

Interim Edinburgh and South East Scotland  
STRATEGIC DEVELOPMENT PLAN  
*Joint Committee*



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**STRATEGIC DEVELOPMENT PLANNING AUTHORITIES: DESIGNATION ORDERS & STATUTORY GUIDANCE CONSULTATION**

**Report by: Director of City Development, City of Edinburgh Council**

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**1 INTRODUCTION**

1.1 This report seeks approval of a joint response to a consultation by the Scottish Government on its recently published Draft Designation Orders and Statutory Guidance for Strategic Development Planning Authorities. It is anticipated that each individual authority will also submit its own response to the consultation paper.

**2 BACKGROUND**

2.1 The Planning etc (Scotland) Act 2006 requires the preparation of Strategic Development Plans (SDP) for the four largest city regions. Strategic Development Plans will replace structure plans in the city regions. The Act contains little detail on the form and content of an SDP, or the operational arrangements of the Strategic Development Planning Authority (SDPA) much of which is being left for secondary legislation and statutory guidance.

2.2 The SDP Designation Orders and Statutory Guidance consultation paper was published in July 2007 and is subject to a 12 week consultation period that will run until 26 October. Views are sought on three main areas – governance, plan boundaries and resources. The document sets out in draft the proposed designation orders for the SDPA and related statutory guidance.

**3 CONSULTATION PROPOSALS**

3.1 The consultation paper seeks the views of consultees on six questions related to the proposals set out in the guidance. The paper also makes it clear that it does not address

the form and content of a SDP. This is to be covered by further secondary legislation which will be the subject of consultation in due course.

- 3.2 The guidance identifies the proposed groups of authorities that will comprise each SDPA and welcomes comments. The proposed Edinburgh city region SDPA comprises the City of Edinburgh, East Lothian, West Lothian, Midlothian, Fife and Scottish Borders Councils.
- 3.3 The Planning Act requires SDPs to be submitted to Ministers for approval within 4 years of the approval of the previous SDP. The Scottish Government recognises that to achieve this will require strong political leadership and rigorous project management. The paper proposes that SDP authorities be required to form joint committees with membership on an equal basis, along similar lines to the current interim arrangements. The consultation invites comments on the proposed arrangements for joint committees.
- 3.4 The guidance makes it clear that each SDP joint committee should be supported by a dedicated team of officers. These teams are expected to be small and draw upon existing expertise. The paper suggests that a flexible approach should be adopted allowing the team to expand and contract depending on the pressures faced. A neutral location separate from individual councils is suggested to help emphasise the city-region role. The consultation invites local authorities to identify any concerns they may have on the proposals for dedicated teams.
- 3.5 With regard to plan boundaries, it is left to the SDPA to decide the actual boundary. Although the SDPA boundary could comprise all of the four Lothian authorities and the Scottish Borders, it could only include part of Fife. This is due to the fact that Fife forms part of two SDP areas and the Act prevents more than one SDP being prepared for the same SDPA area. The consultation asks what issues authorities anticipate in agreeing boundaries.
- 3.6 In line with the equal membership approach, the guidance proposes that funding for the SDPA will be by equal contribution and that one authority should act as the employing authority. This contrasts with the existing arrangements in the Lothians where contributions are based on population share. The paper suggests that, as SDPs replace an existing requirement to prepare structure plans, it does not represent a new function. Consequently, it anticipates that a redistribution of resources rather than additional funding is required. The consultation seeks the views of authorities as to whether the funding should be shared equally.

#### **4 SUMMARY OF RECOMMENDED RESPONSE**

- 4.1 Although generally supportive of the content of the guidance, there are a number of proposals that raise concern. These are set out in detail in Appendix 1 in the order of the six questions posed in the guidance. The key issues are summarised below.
- 4.2 The proposed membership of the SDPA does not match that of the South East Transport partnership (SEStran) area which includes Falkirk and Clackmannanshire. National planning policy stresses the importance of integrating land use and transport planning. Although the proposed membership is consistent with the present interim arrangements, it is surprising that the opportunity to align the boundaries has not been taken. In addition, the recently announced Regional Enterprise Companies for East and Central Scotland and South of Scotland, which will replace the existing local enterprise companies, also have a completely different membership.
- 4.3 Under current legislation, the joint arrangements for the structure plan are voluntary. The Joint Liaison Committee has an advisory role and all decisions must be ratified by the constituent councils. The new Act gives the SDPA an enhanced status with legal powers and obligations but its status will be different from SEStran. The Statutory Guidance should therefore clarify the status of the new SDPA.

- 4.4 The guidance proposes a dedicated team to progress the SDP rather than the existing arrangements which involve a virtual team. There will be inevitable cost implications associated with this. A dedicated team will reduce the flexible approach to workload management and may require the appointment of additional staff or the backfilling of posts in the case of secondees. The set-up and ongoing cost implications of a dedicated SDP team should be acknowledged and addressed in the guidance. The Scottish Government should meet these costs, together with any associated with the provision of neutral accommodation for the SDP team.
- 4.5 The consultation paper advises that the duty to prepare a SDP replaces an existing requirement to prepare structure plans and therefore is not a wholly new function. The Scottish Government anticipates a redistribution of resources rather than a requirement for significant additional spending. This view is unrealistic. There is likely to be a range of additional costs associated with bringing forward the SDP, in particular the cost of mandatory examinations in public and the cost of neutral accommodation for the dedicated team. The guidance needs to recognise that the SDP preparation will not be cost neutral. Account should also be taken of the fact that some councils will continue to be resourced to provide a strategic level development plan despite the fact that they are no longer required to do so. The contribution from smaller authorities such as East Lothian and Midlothian to the strategic planning process will increase substantially in moving from their existing pro rata share of costs to one of equal share.

## **5 CONCLUSION**

- 5.1 The Scottish Government's draft Designation Orders and Statutory Guidance sets out the structure and arrangements for SDPAs. In general, the guidance is welcomed. However, there are some issues that require further consideration, in particular the additional costs associated with preparing a SDP. Changes need to be made before the guidance is finalised to ensure that the new SDPA works efficiently and effectively.

## **6 RECOMMENDATION**

- 6.1 It is recommended that the Committee:

Agrees that this report be forwarded to the Scottish Government as its response to the consultation on the draft Designation Orders and Statutory Guidance

## RESPONSE TO CONSULTATION QUESTIONS

### **Q1: Do you support the proposed membership of the Strategic Development Planning Authorities?**

Preparatory work for the SDP has been progressed on the basis that the four Lothian Authorities would be working with Fife and Scottish Borders Councils. Nevertheless, national planning guidance recognises the importance of coordinating the provision and delivery of new transport infrastructure whilst simultaneously bringing forward development strategies promoting growth. It is therefore surprising that the opportunity has not been taken by Scottish Ministers to align the proposed membership of the SDPA with the SEStran area which includes Falkirk and Clackmannanshire. It is also surprising that the recently announced Regional Enterprise Company for east and central Scotland which will replace the existing Local Enterprise Companies will have a different membership that does not match either the SDPA or SEStran.

### **Q2: Do you have any concerns about the proposed arrangements for joint committees?**

It is noted that the proposed arrangements set out in the paper are similar to the interim Strategic Development Planning committee that has been established with two councillors representing each council i.e. equal member representation.

However, the legal status of the SDPA must be clarified. References in the Act suggest that unlike the current voluntary joint structure planning arrangements, the SDPA will have a distinct entity, with powers to take decisions and meet certain statutory obligations. The implication is that it should be able to take such decisions without seeking ratification by constituent authorities. However, this is not completely clear from the wording of the Act and could usefully be amplified in the Statutory Guidance. It is noted that, unlike SEStran, the SDPA will not be an incorporated body which suggests that it could not for example contract with another party or pursue or defend an action in the courts in its own name.

### **Q3: Do you have any concerns about the proposed arrangements for effective establishment of dedicated teams?**

The existing arrangements associated with the Edinburgh and Lothians Structure Plan have involved a virtual team, rather than a dedicated team, with officers coming together as required to progress the work. There will be inevitable cost implications associated with having a dedicated team including the additional cost of a neutral location which will affect each council to a different degree. This should be acknowledged and addressed.

### **Q4: What issues do you anticipate in agreeing plan boundaries?**

The authorities do not anticipate any significant problems in identifying boundaries and would expect the boundary to match existing council boundaries, with the exception of Fife, parts of which will be divided into two SDPAs. It is anticipated that a detailed study will be carried out prior to making recommendations on the Fife section of the boundary.

### **Q5: Should funding for the SDPA be shared equally across the constituent authorities and if not, why not?**

The consultation paper expects strategic development planning to be funded mainly through redistribution of resources within partner councils rather than a requirement for significant additional spending. However, it cannot be assumed that the establishment of the dedicated team will be cost neutral at council level. The experience in Glasgow and the Clyde Valley, for example, has been that constituent Councils make significant contributions to structure plan work, while a separate dedicated team carries out core tasks. In addition, there will be a number of overheads to be met such as providing dedicated accommodation, support staff and ICT. There is also the mandatory requirement for an examination in public, which has not been a feature of structure planning in Scotland for many years, and will give rise to additional costs. The contribution from smaller authorities such as East Lothian and Midlothian to the strategic planning process will increase substantially in moving from their

existing pro rata share of costs to one of equal share. Account should be taken of the fact that some councils will no longer be required to prepare a strategic level development plan, but as things stand will continue to be resourced to do so. Consideration must also be given to the fact that Fife Council will fall within two SPDAs with its associated resource implications.

**Q6: What other issues would you like to see covered in the statutory guidance.**

As mentioned above, it is important that the guidance gives a clear steer on the role and authority of the new SDPA.