

## Town Legal - Planning and Infrastructure Bill Summary

### Introduction

The Planning and Infrastructure Bill<sup>i</sup> was introduced on 11 March 2025. The Bill introduces potentially significant changes to the planning system. The Government’s introduction states that<sup>ii</sup> “*The Planning and Infrastructure Bill is central to the government’s plan to get Britain building again and deliver economic growth.*” The press release<sup>iii</sup> talks about “*creating the biggest building boom in a generation*” and “*unleashing seismic reforms*”.

The reforms in the Bill come in the context of other significant changes to the planning system introduced by the Government such as the national policy changes introduced in the December 2024 NPPF<sup>iv</sup> including (amongst many other things) the introduction of “grey belt”. Further consultation on policy change for “brownfield passports” has also been carried out<sup>v</sup>. Planning practice guidance on green belt and brownfield land proposals was published on 27th February with guidance on Local Nature Recovery Strategies also updated<sup>vi</sup>. Further PPG updates are expected on viability and flood risk.

Details of consultation on national development management policies (NDMPs) alongside a further updated NPPF are expected this year. The Government has also responded to the previous government’s consultation on the implementation of plan-making reforms including a 30-month timeframe for making local plans and greater digitisation<sup>vii</sup>.

The devolution programme is also already underway with six areas due to become mayor-led strategic authorities by May next year<sup>viii</sup>. The New Towns Taskforce has received over 100 responses following its call for sites and is due to report in the summer on a list of potential new towns<sup>ix</sup>. Actions for the reform of the statutory consultee system were set out in a written ministerial statement on 10 March<sup>x</sup>.

This note provides a brief overview of some of the key planning related provisions of the Bill (excluding those related to compulsory purchase and energy and transport infrastructure reform).

### Headlines

- 1. National policy statements review**– five yearly review of NPSs and removal of the need for parliamentary approval for some amendments
- 2. Disapplying requirement for development consent** - power for the Secretary of State to allow a development to be taken out of the Planning Act regime and consented under alternative consenting routes.
- 3. Development consent: consultation and acceptance** – streamlining consultation requirements and clarifying acceptance criteria with flexibility to amend an application for acceptance
- 4. Development consent: costs** - clarifies power for an Examining Authority to award costs
- 5. Legal challenges – Planning Act 2008** - reducing the number of permission attempts for JR claims held to be totally without merit.
- 6. Fees for Planning Applications**– local authorities to have power to set fees at cost-recovery levels and ringfence receipts for development management services.
- 7. Training for Planning Committee members**– training to specified by regulation and to be mandatory;
- 8. Delegation of planning decisions in England**- more decisions to be taken by officers in accordance with a national scheme of delegation (to be introduced by next year).
- 9. Spatial Development Strategies**– sub-regional strategic spatial development strategies to be put in place by combined authorities which will form part of the development plan. May specify infrastructure and distribution of housing but not allocate specific sites.
- 10. Nature recovery** – Strategic plans (EDPs) to be put in place by Natural England to address specified impacts on protected habitats and species. Plans are to be funded by a levy on development which will excuse developers from Habitat Regulations and protected species requirements.
- 11. Development Corporations**– increased flexibility in relation to the geographical area and type of land that each type of development corporation can operate; updated duties (sustainability and climate change); standardising list of infrastructure including heat networks; duty of cooperation on relevant transport authorities with ultimate power for SoS to transfer transport functions.

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<p><b>1. National policy statements review</b></p> <p>Part 1, Chapter 1, Cl. 1-2</p>	<p>Government departments responsible for updating NPSs</p> <p>Promoters of and investors in infrastructure</p> <p>Communities affected by infrastructure proposals</p>	<p>The Government has committed to updating the relevant NPSs by July 2025 so the impact will be in future years when updates are due.</p>	<p>These clauses will be commenced through regulations</p>	<p>The Government published a working paper in 2025 on streamlining consent for major infrastructure projects: <a href="#">Planning Reform Working Paper: Streamlining Infrastructure Planning - GOV.UK</a></p> <p>This included the objective of “<i>better, clearer and stronger NPSs to create a more certain system</i>”</p> <p>NPSs provide the policy framework for planning decisions on NSIPs. However, many had not been updated since the NSIP regime was introduced in 2011. Where there is no relevant NPS, or it is out of date, this adds delay and uncertainty to the consenting process.</p> <p>Current procedural requirements for amending an NPS are the same as for the preparation of a new NPS</p>	<p>The provisions in the Bill will require each NPS to be updated at least every 5 years to ensure that they are up to date and reflect wider government strategies (unless there are exceptional circumstances that make the delay unavoidable).</p> <p>The parliamentary procedure for making material policy amendments to NPSs is amended in respect of certain categories of amendments that reflect legislative changes, relevant court decisions, government policy or other documents referred to. In relation to such changes, the requirement for the SoS to respond to any resolutions made by either House of Parliament or any recommendations made by a committee is disapplied.</p>	<p>Up-to-date NPSs should help with certainty and decision taking.</p> <p>Bearing in mind that most NPSs have not been updated since 2011, and the Government has committed to updating all relevant NPSs by July 2025, the reforms will not have an immediate effect but will be useful if the five-year programme is adhered to in future.</p>

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<p><b>2.Disapplying requirement for development consent</b></p> <p>Part 1, Chapter 1, Cl. 3</p>	<p>Promoters of projects that fall within the Planning Act 2008 definition of a NSIP</p>	<p>Legislation is required to allow the direction to be made but promoters may want to consider potential alternative consenting routes in advance of the legislation coming into force.</p>	<p>The clause will be commenced through regulations.</p>	<p>Under the Planning Act 2008, any development that is or forms part of a nationally significant infrastructure project requires development consent. Following feedback from infrastructure stakeholders the intention is to allow the Secretary of State to give a direction on a case-by-case basis that an alternative consenting route could be used.</p>	<p>The application to the Secretary of State for the development to be considered under an alternative consenting route needs to be made by a person who proposes to carry out the relevant development or a person who has the power to make a local or Mayoral development order. The request needs to explain why it is considered appropriate for the alternative consenting regime to apply to the development.</p> <p>A direction can only be made if no application for development consent under the 2008 Act has been made (save for transitional provisions).</p>	<p>This flexibility will be welcome because at present, the choice of regime can be a factor in the capacity of energy projects in particular as many are restricted to 49MW so that they can be brought forward under the TCPA regime.</p> <p>Much will depend on how the power is exercised in practice.</p>
<p><b>3.Development consent: consultation and acceptance</b></p> <p>Part 1, Chapter 1,</p>	<p>Applicants for development consent</p>	<p>Legislation is required to amend the consultation and acceptance requirements.</p>	<p>Clauses 4 and 6 would come into force six months after Royal Assent and clause 5, two months after Royal Assent.</p> <p>Guidance will also need to be issued</p>	<p>One of the causes of delay in the NSIP) regime identified by the National Infrastructure Commission in its April 2023 report was repetitive and disproportionate consultations. A cause of this was uncertainty about meeting the statutory requirements which results in</p>	<p>The requirements for the consultation report submitted with the application are amended so that relevant responses and any changes made in light of these can be summarised.</p> <p>New duties are introduced for statutory consultees and local authorities to have regard to</p>	<p>These provisions and the proposed guidance should help applicants to carry out and submit more proportionate consultation exercises and reports.</p> <p>The ability to amend an application to allow for</p>

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Cl. 4-6			by the SoS concerning engagement with NSIPs by statutory consultees and local authorities.	“gold-plating” by developers during the pre-application stage.	<p>guidance in their engagement on a DCO application. (Cl. 4)</p> <p>The requirement to consult with “Category 3” persons (those who might be entitled to make a claim for compensation if a DCO is approved and implemented) during the pre-application stage is also removed. (Cl. 5)</p> <p>The test for the acceptance stage, is amended to the SoS being able to conclude that “it is suitable to proceed to examination” instead of “considered satisfactory” and criteria for the SoS to take into account are specified.</p> <p>The SoS will be able to notify the applicant that limited changes may be made to applications, additional information provided or clarifications/ corrections which would allow the application to meet the required standard for acceptance. A standard response period of 28 days is given (which may be extended by the SoS).</p>	acceptance will also provide helpful flexibility.

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<b>4. Development consent: costs</b>  Part 1, Chapter 1, Cl. 7	Applicants for development consent orders  Interested parties in relation to applications	No immediate impact expected.	The clause will come into force two months after the day on which Royal Assent.	The intention is to clarify and put beyond doubt that an Examining Authority can make an order for costs at any time after they have been appointed, including where an application has been withdrawn before commencement of the statutory six-month period for examining the application.	Sections 95(4) and 95(5) are repealed which referred to section 250 of the Local Government Act 1972 and replaced by a new section 96A which expressly provides for the Examining Authority to make orders about costs which can also be made a rule of the High Court to allow for enforcement.	This is helpful to clarify the position in respect of costs where an application is withdrawn before the examination period.
<b>5. Legal challenges – Planning Act 2008</b>  Part 1, Chapter 1, Cl. 8	Challengers to NPS and NSIP decisions	Legislation needs to be brought into force.	The clause will come into force two months after the day on which Royal Assent is given although the Civil Procedure Rules will also need to be amended with the date to be prescribed in regulations.	Lord Banner KC was appointed by the previous government to lead an independent review into the causes of legal challenges brought against the NSIP regime and to explore the scope and options for improving existing processes. The provisions in the Bill respond to some of the recommendations made.  <a href="#">Independent review into legal challenges against Nationally Significant Infrastructure Projects - GOV.UK</a>	For applications for permission to apply for judicial review against National Policy Statements and development consent decisions which are refused permission at the oral permission hearing in the High Court and are deemed to be “totally without merit”, the right of appeal to the Court of Appeal is removed. Provision is also made to amend the Civil Procedure Rules so that relevant applications for judicial review will be decided at an oral hearing and not on the papers.	Reducing the number of permission attempts for claims held to be “totally without merit” should provide greater certainty and reduce delays to infrastructure delivery where they are caused by judicial review claims without any real substance.  If the claim is not deemed “totally without merit”, it will still be possible to appeal to the Court of Appeal against the refusal of permission to bring the judicial review.

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<p><b>6. Fees for Planning Applications</b></p> <p>Part 2, Chapter 1, Cl. 44</p>	<p>Developers</p> <p>Local Authorities</p>	<p>There are already some increases to fees coming into force on 1<sup>st</sup> April 2025 see ref).</p> <p>However the measures in the bill will not be available until the relevant provisions are in force.</p> <p>The pending legislation may give LPAs more scope to invest in planning services in the meantime or they may wait until the ability to recover costs is in place.</p>	<p>Following Royal Assent, regulations will need to be made to authorise LPAs to set the level of fees and charges.</p>	<p>Currently, local planning authorities (LPAs) have no input into the level of planning fees charged to applicants, which are set nationally by the Secretary of State for Housing, Communities and Local Government. This means that they cannot easily account for local variations in cost of running development management services. There is also an estimated annual overall shortfall of £326 million for those services nationally, which undermines LPA planning service provision.</p>	<p>The Secretary of State will be able to further delegate the setting of fees or charges to LPAs, meaning that they can set fees at a level reflective of the costs for carrying out their planning and development regulation functions. The Bill will also ensure that the income received by LPAs from planning fees is spent on their planning and development management service. LPAs will be able to set fees up to, but not exceeding, cost recovery for planning applications for which a fee is payable, and cost recovery will cover the full expenses incurred by LPAs in processing and determining planning applications, including the costs of other technical specialists within the LPA that contribute to planning decisions.</p>	<p>This has been welcomed as ring fencing of the increased funds should allow LPAs to invest in their planning services which should lead to improvements for applicants.</p> <p>However, the bill does not set any requirements for service levels.</p> <p>It also does not cover wider planning services like plan-making or enforcement.</p>

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<p><b>7.Training for Planning Committee members</b></p> <p>Part 2, Chapter 1, Cl. 45</p>	<p>Local Planning Authorities</p> <p>Mayoral planning functions</p> <p>Planning Committee members</p>	<p>Training cannot be made mandatory until the relevant provisions are in force.</p> <p>However, the pending legislation may encourage LPAs to offer additional training to members in the meantime.</p>	<p>The clause comes into force two months following Royal Assent but regulations will then need to be made by the SoS.</p>	<p>The Bill proposes a number of reforms to the operation of planning committees intended to increase their efficiency, transparency and accountability, while also mandating formal training for committee members on the basis of the low level of formal training and correspondingly wide variety of expertise of planning committee members across the country.</p> <p>Further background is set out in the Government's <a href="#">Planning Reform Working Paper: Planning Committees</a> originally published on 9 December 2024 with a response date of 21 February.</p>	<p>The Bill provides for the Secretary of State to make regulations concerning the provision of training for planning committee members and persons exercising mayoral planning functions. LPA members will be prohibited from any involvement in planning decision-making without a certificate of completion for the newly introduced training regime, while the LPA must publish online which of their committee members hold valid certificates.</p>	<p>What this mandatory training requirement will require in practice remains to be seen: the Secretary of State may specify through regulations what content the course should include, who should deliver it, and the planning functions it should relate to. The hope is that the quality and consistency of decisions made by committees will be improved.</p>
<p><b>8.Delegation of planning decisions in England</b></p> <p>Part 2, Chapter 1,</p>	<p>Local Planning Authorities</p> <p>Planning committees</p> <p>Local residents</p> <p>Developers</p>	<p>The national scheme of delegation will not apply until the provisions have come into force and regulations have been made.</p>	<p>The provisions will come into force two months following Royal Assent.</p> <p>Regulations will need to be made by the SoS to give full effect to the provisions.</p>	<p>The national scheme of delegation is intended to ensure greater national consistency and certainty.</p> <p>Three options were considered by the Government in the working paper (or potentially a hybrid of the three):</p>	<p>The Bill will introduce a national scheme of delegation that will set out which planning functions should be delegated to planning officers for a decision, and which should be determined by a committee or subcommittee. Other powers to be introduced include a regulation-making power to issue statutory guidance</p>	<p>Delegation to officers where the principle has already been considered and approved by committee such as applications that comply with the development plan and reserved matters applications definitely has the potential to reduce delays and increase certainty for applicants.</p>

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Cl. 46			However, following consultation last year, the SoS has told local authorities that the Government will consult on a final proposed model in parallel with the Bill's passage so that the scheme can be in place next year <sup>xi</sup> .	<p>1. Delegation where an application complies with the development plan;</p> <p>2. Delegation as default with exceptions for departures from the development plan; and</p> <p>3. Delegation as default with a prescriptive list of exceptions</p> <p>Further background is set out in the Government's <a href="#">Planning Reform Working Paper: Planning Committees</a> (originally published on 9 December 2024)</p>	on the national scheme of delegation, as well as a power to limit the size of planning committees.	<p>However, as noted in the Working Paper, the question of whether a proposal complies with the development plan is not always straightforward and the Government had asked for views on how this could be defined.</p> <p>There is clearly a careful balance to be struck between improved certainty for applicants and the principle of local democracy for controversial schemes that may fall below any specific threshold that is introduced.</p>
<p><b>9. Spatial Development Strategies</b></p> <p>Part 2, Chapter 2, Cl. 47</p>	<p>Strategic Authorities</p> <p>Local Authorities</p> <p>Developers/ Promoters/ Landowners of major development proposals</p> <p>Local residents</p>	Non-statutory measures are already underway with the Devolution Priority Programme for authorities interested in establishing themselves as Mayoral Strategic Authorities and in respect of the unitisation of all	<p>The provisions allowing the Secretary of State to make regulations come into force two months following Royal Assent.</p> <p>The substantive provisions will need to be brought in to force by regulations.</p>	The Labour Party manifesto stated "Housing need in England cannot be met without planning for growth on a larger than local scale so we will introduce effective new mechanisms for cross-boundary strategic planning. Labour will require all Combined and Mayoral Authorities to strategically plan for housing growth in their areas. We will give Combined Authorities new planning powers along with new freedoms and	<p><b>Spatial Development Strategies (SDSs):</b></p> <p>Through the insertion of a clause into the Planning and Compulsory Purchase Act 2004, strategic planning authorities will be required to produce SDS, which will form part of the development plan which local planning authorities will be required to determine planning applications in accordance with, save cases where material</p>	<p>The Explanatory Notes state that the intention is that the SDSs will be kept at a strategic level including not being able to allocate specific sites.</p> <p>It will be important that this is the case in practice and that SDSs do not expand to include detailed policies which may overlap with local plans.</p> <p>There will be political sensitivities in relation to the apportionment of housing numbers between</p>



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		remaining two tier authorities.		<p>flexibilities to make better use of grant funding.”</p> <p>The provisions in the Bill add to the provisions already in place in the Planning and Compulsory Purchase Act 2004 and the Levelling Up and Regeneration Act 2023.</p> <p>Strategic Planning Authorities are defined as:</p> <ul style="list-style-type: none"> <li>-Strategic planning boards (i.e. two or more authorities – see summary for further details);</li> <li>-Combined Authorities;</li> <li>-Combined County Authorities;</li> <li>-Upper tier county councils (where no combined authority);</li> <li>-Unitary authorities (where no combined authority)</li> </ul> <p>Further background is in the Government’s <a href="#">English Devolution White Paper - GOV.UK</a> originally published on 16 December 2024</p>	<p>considerations indicate otherwise. Any local plans will also be required to conform with SDSs.</p> <p>SDSs must include a statement of the policies of the strategic planning authority in relation to the development and use of land in its areas, as well as a reasoned justification for those policies.</p> <p>Other proposed mandatory considerations for SDSs include that they must be designed to secure that the use and development of land in the strategy area, contribute to the mitigation of, and adaption to, climate change, and must also take account of any local nature recovery strategy that relates to the SDS area.</p> <p>Matters that a SDS may specify or describe include any infrastructure that the authority considers to be necessary or expedient for the purposes of supporting or facilitating development; mitigating or</p>	<p>constituent authorities. The Secretary of State’s powers to examine and, if minded to do so, alter draft and operative spatial development strategies are very broad. If the Secretary of State considers that a strategic planning authority is failing to do what is necessary or expedient at any stage in the spatial development strategy process, or if the strategy or a proposed alteration to it either is or might be inconsistent with current national policy or detrimental to the interests of another area, then the Secretary of State can take over the preparation of the strategy, or alter it. The Secretary of State can also give a direction to the strategic planning authority to modify or withdraw its draft or operative spatial development strategy, or make more specific directions about any of the various stages its preparation (from preparation to review or revocation).</p>

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					<p>adapting to, climate change, or promoting or improving the economic, social or environmental wellbeing of the strategy area.</p> <p>In addition, the SDS may describe or specify an amount or distribution of housing, or specific types of housing, that the strategic planning authority thinks is of strategic importance.</p> <p>The creation of a draft SDS will be subject to a strict timetable. There is a process for consultation and examination before adoption of a SDS.</p> <p><b>Strategic Planning Boards:</b></p> <p>The Bill provides for the Secretary of State to form Strategic Planning Boards where it is considered desirable for a spatial development strategy to relate to an area comprised of two or more authority areas, such as two or more combined authorities, combined county authorities, upper-tier county council areas</p>	<p>Though the Secretary of State's powers to intervene in, or assume responsibility altogether for, the development of a spatial development strategy are wide, it will be interesting to see how the political implications of interventions are managed.</p>

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					or unitary authorities. However, before forming a Strategic Planning Board, the Secretary of State is required to consult with the proposed constituent authorities as well as local authorities and those responsible for formulating spatial development strategies of adjacent areas.	
<p><b>10. Nature recovery</b></p> <p>Part 3 (Cl. 48 – 78)</p> <p>Explanatory notes paras 82-6</p>	<p>Developers/ Landowners in area with sites/species that Habitats Regs/WCA apply to</p> <p>Natural England</p> <p>Local Authorities</p> <p>Protected species and habitats</p>	<p>Strategic mitigation schemes for certain impacts/ areas are already being put in place.</p> <p>The provisions in the Bill will take time to be put in place but the pending legislation may give further encouragement to continue developing these strategic</p>	<p>Once the Bill receives Royal Assent, regulations will be needed to bring the provisions into force. Regulations will also need to set out details of the process for making EDPs and collecting the levy.</p> <p>Following this, Natural England will need to develop any EDPs involving technical work and</p>	<p>Issues such as nutrient neutrality and water stress have resulted in delays to development while strategic mitigation is secured.</p> <p>The Government consulted on a “Nature Restoration Fund” approach to address these issues in its 15 December 2024 <a href="#">Planning Reform Working Paper: Development and Nature Recovery - GOV.UK</a></p>	<p>The key points are that NE may put in place an “Environmental Delivery Plan” (EDP) to provide conservation measures to address specific environmental impacts of development on certain environmental features and may recover the costs through a levy.</p> <p>At the same time, sites covered by the EDP will be exempted from certain assessment, mitigation and licencing requirements under the Habitats Regs and Wildlife and Countryside Act.</p> <p>It is important to note that these EDPs may be mandatory and that NE is being given powers of</p>	<p>Landowners, developers, local authorities and groups with an interest in nature conservation should continue to engage with the government on the scope of this legislation and the regulations as they come forward.</p> <p>It will also be important to engage with the development of any strategic mitigation strategies that may become EDPs in future and the development of any EDPs once the provisions are in force in light of the potential for the levy to be mandatory and the</p>

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		approaches to mitigation.	consultation and then take the draft EDP through the formal process to being made. It could therefore be several years until the first EDPs are in place.		compulsory purchase in respect of these EDPs.	compulsory purchase powers for NE.
<b>11. Development Corporations</b>  Part 4  Cl. 79- 82	Development corporations  Authorities bringing forward new towns/ urban extensions/ regeneration  Transport Authorities  Landowners and developers in new town areas	No direct immediate impact but will be relevant to the delivery of any new towns/ urban extensions	These provisions will come into force on a day to be appointed by the Secretary of State.	Current legislation allows for five types of development corporation, all with different powers, remits and objectives, particularly around the provision of utilities, infrastructure and transport. New provisions in the Bill are intended to provide greater clarity and flexibility for development corporations in terms of the variety, extent and types of geographical areas that they operate in. Presently, infrastructure powers differ significantly between development corporation models. Section 205 of the Localism Act 2011 specifies a long list of types of infrastructure a Mayoral Development	The new bill standardises the list of infrastructure that can be provided by all development corporation types. In addition, heat infrastructure networks will now be listed alongside those other types of infrastructure that can be provided by development corporations.  New Town Development Corporations and Locally-led New Town Development Corporations will also be able to provide railways, light railways and trams.  The new bill also introduces a duty of cooperation on relevant transport authorities to have regard to, and cooperate with the	Widening the remit of development corporations so that they can deliver urban extensions as well as new towns and allowing both brownfield and greenfield sites to be included will be helpful for the delivery of the proposed new towns. Clarifying and expanding the list of infrastructure as is the duty to cooperate for transport authorities with the backstop of the transfer of transport powers giving teeth to this provision.

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				Corporation can provide that other types cannot.	development and implementation of, the plans of development corporations. If transport authorities fail to cooperate sufficiently, the Secretary of State will have the power to transfer transport powers from local transport authorities to development corporations (with the exception of Mayoral Development Corporations).	

<sup>i</sup> <https://bills.parliament.uk/bills/3946/publications>

<sup>ii</sup> [Guide to the Planning and Infrastructure Bill - GOV.UK](#)

<sup>iii</sup> <https://www.gov.uk/government/news/biggest-building-boom-in-a-generation-through-planning-reforms>

<sup>iv</sup> [National Planning Policy Framework - GOV.UK](#)

<sup>v</sup> <https://www.gov.uk/government/publications/planning-reform-working-paper-brownfield-passport>

<sup>vi</sup> [Green Belt - GOV.UK](#); [Effective use of land - GOV.UK](#); [Natural environment - GOV.UK](#)

<sup>vii</sup> [Written statements - Written questions, answers and statements - UK Parliament](#)

<sup>viii</sup> [Devolution revolution: six areas to elect Mayors for first time - GOV.UK](#)

<sup>ix</sup> <https://www.gov.uk/government/publications/building-new-towns-for-the-future>

<sup>x</sup> <https://questions-statements.parliament.uk/written-statements/detail/2025-03-10/hcws510>

<sup>xi</sup> [Letter from the Deputy Prime Minister to local authorities: Introduction of the Planning and Infrastructure Bill - GOV.UK](#)