

ITEM 6 – STRATEGIC DEVELOPMENT PLAN MINISTER’S DECISION

Report By: Fiona McBrierty

Purpose

The purpose of this report is to advise the Joint Committee of the Minister’s decision on the second Strategic Development Plan (SDP2).

Recommendations

It is recommended that the Joint Committee note the Minister’s decision to reject SDP2.

1. Background

- 1.1 The first strategic development plan (SDP1) was prepared in response to the Planning etc. (Scotland) Act 2006 and was adopted in June 2013 with supplementary guidance setting housing targets for the member authorities being adopted in November 2014 (the housing targets covered 2009 – 2024).
- 1.2 Strategic development planning authorities (SDPAs) are required by section 4(1) of the Act to prepare and review strategic development plans (SDPs), and submit these to Scottish Ministers within four years of the approval of the existing plan (section 10(8)). SESplan complied with this requirement. The rejection of SDP2 by the Minister results in the current SDP (SDP1) remaining the adopted strategic development plan.

2. The Minister’s Decision

- 2.1 On 26 June 2017 the SDP2 Proposed Plan was submitted to the Scottish Government’s Directorate of Planning and Environmental Appeals (DPEA) for Examination. The Examination commenced in August 2017 and the report of

Examination was published on 20 July 2018. Following consideration of the report the Minister issued his decision letter on SDP2 on 16 May 2019. The letter advised that SDP2 had been rejected. The decision letter is attached as Appendix A.

- 2.2 The decision letter sets out three reasons for rejection of the Plan:
1. The Scottish Ministers were not satisfied that the Plan has been informed by an adequate and timely transport appraisal;
 2. The plan does not take sufficient account of the relationship between land use and transport; and
 3. The Scottish Ministers do not support the use of supplementary guidance to resolve this issue.

The Minister found that the requirements of Scottish Planning Policy (SPP), specifically paragraphs 272-275 had not been met and therefore the plan was deficient.

- 2.3 Whilst Section 13(1) of the Planning Act (the Town and Country Planning (Scotland) Act 1997 (as amended)) provides for rejection of a Plan by the Minister, such occurrences in terms of SDP preparation are unprecedented. It is now for SESplan to determine what action, if any, it intends to take in light of the Minister's decision. The options are currently being investigated with a view to reporting to the SESplan Joint Committee at a future date.
- 2.4 In the absence of an up to date development plan SESplan and the member authorities are exposed to risk in terms of development proposals which are contrary to the development plan and with regard the need to maintain an effective five year housing land supply.

3. The Planning Bill – Implications for Strategic Planning

- 3.1 In September 2015, an independent panel was appointed by Scottish Ministers to review the Scottish Planning System with the objective of bringing together ideas to achieve a quicker, more accessible and efficient planning system. The report of the

panel “Empowering Planning to Deliver Great Places” was published 31 May 2016. Scottish Ministers published their response to the report on 11 July 2016 which included a commitment to consult on a White Paper outlining proposed reforms to the Planning System with the ambition of enabling a Planning Bill to be brought forward late in 2017. The Planning (Scotland) Bill was originally introduced to the Scottish Parliament on 4 December 2017. The Planning Bill is scheduled for ‘stage 3 scrutiny’ in June 2019 and if passed, the Planning Bill, with royal assent, could come into effect in late 2019. The Bill, as drafted, proposes to disband SESplan and cease the requirement to prepare strategic development plans. This requirement would be replaced with the introduction of regional strategies - the details of which are not yet defined.

- 3.2 In addition to the Planning Bill, the Scottish Government is intending to publish its National Planning Framework 4 (NPF4) in draft in the summer of 2020. NPF4 will potential reference regional strategies and also set housing targets.

Appendices

Appendix A: SDP2 Minister’s Decision dated 16 May 2019

Report Contact

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Our ref: A24431563

16 May 2019

Dear Peter

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: SESPLAN STRATEGIC DEVELOPMENT PLAN (SESPLAN 2)

I write to advise you that the Scottish Ministers have decided to reject the above plan.

In reaching their decision Ministers 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.

Under Section 13(1) of the Planning Act, this decision has been made for following reasons:

- **The Scottish Ministers are not satisfied that the Plan has been informed by an adequate and timely Transport Appraisal.** The Scottish Planning Policy sets out Ministers’ expectations for this in paragraphs 274 and 275. Concerns about the adequacy of the approach taken to the Transport Appraisal were repeatedly raised by the Scottish Government throughout the preparation of SESplan 2. These concerns have not been adequately addressed by the authority. At Examination the Reporter acknowledged that the plan is not consistent with Ministers’ expectations for Transport Appraisal as set out in the Scottish Planning Policy.
- **The plan does not take sufficient account of the relationship between land use and transport.** Paragraphs 272 to 275 of the Scottish Planning Policy sets out Ministers’ policy expectations for this. The plan does not properly acknowledge and address the region’s infrastructure constraints to support the spatial strategy for delivering housing land across the area. This falls short of Ministers’ expectations as



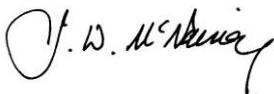
set out in National Planning Framework 3. The Examination confirmed that the plan does not include sufficient information on transport interventions required to support the spatial strategy. Ministers do not consider that it is acceptable to approve the plan as to do so would be to adopt a spatial strategy which is not supported by an adequate assessment of the transport impacts or by an adequate strategy to mitigate its impact on the strategic transport network.

- **The Scottish Ministers do not support the use of supplementary guidance to resolve this issue.** Paragraph 274 of the Scottish Planning Policy states that the Transport Appraisal should be carried out in time to inform the spatial strategy of the plan. Adoption of the plan, ahead of the preparation of supplementary guidance on transport, is not considered by Scottish Ministers to be an acceptable solution. Supplementary guidance brought forward after the plan has been adopted will not be able to change the spatial strategy that would already be embedded in the adopted plan. Scottish Government policy is clear that the plan's spatial strategy should be informed by an appraisal, prior to being adopted.

It is for the SDPA to decide the next steps for strategic planning in their area. It is open to the SDPA to prepare a new SESplan 2 informed by a full Transport Appraisal addressing strategic transport infrastructure issues, including cross-boundary requirements. In considering their position, authorities will wish to be mindful of the implications of the Planning (Scotland) Bill and any future transitional arrangements.

I recognise that the authorities will have significant concerns about the implications of this decision for planning in their areas. I can assure you that the Scottish Government continues to support a plan-led system and that we are committed to working with you to address the implications of this decision with respect to future local development plans across the area.

Yours sincerely



John McNairney
Chief Planner