

REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 11 MARCH 2021

ABERDEEN CITY AND SHIRE STRATEGIC DEVELOPMENT PLANNING AUTHORITY (SDPA) – AMENDMENTS TO THE MINUTE OF AGREEMENT

1 Reason for Report / Summary

- 1.1 The purpose of this Report is to seek ratification from the Committee on a decision taken by the Aberdeen City and Shire Strategic Development Planning Authority (SDPA) on a modification to the Minute of Agreement between Aberdeen City Council and Aberdeenshire Council, concerning the frequency of meetings of the SDPA, which was agreed by the SDPA at its meeting on 12 December 2020.
- 1.2 Given that the Minute of Agreement is between Aberdeen City Council and Aberdeenshire Council, any modification needs to be ratified by both Aberdeen City Council and Aberdeenshire Council.

2 Recommendation

The Committee is recommended to:

- 2.1 Ratify the change to the Minute of Agreement as set out in paragraph 3.2 below.**

3 Purpose and Decision-Making Route

- 3.1 The Strategic Development Planning Authority (SDPA) considered changes to the Minute of Agreement at its meeting on the 12 December 2020 (**Appendix 1 & Appendix 2**). The Minute of Agreement between Aberdeen City Council and Aberdeenshire Council governs the operation of the SDPA and dates from establishment of the SDPA in 2008. Section 8.2 of the Agreement allows for modifications to be proposed and agreed should the need arise.
- 3.2 The established Minute of Agreement sets out how frequently the SDPA should meet each year. Clause 2.8 of the Minute of Agreement is set out below:

“The SDPA shall meet as required but not less than 4 times during each year. The Chair of the SDPA, in consultation with the Strategic Development Plan Manager, and with lead Managers of Planning from each Council (or their officer representatives) shall fix the date, time and place of meetings, subject to any previous agreement by the SDPA.”

The SDPA agreed that the clause be amended to require a minimum of one meeting per year. Should additional meetings be considered necessary then this can be agreed between the Chair of the SDPA and the Heads of Planning for both Aberdeen City Council and Aberdeenshire Council, respectively.

The amended Clause 2.8 of the Minute of Agreement was agreed by the SDPA to read as follows:

“The SDPA shall meet as required but not less than once during each year. The Chair of the SDPA, in consultation with the Heads of Planning, and with lead Managers of Planning from each Council (or their officer representatives) shall fix the date, time and place of meetings, subject to any previous agreement by the SDPA.”

4 Discussion

- 4.1 The Planning (Scotland) Act 2019 removed the requirement for strategic development plans in the four largest city regions, and introduced a requirement for all Authorities, working together as they see fit, to prepare regional spatial strategies setting out strategic development priorities. Many sections of the Act have initially been commenced only for the purpose of allowing Ministers to make regulations or issue guidance. Further regulations will be published a later date to bring them fully into effect.
- 4.2 The guidance to support the preparation of regional spatial strategies that will replace existing Strategic Development Plans has not yet been brought into force by Scottish Ministers. It is expected that the new planning regime of regional spatial strategies will be initiated with guidance following the approval of the National Planning Framework 4 (NPF4), anticipated in the last quarter of 2022. Existing approved strategic development plans will remain in place until the publication of NPF4. Upon the publication of the approved NPF4 all strategic development plans and any supplementary guidance issued in connection with them cease to have effect.
- 4.3 The SDPA agreed at its 23 September 2020 meeting that its role in relation to regional strategic planning matters would continue and that the SDPA would continue to meet as required to fulfill this role. It was also agreed at this SDPA meeting that there would be no future budget set for the Strategic Development Planning Authority and that any future costs would be shared between the partner authorities.
- 4.4 As no Strategic Development Plan requires to be reviewed and prepared, the previously agreed frequency of meetings is not considered necessary and hence the Minute of Agreement requiring change. As indicated provision remains for additional meetings when required.

5 Council Priorities, Implications and Risk

- 5.1 This Report helps deliver the Strategic Priority “Economy & Enterprise” within the pillar “Our Economy” and the key principles which underpin these priorities of “responsible finances”, and “economy”.

This Report helps deliver the Strategic Priorities “Infrastructure” and “Resilient Communities” within the pillar “Our Environment” and the key principles which

underpin these priorities of “digital infrastructure” and “climate and sustainability”.

- 5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial		X	
Staffing		X	
Equalities		X	
Fairer Scotland Duty		X	
Town Centre First		X	
Sustainability		X	
Children and Young People’s Rights and Wellbeing		X	

- 5.3 An Equality Impact Assessment is not required because there will be no differential impact on people with protected characteristics as a result of the changes recommended to the Minute of Agreement.
- 5.4 A Town Centre First Impact Assessment is not required because the Committee is only being asked to ratify the decision of the SDPA and there are no impacts, as a result of this report, on Town Centres.
- 5.5 There are no financial risks or commitments associated with the amended Minute of Agreement.
- 5.6 No Risks have been identified as relevant to this matter on a Corporate Level (Corporate Risk Register).
- 5.7 No Risks have been identified as relevant to this matter on a Directorate Level (Directorate Risk Register).

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this Report, their comments included within the Report and are satisfied that the Report complies with the Scheme of Governance and relevant legislation.
- 6.2 The Committee is able to consider [and take a decision on] this item in terms of Section F.1.1 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to the ratification of policy matters.

Alan Wood

Director of Infrastructure Services

Report prepared by Sheena Lamont, Senior Planner Date: 9 February 2021

**ABERDEEN CITY & SHIRE
STRATEGIC DEVELOPMENT PLANNING AUTHORITY**

Date: 11 December 2020

Report Title: Corporate Governance - Minute of Agreement

1. Purpose of Report

- 1.1 The purpose of this report is to propose a modification to the Minute of Agreement between Aberdeen City Council and Aberdeenshire Council which governs the operation of Aberdeen City and Shire Strategic Development Planning Authority (SDPA).

2. Background

- 2.1 The Minute of Agreement between Aberdeen City Council and Aberdeenshire Council governs the operation of the SDPA and dates from its formation in 2008.

- 2.2 The current Minute of Agreement sets out how frequently the SDPA should meet each year. Clause 2.8 of the Minute of Agreement is set out below:

“The SDPA shall meet as required but not less than 4 times during each year. The Chair of the SDPA, in consultation with the Strategic Development Plan Manager, and with lead Managers of Planning from each Council (or their officer representatives) shall fix the date, time and place of meetings, subject to any previous agreement by the SDPA.”

- 2.3 This report recommends that the current requirement for meeting four times a year should be amended to a minimum of one meeting per year. The need for any additional meetings is to be agreed between the Chair of the SDPA and the Heads of Planning for both Aberdeen City Council and Aberdeenshire Council.
- 2.4 The Minute of Agreement which established and guides the operation of the SDPA is between Aberdeen City Council and Aberdeenshire Council. Section 8.2 of the Agreement allows for modifications to be proposed and agreed should the need arise.

3. Post approval documentation for Strategic Development Plan 2020

- 3.1 It is proposed that Clause 2.8 of the Minute of Agreement which has the following wording:

“SDPA Meetings

The SDPA shall meet as required but not less than 4 times during each year. The Chair of the SDPA, in consultation with the Strategic Development Plan Manager, and with lead Managers of Planning from each Council (or their officer representatives) shall fix the date, time and place of meetings, subject to any previous agreement by the SDPA.

is amended to the following wording:

“SDPA Meetings

“The SDPA shall meet as required but not less than once during each year. The Chair of the SDPA, in consultation with the Heads of Planning, and with lead Managers of Planning from each Council (or their officer representatives) shall fix the date, time and place of meetings, subject to any previous agreement by the SDPA.”

4. Discussion

- 4.1 This report recommends that the Minute of Agreement is amended at Clause 2.8 so that the requirements for the SDPA to meet are reduced to one meeting as a minimum, and additional meetings as and when required.
- 4.2 The Planning (Scotland) Act 2019 will repeal the statutory function to produce a Strategic Development Plan. Although this particular provision of the 2019 Act has not been brought into force, it is anticipated that the Scottish Ministers will bring this into force before a new Strategic Development Plan would be required. As it is anticipated that no new Strategic Development Plan needs to be created, it is likely that there would not be sufficient business to take before the SDPA to justify four, or more, meetings per year.
- 4.3 Matters of regional strategic planning or those of national planning, such as the emerging National Planning Framework 4 may be consulted on over the coming year. However, the consultation periods for such matters may not readily align with the current quarterly meeting format of the SDPA. As such, a more agile format for arranging SDPA meetings will allow response to both regional and national planning matters as and when required.
- 4.4 Given that the Minute of Agreement is between Aberdeen City Council and Aberdeenshire Council, any modification needs to be ratified by both Aberdeen City Council and Aberdeenshire Council.

5. Recommendations

It is recommended that the Strategic Development Planning Authority:

- a) Approves the proposed modification to Clause 2.8 of the Minute of Agreement as detailed at paragraph 3.1 of this Report; and
- b) Refers this report to both Aberdeen City Council and Aberdeenshire Council for agreement of the modification to the Minute of Agreement as set out above.

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