

**REPORT TO: DUNDEE, PERTH, ANGUS AND NORTH FIFE
STRATEGIC DEVELOPMENT PLANNING AUTHORITY
JOINT COMMITTEE MEETING ON 2nd OCTOBER 2012**

**REPORT ON: REVIEW OF STRATEGIC DEVELOPMENT PLAN PROJECT
PLAN**

**REPORT BY: PAMELA EWEN, STRATEGIC DEVELOPMENT PLANNING
AUTHORITY MANAGER**

REPORT NO: SDPA09-2012

1 PURPOSE OF REPORT

- 1.1 This report provides an update on the approved current Strategic Development Plan and sets out a project plan for the review of the Plan and preparation of the next Strategic Development Plan for submission to Scottish Ministers by June 2016.

2 SUMMARY

- 2.1 The Strategic Development Plan was approved with modifications by Scottish Ministers in June 2012 and subsequently published. Since then an appeal has been lodged against the Ministers decision. Legislation dictates that the Plan is reviewed on a cyclical approach. The next Proposed Plan requires to be submitted to Ministers by 8th June 2016. This report sets out a Project Plan for the delivery of the reviewed Plan within these timescales.

3 RECOMMENDATION

- 3.1 It is recommended that The Joint Committee:
- a) Approve the Project Plan, as set out in Appendix 1, as the basis of the Strategic Development Plan timescales; and,
 - b) Agree to the Perth & Kinross Council acting as the responsible authority for SEA, in respect of the Environmental Assessment (Scotland) Act 2005 and Regulations made thereunder.

4 FINANCIAL IMPLICATIONS

- 4.1 The financial implications of delivering the Plan over the current budget year are set out in report SDPA11-2012: Budget Update on this agenda. The SEA, as proposed, is proposed to be resourced through existing staff resource internal to TAYplan and the constituent Authorities, with Perth & Kinross Council having a lead role. It is likely that a temporary staff member of staff will be required over the peak period of work, which was the resource approach taken in delivering the SEA of the first Plan. This would be met within the TAYplan revenue budget.

5 APPROVED STRATEGIC DEVELOPMENT PLAN UPDATE

- 5.1 The Strategic Development Plan was approved by Scottish Ministers on 8th June 2012 and subsequently published on 18th June 2012. The detail of approval was reported to the Joint Committee at its last meeting on 26th June 2012 (Report SDPA05-2012: TAYplan Strategic Development Plan Approval). Perth & Kinross Council, as the Responsible Authority, requires to prepare a Strategic Environmental Appraisal (SEA) post-adoption statement, publish and submit to the SEA Gateway. This is currently being drafted and will be submitted to the SEA Gateway and published over the next few months.
- 5.2 Following publication of the approved Plan a period of 6 weeks is provided for any person aggrieved by the Scottish Ministers' decision to apply to the Court of Session, whereby the Court may quash the plan (in whole or in part) if it is satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act. An appeal to the Court of Session has been lodged by Ms Penny Uprichard against the Scottish Ministers. Delegated Authority to proceed the necessary legal actions by the TAYplan Manager was approved through the Chair and Vice Chair. Ms Uprichard made a motion to sist the appeal pending the outcome of her legal challenge against the Scottish Ministers in relation to the Fife Structure Plan. TAYplan did not oppose this motion. The Supreme Court case will be heard in early March 2013 at which point members of the Joint Committee will be kept informed of that decision. TAYplan Strategic Development Plan continues to form part of the Development Plan for the area and has superseded the 3 previous Structure Plans.

6 REVIEWING THE STRATEGIC DEVELOPMENT PLAN: PROJECT PLAN

- 6.1 The Project Plan (Appendix One) sets out the proposed timescales of each main element to the submission of the Proposed Plan to Scottish Ministers by June 2016. The proposed timescales are deliverable, albeit again very challenging. Section 10(8) of the 1997 Act requires TAYplan to submit to Scottish Ministers within 4 years of approval of the current Plan; by 8th June 2016. Circular 1/2009: 'Development Planning' sets out an expectation that Local Development Plans should be adopted within 2 years of the approval of the Strategic Development Plan. Given these timeframes the Project Plan (Appendix One) provides the best opportunity for the first round of Local Development Plans to be reviewed within these timescales, i.e. adoption by June 2018. Furthermore, the Scottish Government are commencing the preparation of National Planning Framework 3 and initial discussions suggest the Main Issues Report to inform the framework may be published Spring 2013. This will inform the TAYplan Main Issues Report.
- 6.2 A key focus throughout the preparation of the Plan and its associated documents will be to keep the scope of the work proportionate and on cross boundary strategic land use issues. In doing so, the research and information informing the Plan and its process requires to be robust and credible. The Main Issues Report is the key stage of consultation and comments received will be taken into account in preparing the Proposed Plan. Detailed consideration has still be to given as to whether any Supplementary Guidance on strategic issues should be prepared.

- 6.3 The Scottish Government's Circular 1/2009 'Development Planning' sets out the normal process for a Strategic Development Plan and typical timings (page 31, figure 1 thereof). The suggested timings commence from the publication of the Main Issues Report through to publication of the Proposed Plan, Action Programme and other related documents. Table 1 below sets out the key stages of the Strategic Development Plan process and compares the typical timings suggested in Circular 1/2009 to the TAYplan Project Plan as appended. The Strategic Environmental Assessment process is integrated with the preparation of the Main Issues Report and overall process.
- 6.4 Table 1 demonstrates the commitment to delivering the Strategic Development Plan within the Scottish Governments anticipated timescales. This is important to ensure that related projects, e.g. Local Development Plans and Local Housing Strategies are not delayed as a direct consequence. At key stages the 4 Councils require to ratify the Joint Committee's decisions. The Project Plan sets out a period for 4-6 weeks for ratification and it will be important that these timescales are met to deliver the Plan within the timescales. The Project Plan follows the process in the first Plan and the Scottish Government advice in Circular 1/2009: 'Development Planning', para. 58, which highlights that *'from the Proposed Plan stage, Scottish Ministers expect the authority's priority to be to progress to adoption as quickly as possible'*. The decision on whether to modify the Plan will be for the Joint Committee in early 2016 taking account of the issues raised in the representations received to the Proposed Plan.

Table 1: Strategic Development Plan Timings

Key Stages	Circular 1/2009 Typical Timings	TAYplan Project Plan Timings
Pre-Main Issues Report – opportunity for commenting on issues for the Plan's review and any potential strategic locations/sites	-	April/May 2013
Publish Main Issues Report & monitoring Statement and consult. Consider & report on representations. Prepare Proposed Plan. Joint Committee approval.	42 weeks	18/08/14 – 26/6/15 44 weeks (49 last time) (note: 10-12 week consultation period on Main Issues Report)
Publish Proposed Plan & Action Plan. Period for representations. Consider & report on representations. Joint Committee approval for submission.	30-36 weeks (note: proposed 6 week minimum, 12 week typical period for representations)	17/08/15-17/06/16 43 weeks (38 last time) (inc. decision ratified + printing) (note: 6-8 week period for representations on Proposed Plan)
Submit Proposed Plan, Action Programme & related documents. Examination and report thereof. Ministers consider Examination report.	52 weeks	June 2016 onwards SDP1 took 27 weeks
Minister's decision. Plan & Action Programme published.	17 weeks	SDP1 took 7 weeks
Total	147 weeks	121 weeks

- 6.5 Following approval of the Project Plan more detailed project planning will be undertaken together with identifying the resources required throughout the Plan's preparation. When TAYplan was formed the Authority agreed that the 4 Constituent Councils could supplement the core team resource with the equivalent of 1 full time person each per annum. In practice, in preparing the first Strategic Development Plan this was not required, and it was only at peak times where work required to be delivered within a constrained timeframe did TAYplan's core staff require to be supplemented. The same approach will be taken to delivering this Project Plan.
- 6.6 Although not legally required, an early stage for interested parties to raise what they consider are the strategic issues to be addressed will be provided in Spring 2013 to assist the preparation of the Main Issues Report. This opportunity was provided at the outset of the current Plan and many planning authorities are undertaking this early issues stage providing an opportunity for comments on the scope and issues for the Plan and any land that interested persons wish to consider for any potential strategic development in this Plan's preparation. A report on this early issues stage will be presented to the Joint Committee in March 2013.

7 STRATEGIC ENVIRONMENTAL ASSESSMENT

- 7.1 EU legislation requiring the environmental assessment of plans and programmes came into being in 2001 through Directive 2001/42/EC. In Scotland, the requirements of the Directive are taken forward by the Environmental Assessment (Scotland) Act 2005. The Act requires that environmental assessment is undertaken on all public sector plans, programmes and strategies which are likely to have significant environmental effects. SEA provides a systematic process for identifying, predicting, reporting, mitigating and monitoring the environmental effects of plans, programmes and strategies.
- 7.2 The Act includes requirements for consultation at key stages of the assessment process, and identifies three organisations to act as statutory Consultation Authorities: the Scottish Ministers, Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA). The Scottish Ministers have designated Historic Scotland to act on their behalf on matters affecting the historic environment.
- 7.3 The Act also specifies that where more than one authority is responsible for the preparation of a plan or programme it will be necessary for the authorities involved to reach agreement on which authority will be responsible for carrying out the assessment and undertaking the duties of the responsible authority to submit the necessary documents to the Consultation Authorities and any publicity necessary. The Strategic Development Planning Authority is not a legal entity and therefore cannot be responsible for the submission of the SEA. Consequently, one authority has to take on the role of the responsible authority and obligations of that authority, in respect of the 1995 Act and Regulations. It is recommended that Perth and Kinross Council continue to have this role given their expertise.

8 CONSULTATIONS

- 8.1 The Treasurer and Clerk to TAYplan, the Director of Infrastructure Services, Angus Council, The Director of City Development, Dundee City Council, The Head of Enterprise, Planning and Protective Services, Fife Council and the Executive Director (Environment), Perth & Kinross Council have been consulted and are in agreement with the contents of this report.

9 BACKGROUND PAPERS

- 9.1 Report SDPA05-2012: TAYplan Strategic Development Plan Approval, Joint Committee 26th June, 2012.
- 9.2 Circular 1/2009: Development Planning, Scottish Government (<http://www.scotland.gov.uk/Resource/Doc/261030/0077887.pdf>)
- 9.3 Planning etc. (Scotland) Act 2006 (http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf)
- 9.4 Town and Country Planning (Scotland) Act 1997 (<http://www.scotland.gov.uk/Publications/2005/01/20576/50663>)
- 9.5 Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (<http://www.legislation.gov.uk/ssi/2008/426/contents/made>)

Pamela Ewen
Strategic Development Planning Authority Manager
21st September 2012

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86	Equalities Impact Assessment																																																																		
87	Prepare draft EqIA alongside MIR																																																																		
88	Joint Committee - February 2014																																																																		
89	Consultation																																																																		
90	Consider responses																																																																		
91	Prepare EqIA alongside Proposed Plan																																																																		
92	Joint Committee - February 2015																																																																		
93	Consultation (6-8 weeks: April-June 2015)																																																																		
94	Update																																																																		
95	Joint Committee																																																																		
96	Submission to Ministers																																																																		
97	Main Issues Report Preparation																																																																		
98	Scoping Govt/Other Policy/Guidance																																																																		
99	Spatial Strategy Options																																																																		
100	Graphics Work																																																																		
101	Prepare Main Issues Report																																																																		
102	Joint Committee Approval - February 2014																																																																		
103	4 Authorities Ratification (by 30 March 2014)																																																																		
104	Printing																																																																		
105	Publish MIR																																																																		
106	Send to Scottish Ministers																																																																		
107	Consult on MIR (10-12 wks: May/June/July)																																																																		
108	Consider Repts																																																																		
109	Brief Joint Committee MIR comments overview																																																																		
110	Proposed Plan																																																																		
111	Prepare Proposed Plan																																																																		
112	Joint Committee Approval - February 2015																																																																		
113	4 Authorities Ratification by 28 February 2015																																																																		
114	Printing																																																																		
115	Publish Proposed Plan																																																																		
116	Period for Representations (6-8 weeks: April-June 2015)																																																																		
117	Consider Representations/Prepare Schedule 4's																																																																		
118	Prepare note on representations / unresolved issues																																																																		
119	Conformity with Participation Statement																																																																		
120	Joint Committee consideration of whether to modify or approve - Jan. 2016																																																																		
121	Printing																																																																		
122	Submit Proposed Plan by 8th June 2016																																																																		
123	Submit Conformity with Participation Statement																																																																		
124	Submit Note on Representation																																																																		
125	Publicise submission of Plan																																																																		
126	Examination of Proposed Plan and Consideration of Report																																																																		
127	Examination of Plan (estimated time only)																																																																		
128	Reporter's publish (estimated time only)																																																																		
129	Ministers Approve/Modify/Reject Plan																																																																		
130	Decision (estimated time only)																																																																		
131	Publish Plan																																																																		
132	SDPA publish Plan (estimated time only)																																																																		
133	Publish Action Programme																																																																		
134	SDPA publish (estimated time only)																																																																		
135																																																																			
136	OTHER RELATED PROJECTS KEY STAGES: For information only																																																																		
137	Authority Local Development Plans																																																																		
138	Angus - publication of Main Issues Report																																																																		
139	Angus- publication of Proposed Plan																																																																		
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146	Perth & Kinross- Adoption of Plan (LDP1)																																																																		
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