

ITEM 9 – 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 for Joint Committee information.

Recommendations

It is recommended that the SESplan Joint Committee:

1. Note 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

All risks are detailed in the SESplan Risk Register and reported to SESplan Joint Committee on an annual basis.

Policy and Impact Assessment

No separate impact assessment is required.

1. The Examination

- 1.1 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.

1.2 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. Twelve 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
11	Issue 8 – Increasing Housing Delivery	<ul style="list-style-type: none"> - Clarity on information on affordable housing delivery published since the proposed plan and whether it has any implications for housing supply targets.
12	Issue 7 – A Low Carbon Economy	<ul style="list-style-type: none"> - Biomass Power / Heat Plants and sustainable feedstock sources

1.3 SESplan have submitted responses to all further information requests for consideration by the reporter.

1.4 All further information requests and comments submitted by SESplan and other parties are available for view / download on the [DPEA](#) website.

2. Approval

- 2.1 Unlike local development plan examinations, there is no further opportunity to consider the report and / or any modifications to the proposed plan by SESplan and the member authorities once it has been published. In practice, the DPEA will send the report of examination including recommendations directly to the Scottish Ministers. SESplan will simply be required to publish the report on the SESplan website. Notification of publication of the report to all those who made representations will be circulated by the DPEA. Members will be notified by email by SESplan once the report has been published.
- 2.2 Ministers expect to take on board the reporter's recommendations unless there is strong justification to depart from them. Given that the examination process exists to consider the merits of the points included in the unresolved representations, there is no further formal opportunity for any party to submit further representations to Scottish Ministers.
- 2.3 The target date for the report of examination to be published was the 6 April. Following the submission of the last information request on the 18 May, the DPEA have advised in the latest case update (18 May) that the reporters have now received all of the responses to the latest request for further information and do not envisage any further procedure being necessary. They hope to complete the report of the examination by the end of June.
- 2.4 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. Where there has been an examination, Ministers may make modifications in approving the plan and will set out reasons for these. Subject to the report of examination being completed by the end of June, a decision by Ministers on the approval of SDP2 is anticipated around September 2018.
- 2.5 Paragraph 54 of Circular 6/2013 (Development Planning) sets out that Section 14 of the Act requires that, *'as soon as possible after approval, the SDPA are to publish the plan (including electronically) and send two copies to Scottish Ministers. They are also to place copies of the approved plan in local libraries, advertise in a local newspaper and notify people who made representations that the SDP has been published and where it is available for inspection.'*
- 2.6 Paragraphs 160 - 161 of Circular 6/2013 sets out that if any person aggrieved by a strategic or local development plan 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.

- 2.7 Any such application must under section 238(4) of the 1997 Act as amended be made within six weeks from the relevant date. In the case of SDPs, the relevant date is the date of the plan's publication.
- 2.8 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. The Post Adoption Statement is required to appraise the impact of any relevant modifications to the Plan.
- 2.9 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. All supplementary guidance will be required to be approved within one year of the approval of SDP2.

3. Next Steps

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- 3.1 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.

Report Contact

Alice Miles, Acting SDP Manager

01506 282880

alice.miles@sesplan.gov.uk