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2008

## STATUTORY GUIDANCE ON STRATEGIC DEVELOPMENT PLANNING AUTHORITIES

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**Scottish Planning Series**

**PLANNING CIRCULAR 2 2008**

**Statutory Guidance on  
Strategic Development  
Planning Authorities**

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## PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of The Scottish Government's policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of The Scottish Government's policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of The Scottish Government's policy contained in SPPs and Circulars are material considerations to be taken into account in development plan preparation and development management.

Existing National Planning Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of The Scottish Government's location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

The National Planning Framework sets out the strategy for Scotland's long-term spatial development. It has the same status as SPPs and provides a national context for development plans and planning decisions and the ongoing programme of The Scottish Government, public agencies and local government.

Important Note: In the interests of brevity and conciseness, SPPs do NOT repeat policy across thematic boundaries. Each SPP takes as read the general policy in SPP 1 and highlights the other SPPs where links to other related policy will be found. The whole series of SPPs should be taken as an integral policy suite and read together.

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## INTRODUCTION

1. The Planning etc. (Scotland) Act 2006 provides for the removal of structure plans and the creation of strategic development plans (SDPs). The Act gives Scottish Ministers powers to designate Strategic Development Planning Authorities (SDPAs), which are groups of planning authorities working together to prepare these plans.
2. This circular constitutes guidance, issued under Section 4(7) of the 2006 Act, setting out how planning authorities should work together to prepare strategic development plans. It is intended to sit alongside the forthcoming development planning regulations and accompanying circular, which will set out the process for preparing a SDP and requirements as to their form and content, and also further non-statutory advice. Once published, these documents will be available to view on the Scottish Government's Planning Homepage at <http://www.scotland.gov.uk/Planning>.

## POLICY CONTEXT

3. The White Paper *Modernising the Planning System*, published in June 2005, signalled Ministers' intentions to introduce the strategic development plans and local development plans that are now provided for in the Planning Act. The White Paper proposed that while local development plans would cover the whole of Scotland, strategic development plans would only cover the four largest city regions around Aberdeen, Dundee, Edinburgh and Glasgow.

## DESIGNATION ORDERS

4. The designation orders set out the groups of authorities that comprise each strategic development planning authority. SDPAs provide a vital forum for planning authorities to jointly establish a common approach to matters that extend beyond an individual authority's boundaries. Housing markets, travel to work areas and access to services all operate on a large geographical basis, particularly around the main city regions. The groups of planning authorities for each SDPA are therefore intended to reflect the geographic realities on the ground.



5. The laying of the final designation orders in Parliament in spring 2008 is intended to give the new SDPAs time to put in place effective administrative arrangements and carry out preparatory work to identify proposed plan boundaries before the SDPA designation orders come into force later in 2008. More guidance on drawing plan boundaries is available in paragraphs 19-23 below.

## **STRATEGIC DEVELOPMENT PLANS**

6. Strategic development plans will be prepared by SDPAs and approved by Scottish Ministers. They will set out a clear vision and spatial strategy for their area. Critically they will focus on the key land use and development matters that cross planning authority boundaries and as a result we expect them to be shorter, more strategic and easier to use than structure plans. While they will continue to form part of the statutory development plan, they will not need to contain a long list of policies or seek to form a detailed handbook for development management. Local development plans sitting below will provide further detail on the issues specific to the local authority area, in line with the overall strategy in the SDP.
7. Further discussion on the form and content of SDPs will be contained in the relevant secondary legislation and advice.

## **GOVERNANCE**

8. The principal role of SDPAs is to prepare strategic development plans. Scottish Ministers want SDPs to be prepared and reviewed on at least a 5-yearly basis, so that plans can effectively lead and manage change. The Act therefore requires that proposed SDPs will be submitted to Ministers for approval within 4 years of the date of approval of the last plan. The achievement of this timetable will require strong political leadership and rigorous project management.
9. Strategic development planning authorities should form a joint committee of members representing the constituent planning authorities. This should be serviced by a small dedicated team of officers.

## JOINT COMMITTEES

10. The preparation of up-to-date, relevant and achievable SDPs will require councillors to think beyond the boundaries of their own local authority and consider the best strategy for the whole city region.
11. Membership of the joint committee should be on an equal basis, with the same number of councillors from each authority. To ensure that meetings are manageable, it is recommended that 2 councillors from each authority are represented on the SDPA. It may, however, be possible for a greater number from each authority, for example, where the SDPA is made up of a small number of planning authorities e.g. the Aberdeen city region. In all cases, however, each constituent authority should have equal representation.
12. Nomination by local authorities of councillor members to sit on the joint committee is entirely a matter for the respective councils, as is the appointment of a Chair who will have a key role in managing the business of the joint committee and ensuring decisions are made.
13. There may also be scope for the joint committee to co-opt additional non-voting members to represent other interests or provide specialist expertise. For instance, it could be appropriate to co-opt a representative from the relevant regional transport partnership or other key agencies. Such an approach could help ensure that SDPs are properly integrated with other strategies, and that other policy makers properly buy-in to the SDP strategy.
14. The Government envisages that major decisions, for instance about the content of the SDP, will be ratified by the individual planning authorities. But authorities may conclude that delegating some more routine decisions, such as responding to consultations, to the joint committee may assist in the speed and efficiency of decision-making. The level of delegated authority the joint committee has, to make decisions or authorise spending, will be for the individual authorities to decide.
15. It is expected that most decisions will be reached by consensus. However, on occasions where authorities cannot agree on the content of the proposed plan to be submitted to Scottish Ministers, the Planning Act allows one or more of the constituent authorities to set out alternative proposals, along with their reasons for those alternatives.



## DEDICATED TEAMS

16. Strategic planning is a continuous process that requires a dedicated team of professional and support staff to manage effectively. Each SDPA joint committee should therefore be supported by a dedicated team of officials, whose responsibility is to service the joint committee and carry out the work to prepare and review the strategic development plan. It is the view of Scottish Ministers that dedicated teams represent the most effective way to deliver an effective plan for the city region. This ensures that no individual council has greater or lesser influence over the shape of the strategic development plan and that it truly reflects the best strategy for the area as a whole. A dedicated team also allows for the appointment of specialists, e.g. statisticians, that might not be viable for an individual authority.
17. SDPA teams are likely to be small in size, drawing in expertise from constituent authorities and beyond. A flexible approach may be adopted, allowing the team to expand and contract depending on the stage of plan preparation and the pressures being faced. A neutral location, separate from any of the individual councils' offices, would help to emphasise the city-region role of the team as would co-location with other city region wide functions, for example, transport. While planning authorities may also find it helpful for the SDPA team to take on broader responsibilities for research, analysis or other shared services to deliver economies of scale for the constituent authorities, that is entirely a matter for the authorities.
18. Where Ministers are concerned that effective arrangements are not being established, they may use their powers under to S.4(3) of the Act to direct that an employee of one of the constituent authorities be assigned to manage the process of preparing and reviewing the plan and that other employees be assigned to assist in that process. This is not about Ministers identifying a specific individual or post to take on the role of the SDP manager, but rather to identify one of the authorities as the employing authority, and tasking that authority with the job of identifying a manager. Neither that manager, nor the supporting officers, would require to be currently employed by that authority. Although these powers are available, Ministers expect arrangements to be established by consensus between the authorities.



## PLAN BOUNDARIES

19. On commencement of the designation orders, the first role of the newly-designated SDPAs will be to agree boundaries for the strategic development plan areas. The Act requires each SDPA to submit a proposed boundary to Ministers within 3 months of designation as an SDPA.
20. Authorities should adopt a transparent approach to determining the most appropriate boundary, involving engagement with relevant interests. We expect agreement to be reached between the authorities on the proposed boundary but, where there are concerns, any of the constituent authorities may submit an alternative proposal to Ministers. Ministers will then confirm the final boundary. Powers to amend the submitted boundary or propose a different boundary should only be necessary in exceptional circumstances, particularly where there is no consensus amongst the authorities, and we will engage with authorities before designation to work towards an agreed position. Where Ministers determine that the proposed boundary should be amended or different, Ministers are required to give their reasons for their decision on the final boundary.
21. Given that the SDPs form part of the statutory development plan under Section 25 of the Act, it is important for the purposes of development management that it is clear where the SDP does and does not apply. Therefore, a clear and precise boundary is essential.
22. As discussed above, SDPs will deal with genuinely strategic cross-boundary issues and the proposed boundary should be drawn to allow the SDPA to effectively address such issues. This suggests that boundaries that are widely drawn will be more practical than those that are tightly set around the city. In addition, the perceived absence of cross-boundary issues in one part of the area does not necessarily mean that the boundary should be drawn to exclude that part – the content of the plan relating to each part of the plan area will be proportionate to the issues being addressed. A SDP boundary that matches up with local authority boundaries is likely to be the simplest solution, still allowing for the focus of the plan content to be on the issues and areas with the greatest cross-boundary implications. The exception will be national parks, which we expect to be excluded from SDP areas. Wherever the boundary is drawn, SDPAs and planning authorities adjacent to SDP areas will continue to work together on common issues of concern, taking particular care to address the needs of areas just outside the agreed plan boundary.



23. Section 4(6) of the Planning Act prevents more than one SDP being prepared for the same SDP area. Therefore, in areas where an authority forms part of more than one strategic development planning authority, neighbouring strategic development plans should not overlap. This avoids potential conflicts between two plans for the same area, prepared by different SDPAs.

## RESOURCES

24. As with membership, the ethos of equal contributions from each constituent authority will also apply to financial support for the SDPA. For the purposes of employment law and financial accountability, one local authority within the SDPA should act as the employing authority with financial contributions from all constituent authorities being channelled through that authority.
25. The duty to prepare strategic development plans replaces an existing requirement to prepare structure plans and therefore is not a wholly new function. We therefore anticipate a redistribution of resources rather than a requirement for significant additional spending. However the Scottish Government has identified some additional resources to assist SDPAs with start-up costs, further details of which are being made available separately.

## CONCLUSIONS

26. The preparation of up-to-date, relevant development plans is a cornerstone of the modernisation of the planning system and strategic development plans will lead the way in shaping the future growth of our largest city regions. The establishment of effective joint working arrangements is critical to the delivery of the new strategic development plans. This statutory guidance covers the overarching principles for SDPA governance and funding.

## FURTHER COPIES AND ENQUIRIES

27. Any enquiries about this Circular should be addressed to Stephen Hall, Directorate for the Built Environment, Area 2-H, Victoria Quay, Edinburgh EH6 6QQ telephone (0131) 244 0626. Further copies of the Circular may be obtained by telephoning (0131) 244 7543 or from the Scottish Government website at: [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning).

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