS) REGULATIONS 2026**

**2026 No. 1164**

## 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 Matthew Pennycook MP, Minister of State for Housing and Planning at the Ministry of Housing, Communities and Local Government 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 these instruments: strategicplanning@communities.gov.uk. Alternatively, the department can be contacted by telephone: 0303 444 0000.

## Part One: Explanation, and context, of the Instruments

## 4. Overview of the Instruments

***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 This package of three statutory instruments supports the effective implementation of Part 1A. The three instruments are:

- The Strategic Planning Authorities (Spatial Development Strategy) Regulations 2026;
- The Strategic Planning (Costs of Public Examinations) (Standard Daily Amount) (England) Regulations 2026;
- The Strategic Planning (Consequential and Miscellaneous Amendments) Regulations 2026.

4.3 Details of the practical impacts of these instruments are set out in section 5 of this memorandum.

***Where does the legislation extend to, and apply?***

4.4 The Strategic Planning Authorities (Spatial Development Strategy) Regulations 2026 extend (that is, the jurisdiction(s) which the instrument forms part of the law of) to England and Wales. The territorial application (that is, where the instrument produces a practical effect) is to England only.

4.5 The Strategic Planning (Costs of Public Examinations) (Standard Daily Amount) (England) Regulations 2026 extend (that is, the jurisdiction(s) which the instrument forms part of the law of) to England and Wales. The territorial application (that is, where the instrument produces a practical effect) is to England only.

4.6 The Strategic Planning (Consequential and Miscellaneous Amendments) Regulations 2026 extend (that is, the jurisdiction(s) which the instrument forms part of the law of) to England and Wales. The territorial application (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.

**The Strategic Planning Authorities (Spatial Development Strategy) Regulations 2026**

5.7 This statutory instrument makes provision as to the procedure to be followed in connection with the preparation of a spatial development strategy by a strategic planning authority. It sets out further requirements to Part 1A of the Planning and Compulsory Purchase Act 2004.

5.8 Part 1 of the instrument contains introductory provisions and interpretation of terms used in the instrument. Part 2 prescribes additional content that must be included in a spatial development strategy. Part 3 details the procedure for the preparation and publication of a spatial development strategy timetable. Part 4 makes further provision as to the steps that must be taken during the preparation of a spatial development strategy, including on matters such as additional matters that strategic planning authorities must have regard to when preparing a draft spatial development strategy, and additional consultation requirements. Part 5 makes provision as to requests for further information and publication of an annual monitoring report. Part 6 provides for requirements as to the availability of documents.

5.1 The regulations are necessary to provide greater certainty to strategic planning authorities as to what is required of them during preparation of their spatial development strategies and to ensure a nationally consistent approach to strategy preparation.

**The Strategic Planning (Costs of Public Examinations) (Standard Daily Amount) (England) Regulations 2026**

5.2 Section 58(3) of, and Schedule 2 to, the Planning and Infrastructure Act 2025 extends the existing cost-recovery regime for local plan examinations so that it also applies to examinations of spatial development strategies. This statutory instrument prescribes the daily rate that may be charged by a person appointed to conduct an examination, setting it at £993 per day (or a proportionate amount for part of a day) for work undertaken in the holding of, or in connection with, an examination.

5.3 The recently made Town and Country Planning (Costs of Independent Examinations for Local Planning etc.) (Standard Daily Amount) (England) Regulations 2026 set a standard daily amount in relation to local plan examinations of £993. It is reasonable for the standard daily amount in relation to spatial development strategy examinations to be the same.

**The Strategic Planning (Consequential and Miscellaneous Amendments) Regulations 2026**

5.4 This instrument makes consequential amendments to secondary legislation to support the effective implementation of Part 1A of the Planning and Compulsory Purchase Act 2004, as well as miscellaneous amendments relating to strategic planning.

***What was the previous policy, how is this different?***

5.5 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.

5.6 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.

5.7 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 These instruments are 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 Planning and Infrastructure Act 2025 (Commencement No. 5) and English Devolution and Community Empowerment Act 2026 (Commencement No. 5) Regulations 2026 are being laid alongside these instruments. These regulations bring into force provisions related to spatial development strategies.

6.4 The Spatial Development Strategy (Examination Procedure) Rules 2026 have been made by the Lord Chancellor and are being laid alongside these instruments. These rules make provision about the procedure to be followed in connection with the public examination of a draft spatial development strategy.

***Why was this approach taken to change the law?***

6.5 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 any of these instruments as they make provision on the technical and procedural aspects of the preparation of a spatial development strategy or make minor and consequential amendments.

## 8. Applicable Guidance

8.1 These regulations will be supported by new Planning Practice Guidance and updates to existing Planning Practice Guidance. Planning Practice Guidance provides information and guidance for authorities and users of the planning system and is freely available online.

## Part Two: Impact and the Better Regulation Framework

## 9. Impact Assessment

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

9.2 An impact assessment was prepared for the Planning and Infrastructure Act 2025 and can be found at https://www.gov.uk/government/publications/planning-and-infrastructure-bill-impact-assessment.

9.3 An impact assessment was prepared for the English Devolution and Community Empowerment Act 2026 and can be found at https://www.gov.uk/government/publications/english-devolution-and-community-empowerment-bill-impact-assessment.

9.4 Both impact assessments 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***

9.5 There is no, or no significant, impact on business, charities or voluntary bodies. Responsibility for the preparation of a spatial development strategy rests with strategic planning authorities.

9.6 The legislation does not impact small or micro businesses.

9.7 A new burdens assessment for the new spatial development strategy system will be completed before these instruments come into force.

## 10. Monitoring and review

***What is the approach to monitoring and reviewing this legislation?***

10.1 None of these instruments 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 These statutory instruments are 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 these instruments are subject to negative procedure and do not amend primary legislation no statement is required.

### 13. The Relevant European Union Acts

13.1 These instruments are 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").