

DATA LABEL: PUBLIC



DEVELOPMENT AND TRANSPORT POLICY DEVELOPMENT AND SCRUTINY PANEL

WINDING UP OF SESPLAN

REPORT BY HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION

A. PURPOSE OF REPORT

The purpose of this report is to advise the panel that following changes being implemented through the Planning (Scotland) Act 2019 SESplan has agreed to invite member authorities to move to wind-up SESplan. This report sets out the reasons for that and proposed revised arrangements for co-ordinating the strategic planning functions across the SESplan area.

B. RECOMMENDATION

It is recommended that the panel notes and considers the following recommendations which are intended to be submitted to the Council Executive for approval:

1. notes the changes with respect to Strategic Development Planning Authorities being progressed as a consequence of the Planning (Scotland) Act 2019;
2. agrees to the winding up of SESplan;
3. notes the revised arrangements for the co-ordination of strategic planning functions across the SESplan area as previously agreed by the council; and
4. agrees to the financial arrangements set out in the report.

C SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; and making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	<p>The changes are being progressed to accord with the requirements of the Planning (Scotland) Act 2019.</p> <p>There are no SEA requirements, equality issues, or requirements for health or risk assessment associated with this report.</p>

The Strategic Development Plan and the West Lothian Local Development Plan have both been the subject of a SEA.

III	Implications for Scheme of Delegations to Officers	None.
IV	Impact on performance and performance Indicators	The report has no direct impact on performance indicators.
V	Relevance to Single Outcome Agreement	Outcome 3 - Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business. Outcome 8 - We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.
VI	Resources - (Financial, Staffing and Property)	The changes may result in some modest increases in workload for council officers but these can be accommodated given other changes promoted by the Act, including moving development plans onto a 10 year review cycle. If agreed there will be a modest refund of monies already paid by the council to support the running of SESplan.
VII	Consideration at PDSP	This is the first time this report has been considered by the PDSP.
VIII	Other consultations	Head of Finance and Property Services.

D. TERMS OF REPORT

D1 Background

The Planning (Scotland) Act 2019 removes the need for the preparation of Strategic Development Plans for Scotland's city regions with the National Planning Framework now becoming part of the Development Plan.

In response to this changing legislative requirement the six constituent local authorities in the Edinburgh City Region agreed in September 2019 that strategic planning roles and responsibilities should be amalgamated within the framework of the Edinburgh and South East Scotland City Region Deal.

While each of the six partner authorities agreed to this approach going forward there was some concern about the loss of support for the strategic planning function. Given these discussions it was agreed that an Elected Member Oversight Committee (EMOC sub-committee' sitting under the Edinburgh and South East Scotland City Region Deal Joint Committee should be established to consider strategic planning matters in the context of the City Region Deal. The first meeting of the Oversight Committee was held 15 January 2020.

With the establishment of the EMOC, there is no longer a role for the SESplan Joint Committee in spatial planning matters or in commenting on or approving responses to Government consultations. In the circumstances, the fundamental reason for holding meetings of the SESplan Joint Committee no longer exists.

SESplan remains a legal entity until National Planning Framework 4 comes into force and the provisions of the Planning etc (Scotland) Act 2006, insofar as they relate to strategic development planning, remain in force. However, the legal advisors to SESplan identify that there is no longer any decision making function for the committee to perform for the reasons set out elsewhere in this report and, therefore, no need for the committee to exist.

SESplan Joint Committee considered the position at its meeting on the 4 October 2021 and agreed to cease activity of the SESplan Joint Committee and redistribute its remaining budget. However, this decision needs to be ratified by each of the constituent councils.

Notwithstanding the disbanding of SESplan, the appointment of a plan manager will remain a legislative requirement in the short term until the provisions of the Act relating to the cessation of strategic planning authorities comes into effect. To ensure compliance, the current arrangements whereby partner authorities appoint an officer to act as manager on a rotational basis will continue. If this requirement remains at the time when the strategic planner is appointed (subject to agreement - see section D2 below) the strategic planner will assume this role.

D2 Closure and redistribution of SESplan budget

Based on the ratification of the decision to stop meetings of the SESplan Joint Committee then the remaining action will be to close the SESplan accounts and redistribute the remaining balances.

The balances held at 31 March 2021 reported to the Committee in June 2021 as part of the unaudited accounts was £111,694. The only additional payments made in 2020/21, and still due to be settled, related to IT support for SESplan website and emails, and amounted to £10,894 which leaves a remaining balance of approximately £100,800. It is recommended that this closing balance is returned to the six SESplan Local Authorities and the SESplan account closed.

Although the responsibilities for regional planning have been moved into the city deal structure there will still be a requirement to provide a strategic planning capability within the city region deal structure in order that a co-ordinated response on strategic issues such as the consultation on National Planning Framework 4 can be provided. Therefore, it is proposed that a planning officer is appointed for a three year temporary period to perform this role. It is recommended that each of the SESplan authorities pay £11,000 (£66,000 across all the authorities) to the City Deal Joint Committee to fund this post. This would result in a refund balance of approximately £5,800 per authority.

E. CONCLUSION

The provisions of the Planning (Scotland) Act 2019 and earlier decisions by the council with respect to the incorporation of some strategic planning functions within the Edinburgh and South East Scotland Regional Deal governance structure allow for the winding up of the remain parts of SESplan including the joint committee. This report sets out the mechanism for achieving that and also for ensure an on-going strategic planning capacity within the city region deal structure

F. BACKGROUND REFERENCES

Report to Council Executive on the transfer of strategic planning functions from SESplan to the city region deal

Appendices/Attachments: None

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