EXECUTIVE NOTE

The Strategic Development Planning Authority Designation (No. 1) (Scotland) Order 2008 SSI/2008/195

The Strategic Development Planning Authority Designation (No. 2) (Scotland) Order 2008/196

The Strategic Development Planning Authority Designation (No. 3) (Scotland) Order 2008/197

The Strategic Development Planning Authority Designation (No. 4) (Scotland) Order 2008/198

Under the Town and Country Planning (Scotland) Act 1997 (the 1997 Act), the development plan is composed of a nationwide two-tier system of structure plans and local plans. The Planning etc. (Scotland) Act 2006 (the 2006 Act) replaces these with strategic development plans (SDPs) and local development plans. The latter will exist throughout the country, but the former will only be prepared in parts of the country where Ministers designate a strategic development planning authority (SDPA). The development planning provisions of the 2006 Act are expected to be brought into force in their entirety around January 2009, but the membership of SDPAs needs to be established well in advance of this date.

These four Orders designate the following groups of planning authorities in Scotland's four biggest city-regions as SDPAs under section 4(1) of the Act.

1. East Dunbartonshire Council, East Renfrewshire Council, Glasgow City Council, Inverclyde Council, North Lanarkshire Council, Renfrewshire Council, South Lanarkshire Council and West Dunbartonshire Council.
2. Aberdeen City Council and Aberdeenshire Council.
3. Angus Council, Dundee City Council, Fife Council and Perth and Kinross Council.
4. City of Edinburgh Council, East Lothian Council, Fife Council, Midlothian Council, Scottish Borders Council and West Lothian Council.

These designation orders will come into force on 25 June 2008. From that date, the SDPAs will have three months in which to propose boundaries for the SDP areas to Scottish Ministers. Ministers will then make a final determination of the SDP area boundary.

The SDPAs must also have regard to guidance issued by Scottish Ministers under the new section 4(7) of the 1997 Act, as introduced by the 2006 Act. This guidance has been issued as Planning Circular 2/2008.

Policy Objectives

Need for early designation

The modernised planning system introduced by the 2006 Act will bring much-needed improvements to the arrangements for strategic planning, including the more efficient delivery of plans, and better engagement with stakeholders. It is important that these benefits are introduced as soon as is practical, and that the length of the transition period from the old to the new systems is minimised. Scottish Ministers therefore wish SDPAs to be in a position to start work on the new plans as soon as the main development planning provisions of the new Act are commenced (anticipated to be in January 2009). But in order for this to happen, the legal and advisory context needs to be in place first. Planning authorities need to know whether they are to be included in SDPAs; the boundaries for the SDP areas need to have been set; and governance structures need to be in place. The early designation of the SDPAs will therefore allow these authorities to move forward with certainty to put in place appropriate governance structures, to begin preparatory work on producing SDPs, and to identify appropriate boundaries for the SDP areas well in advance of the full commencement of the new development planning system.

Strategic development planning authority groupings

The proposed SDPA groupings reflect those that the then Scottish Executive consulted on in the Modernising the Planning System White Paper in 2005, and in the draft designation orders in July 2007. An analysis of the responses to the these consultations is available on the Government's website (http://www.scotland.gov.uk/Topics/Built-Environment/planning/modernising/progress). The groupings do not cover the entirety of Scotland but only the authorities in the four biggest city regions around Aberdeen, Dundee, Edinburgh and Glasgow. These are the parts of the country where planning and infrastructure decisions can have significant cross-boundary effects, and so a strategic overview is required. They are areas where housing markets, travel-to-work areas and access to services operate across a number of different planning authorities. The groupings therefore reflect geographical realities on the ground, and are not intended to indicate a preference by Ministers for any particular policy approach as to the location of future development

Fife Council is included in two SDPAs. Part of Fife will be covered by the SDP dealing with the area around Dundee, and part by the SDP dealing with the area around Edinburgh.

Outside the four city regions, strategic issues can be adequately dealt with in a single tier local development plan.

Statutory Guidance for SDPAs

Scottish Ministers have published Circular 2/2008 (http://www.scotland.gov.uk/Publications/2008/04/22133359/0) which gives guidance to planning authorities on SDPAs. In particular it advises on governance issues, including the setting up of joint committees and the establishment of dedicated teams of officials to service them. It also provides guidance on how and where SDP area boundaries should be drawn.

The guidance advises that SDPAs form joint committees of members representing the constituent planning authorities. Representation, voting power and financial contributions should be equally shared among the constituent authorities. Most decisions should be reached by consensus, but where authorities cannot agree, the Act allows one or more constituent authority to submit alternative proposals to Scottish Ministers.

SDPAs and planning authorities adjacent to SDP areas should work together on common issues of concern, taking particular care to address the needs of areas just outside the agreed plan boundary.

Financial Effects

The requirement to prepare SDPs replaces the earlier requirement to prepare structure plans, so this is not a new duty on the authorities concerned. However the Scottish Government has accepted that there will be one-off start-up costs associated with setting up the new SDPAs. In particular, we are now giving stronger guidance that SDPAs should be serviced by small dedicated teams of officials: where they do not already exist, these teams will need to be recruited, accommodated and equipped. £400,000 has therefore been identified within the current spending round to assist SDPAs with these one-off costs. Planning authorities will be expected to fund ongoing running costs from within their own resources.

Impacts

These orders have not been subject to formal assessment of their regulatory, equality or environmental impacts, as these are purely administrative measures required to pave the way for the later introduction of the new strategic development planning system. The wider package of secondary legislation required to introduce the new development planning system will be subject to equalities and regulatory impact assessment, and has already been screened for possible significant environmental effects. Following consultation, the Government has formally determined that strategic environmental assessment will not be required.

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