

ITEM 7 – EDINBURGH AND SOUTH EAST SCOTLAND CITY REGION DEAL EMERGING GOVERNANCE

Report by: Iain McFarlane

Purpose

The purpose of this report is to advise the Joint Committee of proposals for a Regional Growth Framework to form part of the governance and strategy for the Edinburgh and South East Scotland City Region Deal and how this might interact with existing and emerging regional/strategic planning governance.

Recommendations

It is recommended that the Joint Committee:

1. Note the proposals for a Regional Growth Framework and a Spatial Planning Board to provide the Edinburgh and South East Scotland City Region Deal with spatial planning input;
2. Note the requirement in the 2019 Planning Act for Regional Spatial Strategies to replace the current strategic planning arrangements; and
3. Write to the Edinburgh and South East Scotland City Region Deal Executive Board to set out how the existing SESplan Board and a future Regional Spatial Strategy Board could constitute part of the Regional Growth Framework governance.

Resource Implications

SESplan is currently operating through the SESplan Board, Joint Committee and a virtual team across the constituent authorities. These arrangements were approved in response to the departure of SESplan staff and the Scottish Government's proposal to remove the strategic/regional tier of planning in the Planning Bill. The final form of the Planning Act 2019 in respect of this was that Strategic Development Plans would be abolished and that Local Authorities would have a duty to prepare Regional Spatial Strategies, but that the National Planning Framework and Local Development Plans would be the statutory components of the development

plan. The resourcing of a Regional Spatial Strategies function would need to be considered by the relevant constituent authorities.

Legal and Risk Implications

As above, the governance of Regional Spatial Strategies will require to be considered by the contributing authorities.

1. Background

1.1 City Region Deal governance includes:

- Joint Committee of Elected Members;
- Regional Enterprise Council including private and third sector interests, advising the Joint Committee;
- Member Oversight Committee with 2 Members from each local authority area with relevant portfolios (planning, transport, housing, economy), advising the Joint Committee;
- Council leaders group;
- Chief Executives group;
- Executive Board;
- Directors group;
- Housing, Economy and Transport boards.

1.2 On 3 September 2019 the City Region Deal Joint Committee approved a paper on governance which proposed arrangements for a Regional Growth Framework to strengthen regional strategy on Economy, Housing and Transport to provide vision, direction and governance over the future growth of the city region.

1.3 The City Region Deal Economy, Housing and Transport Boards focus on sustainable growth in the region. The Transport Board is developing a new relationship with Transport Scotland to provide a regional consideration of transport issues in the South East Scotland area, giving a mechanism for coordinated work with the Economy and Housing boards on the sustainable growth agenda, and with Transport Scotland to address issues which arose in terms of the Ministers' rejection of Strategic

Development Plan 2 (SDP2) over its Transport Appraisal, as reported at the SESplan Joint Committee of 24 June 2019.

- 1.4 The Regional Growth Framework approach would capture the context of housing, transport and economy as the key drivers of sustainable growth. As currently set out, modifications for the City Region Deal governance could include for a Regional Growth Programme Director and a Spatial Planning Board, as proposed in the diagram set out in appendix A of the attached City Region Deal Joint Committee report (Appendix 1).
- 1.5 The establishment of a Spatial Planning Board at the same level as the Housing, Transport and Economy boards would provide a strong planning input to the development of the Regional Growth Framework. This would also provide for input to the programme for National Planning Framework 4, which is expected to emerge in draft by summer 2020.

2. Strategic/Regional Planning Context

- 2.1 SESplan's responsibility for delivering the strategic development plan for the Edinburgh and South East Scotland area has been affected by the rejection of SDP2 in May by Scottish Ministers. The age of SDP1 (5 years), provisions of the new Planning Act in respect of regional and strategic planning and the emerging governance of the Edinburgh and South East Scotland City Region Deal also affect that context.
- 2.2 The rejection of SDP2 and the legislative changes to strategic planning effectively signal the winding down of SESplan as an organisation, as there is no realistic option to review and resubmit the plan and the legislation repeals the requirement to produce strategic plans.
- 2.3 Section 6 of the 2019 Planning Act repeals the requirement for strategic planning authorities and production of a strategic development plan which were part of the 2006 Act. Part 1 of Schedule 2 of the Act sets out minor and consequential amendments and repeals which include for the removal of the requirement to prepare strategic development plans.
- 2.4 Section 5 of the 2019 Act includes a new duty for a planning authority or authorities to produce regional spatial strategies which identify the need for strategic development, the outcomes it will contribute to and priorities for delivery and proposed locations which are to be shown in the form of a

map or diagram and be subject to consultation with stakeholders and the public. These do not require to be approved by Scottish Ministers though are subject to consultation and engagement processes. Section 5 additionally provides that the National Planning Framework is to have regard to adopted regional spatial strategies.

- 2.5 Section 63 of the 2019 Act sets out which parts of the Act come into force without further legislation by the Ministers. The majority of the Act, including the provisions set out above, does require further legislation by Ministers.

3. Next Steps

- 3.1 The Regional Growth Framework and the Planning Act mean that the SESplan local authorities need to review their approach to regional spatial planning and how a Regional Spatial Strategy might be pursued. The constituent authorities could decide to carry out individual or smaller or larger group regional spatial strategies, however, Scottish Ministers could use powers set out in the legislation to direct a group of authorities to work together.
- 3.2 At this time there remains a statutory requirement for SESplan, however, its purpose is limited by the contextual changes referred to above. The SESplan Board and Joint Committee are constituted for the purpose of delivering the statutory Strategic Development Authority and Plan. A Regional Spatial Strategy would need to be directed by the relevant authorities delegating that responsibility to a new body/new members. The preparation of a Regional Spatial Strategy also needs the Ministers to bring that part of the Act into force and provide guidance as referred to in the Act.
- 3.3 The SESplan constituent authorities have to consider the relationship of the existing SESplan arrangements with spatial planning input to the Regional Growth Framework. The Framework is being considered as a spatial framing of housing, transport and economy as the drivers of change and these would also be key drivers of a spatial strategy. There is a clear option for simplicity and alignment with the Spatial Planning Board reflecting the arrangements in place for regional/strategic planning, though authorisation for this and a constitutional change for SESplan would be required of the constituent authorities.

3.4 The alternative would be to have the SESplan and/or Regional Spatial Strategy and Regional Growth Framework arrangements running concurrently, however, that would likely be a more resource intensive and communication dependent approach.

3.5 From the above there would be the opportunity for the City Region Deal authorities to reform the existing SESplan governance to contributing to the Regional Growth Framework whilst setting an early approach to Regional Spatial Strategy governance which draws on the drivers for sustainable regional growth.

4. Governance Options

4.1 Further progress on relevant governance arrangements will require consideration of the following by constituent authorities of both SESPlan and of the City Region Deal.

- Whether or not the arrangements for a City Region Deal Spatial Planning Board should reflect the arrangements for SESplan/Regional Spatial Strategy; and
- Whether or not a joint approach to a Regional Spatial Strategy should be on the same membership basis as SESplan or the same membership as City Region Deal, unless otherwise directed by Scottish Ministers.

Appendices

Appendix 1: Edinburgh and South East Scotland Regional Growth Framework – Report to Edinburgh and South East Scotland City Region Deal Joint Committee 3 September 2019

Report Contact

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Appendix 1 – Edinburgh and South East Scotland Regional Growth Framework – Report to Edinburgh and South East Scotland City Region Deal Joint Committee 3 September 2019

