

Bird's Eye View

Catriona Riddell considers how the government's new draft legislation for expanding devolutionary powers will shape future planning in England



Catriona Riddell

New tools for strategic development

In July we finally saw the *English Devolution and Community Empowerment Bill* (EDCE Bill).¹ This will take forward plans for expanding devolution powers across England, first announced in the *English Devolution White Paper*.² From a planning perspective, most of the government's main reforms are being progressed through the *Planning and Infrastructure Bill* (PIB),³ the enactment of existing provisions of the 2023 *Levelling Up and Regeneration Act*,⁴ and changes to the *National Planning Policy Framework*. The EDCE Bill, however, is equally (if not more) important to how we plan in England in future.

The PIB reintroduces a two-tier statutory development plan, with all areas expected to have a new strategic-level plan – a spatial development strategy (SDS) – in place by the end of the first Parliament.⁵ It sets out the issues an SDS must address and the process for its preparation. Where strategic authorities (combined authorities or combined county authorities) exist, they will prepare the SDS for their area. The EDCE Bill gives more detail about how these will be delivered, and the role strategic authorities (SAs) will play in supporting this.

Greater powers for regional mayors

The level of powers and resources available to support delivery will depend on how far local authorities are willing to go on their devolution journey. Existing 'established' mayoral combined authorities, designated by the Secretary of State,⁶ will benefit from the full range of powers and funding available. Most of these reflect the powers already possessed by the Mayor of London, which include:

1. the ability to make decisions on planning applications considered to be of strategic importance. The scope of these powers, including the definition of 'strategic importance' will be set out in a Secretary of State order (Clause 31);
2. the ability to establish mayoral development orders (MDOs) without consent from the local planning authority (LPA) in advance of preparing and consulting on the MDO (Clause 32);
3. powers to charge Community Infrastructure Levy (CIL) in addition to the CIL charged by the LPA (Clause 33);
4. powers around land acquisition and housing delivery that are currently carried out by Homes England and LPAs (Clause 34); and



◀ Former Deputy Prime Minister Angela Rayner chairs a meeting with the regional mayors, alongside Ministers of State Matthew Pennycook and Jim McMahon in May 2025

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5. the expansion of existing mayoral development corporation powers, which are currently limited to securing regeneration, to cover development more widely, including for New Towns (Clause 36).

The above powers are all important but will need to be managed alongside some of the wider powers and duties that the strategic authorities will have, which are not planning responsibilities but will affect planning decisions. These include the preparation of a local growth plan (LGP) which sets out how the SA will implement the government's *Modern Industrial Strategy*.⁷ The SDS will have to provide the spatial articulation of the LGP, showing how the priority industrial sectors will be supported in terms of new development locations, including growth corridors, regeneration and infrastructure priorities. The SA will also be the sole local transport authority for their area and therefore take on responsibility for local transport plans (LTPs). Both the LGP and LTP for each area must align fully with the SDS, and vice versa.

Strategic authorities will be able to appoint commissioners to champion specific areas of competence or functions on behalf of the mayor, which could include a strategic planning commissioner. Mayors will have powers to bring together stakeholders to support specific functions. Although the intention behind this is to convene public sector stakeholders, if widened it could be critical in relation to planning, especially in relation to infrastructure delivery.

A focus on health and wellbeing

Finally, two duties will be placed on mayors which will affect the preparation and delivery of SDSs. First, they will have a 'duty to collaborate' with neighbouring mayors on matters that might improve the economic, social and environmental wellbeing of people in their area. Cross-boundary co-operation between mayoral areas is likely to be a key feature of the new strategic planning system, as lines on maps do not necessarily reflect functional geographies. Second, mayors will have a duty to improve health and reduce health inequalities, with a 'health in all policy areas' approach likely to be taken. This explicit duty will ensure that health continues to impact on how we plan for people through the SDS process.

The pace of devolution varies across England, and the established mayoral strategic authorities will have a head start on both preparing and delivering their SDS. However, the full range of delivery tools set out in the EDCE Bill is surely a prize that others will want to win as quickly as possible.

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Notes

- 1 *English Devolution and Community Empowerment Bill*. Ministry of Housing, Communities and Local Government (MHCLG) 21 Aug. 2025. <https://bills.parliament.uk/bills/4002>
- 2 *English Devolution White Paper*. MHCLG, 16 Dec. 2024. www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper
- 3 *Planning and Infrastructure Bill*. MHCLG, 28 Aug. 2025. <https://bills.parliament.uk/bills/3946>
- 4 See the *Levelling up and Regeneration Act 2023*. Department of Levelling Up, Housing and Communities. www.legislation.gov.uk/ukpga/2023/55/part/3
- 5 See C Riddell: 'Strategic Planning is Back', *Town & Country Planning*, 2025. Vol. 94, Mar. pp. 76-79
- 6 Clause 1 of the EDCE Bill sets out three levels of strategic authorities (SAs): foundation strategic authorities (FSAs) which include all non-mayoral combined authorities (CAs) or combined county authorities (CCAs); mayoral SAs (MSAs) which includes all those that are currently MSAs but not yet designated as 'established' by government; Established Mayoral SAs (EMSAs) which are existing MSAs that have been formally designated as 'established'. There are currently seven EMSAs (Greater London, Greater Manchester, Liverpool City Region, North East, South Yorkshire, West Midlands, West Yorkshire). For further information on the status of existing CA/CCAs, see *English devolution: Area factsheets*. MHCLG, 10 Jul. 2025. www.gov.uk/government/publications/english-devolution-area-factsheets/english-devolution-area-factsheets
- 7 *The UK's Modern Industrial Strategy 2025*. Department for Business and Trade, 23 Jun. 2025. www.gov.uk/government/collections/the-uks-modern-industrial-strategy-2025