

TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP**24 JUNE 2008****STRATEGIC DEVELOPMENT PLANNING AUTHORITY****REPORT BY DIRECTOR**

This report updates the Partnership on developments in the establishment of a Strategic Development Planning Authority (SDPA) covering the Angus, Dundee City, Perth & Kinross and Fife Council areas; seeks the Partnership's endorsement of a response to consultation on the SDPA boundary; and seeks approval of proposed liaison arrangements between TACTRAN and the new SDPA.

1 RECOMMENDATIONS**1.1 That the Partnership :-**

- (i) endorses the response submitted by the Director to consultation by the interim SDPA on Development Plan boundaries, as set out in Appendix B;
- (ii) agrees to request the SDPA to co-opt the Director as an Adviser to the new Authority;
- (iii) agrees to invite the Strategic Development Plan Manager to be an Adviser to the Partnership;
- (iv) authorises the Director to progress discussions with Council officials on the potential for joint working relationships and arrangements with the SDPA; and
- (v) otherwise notes progress on the establishment of the SDPA and agrees to receive further progress updates, as appropriate.

2 BACKGROUND

- 2.1 At its meeting on 23 October 2007 the Partnership approved a response to consultation on the establishment of Strategic Development Planning Authorities covering the 4 "City Regions" around Dundee, Aberdeen, Edinburgh and Glasgow (Report RTP/07/34 refers).
- 2.2 The Scottish Government published its Statutory Guidance on Strategic Development Planning Authorities in April 2008. A copy of the Guidance, which sets out the policy context for establishing SDPAs; the governance arrangements for SDPA Joint Committees; arrangements for agreement of Plan boundaries; and other resourcing and operational matters, is included at Appendix A for information.
- 2.3 The Guidance highlights the important regional relationship between spatial planning and transport (para. 4 refers); identifies the scope for SDPAs co-opting expertise from other key agencies and interests, including specifically

RTPs (para. 13 refers); and comments on the potential for close operational relationships between SDP teams and other region-wide functions such as transport (para. 17 refers).

3 DISCUSSION

Strategic Development Plan Boundary

- 3.1 Arrangements for establishing the SDPA are being progressed by an Interim Joint Committee, consisting of Members of the four constituent Councils – Angus, Dundee City; Perth & Kinross and Fife – supported by their Planning officials. The Interim Committee has also appointed consultants to advise on various aspects of establishing the new Authority.
- 3.2 A letter seeking comments on the boundaries for the Strategic Development Plan area was received on 27 May 2008, seeking comments by 30 May 2008. The very tight deadline for response precluded prior consultation with Partnership members. The Director submitted the response attached at Appendix B, in consultation with the Chair. This response reflects comments on the geographic coverage of the SDPA as included within the Partnership's earlier consultation response.
- 3.3 The Partnership is asked to endorse the response at Appendix B. This highlights the desirability of the new SDP boundary including all of the Angus, Dundee City and Perth & Kinross Council areas, in the interests of maximising consistency of strategic transportation and land-use planning geography. It is understood that the 3 TACTRAN constituent Councils have agreed to recommend that all of their areas, excluding those parts which are covered by the National Parks and therefore fall outwith the new SDPAs, are incorporated. It is recommended that the Partnership welcomes this position.
- 3.4 It is understood that Fife Council is to consider a proposal recommending that the area covered by the North East Fife Structure Plan is included in the "Dundee City Region" SDPA at a meeting on 17 June. Any Further developments will be reported orally.

RTP/SDPA Strategic Liaison.

- 3.5 In responding to the previous consultation, the Partnership had recommended that a statutory duty be placed on the new SDPAs and RTPs to work jointly in the interests of ensuring effective integration of land use and transport planning. Whilst the statutory Guidance stops short of placing a duty to cooperate on SDPAs and RTPs, the benefits of this approach are highlighted in paragraph 3 of the Guidance.
- 3.6 As suggested in the Partnership's earlier consultation response, an effective means of achieving close strategic liaison would be through the co-option of the RTP Director onto the SDP Committee as an adviser on strategic transport relationships, with similar co-option of the SDP Manager, when appointed, as an adviser to TACTRAN. It will be noted that the SDPA covers not only a significant part of the TACTRAN area, but also includes part of the SEStran area in Fife. Discussions are to take place with SDPA advisers and SEStran on how to most effectively ensure that all RTP liaison interests are covered.

Operational Liaison

- 3.7 In its previous response the Partnership had also highlighted the opportunities which could exist through co-location of SDPA teams with RTP staff. In addition to assisting liaison on strategic planning issues, there are further potential synergies and efficiencies through the shared use of premises, administrative systems, support staffing and other resources.
- 3.8 The Guidance requires that each SDPA appoints an SDP Manager and a dedicated team to support the Joint Committee. It is understood that the SDPA proposes to appoint a small core team of 4 – 5 consisting of the SDP Manager and support staff.
- 3.9 The Director has been approached by the SDPA Officer Working Group and their consultant, to establish whether any opportunity exists to co-locate within the TACTRAN office. The Director has advised that, subject to detailed discussion and agreement on staffing and operational issues, it would be possible to co-locate a small team within the Partnership's offices at Bordeaux House, Perth. It is considered that opportunities exist to share administrative staff and support, IT and other office systems and, potentially, other professional support staff resources.
- 3.10 The decision on location of the SDPAs support staff is clearly a matter for the new Authority to determine, having regard to its own operational needs and requirements. In the interest of maximising cooperation between TACTRAN and the SDPA, it is recommended that the Director is authorised to progress discussion with SDPA advisers on the potential for operational co-location with TACTRAN, should the SDPA wish to avail itself of this opportunity.

4 CONSULTATIONS

- 4.1 The report has been prepared in consultation with the Chief Officers Liaison Group. The response which forms Appendix B was submitted in consultation with the Chair.

5 RESOURCE IMPLICATIONS

- 5.1 This report has no direct resource implications. Opportunities may exist to effect operational and financial efficiencies through development of close operational relationships with the SDPA and its support team.

Eric Guthrie
Director

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NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report: -

Report to Partnership Board on 23 October 2007 : Consultation on Strategic Development Planning Authorities - Designation Orders and Statutory Guidance (RTP/07/34)

Planning Circular 2/08 : Statutory Guidance on Strategic Development Planning Authorities

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STATUTORY GUIDANCE ON STRATEGIC DEVELOPMENT PLANNING AUTHORITIES

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Existing National Planning Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

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The National Planning Framework sets out the strategy for Scotland's long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programme of The Scottish Government, public agencies and local government.

Important Note: In the interests of brevity and conciseness, SPPs do NOT repeat policy across thematic boundaries. Each SPP takes as read the general policy in SPP 1 and highlights the other SPPs where links to other related policy will be found. The whole series of SPPs should be taken as an integral policy suite and read together.

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INTRODUCTION

1. The Planning etc. (Scotland) Act 2006 provides for the removal of structure plans and the creation of strategic development plans (SDPs). The Act gives Scottish Ministers powers to designate Strategic Development Planning Authorities (SDPAs), which are groups of planning authorities working together to prepare these plans.
2. This circular constitutes guidance, issued under Section 4(7) of the 2006 Act, setting out how planning authorities should work together to prepare strategic development plans. It is intended to sit alongside the forthcoming development planning regulations and accompanying circular, which will set out the process for preparing a SDP and requirements as to their form and content, and also further non-statutory advice. Once published, these documents will be available to view on the Scottish Government's Planning Homepage at <http://www.scotland.gov.uk/Planning>.

POLICY CONTEXT

3. The White Paper *Modernising the Planning System*, published in June 2005, signalled Ministers' intentions to introduce the strategic development plans and local development plans that are now provided for in the Planning Act. The White Paper proposed that while local development plans would cover the whole of Scotland, strategic development plans would only cover the four largest city regions around Aberdeen, Dundee, Edinburgh and Glasgow.

DESIGNATION ORDERS

4. The designation orders set out the groups of authorities that comprise each strategic development planning authority. SDPAs provide a vital forum for planning authorities to jointly establish a common approach to matters that extend beyond an individual authority's boundaries. Housing markets, travel to work areas and access to services all operate on a large geographical basis, particularly around the main city regions. The groups of planning authorities for each SDPA are therefore intended to reflect the geographic realities on the ground.



5. The laying of the final designation orders in Parliament in spring 2008 is intended to give the new SDPAs time to put in place effective administrative arrangements and carry out preparatory work to identify proposed plan boundaries before the SDPA designation orders come into force later in 2008. More guidance on drawing plan boundaries is available in paragraphs 19-23 below.

STRATEGIC DEVELOPMENT PLANS

6. Strategic development plans will be prepared by SDPAs and approved by Scottish Ministers. They will set out a clear vision and spatial strategy for their area. Critically they will focus on the key land use and development matters that cross planning authority boundaries and as a result we expect them to be shorter, more strategic and easier to use than structure plans. While they will continue to form part of the statutory development plan, they will not need to contain a long list of policies or seek to form a detailed handbook for development management. Local development plans sitting below will provide further detail on the issues specific to the local authority area, in line with the overall strategy in the SDP.
7. Further discussion on the form and content of SDPs will be contained in the relevant secondary legislation and advice.

GOVERNANCE

8. The principal role of SDPAs is to prepare strategic development plans. Scottish Ministers want SDPs to be prepared and reviewed on at least a 5-yearly basis, so that plans can effectively lead and manage change. The Act therefore requires that proposed SDPs will be submitted to Ministers for approval within 4 years of the date of approval of the last plan. The achievement of this timetable will require strong political leadership and rigorous project management.
9. Strategic development planning authorities should form a joint committee of members representing the constituent planning authorities. This should be serviced by a small dedicated team of officers.

JOINT COMMITTEES

10. The preparation of up-to-date, relevant and achievable SDPs will require councillors to think beyond the boundaries of their own local authority and consider the best strategy for the whole city region.
11. Membership of the joint committee should be on an equal basis, with the same number of councillors from each authority. To ensure that meetings are manageable, it is recommended that 2 councillors from each authority are represented on the SDPA. It may, however, be possible for a greater number from each authority, for example, where the SDPA is made up of a small number of planning authorities e.g. the Aberdeen city region. In all cases, however, each constituent authority should have equal representation.
12. Nomination by local authorities of councillor members to sit on the joint committee is entirely a matter for the respective councils, as is the appointment of a Chair who will have a key role in managing the business of the joint committee and ensuring decisions are made.
13. There may also be scope for the joint committee to co-opt additional non-voting members to represent other interests or provide specialist expertise. For instance, it could be appropriate to co-opt a representative from the relevant regional transport partnership or other key agencies. Such an approach could help ensure that SDPs are properly integrated with other strategies, and that other policy makers properly buy-in to the SDP strategy.
14. The Government envisages that major decisions, for instance about the content of the SDP, will be ratified by the individual planning authorities. But authorities may conclude that delegating some more routine decisions, such as responding to consultations, to the joint committee may assist in the speed and efficiency of decision-making. The level of delegated authority the joint committee has, to make decisions or authorise spending, will be for the individual authorities to decide.
15. It is expected that most decisions will be reached by consensus. However, on occasions where authorities cannot agree on the content of the proposed plan to be submitted to Scottish Ministers, the Planning Act allows one or more of the constituent authorities to set out alternative proposals, along with their reasons for those alternatives.



DEDICATED TEAMS

16. Strategic planning is a continuous process that requires a dedicated team of professional and support staff to manage effectively. Each SDPA joint committee should therefore be supported by a dedicated team of officials, whose responsibility is to service the joint committee and carry out the work to prepare and review the strategic development plan. It is the view of Scottish Ministers that dedicated teams represent the most effective way to deliver an effective plan for the city region. This ensures that no individual council has greater or lesser influence over the shape of the strategic development plan and that it truly reflects the best strategy for the area as a whole. A dedicated team also allows for the appointment of specialists, e.g. statisticians, that might not be viable for an individual authority.
17. SDPA teams are likely to be small in size, drawing in expertise from constituent authorities and beyond. A flexible approach may be adopted, allowing the team to expand and contract depending on the stage of plan preparation and the pressures being faced. A neutral location, separate from any of the individual councils' offices, would help to emphasise the city-region role of the team as would co-location with other city region wide functions, for example, transport. While planning authorities may also find it helpful for the SDPA team to take on broader responsibilities for research, analysis or other shared services to deliver economies of scale for the constituent authorities, that is entirely a matter for the authorities.
18. Where Ministers are concerned that effective arrangements are not being established, they may use their powers under to S.4(3) of the Act to direct that an employee of one of the constituent authorities be assigned to manage the process of preparing and reviewing the plan and that other employees be assigned to assist in that process. This is not about Ministers identifying a specific individual or post to take on the role of the SDP manager, but rather to identify one of the authorities as the employing authority, and tasking that authority with the job of identifying a manager. Neither that manager, nor the supporting officers, would require to be currently employed by that authority. Although these powers are available, Ministers expect arrangements to be established by consensus between the authorities.

PLAN BOUNDARIES

19. On commencement of the designation orders, the first role of the newly-designated SDPAs will be to agree boundaries for the strategic development plan areas. The Act requires each SDPA to submit a proposed boundary to Ministers within 3 months of designation as an SDPA.
20. Authorities should adopt a transparent approach to determining the most appropriate boundary, involving engagement with relevant interests. We expect agreement to be reached between the authorities on the proposed boundary but, where there are concerns, any of the constituent authorities may submit an alternative proposal to Ministers. Ministers will then confirm the final boundary. Powers to amend the submitted boundary or propose a different boundary should only be necessary in exceptional circumstances, particularly where there is no consensus amongst the authorities, and we will engage with authorities before designation to work towards an agreed position. Where Ministers determine that the proposed boundary should be amended or different, Ministers are required to give their reasons for their decision on the final boundary.
21. Given that the SDPs form part of the statutory development plan under Section 25 of the Act, it is important for the purposes of development management that it is clear where the SDP does and does not apply. Therefore, a clear and precise boundary is essential.
22. As discussed above, SDPs will deal with genuinely strategic cross-boundary issues and the proposed boundary should be drawn to allow the SDPA to effectively address such issues. This suggests that boundaries that are widely drawn will be more practical than those that are tightly set around the city. In addition, the perceived absence of cross-boundary issues in one part of the area does not necessarily mean that the boundary should be drawn to exclude that part – the content of the plan relating to each part of the plan area will be proportionate to the issues being addressed. A SDP boundary that matches up with local authority boundaries is likely to be the simplest solution, still allowing for the focus of the plan content to be on the issues and areas with the greatest cross-boundary implications. The exception will be national parks, which we expect to be excluded from SDP areas. Wherever the boundary is drawn, SDPAs and planning authorities adjacent to SDP areas will continue to work together on common issues of concern, taking particular care to address the needs of areas just outside the agreed plan boundary.



23. Section 4(6) of the Planning Act prevents more than one SDP being prepared for the same SDP area. Therefore, in areas where an authority forms part of more than one strategic development planning authority, neighbouring strategic development plans should not overlap. This avoids potential conflicts between two plans for the same area, prepared by different SDPAs.

RESOURCES

24. As with membership, the ethos of equal contributions from each constituent authority will also apply to financial support for the SDPA. For the purposes of employment law and financial accountability, one local authority within the SDPA should act as the employing authority with financial contributions from all constituent authorities being channelled through that authority.
25. The duty to prepare strategic development plans replaces an existing requirement to prepare structure plans and therefore is not a wholly new function. We therefore anticipate a redistribution of resources rather than a requirement for significant additional spending. However the Scottish Government has identified some additional resources to assist SDPAs with start-up costs, further details of which are being made available separately.

CONCLUSIONS

26. The preparation of up-to-date, relevant development plans is a cornerstone of the modernisation of the planning system and strategic development plans will lead the way in shaping the future growth of our largest city regions. The establishment of effective joint working arrangements is critical to the delivery of the new strategic development plans. This statutory guidance covers the overarching principles for SDPA governance and funding.

FURTHER COPIES AND ENQUIRIES

27. Any enquiries about this Circular should be addressed to Stephen Hall, Directorate for the Built Environment, Area 2-H, Victoria Quay, Edinburgh EH6 6QQ telephone (0131) 244 0626. Further copies of the Circular may be obtained by telephoning (0131) 244 7543 or from the Scottish Government website at: www.scotland.gov.uk/planning.

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30th May 2008

Dear Mr Jack,

DUNDEE STRATEGIC DEVELOPMENT PLAN BOUNDARIES

Thank you for your letter dated 23 May 2008 seeking views on the boundary for the Strategic Development Plan area comprising Angus, Dundee City, Fife and Perth & Kinross Councils. As this only arrived on 27 May it has not been possible to consult with Partnership members prior to submitting a response by your 30 May deadline for comment.

As you are aware the Tayside and Central Scotland Transport Partnership responded to the Scottish Government's previous consultation on SDPA Designation Orders and Statutory Guidance in October 2007, which had also sought comment on the membership of and boundaries for Strategic Development Planning Authorities. In responding to that consultation TACTRAN fully supported the proposed grouping of Angus, Dundee City, Perth & Kinross and part of Fife within the same SDPA. On the issue of plan boundaries the Partnership responded as follows:-

"In the interests of maximising consistency of strategic transport and land-use planning geography, it is desirable that the SDPA area should include the whole of Angus (excluding the CNP area), Dundee City and Perth & Kinross (excluding the Loch Lomond and Trossachs National Park area). However it is acknowledged that there may be Development Management, Economic Development or other strategic planning interests and considerations which support different boundary arrangements, reinforcing the need for RTPs to be granted "key agency" status in contributing to these decisions"

"There are significant travel to work, access to regional Health, Education and other catchment relationships, which support north Fife being included in the same SDPA area as Dundee City and Perth & Kinross."

I have enclosed a copy of TACTRAN's full response to the previous SDPA consultation for information.

Clearly the recent announcement that the Cairngorms National Park area will be extended to include part of Highland Perth & Kinross will result in the eventually confirmed National Park extension falling outwith the SDP area.

As indicated above and in the enclosure, TACTRAN has previously expressed the view that RTPs should be able to contribute to decisions on agreeing planned boundaries. I anticipate that the Partnership would welcome the opportunity to formally consider and comment on the detail of emerging boundary options and proposals, as these are developed by the SDPA, in addition to responding to this more "open" form of consultation. I understand that SDPAs are required to submit proposed boundaries to Ministers by mid to late-September 2008. It would be helpful if emerging proposals on the SDPA boundary could be reported for consideration and formal comment by the full Regional Transport Partnership. The Partnership next meets on 24 June and then on 24 September, although I appreciate that the latter date may be too late, in terms of commenting by the anticipated deadline for submission of boundary proposals to Ministers.

Other RTP/SDPA Interface Issues

In responding to the previous consultation on SDPA Designation Orders and Statutory Guidance, TACTRAN also commented on the need for close cooperation between SDPA's and RTP's, in the interests of ensuring effective and improved integration of strategic transportation and land-use policy/planning. This included the suggestion that SDPA Joint Committees should provide for the specific involvement of RTP Lead Officers as Advisors on the Joint Committees, with a similar role for SDP Managers on RTP Boards. Paragraph 13 of Planning Circular 2 2008 makes specific reference to the appropriateness of co-opting a representative from the relevant RTP as a "key agency", to provide specialist expertise/advice to the Joint Committee, and I trust that this is something we will be able to pursue positively in the "Dundee City Region" area.

In addition TACTRAN also highlighted the opportunity which exists to co-locate dedicated SDP teams and RTP teams, offering the potential for close cooperation and efficient joint working at both a strategic and operational level. This is also highlighted in paragraph 17 of Planning Circular 2 2008.

Further discussions/consultation on these and other relevant aspects of establishing the SDPA would be welcomed.

As indicated above, the next meeting of the TACTRAN Board is on 24 June 2008 and the opportunity exists then to seek formal views of the Partnership on the SDP boundary, and any other emerging issues relating to the establishment of the SDPA.

I am copying this response to the Chair of TACTRAN, Directors within the relevant TACTRAN authorities, and also to the Head of Transportation Services at Fife Council for information/awareness.

Yours sincerely,



Eric Guthrie
Director

cc Eric Lowson, Director of Infrastructure Services, Angus Council
Jim Valentine, Depute Director (Environment), Perth & Kinross Council
Bob McLellan, Head of Transportation Services, Fife Council
Councillor Fraser Macpherson, Chair of TACTRAN