

# Planning Bulletin Supplemental

- This is a supplemental to the Historic England monthly Planning Bulletin, raising awareness of significant items outside the publication cycle.
- This edition (May 2026) covers the English Devolution and Community Empowerment Act 2026.

## English Devolution and Community Empowerment Act 2026

- The [English Devolution and Community Empowerment Act 2026](#) ('the Act') received Royal Assent on 29 April.
- The Act covers **three key areas** – devolution, local government, and local communities, which are explored in more detail below.
- The provisions in the Act will come into force at different times, and some may not yet be in force. The below is intended to provide an overview of contents of the Act.

### Devolution

- The Act provides for a **standardised devolution framework** for England focused on 'Strategic Authorities' (e.g. combined and mayoral combined authorities).
- **Mayoral Combined Authorities** have the power to act in a range of areas ('competencies') such as **housing, planning and culture** and must also produce **Local Growth Plans** and **Spatial Development Strategies**.
  - **Local Growth Plans** (not part of the development framework) **outline the long-term vision for an area's economic growth** focused on a set of 'shared priorities' agreed with central government, including, for example, **placemaking**.<sup>1</sup>
  - **Spatial Development Strategies** (part of the development framework) set the area's **spatial framework** including, for example, outlining the **regional distribution and scale of housing and infrastructure**.<sup>2</sup>
- The Secretary of State can make regulations to '**prescribe the desirability of prioritising development on land that has been previously developed**' (i.e. brownfield land), as part of Spatial Development Strategies.
- Mayoral combined authorities have also been given **planning powers** to:
  - **Acquire land** for housing or regeneration **via compulsory purchase**.

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<sup>1</sup> [Existing lists of 'Shared Priorities' between Mayoral Combined Authorities and Government](#) can be viewed online.

<sup>2</sup> Provision for Spatial Development Strategies was made in the [Planning and Infrastructure Act 2025](#)

- Establish a **Mayoral Community Infrastructure Levy**.
  - Establish **Mayoral Development Corporations and Orders**,
  - **Call-in applications** of potential strategic importance.
- In exercising planning powers, including setting Spatial Development Strategies, these authorities **must have regard to the conservation of heritage**.

## Local Government

- The Act makes several key changes to the **structure of local government**, the principal of which is giving the Secretary of State the power to **mandate unitarisation** - by which **two-tier authority areas** (i.e. where functions are split between district and county) **merge into single tier unitary authorities**. In practice, this has been ongoing since authorities were invited to submit proposals for unitarisation in 2025.
- The Act also requires all local authorities in England to establish ‘effective **neighbourhood governance**’, the details of which will follow in regulations.
- Further Information: MHCLG maintains an [online collection in which it publishes policy and programme updates on local government reorganisation](#).

## Local Communities

- The Act makes several changes to **Assets of Community Value (ACV)** by which land or buildings could be added to an ACV Register where it was determined to be **in a use furthering the social wellbeing or interests of the local community**.
- Central to this is changing the **community right to bid** for an asset, whereby a moratorium of sale was placed on an asset on the register to enable a community to prepare a bid for purchase, to a **community right to buy**, giving those groups **first refusal when an ACV is to be sold** with the price either agreed between the group and owner or via an independent valuer.
- This is supported by several associated measures including **lengthening the moratorium on sale from six to twelve months**, **lengthening the time assets stay on ACV registers from five to ten years** as well as **expanding the ACV definition** in the following areas:
  - Enabling assets which further the ‘*economic* or social wellbeing and interests’ of a community to be considered, as opposed to solely social.
  - Where previously an asset had to be currently, or recently, in a qualifying use, the Act enables consideration of assets which **were in qualifying uses at some point in the past** and could do so again, **even if not in the same way**.
  - Introducing an **appeals process** for communities to challenge where assets **were not added to the ACV register**.

- The Act also introduces the new category of 'Sporting Assets of Community Value', which **stay on registers indefinitely**. These assets, and supporting land, are added automatically if the relevant authority **considers they meet the definition of a 'sports ground'** in the Safety of Sports Grounds Act 1975.

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