

**REPORT TO: DUNDEE, PERTH, ANGUS AND NORTH FIFE
STRATEGIC DEVELOPMENT PLANNING AUTHORITY
JOINT COMMITTEE MEETING ON 26th JUNE 2012**

REPORT ON: TAYplan STRATEGIC DEVELOPMENT PLAN APPROVAL

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

REPORT NO: SDPA05-2012

1 PURPOSE OF REPORT

- 1.1 This report provides an update on the Reporters recommendations following the examination of the Plan and the subsequent approval by Scottish Ministers.

2 SUMMARY

- 2.1 The Proposed Strategic Development Plan was submitted to Scottish Ministers on 1st December 2011 for examination and approval. The Reporters concluded their examination without the need for any oral hearings and published their recommendations to Scottish Ministers on 17th April 2012.
- 2.2 The Reporter's recommendations focused largely on text changes which puts more emphasis on sustainability, rural communities, commercial centres and seeks to provide greater clarification on different aspects. A new diagram was proposed for the Perth greenbelt (TAYplan provided the Reporter with an alternative on their request). Some textual changes result in the Strategic Development Area proposals having a general allocated housing requirement and text relating to St. Andrews development being removed. The full details of the Reporter's recommendations and reasoning can be accessed at <http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=qJ14349>.
- 2.3 Scottish Ministers have considered and endorsed the Reporters recommendations. The Minister approved the Strategic Development Plan on 8th June 2012 subject to modifications (those recommended by the Reporters and additional minor, technical amendments) (see Appendix One).
- 2.4 The approved Strategic Development Plan now replaces the 3 Structure Plans for Perth & Kinross, Dundee & Angus, and Fife (for the area included within TAYplan boundary only).

3 RECOMMENDATION

- 3.1 It is recommended that The Joint Committee:
- a) Note the Reporters recommendations and Scottish Ministers approval of the Plan.

4 FINANCIAL IMPLICATIONS

- 4.1 The cost of the examination was £13,623+VAT, significantly less than the projected cost of £65,000, the details of which will be set out within the next budget update report to Joint Committee in October 2012. The approved Plan requires to be published with hard copies printed and discs produced at a cost of approx £1,600, which is within the approved TAYplan budget.

5 STRATEGIC DEVELOPMENT PLAN APPROVAL

- 5.1 During the examination the Reporters sought additional information on a number of issues. These included information in respect of the diagram on Perth greenbelt, what the implications would be of increasing the housing land requirement over the 20 year period, the proposed infrastructure to Perth West/North West, Dundee Western Gateway Strategic Development Area and a range of other issues.
- 5.2 TAYplan responded to all these information requests timeously and in detail to ensure that the Reporters had comprehensive information on these issues to assist them in making their recommendations. The Reporters also sought the views of some people/organisations whom had submitted representations. The Reporters concluded that no oral hearings were required. The report on the examination of the Plan was submitted to Scottish Ministers and published on 17th April 2012 setting out the Reporter's recommendations for modifications to the Plan and provides their reasoning set out within each of the 'Schedule 4' documents on each issue.
- 5.3 The Ministers modifications are relatively minor. Text changes which have been made are not considered to have any implications on the Plan's strategy of where development should or should not go, nor the focus on delivering sustainable development in a way which creates good quality places. The full list of modifications is set out in Appendix One to this report.
- 5.4 The Proposed Plan was prepared in close collaboration with the Key Stakeholders/Agencies, only a few of whom made a small number of representations seeking changes to the Plan. This collaborative approach is thought to have played an important role in reducing the number and scope of issues which required examination, and as such reducing the length (and cost) of the examination.

6 PUBLICATION OF STRATEGIC DEVELOPMENT PLAN

- 6.1 TAYplan is required to publish the Strategic Development Plan as approved as soon as possible following its constitution. The Plan's publication will be advertised in the Courier and Press and Journal newspapers. Copies will be sent to Scottish Government, Community Councils, Key Stakeholders, adjoining authorities and others, with discs also being distributed at a later date with the Action Programme. The Scottish Government have advised that the 6 week period for legal challenge begins from the date of the publication of the Plan, as modified.

7 STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)

- 7.1 The Environmental Report was published at the Main Issues Report stage in 2010 and did not require to be updated with the publication of the Proposed Plan. As part of the process in approving the Plan Ministers screened the modifications for any significant environmental effects and consulted with the SEA Gateway on the screening report. The Consultation Authorities (SNH, SEPA and Historic Scotland) agreed that there were no significant effects.
- 7.2 Ministers advertised the screening determination and that the Plan was approved, with modifications on 8th June 2012. The latter is not a legal requirement, but the Scottish Government agreed to do this to publicise the fact that the Plan was operative from this point on. The two actions were combined into a single advert.
- 7.3 Perth & Kinross Council, as the Responsible Authority, will prepare an SEA post-adoption statement, publish and submit to the SEA Gateway.

8 HABITATS REGULATIONS APPRAISAL

- 8.1 In accordance with the 2011 Scottish Natural Heritage Guidance on Habitats Regulations Appraisal, the modifications to the Strategic Development Plan were screened by the Scottish Government, and it was concluded that they will have no likely significant effect on Natura sites, individually or in combination with other plans and projects.

9 EQUALITIES AND HUMAN RIGHTS IMPACT ASSESSMENT

- 9.1 The Equalities and Human Rights Impact Assessment was submitted to Scottish Ministers with the Proposed Plan. This has been consulted upon at key stages and updated throughout the plan making process. Scottish Ministers considered that the modifications gave rise to no significant impacts on equalities and human rights.

10 CONSULTATIONS

- 10.1 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.

11 BACKGROUND PAPERS

- 11.1 Report SDPA04-2012: Project Plan Update, Joint Committee 20th March 2012.
- 11.2 TAYplan Examination, DPEA website:
<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=gJ14349>
- 11.3 Circular 1/2009: Development Planning, Scottish Government
(<http://www.scotland.gov.uk/Resource/Doc/261030/0077887.pdf>)

- 11.4 Planning etc. (Scotland) Act 2006
(http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf)
- 11.5 Town and Country Planning (Scotland) Act 1997
(<http://www.scotland.gov.uk/Publications/2005/01/20576/50663>)
- 11.6 Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (<http://www.legislation.gov.uk/ssi/2008/426/contents/made>)
- 11.7 Planning Circular 1/09: Development Planning: Appendix 1– The Habitats Regulations (Sept., 2010).

Pamela Ewen
Strategic Development Planning Authority Manager
11th June 2012

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8 June 2012

Dear Ms Ewen,

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: TAYPLAN STRATEGIC DEVELOPMENT PLAN - MINISTERIAL APPROVAL

The Scottish Ministers have decided to approve the above plan with modifications. In reaching their decision they have considered the issues raised in representations made in accordance with the Town and Country Planning (Scotland) Act 1997 (as amended) ("the Planning Act") and the report from the examination conducted under Section 12 of the Planning Act.

The Scottish Ministers approve the TAYplan Strategic Development Plan with the modifications specified in the Annex to this letter. Ministers accept the reasons set out in the examination report for the modifications in Part 1 of the Annex and adopt them as their own. Ministers also accept, and adopt as their own, the reasons set out in the examination report for not making modifications for the remaining 9 issues and propose no modifications in respect of them. The modifications specified in Part 2 of the Annex are minor, technical amendments for the purposes of clarity. Ministers have assessed the modifications for the purposes of Strategic Environmental Assessment, Habitats Regulations Appraisal and Equalities Impact Assessment and find that no significant impacts arise.

The TAYplan Strategic Development Plan as modified is constituted as the strategic development plan for the TAYplan Development Plan Area from the date of this letter.

Scottish Ministers' approval of the Proposed Plan, as modified, is founded primarily on the consideration of its policies and general purposes and relates to the Proposed Plan as a whole. It should be understood that the Scottish Ministers' approval of the plan does not convey any approval of any matter therein for any other statutory purpose. In particular it does not commit the Scottish Ministers, or any other government department, to the payment of grant on any particular project or to the amount or timing of any capital expenditure. Approval does not extend to other documents submitted with the Proposed Plan.

The foregoing decision is final, subject to the right, conferred by Section 238 of the Planning Act, of any person aggrieved by the Scottish Ministers' decision to apply to the Court of Session within six weeks from the date of publication of the Plan, as modified, 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.

Under Section 14 of the Planning Act, the Strategic Development Planning Authority must now publish the Plan, as modified, send two copies to the Scottish Ministers, place a copy of it in public libraries in the strategic development plan area, notify those who made representations on the plan and advertise in a local newspaper that the plan has been published. Information about this decision will also be posted on the Scottish Government's website at www.scotland.gov.uk/planning.

Yours sincerely

Grainne Lennon
Senior Planner

ANNEX: THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: TAYPLAN STRATEGIC DEVELOPMENT PLAN - MINISTERIAL APPROVAL

PART 1

MODIFICATIONS

ISSUE	RECOMMENDATION
<p>1. Vision and Objectives</p>	<p>Modify page 6 of the proposed plan as follows:</p> <p>In the vision statement at the centre of the page, sixth line, after “<i>work</i>” insert: “; <i>study</i>”.</p> <p>Reword the objective beginning “<i>Strengthen the economic base</i>” as follows: “<i>Strengthen the economic base to support the renewable energy and low carbon technology sectors, the further and higher education sector including commercialisation and research, the region’s ports, food research, forestry, life sciences, digital media and tourism.</i>”</p> <p>In the objective at the top of the diagram beginning “<i>Promote and enhance places</i>”, fourth line, delete “<i>towns</i>” and insert: “<i>town</i>”.</p> <p>Reword the objective, “<i>Facilitate appropriate development in rural communities where job and service needs exist</i>”, to read: “<i>Promote prosperous and sustainable rural communities that support local services, including the provision of additional housing and related development proportionate to local need, available infrastructure and environmental capacity</i>”.</p>
<p>2. Proposals 1: Map</p>	<p>Modify page 7 of the proposed plan as follows:</p> <p>On the proposals map, amend the representation of the Perth green belt so that it is consistent with the revised diagram on page 13 recommended under Issue 8.</p> <p>On the proposals map, on the west side of Dundee insert a red square symbol to represent the proposed Dundee West strategic park and ride.</p> <p>In the left-hand column under the map, delete the words: “<i>Proposed new Rail Station</i>”,</p> <p>and insert the following words: “<i>Proposed new rail station (subject to STAG appraisal)**</i>”.</p> <p>At the bottom of the page, insert a new footnote as follows: “**STAG: Scottish Transport Appraisal Guidance. Transport Scotland has no commitment towards funding the delivery of stations at these locations.”</p>

<p>3. Policy 1: Location Priorities – Policy 1A</p>	<p>Modify page 9 of the proposed plan as follows:</p> <p>In the description of Tier 2, second line, delete “<i>small</i>” and insert: “<i>smaller</i>”.</p> <p>Delete the words: “<i>Beyond the Strategic Development Area in Policy 4 for St. Andrews there will be no additional strategic development of this scale in the foreseeable future</i>”.</p> <p>On the settlement map, amend the representation of the Perth green belt so that it is consistent with the revised diagram on page 13 recommended under Issue 8</p>
<p>4. Policy 1: Location Priorities – Policy 1b, Text and General</p>	<p>Modify page 9 of the proposed plan as follows:</p> <p>In Part A, replace the paragraph beginning “<i>Local Development Plans may also provide</i>” with the following: “<i>Local Development Plans may also provide for some development in settlements that are not defined as principal settlements where this can be accommodated and supported by the settlement, and in rural areas, if such development genuinely contributes to the objectives of this Plan and meets specific local needs or supports regeneration of the local economy.</i>”</p> <p>In Part B, replace the paragraph on the left of the page with the following: “<i>B. prioritise land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings (particularly listed buildings).</i>”</p> <p>Above the diagram at the bottom right of the page, insert: “<i>Sequential Approach</i>”.</p> <p>Replace the text in box 3 of the diagram with the following: “<i>3. Where there is insufficient land or where the nature/scale of land use required to deliver the Plan cannot be accommodated within or on the edge of principal settlements, and where it is consistent with Part A of this policy and with Policy 2, the expansion of other settlements should be considered.</i>”</p>
<p>5. Shaping Better Quality Places</p>	<p>Modify page 11 of the proposed plan as follows:</p> <p>Replace the existing Part E with the following: “<i>E. ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government’s standards.</i>”</p> <p>At the end of the introductory paragraph of Part F, after “<i>Designing Streets</i>” add the following text: “<i>; and provide additional green infrastructure where necessary</i>”.</p>

6. Policy 3: Managing TAYplan's Assets – General and Text	No modifications.
7. Managing TAYplan's Assets – Employment Land	No modifications.
8. Policy 3: Managing TAYplan's Assets – Greenbelts	<p>Modify page 13 of the proposed plan as follows: Under the heading "<i>Perth Core Area</i>", delete the existing diagram and replace it with Appendix 1 to the authority's letter of 27 February 2012 headed "<i>Further Information Response: Issue 8: Policy 3: Greenbelts</i>".</p> <p>Modify pages 7 and 9 of the proposed plan so that the representation of the Perth Core Area and green belt is consistent with the revised diagram on page 13.</p>
9. Managing TAYplan's Assets – Finite Resources	<p>Modify TAYplan as follows:</p> <p>on page 13 in the first bullet point of the Finite Resources section of Policy 3:</p> <ul style="list-style-type: none"> (i) add "<i>construction</i>" before "<i>aggregates</i>"; and (ii) after "<i>aggregates</i>" add: "<i>at all times in all market areas</i>".
10. Policy 3: Managing TAYplan's Assets – Transport	No modifications.
11. Policy 3: Managing TAYplan's Assets – Natural and Historic Assets	No modifications.
12. Policy 4: Strategic Development Areas Part A	<p>Modify the proposed plan as follows:</p> <p>In Policy 4A Table 1, delete the second table heading reading "<i>Type and scale of development</i>" and replace with the following text: "<i>Type and indicative scale of development</i>"</p>
13. Policy 4: Strategic Development Areas – Alternative Sites	No modifications.

<p>14. Policy 4: Strategic Development Areas Part B and Supporting Text and General</p>	<p>Modify the proposed plan as follows:</p> <p>on page 14, delete the second sentence of the second paragraph reading <i>“Many are employment, housing or mixed use to reduce the need to travel and encourage public transport usage.”</i> and replace with the following text:</p> <p style="padding-left: 40px;"><i>“Many are employment, housing or mixed use to reduce the need for car-based travel and encourage walking, cycling and public transport usage.”</i></p>
<p>15. Scale and Distribution of Housing</p>	<p>No modifications.</p>
<p>16. Policy 5: Housing – Policy 5 Part A Effectiveness of Land</p>	<p>Modify the proposed plan as follows:</p> <p>In the seventh paragraph on page 16, delete the first sentence reading <i>“This requires Local Development Plans to identify a minimum 5 year and work towards a 7 year effective housing land supply by 2015*** to support reaching Policy 5 build rates by 2024.”</i> and replace with the following text:</p> <p style="padding-left: 40px;"><i>“This requires Local Development Plans to identify sites which are effective or capable of becoming effective to meet the housing land requirement up to year 10, maintain a minimum 5 year effective housing land supply and work towards a 7 year supply by 2015*** to support reaching Policy 5 build rates by 2024, or before then if possible.”</i></p> <p>In the eighth paragraph on page 16, delete the third bullet point reading <i>“Local Development Plans may allocate additional land to ensure an affective supply of housing land to assist in the delivery of Proposal 2 and to provide choice.”</i> and replace with the following text:</p> <p style="padding-left: 40px;"><i>“Local Development Plans shall allocate sufficient land to ensure a generous supply of effective housing sites to provide for the delivery of Proposal 2 and to provide flexibility and choice.”</i></p> <p>Replace footnote *** text on page 16 reading <i>“By LDPs working towards a 7 year effective land supply by 2015, this will identify land capable of development within 7 years of this Plan’s base date as required by Scottish Planning Policy.”</i> and replace with the following text:</p> <p style="padding-left: 40px;"><i>“By LDPs working towards a 7 year effective land supply by 2015, this will support economic growth by ensuring that housing land supply is more than able to respond to any upturn in the housing market.”</i></p> <p>Delete the first sentence of Policy 5 Part A reading <i>“Allocate a minimum of five years supply and work towards the provision of a 7 years supply of effective housing land by 2015 to support economic growth.”</i> and replace with the following text:</p> <p style="padding-left: 40px;"><i>“Allocate land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of 5 years effective land supply at all times, and work towards the provision of a 7 years supply of effective housing land by 2015, to support economic growth.”</i></p>

	<p>Delete the final sentence of Policy 5 Part A reading <i>“To assist the delivery of these build rates, Local Development Plans may allocate a larger land supply.”</i> and replace with the following text: <i>“To assist the delivery of these build rates, Local Development Plans shall allocate sufficient land to ensure a generous supply of effective housing sites and to provide for flexibility and choice.”</i></p>
<p>17. Policy 5: Housing – Policy 5 Part C Areas Surrounding Dundee and Perth Core Areas</p>	<p>No modifications.</p>
<p>18. Policy 5: Housing – Policy 5 Part A Up to 10% Shift between Housing Market Areas</p>	<p>Modify the proposed plan as follows:</p> <p>In Policy 5 Part A, delete the first bullet point reading <i>“in exceptional cases of environmental capacity, provide for up to 10% of the housing provision for one market area to be shared between one or more neighbouring housing market areas within the same authority taking account of meeting needs in that housing market area.”</i> and replace with the following text: <i>“in serious cases of appropriately evidenced environmental or infrastructure capacity constraints, provide for up to 10% of the housing provision for one market area to be shared between one or more neighbouring housing market areas within the same authority taking account of meeting needs in that housing market area.”</i></p> <p>In the 8th paragraph on page 16, delete the 5th bullet point reading <i>“Local authorities can move housing provision between neighbouring housing markets within their area if the settlement(s) expected to accommodate growth to achieve Policy 1 is heavily constrained by environmental capacity.”</i> and replace with the following text: <i>“Local authorities may move housing provision between neighbouring housing markets within their area if the settlement(s) expected to accommodate growth to achieve Policy 1 is/are affected by serious environmental or infrastructure capacity constraints.”</i></p>
<p>19. Policy 5: Housing – Policy 5 Part A Range and Mix of Housing including Affordable</p>	<p>No modifications.</p>
<p>20. Policy 6: Energy and Waste/Resource Management Infrastructure - Policy 6a + b, Text and General</p>	<p>Modify the proposed plan on page 18 by:</p> <p>1. in the first column of text, replace the first two lines in the fifth paragraph (<i>“It recognises the different scales (property, community and regional/national grid) at which this infrastructure can be provided”</i>) with the following text:</p>

	<p><i>“It recognises the different scales – property (eg micro-renewables or individual waste facilities), community (eg district heating and power or local waste facilities) and regional/national (eg national level schemes and waste facilities for wide areas) at which this infrastructure can be provided”.</i></p> <p>2. in the second column of text, in the eighth paragraph, in the first line, replace <i>“This Plan directs”</i> with the following text: <i>“This Plan encourages”.</i></p>
<p>21. Policy 6: Energy and Waste/Resource Management Infrastructure - Policy 6c</p>	<p>Modify the proposed plan as follows: on page 19 in Part C of Policy 6:</p> <p>(i) first bullet point, at the end after <i>“safety exclusion zones”</i> add the following text: <i>“where appropriate”;</i></p> <p>(ii) fifth bullet point, after <i>“tourism”</i> add the following text: <i>“recreational access”;</i></p> <p>(iii) after the last bullet point, insert an additional bullet point, as follows: <i>“Consistency with the National Planning Framework and its Action Programme”.</i></p>
<p>22. Policy 7: Town Centres</p>	<p>Modify page 21 of the proposed plan as follows:</p> <p>In the first line of text under the heading <i>“Town Centres”</i>, after <i>“town”</i> insert the following text: <i>“and commercial”.</i></p> <p>In the first line of the section beginning <i>“Local Development Plans should”</i>, delete the word <i>“town”</i>. At the end of the section after <i>“Dundee, Perth and Arbroath”</i> insert the following text: <i>“They should also support a mix of uses in city and town centres that will encourage their vitality and the diversity of economic and social activity in both the day and the evening.”</i></p> <p>Extend Table 2 by adding a further row at the bottom, with the following text in the left-hand column: <i>“Commercial Centres”</i>,</p> <p>and the following text in the right-hand column: <i>“Gallagher Retail Park, Kingsway East, Kingsway West, St. Catherine’s (Perth)”.</i></p>
<p>23. Policy 8: Delivering the Strategic Development Plan</p>	<p>Modify the proposed plan as follows: on page 22, in the first paragraph, replace <i>“The key role of the planning system....”</i> with the following text: <i>“A key role of the planning system....”</i></p>
<p>24. Other Issues</p>	<p>No modifications.</p>

PART 2

TECHNICAL MODIFICATIONS

Plan Reference	Modification
Front Cover	Change title from 'Proposed Strategic Development Plan' to 'Strategic Development Plan'
Front Cover	Change the publication date 'June 2011' to 'Approved June 2012'
Inside Fly page	Change title from 'Proposed Strategic Development Plan' to 'Strategic Development Plan'
Inside Fly page	Change 'June 2011' to 'Approved June 2012'
Page 2 Process for producing Strategic Development Plan	Delete entirely and retain page as a blank.
Page 3 Forward	<ul style="list-style-type: none">-Delete the photo and identification text for TAYplan Chair 2011.-TAYplan to insert the name of the relevant councillor followed by the words 'Chair, TAYplan Joint Committee 2012' at the foot of the page.
Page 4 Contents	<ul style="list-style-type: none">-Change page 24 box title from 'making representations' to 'Contacts and finding information'-Also remove the words '(back page)' from page 24 contents box
Page 5 TAYplan the place	Change copyright date to 2012
Page 7 Proposals Map	Change copyright date to 2012
Page 9 Policy 1 Map	Change copyright date to 2012
Page 17 Policy 5 Map	Change copyright date to 2012
Page 18 Policy 5 Triangle Diagram	Change 'Heirarchy' to 'Hierarchy'
Page 19 Policy 6c	Delete 'and,' from bullet which starts 'Cumulative impacts..' and at end of bullet which starts 'Impacts upon..', delete '.' and insert 'and,'.
Page 24 Representations on the Proposed Plan	<ul style="list-style-type: none">-Delete present title and replace with 'Contacts and finding information' and place this in the blue box.-Delete all parts referring to the 2011 period for representations including the 'also available' text with bulleted points on the right; the 'representations' box explaining how to respond, and; the contents of the blue box at the top of the page explaining about responding electronically.-Retain the contacts box with TAYplan's contact details (top left)-Retain the languages box top right-Retain the box and text explaining where hard copies can be found (bottom left).-Retain the TAYplan badge/logo-In the sentence starting 'Hard Copies of the Proposed Strategic Development Plan and accompanying documents...' Delete the words '...Proposed Strategic Development Plan...' and replace it with '...Strategic Development Plan Approved June 2012...'