

## STRATEGIC DEVELOPMENT PLANNING AUTHORITY

ABERDEEN, 23 September 2015. Minute of Meeting of the STRATEGIC DEVELOPMENT PLANNING AUTHORITY. Present:- Councillor Councillor Peter Argyle, Convener; Councillor Milne, Vice-Convener; and Councillors Aitchison, Bellarby, Corall, Cox, Finlayson, Grant, Smith and Thomson.

Officers: **Strategic Development Planning Authority:** Strategic Development Plan Manager; **Aberdeen City Council:** Committee Officer (E Parr), Planning and Environmental Policy Manager, Senior Solicitor (F Selbie); **Aberdeenshire Council:** Principle Accountant (R Taylor); **External Auditor – Deloitte** (K Watt)

### APOLOGIES

1. Apologies were intimated on behalf of Councillor Topping.

### OPENING COMMENTS BY THE CHAIR

2. The Chair noted that Dr Margaret Bochel had now left her position as Head of Planning and Sustainable Development at Aberdeen City Council and as a consequence, her role as a professional advisor to the SDPA. The SDPA wanted to extend their thanks to Dr Bochel and wish her well in her new position.

### DECLARATIONS OF INTEREST

3. Councillors Argyle, Aitchison, Finlayson, Grant and Milne declared an interest in Agenda Items 4 and 6 by virtue of their membership of the North East of Scotland Transport Partnership (Nestrans) however, as their interest were non pecuniary they intimated that they would take part in the discussion when these items were being considered.

### MINUTE OF THE MEETING OF 25 JUNE 2015 - FOR APPROVAL

4. The Authority had before them the minute of the previous meeting on 25 June 2015

With reference to Article 1 of the previous minute, the Strategic Development Plan Manager advised that an appeal had been lodged the application for a residential development at Auchattie, Banchory by Aberdeenshire Council and that a variation on the original application was due to be submitted by the developer. It was highlighted that the SDPA may need to respond to these submissions over the next few weeks.

With reference to Article 3 of the previous minute, the Strategic Development Plan Manager advised that further analysis on the Housing Land Audit was provided in the Bulletin.

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With reference to Article 5 of the previous minute, the Strategic Development Plan Manager advised the Authority were awaiting an assessment regarding the Planning Performance Report 2014/15 from the Scottish Government.

The Authority resolved:-

- (i) to approve the minute as a correct record; and
- (ii) to note the verbal updates provided for items 1, 3 and 5.

**AUDITED STATEMENT OF ACCOUNTS 2014/15 AND INDEPENDENT AUDITORS REPORT**

5. The Authority had before it the audited Statement of Accounts for 2014/15 to be approved by the SDPA and the Independent Auditor's Report on the audit for information.

**The report recommended:-**

that the Authority -

- (a) approve for signature the audited Statement of Accounts for 2014/15; and
- (b) consider the Independent Auditors Report

**The Authority resolved:-**

- (i) to approve the audited Statement of Accounts for 2014/15;
- (ii) to note the Independent Auditors Report;
- (iii) to resolve any grammar inaccuracies and the incorrect Chair's name as brought to the Authority's attention during the meeting; and
- (iv) to thank Ruth Taylor and her team for their hard work.

**STRATEGIC TRANSPORT FUND UPDATE**

6. The Authority had before it a report to update the SDPA on the adoption of the statutory Supplementary Guidance on a Strategic Transport Fund and the subsequent legal challenge.

The Strategic Development Plan manager advised that a legal challenge to the SDPA's adoption of the Supplementary Guidance: Strategic Transport Fund has been lodged by the Elsick Development Company Ltd on the basis that the adoption of the supplementary guidance by the SDPA was outwith the powers conferred by the Act because it was contrary to Scottish Government Guidance and the consultation process was unlawful. Another company Goodgrun Ltd has also entered the action in support of Elsick Development Company Ltd as a co pursuer. The SDPA manager advised that a procedural hearing was due to be on 24 November 2015 and any substantive hearing would not heard until into the New Year. Estimations of the costs have been explained in item 5 on the agenda in the SDPA budget monitoring report. The Strategic Development Plan Manager concluded by advising that the statutory guidance currently remains in force.

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The legal advisor from Aberdeen City Council advised that this would be a landmark case in Scotland and an important case to defend. The Authority were advised that £70,000 had been estimated in legal costs but that even if successful some costs could be unrecoverable.

**The report recommended:-**

that the Authority –

- (a) note the decisions of both council's to recognise the adoption of the supplementary guidance and ratify its use;
- (b) note the coming into force of the supplementary guidance on 28 August 2015;
- (c) note the legal challenge raised at the Court of Session by the Elsick Development Company Ltd and the Goodgrun Ltd to the SDPA's adoption of the Supplementary Guidance: Strategic Transport Fund; and
- (d) consider the budgetary implications of the legal challenge under the 'Budget Monitoring' report later on the agenda.

**The Authority resolved:-**

to agree to the recommendations.

**SDPA BUDGET MONITORING REPORT**

7. The Authority had before it a report detailing the budget monitoring and the forecast position for 2015/16 as at 31 August 2015 and to consider and agree how to deal with any legal fees falling due in relation to the legal challenge referred to in Article 6 of this minute.

**The report recommended:-**

That the Authority –

- (a) note the budget monitoring position and the forecast outturn as at 31 August 2015;
- (b) agree to the use of reserves held to cover legal costs of the challenge to the SDPA's adoption of the statutory supplementary guidance; and
- (c) advise the partner councils of the intention to use reserves to cover these legal costs should this be required, which may give rise to an increase in the contributions required from each Council, on an equal share basis, in this or future years.

**The Authority resolved:-**

to agree to the recommendations.

**SDPA BULLETIN**

8. The Authority had before it an information bulletin prepared the Strategic Development Plan Manager which informed members on key issues relating to the work of the Authority. Verbal updates on each item were provided since publication where required.

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Details inside the bulletin included:-

**1. Planning Reform –**

The Cabinet Secretary for Social Justice, Communities and Pensioners Rights, Alex Neil announced in early June that the Scottish Government would be commencing a national discussion on the next round of planning reform.

A presentation by the Chief Planner from the Scottish Government preceded the SDPA meeting today and advised of further information regarding the reform. The Scottish Government has appointed a three-person panel to conduct the review which is designed to consider six key 'issues': development planning; housing delivery; planning for infrastructure; further improvements to development management; leadership, resourcing and skills; and community engagement. At this stage it is not clear what process will be followed by the review panel, although it is assumed there will be some form of evidence-gathering mechanism over the coming months that the SDPA will be able to feed into. The panel is due to report by spring 2016.

**2. Local Development Plans Update -**

Both councils will be submitting their local development plans to Scottish government.

**3. Planning Applications of Strategic Importance –**

It was noted that the development of Aberdeen Harbour was moving forward with a Proposal of Application Notice submitted to Aberdeen City Council in July with community consultation expected to commence this month.

**4. Housing Market Activity –**

Transactions have fallen slightly since the start of 2014 and are still lower than before the recession, although they have recovered more than the figures for Scotland as a whole. Construction industry has rebounded and completions of new housing over the next five years are due to increase considerably, reaching 3,000 per year by 2016.

**5. Children's Quality of Life Survey –**

It was pleasing to see Aberdeen City was the top Scottish City and Aberdeenshire ranked fourth in Scotland and twentieth in the UK.

**The Authority resolved:-**

- (i) to note the contents of the bulletin
- (ii) note that it would be useful to see a comparison of house prices against local income figures to identify areas where people are facing issues getting onto the housing market; and
- (iii) to prepare a paper for the Planning Reform Panel focusing on the key six issues which can be circulated amongst members for comment in advance of being signed off by the Chair and Vice Chair for submission to the Panel as timescales will be tight.

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**DATES FOR 2016/17 MEETINGS**

9. The Authority had before it a report providing the SDPA with the proposed dates for 2016/17.

**The report recommended:-**

that the Authority –

- (a) agree the proposed dates; and
- (b) request that the clerks send out appointments to members and ensure venues are booked.

**The Authority resolved:-**

agree the recommendations.