

**TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP****18 DECEMBER 2018****STRATEGIC PLANNING UPDATE & ADVISER APPOINTMENT****REPORT BY DIRECTOR**

This report provides an update on the treatment of Strategic Planning within the proposed Planning Bill and recommends the appointment of a Strategic Planning Adviser to the Partnership.

**1 RECOMMENDATIONS****1.1 That the Partnership:**

- (i) Approves the appointment of Kate Cowey, as acting TAYplan Strategic Development Plan Manager, as Strategic Planning Adviser to the Partnership; and
- (ii) Notes the update on the treatment of Strategic Planning within the proposed Planning Bill.

**2 STRATEGIC PLANNING ADVISER APPOINTMENT**

- 2.1 The Transport (Scotland) Act 2005 and subordinate legislation specifies the membership of Regional Transport Partnerships. In addition to prescribed numbers of Councillor and “Other” (i.e. non-Councillor) members, RTP’s and Scottish Ministers are able to appoint “Observers”. The relevant provisions are set out in the Transport (Scotland) Act 2005, the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005, and Scotland’s Transport Future: Regional Transport Partnerships – Guidance on Membership.
- 2.2 Whilst the Act uses the term “Observer”, the Guidance on RTP Membership acknowledges that the term “Adviser” more accurately reflects the principle of involving individuals who can add value to the work of Partnerships. It is, therefore, proposed that the term Adviser is adopted for any individuals appointed under this arrangement. Advisers do not carry any responsibility and are likely to be drawn from either specific interest groups or to bring a particular knowledge or expertise in advising the Partnership.

- 2.3 Tactran has previously appointed an Adviser to the Board who used to be Pam Ewen, the TAYplan SDPA Manager. This was done in relation to the connection between the RTS and SDP. That role has now passed over to Kate Cowey, Service Leader - Planning & Communities, Angus Council who is now leading the TAYplan work on behalf of the Board. Consequently, it is recommended that in this role, Kate is appointed as an Adviser to the Regional Transport Partnership to advise on strategic planning matters.

### 3 STRATEGIC PLANNING BRIEFING

- 3.1 The Scottish Government published [Places, People and Planning: A Consultation on the Future of the Scottish Planning System](#) on 10 January 2017, with consultation responses to be submitted by 4 April 2017. The proposed changes to the Planning system proposed by the Scottish Government were developed in response to the independent review of the planning system which was published in May 2016, as reported to the Partnership on 14 June 2016 (Report RTP/16/23 refers) and 13 September 2016 (Report RTP/16/31 refers).

- 3.2 3.2 In response to the consultation and the specific reference to the proposal to replace strategic development plans with improved regional partnership working, the response of the Partnership is detailed below:

*Improved regional partnership working, reflecting the regional approach to transport planning already adopted through RTPs, should be promoted and strengthened, through a consistently aligned approach within and between current strategic reviews and proposals, including the review of the National Transport Strategy and associated review of national, regional and local transport governance; emerging City Deals and associated models of regional governance to support economic growth; and the proposal for the NPF to set out regional planning priorities. In respect of the latter it is considered that regional priorities are better determined at a regional level rather than through the NPF, in line with the principle of empowered devolution. Effective regional partnership working and delivery requires to be underpinned by statutory powers and duties rather than based on voluntary relationships.*

- 3.3 The Scottish Government's proposals were taken forward when the [Planning \(Scotland\) Bill](#) was introduced to Parliament on 4 December 2017. The Bill is central to the Scottish Government's package of measures intended to strengthen the planning system's contribution to inclusive growth and empowering communities. The Bill sets out proposed high level changes to the overall framework under which planning operates; the detail of how the new provisions will work in practice will be contained within secondary legislation and guidance.

3.4 With regard to strategic planning, the proposal in the Bill as laid before Parliament was to abolish Strategic Development Plans and include regional planning within the National Planning Framework (NPF) guidance. However, through various amendments accepted by Parliament throughout Stage 2 of the consideration of the Bill, Strategic Development Plans have been reinstated. Whether that remains the case through Stage 3 of the Bill's progress through Parliament remains to be seen. The attached Briefing Note provides the context and updated position.

#### **4 CONSULTATIONS**

4.1 In preparing this report, consultations have taken place with the Chair of the TAYplan Board and the acting TAYplan manager.

#### **5 RESOURCE IMPLICATIONS**

5.1 This report has no direct or additional financial or other resource implications.

#### **6 EQUALITIES IMPLICATIONS**

6.1 This report has been screened for any policy implications in respect of Equality Impact Assessment and no major issues have been identified.

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#### **NOTE**

The following papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing this Report.

Scotland's Transport Future: Regional Transport Partnerships - Guidance on Membership, December 2005.

The Planning (Scotland) Bill, December 2017.

Report to Partnership RTP/16/23, Directors Report, 14 June 2016

Report to Partnership RTP/16/31, Development Planning Consultations, 13 September 2016

Report to Partnership RTP/17/08, Planning Review, 14 March 2017



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### The Planning (Scotland) Bill

The Planning (Scotland) Bill, as laid before Parliament in December 2017 included the provision to remove the requirement to prepare Strategic Development Plans; stating that Sections 4 to 14 of the Town and Country Planning (Scotland) Act 1997 would be repealed.

This has been the subject of significant debate since introduction of the Bill through evidence collection and evidence giving sessions. The Scottish Government's response to Stage 1 of the Planning (Scotland) Bill set out that there were significant concerns about the future of regional spatial planning, a discipline that has a long history in Scotland and has attracted interest and commendation from elsewhere.

Scottish Government concluded that it was not clear from the evidence heard as part of Stage 1 that removing the current provisions for SDPs will lead to simplification, to streamlining, to cost savings or to more effective planning at a regional scale. They outlined that there is a risk that the time and effort currently devoted to the four SDPs will be eroded and political support will wane if regional planning becomes a voluntary endeavour. They did, however, state that in their view the current arrangements for strategic development plans are not fit for purpose. They also pointed out that planning at this scale is operating in isolation from wider, more dynamic regional working.

Given this, Scottish Government concluded that the current statutory framework for regional planning should not be repealed unless a more robust mechanism is provided to that currently proposed in the Bill. Such a mechanism could include enabling local authorities to work together for strategic planning purposes; and that any agreed plan that arises from that work should then form part of the relevant Local Development Plans (LDPs). Scottish Government set out priorities for stage 2 in September 2018, namely to:

- Establish a clearer duty for all planning authorities to undertake strategic planning. This will ensure the continuing commitment to planning at this scale is better understood.
- Ensure regionally driven strategic planning will be used to inform a collaborative approach to the National Planning Framework, rather than being prescribed nationally.
- Maintain flexibility for resourcing, governance and procedural arrangements so that different parts of the country are able to adjust their approaches to strategic planning.
- Ensure that procedures are proportionate, to enable fuller alignment of strategic planning with wider partnership working at a regional scale.

A number of amendments were proposed as part of Stage 2 of the Bill's passage through Parliament. Stage 2 of the Bill concluded on 14 November 2018. An amendment to leave out Section 2 of the Bill, which related to the removal of the requirement to prepare Strategic Development Plans from the 1997 Planning Act was agreed. An additional amendment relating to the need to produce an Evidence Report (rather than a Main Issues Report) before preparing a Strategic Development Plan was also agreed. The requirement to subject the strategic development plan to independent examination has also been removed.

It is anticipated that the Bill will progress to Stage 3 either later in the year or more likely early in 2019.

### **TAYplan**

In Tayside, TAYplan 2 was approved in early 2018. The TAYplan Joint Committee and Board have continued to meet, but work on reviewing the current Strategic Development Plan has paused in light of the contents of the Bill introduced to Parliament. The Strategic Development Plan Manager role has now passed from the Tay Cities Lead to Angus Council as part of the agreed approach that the constituent councils would each provide a management lead until more certain arrangements were known. Staffing has reduced to one part time post, which is based at Fife Council.

Work has been continuing at a Steering Group level and there have been a number of meetings to progress the Tayside and North Fife Housing Need and Demand Assessment in anticipation of the need to feed into any National Planning Framework in the absence of a regional framework.

Whilst Strategic planning in Tayside has, to date been generally positive and has produced an initial and revised Strategic Development Plan, there are some cross boundary issues both within and outwith Tayside that have not been fully addressed. This primarily includes infrastructure and transport issues.

Legal opinion was previously sought on the transferral of powers from the TAYplan Joint Committee to the Tay Cities Joint Committee. This opinion set out that from both a practical and legal perspective, this would be premature given the progress of the Planning Bill. This legal opinion was sought before the amendment was agreed by Committee at stage 2 to leave out Section 2, which related to the removal of the requirement to prepare Strategic Development Plans. The TAYplan Board had previously agreed that TAYplan would continue until an alternative approach was agreed. Given the agreed amendment, the conclusion reached now becomes even more relevant.

Whilst the Tay Cities Joint Committee could become the Strategic Development Plan Authority Joint Committee, there are issues with membership and the presence of private sector or business interests on the Committee. As the Strategic Development Plan looks like it will remain part of the statutory Development Plan, there needs to be democratic accountability for its production, and the involvement of private sector interests would potentially undermine the document / process due to conflicts or perceived conflicts of interest.

### **Issues**

- For the time being, the requirement to produce a Strategic Development Plan in the current manner remains as part of the original Town and Country Planning (Scotland) Act 1997. The agreed amendments do not remove this requirement. This may change as the Bill progresses through Stage 3.
- Whilst Scottish Government have indicated their intent to allow flexibility in how local authorities work together strategically, this is not detailed in any agreed amendment.
- There will be continued uncertainty until the Bill passes through Stage 3 and is finalised.
- Careful consideration needed of how and when to move forward on strategic planning collaboration. This cannot happen in isolation; this should be considered alongside regional collaboration in Economic Development and Transport.