

ITEM 6 – STRATEGIC DEVELOPMENT PLAN 2 UPDATE

Report by: Alice Miles, Acting SDP Manager

Purpose

This Report includes an update on the examination and approval of Strategic Development Plan (SDP) 2.

Recommendations

It is recommended that the SESplan Joint Committee:

1. Notes the update on the examination and approval of SDP2 as set out within this Report.

Resource Implications

As set out below.

Legal and Risk Implications

As set out below.

Policy and Impact Assessment

No separate impact assessment is required.

1. Background – The MIR, Proposed Plan and Submission

- 1.1 The first Strategic Development Plan (the current SDP) was approved by Scottish Ministers on the 27 June 2013. The Planning etc. Scotland (Act) 2006 Section 10(8) requires that a second proposed Strategic Development Plan (the Proposed Plan) must be submitted for Examination within 4 years of the approval of the current SDP i.e. no later than 27 June 2017.

- 1.2 As set out in the published Development Plan Scheme and reported to Joint Committee, work on the Proposed Plan began with early awareness raising in April 2014. This was followed by the preparation of a Main Issues Report (MIR2) which was published for a 10 week consultation on the 21 July 2015. A total of 240 consultees responded to MIR2 raising 2,765 comments.
- 1.3 These comments fed into the preparation of the Proposed Plan which was approved for publication by the SESplan Joint Committee on the 20 June 2016. Following ratification by each of the six member authorities, the Proposed Plan was published for a six week period for representations on the 13 October 2016. A total of 802 representations were received from 168 representees. All representations received on the Proposed Plan are available to view on the [SESplan Consultation Portal](#).
- 1.4 The SESplan Joint Committee considered the Proposed Plan for submission to Scottish Ministers on the 13 March 2017. Related to transport and infrastructure considerations, the draft Cross Boundary Study was circulated to SESplan by Transport Scotland on Wednesday 8 March 2017. The Study considered how growth such as new housing and employment as set out in the approved SDP1 will impact on transport movements which cross local authority boundaries within the region. Members considered that the evidence behind the Plan indicates that the additional transport impacts as a result of the Proposed Plan are minimal. However, given the importance of the Study, Members considered that it would be appropriate to defer a decision on the submission of the Proposed Plan for Examination until such time as the final Study is received and the impacts of the Study can be fully understood.
- 1.5 The SESplan Cumulative Impact Cross Boundary and Land Use Study known as the '[Cross Boundary Study](#)' was received by SESplan on the 27 April 2017. Following its consideration the Joint Committee approved the unmodified Proposed Plan for submission to Scottish Ministers at its meeting on the 26 June 2017.

2. The Examination

- 2.1 The Proposed Plan was submitted to the [Planning and Environmental Appeals Division](#) (DPEA) of Scottish Government on the 26 June 2017. The lead reporter was appointed on the 6 July 2017 and further to an assessment of the Statement of Conformity with the Participation Statement, the examination formally commenced on the 14 August 2017.

2.2 Under Regulation 22 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, the appointed reporter can request, by way of notice, further information in connection with the examination. Ten further information requests have been received to date.

Further Information Requests		Information Requested Related To
01	Issue 2.3 Brownfield Land	<ul style="list-style-type: none"> - Importance of brownfield land - Strategic Environmental Assessment and brownfield land - Housing Market Partnership and brownfield land - Emphasis of brownfield land within the Plan
02	Issue 2.7 Key Area of Change Fife	<ul style="list-style-type: none"> - Port of Kirkcaldy - Forth Ports and Rosyth - Forth Coast Cluster - Northern Relief Road - Planning Review
03	Issue 5 Responsible Resource Extraction	<ul style="list-style-type: none"> - Clarity on construction aggregates and revised wording - Compliance with Scottish Planning Policy
04	Issue 5 Responsible Resource Extraction	<ul style="list-style-type: none"> - Clarity on Government moratorium on unconventional oil and gas extraction and revised wording
05	Issue 6 Zero Waste	<ul style="list-style-type: none"> - Clarity on landfill capacity and revised wording
06	Issue 7 A Low Carbon Economy	<ul style="list-style-type: none"> - Assessment of grid capacity - Support for and promotion of community and council owned renewable energy
07	Issue 4.2 Rural Economy	<ul style="list-style-type: none"> - Commercial and recreational harbours
08	Issue 4.1 Investment and Employment	<ul style="list-style-type: none"> - Clarify sources - Clarify responded to representation in its entirety - Strategic centres
09	Issue 11 Thriving Town Centres	<ul style="list-style-type: none"> - Town centres first
10	Issue 2.2 The Green Belt and Related Designations	<ul style="list-style-type: none"> - Clarity on the intention on policy wording on green belts, green wedges and other countryside designations

2.3 The target date for the Report of Examination to be published is the 6 April, with the DPEA recently advising at the end of February that the examination is progressing well, and subject to there being no requirement for evidence to be heard at an oral session; the reporters expect to complete the examination by the end of March 2018.

3. Approval

3.1 The Report of Examination including recommendations will be sent to the Scottish Ministers.

- 3.2 In practice, Ministers expect to take on board the reporter's recommendations unless there is strong justification to depart from them. There is no further formal opportunity for parties to submit further representations to Scottish Ministers.
- 3.3 Once Ministers have received the Report of Examination, Section 13 of the Planning etc (Scotland) Act 2006, allows them to approve SDP2 in whole or in part (with or without modifications) or reject the plan. A decision from Ministers is expected late July / early August 2018.
- 3.4 If any person aggrieved by SDP2 and desires to question the validity of the plan on the grounds that it is not within the powers conferred by Part II of the Town and Country Planning Act 1997, as amended, or that any relevant requirement of that Part or of any regulations made under that Part have not been complied with; he may make an application to the Court of Session under section 238 of the Act. Any such application must be made within six weeks from the approval of the Plan (by no later than mid to late September 2018 on current timescales)
- 3.5 As soon as possible after approval, SESplan must then publish SDP2 (including electronically), send two copies to Scottish Ministers and place copies in the local libraries, advertise in a newspaper and notify all parties who made representations that the Plan has been published and where it is available for inspection.
- 3.6 Post SDP2 approval, SESplan is required to prepare and publish the Action Programme and a Strategic Environmental Assessment Post Adoption Statement. The Action Programme is required to be approved within three months of the approval of SDP2 (late October / early November). The Post Adoption Statement is required to appraise the impact of any relevant modifications to the Plan.
- 3.7 SESplan are also progressing guidance on cross boundary Developer Contributions and Green Network Priority Areas. Following recommendation by the Reporter, Scottish Ministers may also direct that Supplementary Guidance is prepared on other areas of the Plan. Any such guidance will be required to be approved within one year of the approval of SDP2.

4. Next Steps

- 4.1 Progress towards approval of SDP2 will continue to be reviewed by the SESplan Core Team in conjunction with the SESplan Project Board, with updates brought to future meetings of the SESplan Joint Committee in June and November 2018.

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