

“Planning Reform, Devolution & LGR The Perfect Storm – One Year On”

16th July 2026



Stuart Young
Executive Director
East Midlands Councils



LGiU

Big ideas for local government

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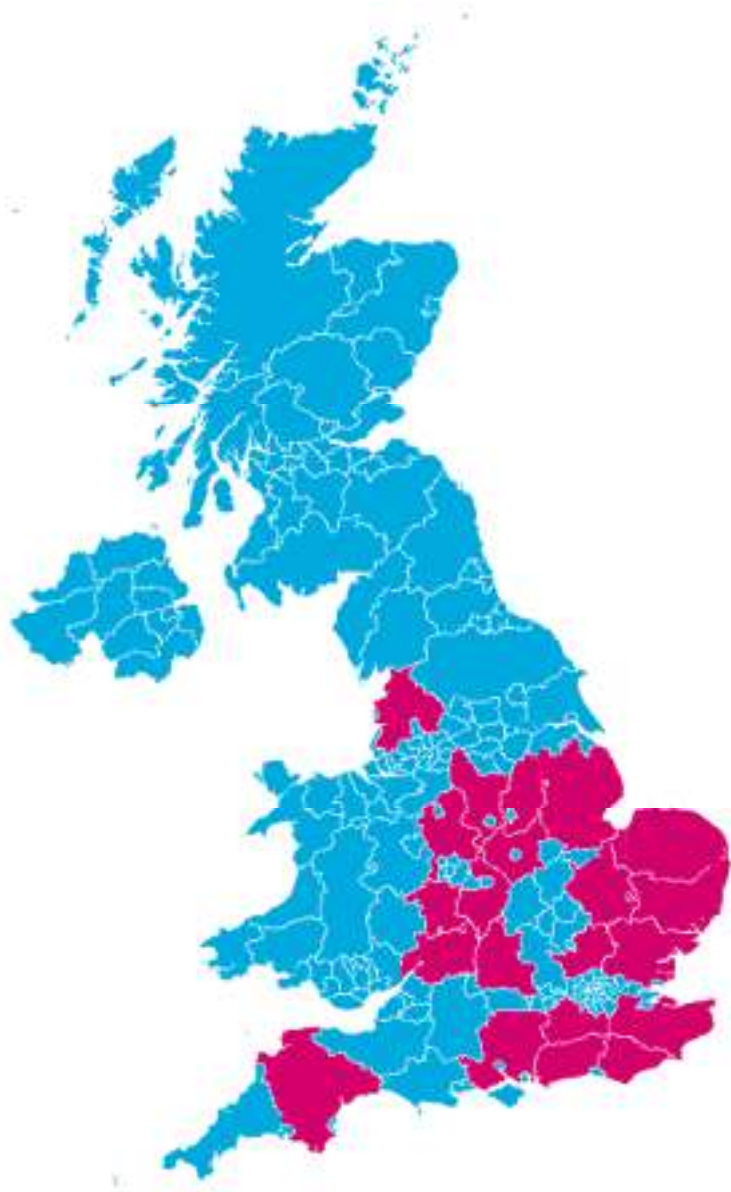
Powerful representation of member councils across counties, districts, unitaries and the London Boroughs.

Diverse mix of urban and rural council members in the UK and internationally.

Leading councils globally are empowered through LGIU services to scale up their innovation.

Local Government Reorganisation (LGR)

LGiU



- Areas in pink: two-tier areas that are undergoing reorganisation
 - Mainly in the South and East Anglia. But also Midlands, Lancashire and Devon
- Areas in blue are already governed by single-tier local government
 - All councils in Wales (22), Scotland (32), Northern Ireland (11) are already single-tier
 - 132/317 councils in England are already single-tier

Where did LGR come from?

“

“The controlling hand of central government is stifling innovation and development throughout the country... Micromanaging from the centre combined with short-term, sticking-plaster politics has left England’s regions in a doom loop, unable to achieve their potential... Because the Westminster system is part of the problem.”

Where did LGR come from?

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Policy paper

English Devolution White Paper

Published 16 December 2024

Where did LGR come from?

The Devolution White Paper (Dec 2024)

LGR was framed as a way to 'unlock devolution' — creating more empowered mayoral combined authorities beneath new unitary councils.

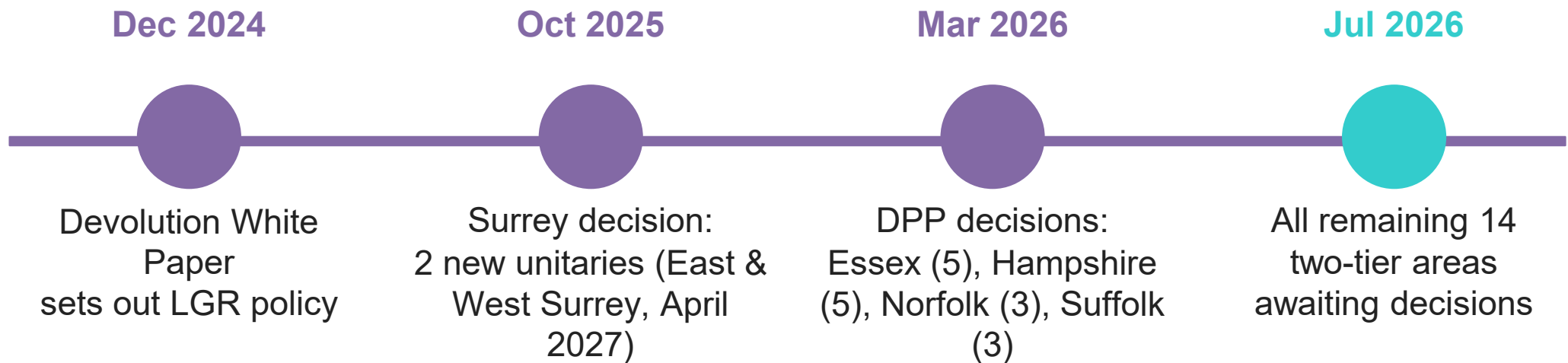
The stated rationale

Unitary councils may "lead to better outcomes for residents, save significant money... and improve accountability."

The relationship with devolution

The logic was: **structural reform first, fiscal devolution to follow.** In practice, LGR has accelerated while devolution has stalled, but that may change and evolve.

Where are we in the LGR timetable?



LGR as uncertainty

Personal and Professional Uncertainty

Significant structural and organisational changes feel uncertain, especially when working for a council is so intrinsically tied to place and community.

A Summer of Decisions

Whilst decisions feel like a flurry, we are not in uncharted territory e.g. Cumbria, North Yorkshire, Somerset – all in 2023.

Change is the Only Constant

Council officers are no stranger to complex changes – Austerity, Covid, political change etc. You and your colleagues do have the skills, experience and resilience.

The 'Why' is Not a Map

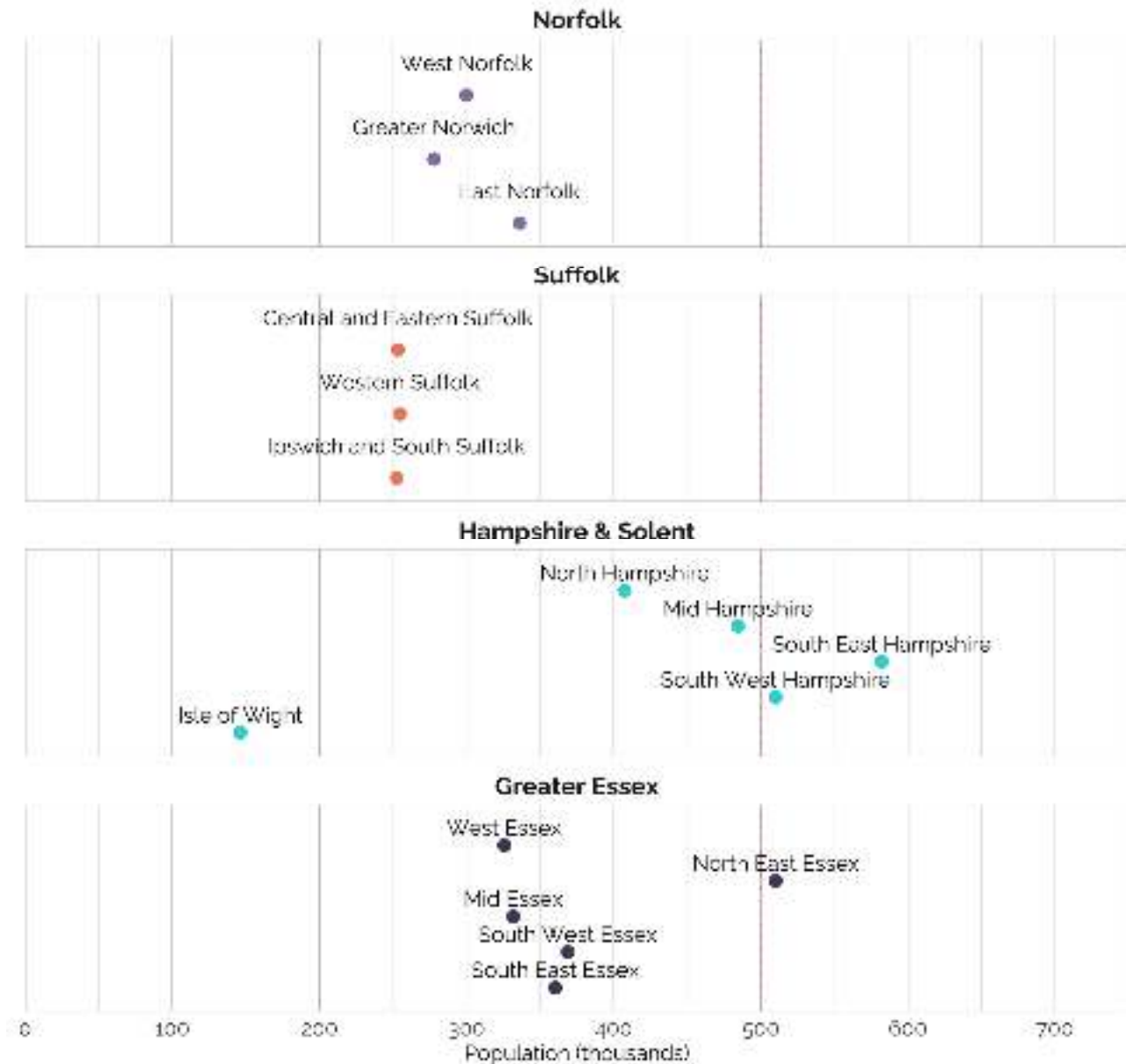
LGR isn't about administrative lines, it is the Government's response to financial fragility and fragmentation. Unitary councils are not new, and neither is LGR.

LGR decisions in Devolution Priority Programme areas

Area	Decision	New unitary councils
Essex, Southend-on-Sea & Thurrock	5 unitaries	• West Essex Council • North East Essex Council • Mid Essex Council • South West Essex Council • South East Essex Council
Hampshire, Isle of Wight, Portsmouth & Southampton	5 unitaries	• North Hampshire Council • Mid Hampshire Council • South East Hampshire Council • South West Hampshire Council • Isle of Wight Council (remains standalone)
Norfolk	3 unitaries	• West Norfolk Council • Greater Norwich Council • East Norfolk Council
Suffolk	3 unitaries	• Central and Eastern Suffolk Council • Western Suffolk Council • Ipswich and South Suffolk Council
Sussex and Brighton	Pending	Decision outstanding — concerns raised about all proposals received

Population

- Government guidance initially indicated a preference for 500k
- But 11/16 of new councils are <400k.
- Smallest unitary (excluding Isle of Wight) is Ipswich & South Suffolk with a population of 252k.



The Challenges of Reorganisation

The financial challenges of LGR



From our 2026 Survey of DoFs, CEs, Leaders:

- LGR costs a financial pressure for 75% of councils going through the process
- It is, in reality part of a whole host of inter-related pressures

Impact on wider council delivery

Net Zero & energy transition

"We've kind of ground to a halt... we're not allowed to commit to anything at this stage."
— Officer, City Council

Infrastructure delivery

35% of Heads of Regeneration/Housing report LGR is negatively impacting local delivery — causing project delays, cost overruns and reputational damage.

Insourcing & outsourcing

"Those big, thorny, nasty decisions are being put off because there's not enough time left to deliver them anyway." — Chief Executive

However: 61% see LGR as an opportunity to reset service provider relationships.

The Opportunities of Reorganisation

Opportunities

**Democratic
Connection**

**Finance and
long(er) term
sustainability**

**Redesigning
and joining
up services**

Innovation
Trying, Testing.

Policy Debates

"Safe and Legal"

Many areas use this term as a yardstick for their work – **but is it a ceiling or a floor?**

Transformation and Public Service Reform

Building a new council is a significant *once in a generation moment*. **To what extent can it be used to build in the key reforms that organisations desire around prevention, climate resilience, poverty reduction?**

The Partnership Landscape

The NHS and Police are both going through significant financial and structural reform at the same time. **Is this a challenge or an opportunity (or both?)**

Road ahead

LGiU



Reflections from DPP Chief Execs

1. On the emotional reality

"It gets emotional whether your council's proposal is chosen or not — and as always, it's the Chief Exec and Leader who need to steer through that."



Reflections from DPP Chief Execs

2. On Ambiguity

“... Much of the commentary was speculation, and we were operating without a definitive position.”

3. On Leadership

“Whatever decision was made, our role was to take it forward in a way that worked for our communities... Our commitment was to engage positively, support our people, and make the outcome work in practice, not just in principle.”

Lessons

Invest in
relationships

Building strong
collective leadership in a
contested process.

Pace beats
perfection

Don't let the search for
the perfect change
programme stall
progress.

Keep moving, keep
collaborating.

"In practice as
well as in
principle"

Everyone has a role to
play to ensure success.

Final Thoughts

It is perfectly understandable to think LGR as something that's happening to you.

In some ways that is true – like many nationally led policy reforms there are plenty of things we'd ask that were done differently.

It is very rare in your career you get to be part of something brand new.

Possible to be nationally led and locally owned.

That's not just about your chief exec and senior negotiations – it's about the everyday actions everyone in the room takes.

Any Questions?

Find more at lgiu.org



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Building a Unitary Council

From the ground up



North
Northamptonshire
Council



Our Journey



Northamptonshire
County Council

2018

County Council
issues second
S.114 notice

SoS announces
two new unitary
councils

2019

NHS
COVID-19



Northamptonshire
Children's Trust

2020

Children's Trust
established

New unitary
council created

2021



2022

Focus was on
building strong
foundations and
tackling a range
of difficult
legacy issues

Council engages
partners to
develop a shared
bold BIG50 Vision
for the area

2023



2024

REALITY CHECK!

Bold 'One Council'
Programme
launched

Significant step-
change in
outcomes

2025



**Solid
Foundations:**
Finance
Performance
Risk



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Scale & Scope



Northamptonshire
County Council

3,460 Colleagues

8 councils into 2 unitary
£1bn services
c.800,000 residents
5,500 colleagues
>1,000 contracts
>600 systems
Huge complexity

West

North

**District &
Boroughs**
1,570
colleagues

Corby **530**

220



East
Northamptonshire
Council

720
Kettering
Borough Council

105
Borough Council of
Wellingborough



North
Northamptonshire
Council

2,800 colleagues



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We felt like a 'cut and shut' Council

Some new surprises too!

Cultures and processes bolted together

Services varied by post code

Technology as strong as its weakest link



'Period of Mourning' for old council

Variety of pay, terms and conditions

4 - 5 of many things (and a lot of variety too!)



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LGR = Great opportunity

Organisational Design

Democratic
Arrangements

Workforce & Culture

Identity & Reputation

Financial & Performance
Management

Workspaces & Customer
Experience

Technology, Systems &
Contracts

RESET

Strategy, Policy &
Partnerships



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Celebrate the micro-wins

At first, the wins might feel like operational necessities rather than achievements...

But to your workforce...

**THEY
MATTER**

These wins remove friction, build confidence and reinforce that the new organisation is becoming real

Better outcomes

Service models

Savings

Efficiencies

Access to buildings

Payroll

IT and system migration

Policies

Equipment

HR harmonisation

Printing



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Council

NORTH
NORTHAMPTONSHIRE

BIG
50

FUTURE
VISION



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Northamptonshire
Council

Tricky Issues

1. Keeping the workforce and our elected members engaged was hard!
2. Harmonisation (Fees and Charges, ways of working, policies)
3. Governance and Committees
4. So many systems and contracts!!
5. Legacy Matters- legal, accounts, strategic risks
6. Where will we hold meetings? Civic Identity
7. Resetting expectations- nailing the basics isn't a distraction from the work – it *is* the work for a while
8. Prioritisation and expectations

Thank you!

Building a Unitary Council

We're happy to talk more



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Panel 1 Discussion: Preparing for LGR



- **Bill Cullen, Chief Executive, Hinckley & Bosworth Borough Council**
- **Adele Wylie, Chief Executive, North Northamptonshire Council**



Refreshments



Delivering a planning service through times of change

East Midlands Councils, 16th July 2026

Catriona Riddell BA (Hons) Planning FRTPI



THE PERFECT STORM

— CONVERGING POLICY FORCES —

**PLANNING
REFORM**

DEVOLUTION

**LOCAL GOVERNMENT
REORGANISATION**



Devolution and planning reform – the national context



- Fixing the plan-led system is key to the Government's growth mission – providing more certainty for communities, applicants and investors.
- Re-introducing a two-tier Development Plan system is aimed at reducing risks and building more stable conditions for investors – public, private and others.
- It aims to provide a more robust approach to place-based growth, integrating long term economic, environment and social priorities with development and infrastructure.



Planning Reform- the problems the Government is trying to fix

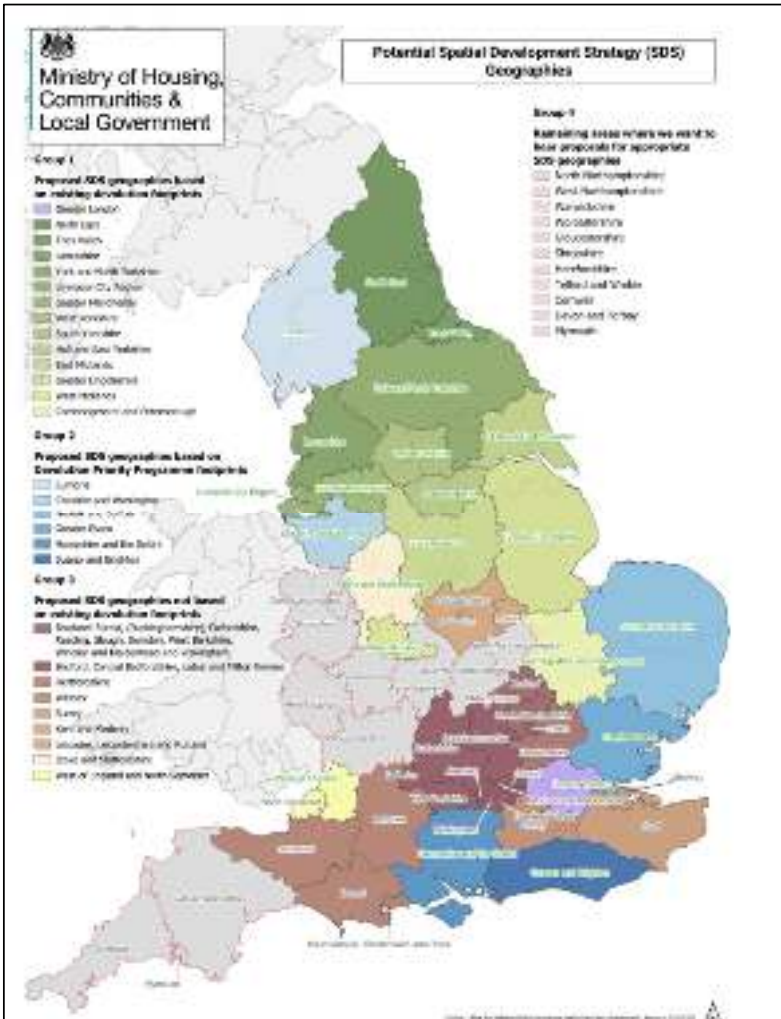
MHCLG Local Authority Planning Survey 2025

- 79% of LPAs reported recruitment difficulties (although 91% in 2023) key issues include increasing workloads, low staff morale
- Senior roles are hardest to fill, especially in DM.
- Retention difficulties remain high (44%) but lower than 2023 (72%)
- 93% have skills gaps especially in digital, developer contributions, biodiversity, ecology, urban design.
- Only 48% feel ready for planning reform

[Local Authority Planning Capacity and Capability Survey 2025 - GOV.UK](#)

- An **effective plan led system** provides confidence for all those that interact with it and supports good growth – the current system is broken with less than 30% local plans up to date.
- A poor functioning planning system significantly **reduces the willingness of investors to support delivery** of new homes and infrastructure.
- LPAs have faced **significant recruitment and retention challenges** over the last decade which are not getting better.
- **LGR will add even more complexity** to plan-making and decisions as councils progress to vesting day and beyond.
- Likely to be a **loss of senior and experienced planners** as a result of LGR.
- **Budget for training and development** to help upskill staff and ensure proper succession planning is tiny- (£282 per employee in 2025).

Planning Reform, LGR and Devolution – the interface



Key planning reforms and targeted changes aimed at solving the problems:

- Reintroducing a **two-tier plan making system** to reduce the political, technical and financial risks and help deliver a effective and efficient plan-led system.
- Ensuring more decisions are made through a new **‘vision-led’ local plan system**, therefore reducing the burden ‘down stream’ at the DM stage.
- More **freedom to set planning fees** locally to increase cost recovery.
- National Scheme of Delegation to deliver **quicker decision-making** to help build confidence in the system.
- Significant increase in **funding to support capacity and capability** in planning departments (£46m).
- Significant **funding to support LPAs** in both digital innovation and local plan making (e.g. £29m to support evidence base).
- More **support via Homes England** to help LPAs unlock strategic sites.

The emerging devolved structure of England

Existing & Proposed Strategic Authorities



Source: Institute of Government

- Significant **planning powers available to Mayoral Strategic Authorities** through the English Devolution and Community Empowerment Act
- Spatial development strategies will help to **derisk development and infrastructure** and support faster plan-making at the local level.
- **Significant funding to support delivery** of development and infrastructure priorities available to Strategic Authorities – much more local flexibility in how this is used – will also provide confidence for new funding providers e.g. institutional
- Home England **Strategic Place Partnerships** increasingly working with Strategic Authorities, helping to deliver on priority sites and transform investment opportunities.
- New strategic planning powers providing **opportunity to share resources and skills** across planning authorities.
- Devolved structures allowing for **better engagement with infrastructure providers**, including government agencies.

The emerging devolved structure of England



“I am going to give Britain the circuit-breaker it needs, by **building a more collaborative politics in Westminster, by taking power out of the centre** and putting it in the hands of the people and places who can use it best and, in so doing, creating a new sense of agency, possibility and hope flowing around the country....

I will reach out to other political parties to find as much common ground as we can and **build that more collaborative approach** I spoke about a moment ago. So, a greater sense of unity in Parliament will then allow us to give a clearer sense of direction to Whitehall.....

The change will be the biggest change in our lifetimes to the way the country is run and it is consistent with the 2024 manifesto. We will create a more streamlined state with a clearer purpose: **to power up all parts of the country and put a laser-like focus on growth and regeneration. Good growth.....**

On utilities, **we will ensure all parts of the UK are able to take greater public control of essential services like water, housing, energy and transport.....**

Britain’s housing crisis is having a ruinous impact on its public finances. So, working with local areas, No 10 North will oversee **the biggest council house building programme since the post-war period**. We will use public land, vacant public land to reduce costs.”

“Place-first, not party-first”

“Problem-solving, not point-scoring”

“Long-term, not short-term”

Andy Burnham MP, 29th June 2026

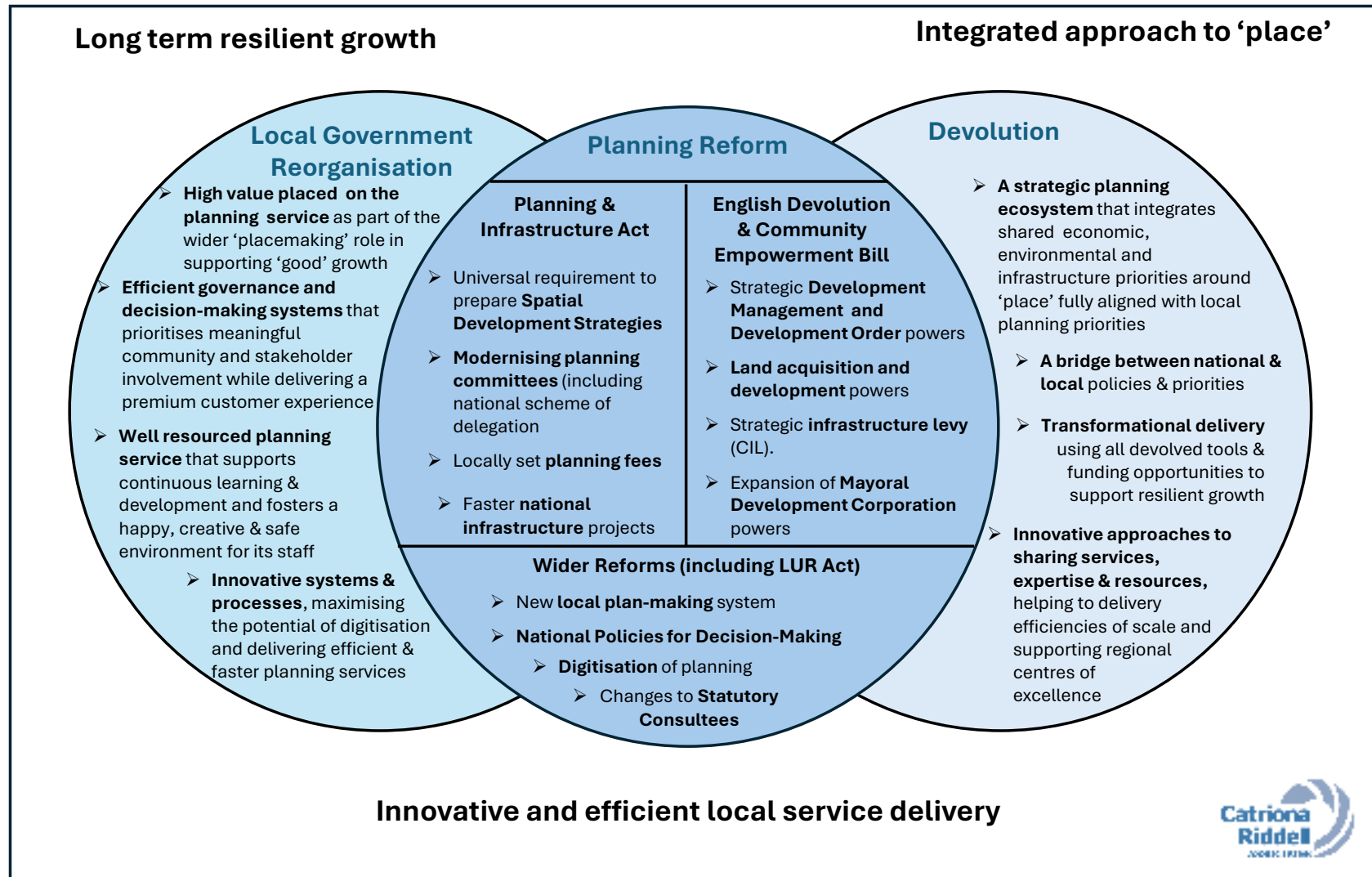


POS Research - headline messages

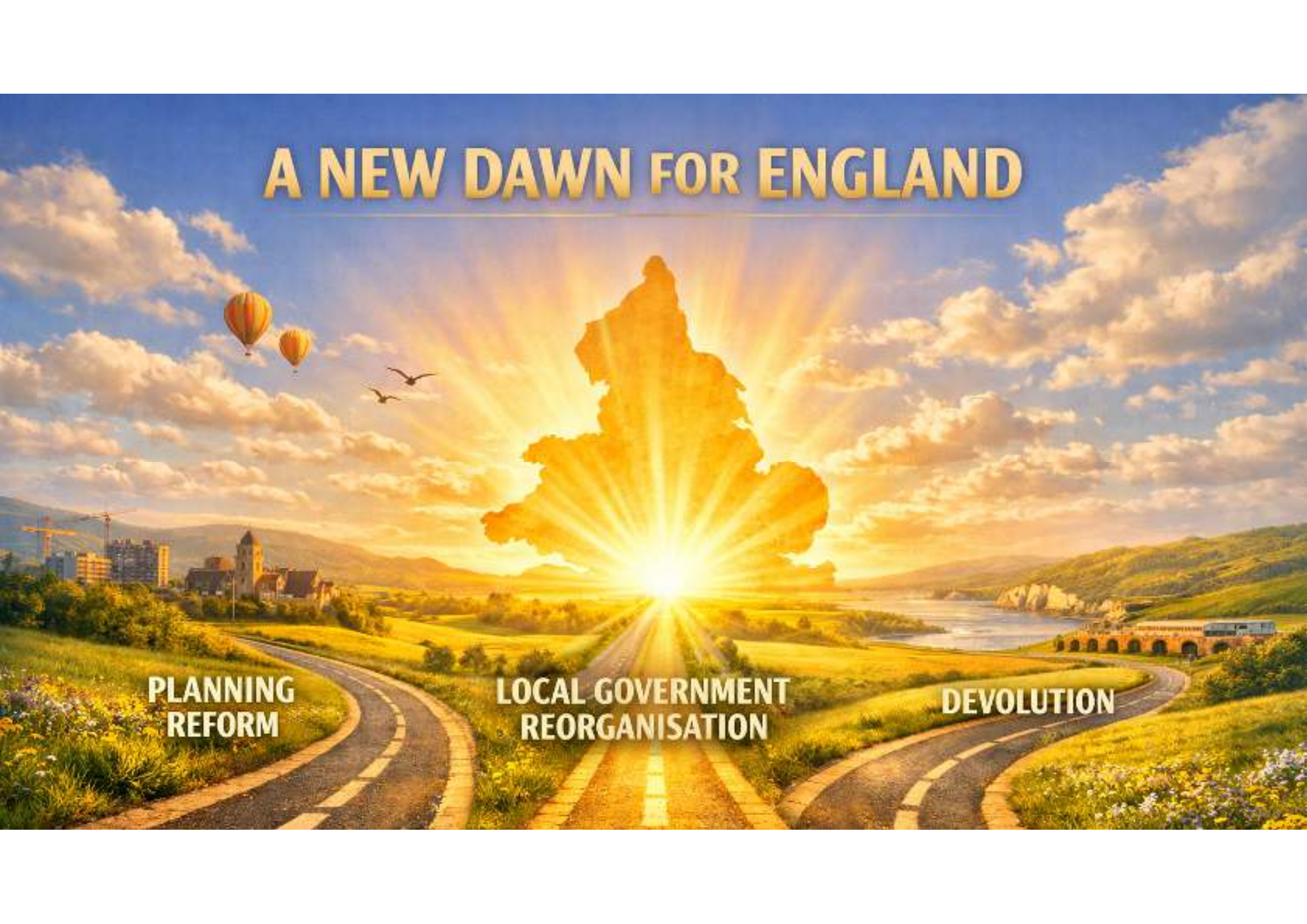
- The combination of LGR and planning reform offer an opportunity to introduce innovative practices and to rebuild skills and capacity.
- LGR is about creating a new local authority with its own culture and values, not the merging of existing authorities.
- The wider value of planning in supporting good place-shaping (beyond regulation) must be considered in relation to both the structure of the new council and within the Strategic Leadership's responsibilities.
- A clear vision for the new authority should be set out as soon as possible before Vesting Day.
- Organisational and cultural change takes time and will have to be supported well beyond Vesting Day.

[POS LGR and Devolution Hub](#) - Local Government Reorganisation and Devolution: Managing the impact and maximising the potential for planning and place-making services

Planning, LGR & Devolution – How it all fits together



A NEW DAWN FOR ENGLAND

The image is a composite landscape. In the center, a map of England is depicted as a bright sun with rays emanating from it. The background shows a winding road through a green field, leading towards a coastal town with a church and a bridge. Two hot air balloons are visible in the sky on the left, and two birds are flying in the center. The sky is filled with soft, white clouds.

**PLANNING
REFORM**

**LOCAL GOVERNMENT
REORGANISATION**

DEVOLUTION

Thank you!

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Panel 2 Discussion: The East Midlands Perspective



- **Grant Butterworth, Head of Planning, Leicester City Council**
- **Steve Birkinshaw, Head of Planning & Regeneration, Erewash Borough Council**



Lunch



New Legislative and Policy Framework Case Law Update

Presented by Hugh Richards and Jessica Allen

Thursday 16th July 2026



Recent Legislation

English Devolution and Community Empowerment Act 2026

- Statutory framework for devolution
- Changes to Assets of Community Vale regime – Schedule 31
 - New categories of sporting assets
 - Time on list – 10 yrs or indefinitely
 - Right to “bid” becomes a right to “buy”
 - Mechanism for fixing value if disputed
 - Detail will come in new Regulations
- Parking on footways and pavements
- National standards for taxi licensing

New BNG exemptions: Applications from 6.8.26

- The Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 – come into force 6 August 2026
 - Amending the BNG hierarchy for minor developments to make it easier to buy off-site credits
 - Removing the self-build exemption (remains for existing apps / perms)
 - Introducing a small sites exemption for developments of up to 0.2 hectares
 - Introducing a new exemption for temporary development (reinstatement within 5 years)

Local government re-organisation

- On Monday in the HoC the Minister of State said: “this week”
- Speaker – “We’ll do all of this again on Thursday when all the information is laid before us. If I’d known that, I would not have allowed this!”
- Will there still issues over where the electoral boundaries will be?
- Elections in 2027? “proceeding in line with the timetable”; “very important we hit the milestones”; avoided questions on whether Andy Burnham would want any changes
- Money to implement – will it be enough?
- SDS “Strategic Authorities” – announcement today?

King's Speech: May 2026

- Regulating for Growth Bill
- Clean Water Bill
- Social Housing Renewing Bill
- Armed Forces Bill
- Energy Independence Bill

An aerial photograph of a lush green park. A winding river flows through the center, surrounded by dense trees. In the background, a city skyline is visible under a clear sky. The text "What else is new?" is overlaid in white on a semi-transparent dark blue rectangular background.

What else is new?

“Manchesterism” – Central planks

- Commitment to ‘the Manifesto’ and position on ‘Grey Belt’
- Devolution – “biggest rebalancing of power the country has ever seen”
- Biggest Council House building programme since post WW2
 - Use vacant public land to reduce costs BUT funding?
 - 1.5m houses lost since 1980s – same number now on waiting list
 - End “chasing rents in private sector through the benefits system”
- Higher density residential development in towns
- Renewed commitment to ‘growth’ – importance of infrastructure
- “The Regeneration of Places” – turn around high streets and local centres
- Who will be the Secretary of State and Planning Minister?

Local elections: New uncertainties

- Loss of Government party control
 - Labour – lost 38, held 28
 - Reform – gained 14 local authorities
 - Greens – gained 5 councils + 2 mayoralities
 - Lib Dems – 15 gains
 - The effect of “no overall control” – plus 23
- Effect on:
 - Development management: More refusals? Loss of developer confidence?
 - SDSs – e.g. WMCA & Greater Manchester?
 - Plan making: Delay? Green Belt campaign issue? Fed up?
 - New Towns – e.g. Enfield: switch to Development Corporations?

Plan making

- ‘Fag end’ of old-style plans and old-style examination process
 - Some will miss the deadline (could still be extended)
 - Change in circumstances – sites dropping out
 - Change in control at the LPA – paralysis
 - Need for full council decision?
 - Some will submit on time but are plainly not ready and will be ‘weeded out’ by preliminary findings.
 - Of the rest (and there will be lots of them):
 - How long will examination take?
 - Will inspectors want to ‘pause’ to remedy deficiencies?
 - Better to get plan adopted fast and get on with a new-style plan?

Plan making (cont.)

- Lost the legal DtC and its draconian consequences – now ‘soundness’
- Process: The Town and Country Planning (Local Planning) (England) Regulations 2026 – came into effect on 25 March 2026
- The Town and Country Planning (Costs of Independent Examinations for Local Planning etc.) (Standard Daily Amount) (England) Regulations 2026 – also came into effect on 25 March 2026
- The Planning and Compulsory Purchase Act 2004 (Local Planning) (Modification and Consequential Amendments) (England) Regulations 2026 (into effect 25 March 2026) make various tweaks to Part 2 of the PCPA 2004 – mostly relating to joint local plans and minerals and waste plans

Decision taking

- The 'naughty step' LPA – will applicants want to go straight to PINS?
- Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026
 - These relate to the national scheme of delegation of planning functions and the size of planning committees
 - See also statutory guidance & advice from PAS
- Committee capped at 13
- Schedule 1 – automatic delegation
- Schedule 2 – presumption of delegation unless nominated officer and member agree on referral to committee and at least 1 statutory criteria met

Appeals

- Town and Country Planning (Appeals) (Written Representations Procedure) (England) (Amendment and Saving Provision) Regulations 2026 and New Procedure Guide from 1 April 2026
 - Appeals made after 1 April 2026 determined on basis of material before the LPA
 - Appellant has (a) 250 words, (b) does not submit further evidence and (c) must submit “executed and certified” s106 with appeal
 - Minutes of planning committee when members refuse against officer advice or add RfRs
 - No third-party reps at appeal stage
- Intended to become the default process for the vast majority of appeals

Others

- Nature Restoration Levy – draft regulations
- Habitats Regs protection extended to Ramsar sites (but transitional arrangements)
- Restrictions on JR challenges to NSIPs – draft SI
- CIL debate in parliament 29/4/26 – changes coming on spending CIL and:
 - Self-build relief and common householder reliefs
 - Relief for retrospective permissions
- 5YHLS buffers since 1 July – NPPF para. 78(c)
 - Apply 20% buffer (i.e. 6 years) where a plan adopted in the last 5 years based on requirement which is less than 80% of LHN

An aerial photograph of a lush green park. A winding river flows through the center, surrounded by dense trees. In the background, a city skyline is visible under a clear sky. The text "NPPF Update" is overlaid in white.

NPPF Update

When is it going to happen?

- Today – as long trailed

Or

- “In the summer” – House of Lords
- After recess? To allow new regime to ‘tweak’ it.
- Before / after the Labour party conference (27-30 September)?
- After the Budget in November? To allow the new Chancellor to use it to underpin growth assumptions accepted by the OBR

Transitional arrangements

- New NPPF will be a material consideration from the day of publication
- The policies in the new NPPF will need to be taken into account from that date
- Where there is inconsistency with DP policies, very little weight should be afforded to those policies unless they have been examined and adopted against the new NPPF

Growth

- Positive vision for growth; sustainable pattern of growth; spatial expression of Local Growth Plans (PM1)
- Cooperation to: determine optimal location for growth (PM10); effective cross-boundary growth (PM11)
- Positive approach to growth and Local Growth Plan are relevant to “soundness” (PM14)
- Provide the conditions for long term economic growth (E1)
- Give substantial weight to business growth and economic benefits (E2)
- Support sustainable growth of businesses in rural areas (E4)
- Minerals and growth (M3)

Plan making

- Local plans should set out a **positive vision and spatial strategy**, which supports the delivery of the spatial development strategy for their area (PM2)
- General principles seek to avoid **unnecessary duplication** (PM6)
 - Between national and local policy
 - Between SDSs and local policy
- Local policies should align as fully as possible where there are **strategic interdependencies** across boundaries (PM10)
- Intended outcomes:
 - More **stream-lined** local plans
 - Increased **cooperation** between LPAs

Green Belt

- Push towards **altering of Green Belt boundaries** through the preparation and updating of local plans and where: (GB3)
 - This would enable the **development of land around stations**
 - Exceptional circumstances are fully evidenced and justified, including an LPA being **unable to meet its identified need** for development in full
- Increased recognition of development **which is not inappropriate** (GB7)
 - within reasonable walking distance of a railway station capable of providing a high level of connectivity to services and employment
 - physically well-related to a railway station or a settlement within which the station is located
 - in the case of major development, complies with golden rules

Heritage: A simpler and more positive approach

- Seeks **clarity** through distinction of asset-specific policies and moves away from policies that are difficult to navigate
- Intends to take a **more positive approach** to the use of heritage assets
- Increases support for **sustainable redevelopment** of heritage assets and development which will have a **positive effect** on heritage assets
- Intention to **strengthen** the ability to bring forward heritage-related development

Heritage: Impacts on decisions

Designated heritage assets

- Presumption that development which would have a positive effect should be approved (HE6)
- No more 'less than substantial harm' → positive effect, harm, substantial harm, total loss (HE5)
- Development causing substantial harm to be “exceptional” and “wholly exceptional” (HE6)
- Criteria-based approach to applying presumption against substantial harm or total loss (HE6)
- Examples of important public benefits: (HE6)
 - Securing long-term re-use of a vacant or underused building
 - Enabling energy efficiency and low carbon heating measures to be employed

Heritage: Impacts on decisions (cont.)

Non-designated heritage assets

- Presumption of approval if there would be a positive effect (HE7)
- Harm or loss to outweigh benefits having regard to scale of harm and significance of asset (HE7)

Assessment of effects

- Requirement to assess the level of effect (even for NDHAs) → positive effect, no effect, harm, total loss (HE5)
- Based on significance rather than scale (HE5)

Landscape: What's changed?

- Removal of “valued landscapes” **reduces policy protection** for undesignated areas (N1)
- Shift in focus from landscape’s visual/aesthetic qualities to its **functional role** in supporting policy aims
 - Embedded in policies addressing e.g. design, placemaking and density (e.g, DP3)
- Envisages landscape harms mitigated or offset by enhancement of specific qualities (N1 and N2)

Landscape: Impacts on decisions

- Stronger **presumption in favour** of development → higher threshold for refusal → landscape harm **less likely** to be decisive (S4)
- Shift in emphasis from landscape as a constraint, towards being an area for **management and mitigation** (N2)
- Likely outcomes:
 - Weaker protection for undesignated landscapes
 - **Increased emphasis** on landscape in **early stages** of plan-making, decision-taking and applications

A shift in environmental policy

- Environmental policy shift, with a focus on **strengthening nature recovery** and **environmental systems**
- Achieved through the **integration** into local policy of other plans and strategies (LNRS and EDPs)
- Aim for greater **certainty and strategic coherence**, but some obvious gaps remain

Nature recovery and green infrastructure

LNRs:

- Spatial strategies for biodiversity improvement, but **not a constraint** – development still possible (N1 and N6)
- Delays in rollout to date which, if not addressed, will result in **uncertainty in application** of proposed NPPF policies

Green Infrastructure (GI):

- Reframed as **critical infrastructure**, not just landscaping (e.g, N2)
- Likely outcomes:
 - Need for **early integration in design**
 - Afforded **greater weight in decision-making**

Ancient/veteran trees and renewables

Ancient and veteran trees:

- **Expanded definition** of ancient and veteran trees + imposition of **larger protection zones** = potentially significant impact on development proposals

Renewables:

- Requirement to give “**substantial**” weight to benefits, compared to previously “significant” weight (W3)
- Potential to give “substantial” weight to **separate benefits** of renewables = **accumulation of benefits** to weigh in the planning balance (W3)

An aerial photograph of a lush green park. A winding river flows through the center, surrounded by dense trees. In the background, a city skyline is visible under a clear sky. The text "Case Law Update" is overlaid in white.

Case Law Update

Section 106 Obligations: Not just for applicants, landowners and councils

- *R (Greenfields (IOW)) Limited v Isle of Wight Council* [2025] EWCA Civ 488
- *R (Childswell Action Group) v Kirklees Council* [2025] EWHC 2256 (Admin)
 - Kerr J observed (at [173]): *“There was a serious want of transparency in the period leading to the decision challenged, while the developer and the LPA were negotiating with each other and shielding the product of their negotiations from the public”*

Lessons: (1) relevant information must be made available to the public; (2) they must have time to consider it.

The decision was quashed.

New public rights of way: When is there interruption?

- ***Roxena Ltd v The Ramblers' Association* [2026] EWCA Civ 534**

- Highways Act 1981 s31 – use “as of right and without interruption for a full period of 20 years”
- Lewison LJ at [60]: “*The question of whether the use is sufficient in the above sense is to be distinguished from the question of whether the ‘enjoyment’ has been ‘without interruption’ within the meaning of section 31(1). An ‘interruption’ in this sense requires, not mere cessation of use, but ‘an obstruction’, an ‘overt act’, or an ‘interference with the enjoyment of the right’*”

Lesson: Not enough for public use to have stopped for a bit – owner has to have done something to try and stop it.

Draft officer reports: Is input allowed?

- ***R(Davis) v Isle of Wight Council* [2026] EWHC 1718 (Admin)**

- Local authority's planning officer privately sought from the applicant for planning permission, and then incorporated, comments on her draft report to the Council's planning committee
- Planning application process is "asymmetric": consultation, publication, positive engagement; seeking solutions
- Not a wholly level playing field – but cannot adopt procedures which are fundamentally unfair.

Lessons: (1) officer must exercise independent judgment and cannot passively or unthinkingly accept comments; (2) each case depends on its facts – it is not always OK to share report

Section 106 Obligations: A unilateral undertaking in place of an executed agreement – did it matter?

- ***Tiwana Construction Ltd v SSHCLG* [2025] EWHC 1485 (Admin)**
 - The Inspector had been promised an executed agreement.
 - A unilateral agreement was finally provided.
 - She excluded both from consideration and dismissed the appeal.
 - Decision quashed:
 - (1) inadequate reasons;
 - (2) failed to have regard to the Unilateral Undertaking.

Grey belt: no hamstringing of a new permissive policy

[1/2]

- ***Mole Valley DC v SSHCLG [2025] EWHC 2127 (Admin)***
 - NPPF §153 (2024) – requires *substantial weight* to be given to any Green belt harm including harm to its openness
 - Footnote 55 – ... *exceptions include proposals which are ... not inappropriate development in the Grey belt*
 - NPPF §155 (2024) – development which is “*not inappropriate*” in the Green belt
 - The Inspector: “*development which is not inappropriate does not compromise the aim of preserving the openness of the Green belt.*”
 - The Council argued that §153 and fn. 55 did not exclude giving *some* weight to harm to Green Belt openness.

Next slide

Grey belt: no hamstringing of a new permissive policy

[2/2]

- The Council's argument was misconceived:
 - The result would be a restriction of some Grey Belt development.
 - The permissive policy change should not be hamstrung.

Lesson: Once a proposal is judged to be 'appropriate' development in the Green Belt there is no further requirement to consider whether or not, and what extent, it would 'harm the openness' of the Green Belt.

N.B. The same point applies in the case of NPPF §154 categories (e.g. redevelopment of previously developed land which causes less than 'substantial' harm to the openness of the Green Belt).

From previous slide

Grey belt and Footnote 7: What is the impact of the proposed development?

- ***Wrotham Parish Council v SSHCLG [2026] EWHC 165 (Admin)***
 - A 24-hr truck stop was capable of being Grey belt.
 - What of Footnote 7 to NPPF §11(d)(i)): was there a ‘strong’ reason for refusing or restricting development?
 - The Inspector concluded: *“I am satisfied that the site and the proposal meet the definition of grey belt set out in Annex 2 of the Framework”*.

Lesson: when considering whether or not a particular proposal might be ‘Grey belt’ in terms of ‘passing’ fn 7 ... it is necessary to consider the development which is proposed and not, more broadly, whether the development of the site *might* amount to a ‘strong’ reason to refuse or restrict development.

Environment / Habitats

- ***CG Fry & Son Ltd v SSHCLG* [2025] UKSC 35**

- Facts well-known

Lesson: where, either through simple oversight or a change in circumstances / knowledge, an appropriate assessment has not been undertaken in relation to a designated European site at an 'early stage' in the planning process, such an assessment is still required prior to any 'final authorisation' of the project in question. A 'final authorisation' can include the approval of reserved matters and / or the discharge of conditions.

Parallel regulatory regimes: Pollution control

[1/2]

- ***Frack Free Balcombe Residents' Association v SSHCLG* [2025] EWCA Civ 495**

- Concerned an application for the exploration of hydrocarbon reserves, supported by a hydrological assessment and consultation with the EA.

Lesson (Court of Appeal): *“the essential principle [is] ... that the planning system should not duplicate.. other regulatory controls, but should generally assume they will operate effectively”*

But: it is essential properly to understand the limits of the other regimes to ensure there are no ‘gaps’ which might undermine a planning decision.

Parallel regulatory regimes: Pollution control

[2/2]

- ***R (Caffyn) v Shropshire Council* [2025] EWHC 1497 (Admin)**
 - Concerned an application for intensive poultry units on an existing farm. What would happen to the manure, including any downstream digestate?
 - Neither the council nor the developer had considered, as part of the EIA, the potential effects of the spreading of digestate, relying on parallel control regimes.

Lesson: The effects of any development proposal which might have identifiable 'downstream' effects must be assessed and justified by the decision-maker and developer, with appropriate reasoning.

The decision was quashed.

Aarhus Costs Protection in the High Court

- ***HM Treasury v Global Feedback Ltd* [2025] EWCA Civ 624**

- Challenge to free-trade agreement between UK and Australia. Climate group concerned about “carbon leakage” resulting from transferred beef production.
- High Court granted Aarhus costs protection, Court of Appeal allowed the appeal.

Lessons: (1) Aarhus costs protection only available in respect of challenges identifying contraventions of “*provisions of national law relating to the environment*”. Focus is on alleged public law error, not facts of the case. (2) Errors in development plan interpretation still caught (per *Venn* [2015] 1 WLR 2328), but general public law errors are not.

But: UKSC heard the appeal on 11 June 2026 (TBC)

Aarhus Costs Protection in the High Court

- ***Green Lane Association Ltd v Central Bedfordshire Council* [2025] EWHC 2251 (Admin)**
 - *Global Feedback* in action
 - Challenge to Road Traffic Regulation Order under RTRA 1984.
 - High Court: Aarhus protection engaged by requirement for decision-maker to have regard to whether restricting the use of roads would “*preserve or improve the amenities of the areas*” through which they ran.

Lesson: “Relating to” the environment has a broad construction.

OANB / National Landscapes – the new(ish) statutory duty

- ***R (CPRE Kent Branch) v SSHCLG [2025] EWHC 1781 (Admin)***
 - The case concerned the amended duty to “...*further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*” (s. 85(A1) of the Countryside and Rights of Way Act 2000)
 - The Inspector had decided that there would be some harm in granting permission for 165 new dwellings on a site in the High Weald AONB (now NL).
 - The decision was called in and permission granted.

Lesson: the correct approach is that the identification of some harm is not determinative. The decision-maker must weigh all relevant matters into the planning balance.

Fire and Water: Two for the price of one

- ***Wathen-Fayed v SSLUHC* [2024] EWCA Civ 507; [2025] UKSC 32**

- The case concerned the development of a crematorium across 4.52 hectares of Green belt land in Flood Zone 1 and potentially at risk of groundwater flooding.

Lesson (1) (Court of Appeal): the question of whether a sequential test in relation to flood risk is required (and if so its scope / approach) is a matter of planning judgment.

Lesson (2) (Supreme Court): (a) the meaning of the words used in a statute are to be ascertained in light of their context and the statutory purpose, (b) there is a presumption that courts would not interpret a statute so as to produce an absurd result, (c) subordinate legislation could be taken into account as persuasive authority on the meaning of the primary statute, usually where it was broadly contemporaneous with the primary statute and formed part of a single legislative scheme.

‘Timber!’ or ‘How to eradicate development value’

▪ ***R (Smar Holdings) v SSEFRA* [2025] EWCA Civ 1041**

- A ‘felling licence’ (obtained from the Forestry Commission) is required for the felling of growing trees (s. 9(1) Forestry Act 1967)
- Where trees are felled which required a licence, the FC may issue a re-stocking notice
- 25 trees were laid low
- A re-stocking notice was served requiring the planting of some 2,233 trees

Lesson: (a) it is much safer not to fire up that chainsaw, (b) do not take advice solely from a tree-feller.

Extras – (1) Post Hearing Changes (2) Neighbourhood Plans in decision making

▪ ***Edith Weston PC v SSHCLG* [2025] EWHC 2908 (Admin)**

- The appeal Inspector granted permission for 62 dwellings. He had thought the Neighbourhood Plan had not yet been made (taking it into account as a material consideration), but it had been ‘made’ (and therefore part of the development plan) shortly before his decision.
- The Parish Council argued that the Inspector had failed to consider / give effect to NPPF §14.
- The SoS argued that the outcome would have been the same.

Lessons: (1) NPPF §14 should be interpreted in clear and simple terms; (2) whilst it is a high bar to demonstrate that, notwithstanding an identified error, a decision under challenge would *inevitably* be the same, nothing else will do, since anything less may result in encroachment on issues of planning judgment: the decision stood.

New Legislative and Policy Framework Case Law Update

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Spatial Development Strategies – moving into practice

Richard Wood
East Midlands Councils, 16th July 2026



Perspective drawn from

- **National SDS Guidance** - co-preparing PAS SDS Readiness Guide & Toolkit.
- **Expert Groups** - member of the national Strategic Planning Group.
- **SDS practice** - supporting Combined Authorities scope & prepare SDS's.
- **Collaborative Practice** – part of the Strategic Planning Partnership (SPP).
- **National & Regional RTPI Research** – case for strategic planning.
- **Strategic Plan Making** – RSS, Structure Plan, YNYERH non-statutory spatial framework.
- **Different sectors** - Local Government Chief Officer, Regional Assembly, Large & Small Consultancies.

National Group Launched to Help Government Shape Future of Strategic Planning in England

Planning Positively for the Future



Shaping a New Era of Strategic Planning in England



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Tees Valley Spatial Development Strategy Scoping:

South Yorkshire Spatial Development Strategy

MOVING FORWARD REPORT

Prepared for South Yorkshire Mayoral Combined Authority



Content

1. What's required

2. SDS readiness

3. Doing things differently (& supporting inclusive growth)

4. SDS benefits



What's required



Quick Recap

What we covered last year	Where we are now
Planning & Infrastructure Bill	Planning & Infrastructure Act
English Devolution White Paper	English Devolution & Community Empowerment Act
December 2024 NPPF	December 2025 NPPF (draft)
Part of Wider Planning System Changes	New Local Plan System (March 2026) ? National Development Management Policies
Why Strategic Planning Matters	Same – increased recognition of investment role
What Needs to be Different	Same – but more pressing on scope & evidence

Draft December 2025 NPPF

PM1 Requirements:

- Setting out a strategy for a sustainable pattern of growth.....at least 20 years.....
- Identifying broad locations for strategic development.....
- Supporting economic growth by providing a spatial framework for strategic investments and giving spatial expression to strategic elements of Local Growth Plans and the National Industrial Strategy.....
- Identifying the general extent of areas established as Green Belt.....
- Identifying broad locations for nature conservation and habitat enhancement, restoration and creation
- Setting out the type, extent and broad location of strategic infrastructure needed.....
- Using appropriate maps and diagrams to illustrate and communicate ...
- Providing.....mechanisms for delivering the strategy.....
- Monitoring its implementation.....

Statutory SDS content requirements

Planning and Infrastructure Act, December 2025

An SDS must...

- include a statement of policies in relation to the development and use of land in the strategy area, which are of strategic importance to that area
- be designed to secure that the use and development of land in the strategy area contribute to the mitigation of, and adaptation to, climate change
- take account of any local nature recovery strategy
- have regard to health, health inequalities & achievement of sustainable development

An SDS may specify.....

- Infrastructure of strategic importance, supporting/facilitating development in that area
- an amount or distribution of housing and affordable housing

SDS will not allocate sites or repeat NDMPs

Devolution – wider planning powers

English Devolution and Community Empowerment Act – April 2026

- Powers & functions for mayoral combined authorities (CAs), mayoral combined county authorities (CCAs) and GLA - ‘Housing and strategic planning’ area of competence

New planning powers

- Strategic DM - call in and determine planning applications of strategic importance
- Mayoral Community Infrastructure Levy – support/ mitigate effects of development
- Compulsory purchase orders, establishing Mayoral Development Corporations & extending powers to make Mayoral Development Orders

Local Growth Plan

- Statutory Requirement to produce a long-term 10-year strategic framework for growth
- “Guiding Star” strategic direction for other relevant plans and strategies, including SDS



SDS Readiness



Establishing an SDS Evidence Base



SDS Readiness Guide and Toolkit

The Readiness Guide and Toolkit has been prepared to help emerging Strategic Planning Authorities (SPAs) progress early work on their SDS by putting in some of the foundational building blocks ahead of new provisions in the Planning and Infrastructure Act (to be slotted into the Planning and Compulsory Purchase Act 2004) coming into force and the final version of the NPPF and national guidance being published. It is designed to support all SPAs but acknowledges that there will be differences in where SPAs are in preparing for the new powers in terms of resources and governance arrangements etc. **The Guide and Toolkit should be read in full initially given the inter-relationships between each of the themes and stepping-stones to delivery.** This will ensure an overall understanding of how these fit together and what is likely to be needed in terms of skills and resources, as well as any sequencing of activities. The Guide will be kept under review to reflect new legislation, policy and guidance.

SDS Toolkit

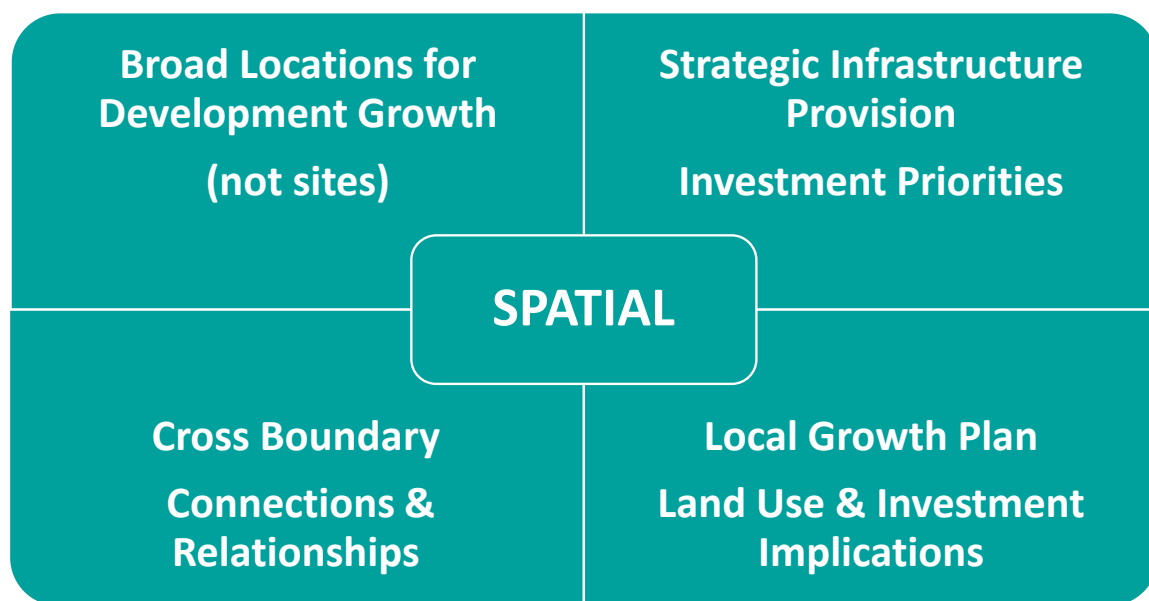
The Readiness Guide Themes

This Readiness Guide includes some headline actionable tips for getting started. These are intended to support the early work needed before further information is provided by government to take forward more detailed work to support development of the SDS. The key themes covered in the Readiness Guide are:

- ▼ A. Role Assessment
- ▼ B. Evidence and Data Audit
- ▼ C. Governance and working arrangements
- ▼ D. Engagement Strategy
- ▼ E. Digital & Innovation
- ▼ F. Skills and Resources
- ▼ G. Project Delivery Plan

Role - focus, interrelationships, added value

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SDS Evidence & Data

Principles

- ❖ Digitally based/enabled, data-led approach
- ❖ More proportionate/relevant evidence base
- ❖ Efficiencies/economies of scale with evidence production
- ❖ Collaborative – between SDS areas & with Local Plan production – both ‘at pace’
- ❖ Plan, Monitor, Manage – given timescales

Generating Evidence

- ❖ Use existing evidence - LGPs, LNRs, Infrastructure Plans, Local Plans etc
- ❖ Adapt ongoing work to provide the required spatial evidence
- ❖ Use existing data
- ❖ Minimise new commissions
- ❖ Work closely with Local Plan production – shared & 2-part studies

Further readiness themes

Engagement Strategy

Early/vision - innovative practice – narrative - avoid duplication & confusion - digital tools & visualisations – right stakeholders – members - comms plan

Governance & Working Arrangements

Depend on SPA type – set up early – roles & responsibilities – decision making & advisory – formal mechanisms – robust structures

Skills & Resources

Existing capacity – multidisciplinary – place-based/pooling – core team in house/external/hybrid – training & development – resourcing plan

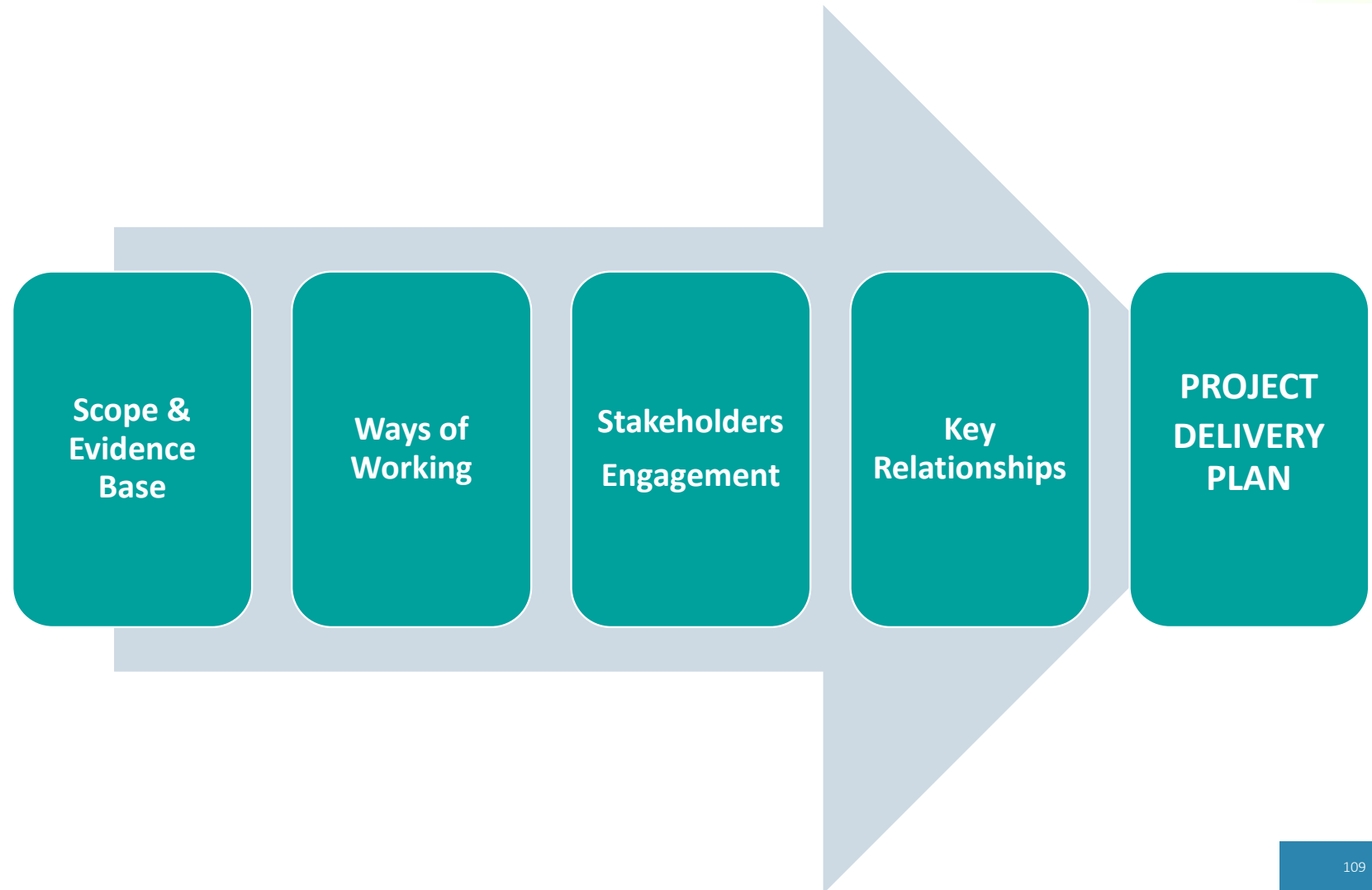
Digital & Innovation

Skills & capacity gaps – using tools – single source – national tools, DfT, NISTA ALIGN – sharing & licenses – place portraits – digital SDS production

Discovery/Scoping Stage

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Readiness -
getting the right
foundations in
place





Doing things differently



Vision/Ambition & Outcomes Led

What are we trying
to achieve?



Infrastructure & Investment Framework

Infrastructure

Clear Connection: growth locations + required infrastructure = strategic deliverability

Joined Up: sectors (e.g. transport, water, energy, health, blue & green) & across LA & SDS boundaries

Priorities: what's important, when & buy-in from providers/delivery agencies

Investment

Place: investment proposition - public/private/infrastructure

Tool: marketing and local/inward investment

Enabling: reposition planning as an enabler of growth

New and Existing Places

Helping to deliver benefits to new and existing communities

- Better health & reduced health inequalities
- Vibrant town centres
- Accessibility – homes, jobs, facilities, green spaces, nature
- Extended & improved transport routes/networks/facilities
- Climate resilience
- Urban regeneration & brownfield site use



SDS Benefits



Unprecedented Change, Unprecedented Opportunity

- Long term, 30 year+, vision-led, outcome focussed
 - Identify infrastructure investment priorities
- Coordination of development and infrastructure & across boundaries
- Alignment of different infrastructure investment streams (energy, water management, nature recovery, transport, utilities, local growth plans, health)
 - Optimal outcomes by planning across a wider geography



- ✓ Longer term clarity – locations & priorities
- ✓ Builds investor confidence/attract investment
- ✓ Maximises the benefits of public & private investment
 - ✓ Better support for business cases
- ✓ More sustainable development, transport led

Better Places for People

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Location Location Location

- Strategic development patterns
- Distribution of growth
- Land use & transport integration
- Cross boundary approaches

Create conditions & confidence to achieve.....



Spatial Development Strategies in practice – a readiness overview

Richard Wood

TCPA Summer Conference 2026: Strategic planning for inclusive growth





- **Adele Maher, Chief Planner, EMCCA**
- **Rob Webster, Associate Town Planner, Arup**
- **Craig Cameron, Land & Partnerships, Langcroft Group**
- **Richard Wood, Richard Wood Associates**



Close and Round Up