

STRATEGIC DEVELOPMENT PLANNING AUTHORITY

**Town House, Aberdeen
FRIDAY, 27th MARCH, 2009**

Present:- Councillor Cassie, Chair; Councillor Argyle, Vice-Chair; and Councillors Cox, Fletcher (as substitute for Councillor Cormie), Merson, Milne, Penny (as substitute for Councillor Dean), Pratt, Sullivan and Webster.

Also in attendance:- Councillor Ron Clark (in an observing capacity).

Apologies:- Councillor Cormie, Jaffrey and Hunter.

Officers:- **Strategic Development Planning Team:** Strategic Development Plan Manager
Aberdeen City Council: Head of Planning and Infrastructure and Committee Manager
Aberdeenshire Council: Director of Planning and Environmental Services, Head of Planning Policy and Environment and Head of Finance (Accountancy and Corporate).

INTRODUCTIONS

1. The Chair welcomed Councillor Ronald Clark to the meeting and explained that Councillor Clark would be here in an observer capacity for the meeting. The Chair explained that there was a possibility Councillor Clark may well become a substitute member of the Authority in due course. The Chair explained that Councillor Clark would have no voting powers at today's meeting.

MINUTE OF MEETING OF THE STRATEGIC DEVELOPMENT PLANNING AUTHORITY OF 13 FEBRUARY 2009

2. The Authority had before it a copy of the Minute of its meeting of 13th February, 2009.

The Authority resolved:-
to approve the minute.

PLANNING UPDATES

3. With reference to Article 3 of the Minute of Meeting of the Authority of 23rd January, 2009, the Authority had before it a report by the Aberdeen City and Shire Strategic Development Plan Manager, which advised the Authority of development plan progress within Aberdeen City and Aberdeenshire Councils and other planning issues of interest to the Authority.

The Authority heard the Chair explain that he had attended the Aberdeen City and Shire Economic Future (ACSEF) "Culture" Change Workshop at the Aberdeen Exhibition and Conference Centre on 6th March, 2009. The clear message coming out of the event was that culture change in the planning system is the responsibility of all sectors and although significant progress has already been made, there are significant challenges ahead. The report explained that details of the event and the actions arising from it will be available on the ACSEF website in due course.

The report explained that the Authority at its meeting on 23rd January, 2009 was informed that a draft River Basin Management Plan for the Scottish River Basin District had been published in December, 2008 by the Scottish Environment Protection Agency and was accompanied by a draft Area Management Plan for North East Scotland.

The report explained that consultation on both of these documents will run until June, 2009, although initial comments were encouraged before 22nd March, 2009 with publication of the final document being proposed for December, 2009. The report had appended to it an initial response to the consultation.

The report recommended:-

that the Authority –

- (a) submits the interim response to the consultation on River Basin Management Plan and Area Management Plan to the Scottish Environment Protection Agency (as detailed in one of the appendices to the report); and
- (b) otherwise note the content of the report.

The Authority resolved:-

- (i) to request that officers provide a glossary of acronyms in the interim response; and
- (ii) to approve the recommendations contained in the report.

STRUCTURE PLAN PROGRESS REPORT

4. With reference to Article 1 of the Minute of Meeting of the Authority of 13th February, 2009, the Authority had before it a report by the Aberdeen City and Shire Strategic Development Plan Manager which advised members of progress on the Structure Plan since the last meeting of the Authority.

The report explained that both Councils had held special meetings on the morning of 19th February, 2009 to consider the recommendations of the Authority of 13th February, 2009 with regard to the Structure Plan; and after considerable debate by both Councils on 19th February, 2009, the recommendations of the Authority were agreed.

The report explained that a response had been received on 18th February, 2009 from Scottish Natural Heritage regarding the Appropriate Assessment which suggested that a few minor changes be made to the Assessment. The report outlined that an additional recommendation was made to both Councils on 19th February, 2009 to allow these changes to be made.

The report advised two copies of the finalised Plan and associated documents was sent to Scottish Ministers on 26th February, 2009 and received by them on 27th February, 2009. The report outlined that since the finalised Plan was submitted to the Scottish Ministers before the date that the new Development Plan system came into force (28th February, 2009), the Plan will proceed to approval under the provisions of the 1997 Act and the 1983 Regulations.

The report explained that in terms of Plan distribution, over 800 copies of the Plan and representation form were sent out on 27th February and 2nd March, 2009 and copies were sent to all those who made a representation to the draft Structure Plan as well as key stakeholders, community councils, councillors, neighbouring authorities, MSPs, internal interested parties and others who had requested them.

The report explained that the period for representations and objections to be made to the Scottish Ministers closes on 24th April, 2009 and following the close of the objection period, Scottish Ministers will decide whether an Examination in Public is required into any part of the Plan. The report explained that it can be anticipated that the approval of the Plan would take place towards the end of 2009 if an Examination in Public is not required and the Scottish Government meet their target for Structure Plan approval set out in the now superseded Scottish Planning Policy (SPP)1 document.

The report explained that work has now commenced on the preparation of an action programme for the Structure Plan and this work will build upon the work done throughout the Plan preparation process and engagement will be with the organisations who will contribute to delivering the Plan.

The Authority resolved:-
to note the report.

STRATEGIC DEVELOPMENT PLAN AUTHORITY UPDATE

5. The Authority had before it a report by the Aberdeen City and Shire Strategic Development Plan Manager which informed the members of a range of matters relating to the operation of the Authority including the recent decision made by Audit Scotland regarding audit arrangements for the Authority and its implications.

The report explained that as part of the Minute of Agreement between the two Councils, Aberdeenshire Council acts as the treasurer for the Authority and at the time the Minute of Agreement was prepared, it was anticipated that the finances of the Authority would be audited as part of the audit of Aberdeenshire Council, however, in September 2008, Audit Scotland sent an email to the Authority requesting information to enable them to ascertain whether it would fall within the remit of Aberdeenshire Council's audit arrangements or whether it should be audited as a separate entity in its own right.

The report explained that in a letter dated 21st January, 2009, Audit Scotland confirmed that they had decided that the four Strategic Development Planning Authorities in Scotland should be audited as separate bodies rather than functioning within (and being audited as part of) the Council acting as Treasurer.

The report explained that this has a range of financial and procedural implications as detailed below:-

- there will be an annual charge for the carrying out of the audit by Audit Scotland. The indication is that this will be approximately £400 per annum, however, this was not budgeted for in the budget setting process for 2009/10;
- amendments will be required to the Minute of Agreement and Standing Orders which govern the Authority;
- a signed unaudited financial statement must be submitted to Audit Scotland by 30th June;
- the Authority will need to agree a detailed budget before the start of each financial year and monitor this at regular points throughout the year;
- the Authority will need to agree a set of financial regulations and set out clear corporate governance arrangements;
- the Authority will need to formally appoint a treasurer;
- the cost to Aberdeenshire Council of providing financial services to the Authority will be higher than anticipated;
- all future reports to the Authority will need to include a “financial implications” section; and
- the Authority may need to register as a separate body for VAT purposes, however, if such registration is refused there will be an increase in costs as it may not be possible to reclaim the VAT on expenditure.

The report explained that it is proposed that the Director of Finance for Aberdeenshire Council be formally appointed as Treasurer for the Authority, be consulted on draft reports and be invited to future meetings.

The report explained that the Authority will later on in its meeting today consider a report which proposes a budget for 2009/10 and this meets the immediate needs of the Authority to be in a position to start the next financial year with an agreed budget and it is proposed that a further report be considered at the next meeting of the Authority addressing all other matters above.

The report explained that quarterly meetings are taking place between the four Strategic Development Plan (SDP) Managers (the first of these took place in Aberdeen on 10th September, 2008). In addition to the SDP Managers, representatives from the Scottish Government also attend for part of the meeting. The report explained that these meetings have proved invaluable to both the Strategic Development Plan Managers as well as the Scottish Government in sharing issues, good practice and being able to liaise with other bodies collectively as appropriate.

The report recommended:-

that the Authority –

- (a) notes the decision made by Audit Scotland regarding the auditing of the Authority’s accounts and the likely implications of this decision;
- (b) formally appoints the Director of Finance of Aberdeenshire Council as Treasurer and that he be consulted upon draft reports to the Authority and be invited to future meetings;

- (c) considers a report at its next meeting which addresses the issues detailed in this report which are not subject to separate recommendations today; and
- (d) otherwise notes the contents of the report.

The Authority resolved:-

- (i) to request that the Aberdeen City and Shire Strategic Development Plan Manager consult with the other three Strategic Development Plan Managers in Scotland on whether collective representations can be made to the Chancellor of the Exchequer regarding the requirement for the Authority to register as a separate body for VAT purposes;
- (ii) to note that Councillor Fletcher in his capacity as Vice-President of COSLA will raise the VAT issue with John Swinney MSP, Cabinet Secretary for Finance and Sustainable Growth; and
- (iii) to approve the recommendations contained in the report.

DEVELOPMENT PLAN SCHEME 2009/10

6. The Authority had before it a report by the Aberdeen City and Shire Strategic Development Plan Manager which sought approval from the Authority for the first statutory development plan scheme.

The report explained that under Section 20B of the Planning, Etc. (Scotland) Act 2006, the Authority is required to prepare a development plan scheme at least annually. The report explained that the first development plan scheme must be produced and submitted to Scottish Ministers by 31st March, 2009 under paragraph 13 of Scottish Planning Policy (October 2008).

The report explained that the Planning Etc. (Scotland) Act 2006 and Regulation 24 of the Town and Country Development (Development Planning) (Scotland) Regulations 2008 states that development plan schemes content must include:-

- proposed timetabling (including the proposed month of publication for the Main Issues Report, Proposed Strategic Development Plan and submission of the Proposed Plan to Ministers);
- details of what is likely to be involved at each stage of plan preparation and review; and
- a participation statement highlighting when consultation is likely to take place, with whom, its likely form and the steps to be taken to involve the public at large during the different stages.

The report explained that due to the recent submission of the finalised Structure Plan to Scottish Ministers, the production of a strategic development plan will not begin in Aberdeen City and Shire until 2010/11 and this will enable the important task of implementation to be taken forward by the Strategic Development Plan Team as well as the two Councils. Appended to the report was a draft "Development Plan Scheme 2009/10" document which set out a basic structure and estimated dates for the preparation of the Aberdeen City and Shire Strategic Development Plan.

The report explained that the Development Plan Scheme, once agreed, will be submitted to Scottish Ministers by 31st March, 2009 in line with the requirements of the Scottish Planning Policy and in line with a commitment to environmental

responsibility and resource efficiency. The report advised that officers' preferred means of distribution of the Development Plan Scheme will be through the Authority's website.

The report explained that a new Development Plan Scheme will need to be prepared at least annually, with the next Scheme required by 31st March, 2010.

The report recommended:-

that the Authority –

- (a) agree the content of the Development Plan Scheme 2009/10 and its submission to Scottish Ministers by 31st March, 2009; and
- (b) agree to the publication and circulation of the Development Plan Scheme as detailed in the report.

The Authority resolved:-

to approve the recommendations contained in the report.

MATTER OF URGENCY

The Authority agreed to consider the following report as a matter of urgency in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 in order for the Authority to set a budget at the earliest opportunity.

STRATEGIC DEVELOPMENT PLANNING AUTHORITY BUDGET 2009/10

7. The Authority had before it a joint report by the Treasurer to the Authority and the Strategic Development Plan Manager which asked that the Authority agree a budget for 2009/10.

The report explained that the Authority at its meeting on 18th September, 2008 had considered a report on a proposed budget submission to the two Councils and had agreed to submit a budget request of £158,000 to each Council to inform the budget setting processes. However, with the late decision from Audit Scotland regarding a number of governance issues relating to the Authority, further adjustments have to be made to the presentation of the budget.

Appended to the report was the budget proposal for 2009/10 and it was proposed that the Authority receive a budget monitoring report at each meeting.

The report explained that members have become aware of the implications and concerns arising from the change of status of the Authority and these implications include the impact of Value Added Tax on activities and other, more minor implications, arising from the change in status.

The report advised that as agreed by the Authority on 18th September, 2008, a three-year financial plan will be prepared prior to the end of September, 2009 and this will be completed in parallel with a draft project plan for the first Strategic Development Plan and inform future budget submissions.

The report recommended:-

that that Authority –

- (a) agrees the budget for 2009/10;
- (b) agrees to receive a budget monitoring report at each future meeting; and
- (c) notes the overall budget situation and that it further agrees that further reports will be brought forward to future meetings as the situation is clarified.

The Authority resolved:-

to approve the recommendations contained in the report.

REVISION OF CIRCULAR 12/1996 : PLANNING AGREEMENTS

8. The Authority had before it a report by the Aberdeen City and Shire Strategic Development Plan Manager which sought the agreement of the Authority to a response to the Scottish Government consultation on the revision of Circular 12/1996: Planning Agreements.

The report explained that Section 75 of the Town and Country Planning (Scotland) Act 1997 makes provision for planning authorities to enter into legally binding agreements with developers or landowners for the purpose of restricting or regulating the development or use of land. The report explained that Circular 12/1996 : Planning Agreements was published in April 1996 with two key rules, these being to provide guidance on:

- the circumstances in which such agreement should be used; and
- how they can be efficiently concluded.

The report explained that within the Planning Etc. (Scotland) Act 2006, which will eventually amend the majority of the 1997 Act, new provision is being made for Planning Agreements under Section 23 - Planning Obligations and in due course, it is anticipated that Circular 12/1996 will require further scrutiny and revision to comply with the new legislative requirements.

The report advised that in December, 2008, a consultation document entitled “Revision of Circular 12/1996” Planning Agreements” was published, with the initial deadline for comments extended from 27th March to 10th April, 2009.

The report explained that at the first meeting of the Authority on 18th September, 2008, Members resolved to write a letter to John Swinney, MSP, Cabinet Secretary for Finance and Sustainable Growth which expressed concern that delaying the proposed fundamental review of developer contributions would not deliver Scottish Government aspirations, nor would it achieve the vision and aims set out in the draft Structure Plan.

The report outlined four main points in relation to the current consultation these being:-

- Need for a fundamental review;
- Emerging development plans;
- Distinction between Strategic Development Plans and Local Development Plans; and
- robustness of early assessments.

Further details regarding the responses detailed in these four main points were outlined in the report.

The report explained that the Authority welcomed much of the content of the revised document as it clearly drives forward the modernising planning agenda which Members and officers have sought to embrace and incorporate into the process and delivery of the finalised Aberdeen City and Shire Structure Plan. The report outlined particular issues which were welcomed, these were:- efforts to engage more fully with all stakeholders; moves to improve the speed, efficiency and transparency of preparing and agreeing Planning Agreements; and the importance of monitoring.

The report explained that achieving all of the above will improve the credibility and effectiveness of planning agreements but will not address the fundamental challenges faced in bringing forward high quality sustainable mixed communities and delivering on the vision for the area.

The report recommended:-

that that Authority submit the report to the Scottish Government in response to the consultation exercise.

The Authority resolved:-

- (i) to request that officers pursue a response from John Swinney, MSP, Cabinet Secretary for Finance and Sustainable Growth;
- (ii) to request that officers include in the response the effect of current infrastructure deficiencies on developments and the importance of incentivising in this area; and
- (iii) to otherwise approve the response for onward submission to the Scottish Government.

FUTURE MEETING ARRANGEMENTS

9. The Authority had before it proposed dates for meetings in 2009 and the early part of 2010.

The Authority resolved:-

to meet on the following dates:-

- 17th June, 2009 at Woodhill House;
- 18th September, 2009 at the Town House;
- 4th December, 2009 at Woodhill House; and
- 26th March, 2010 at the Town House (all meetings to start at 2.00pm).

- **SCOTT CASSIE, Chairperson.**