

**REPORT TO: DUNDEE, PERTH, ANGUS AND NORTH FIFE  
STRATEGIC DEVELOPMENT PLANNING AUTHORITY  
JOINT COMMITTEE MEETING ON 25<sup>th</sup> OCTOBER 2011**

**REPORT ON: PROPOSED STRATEGIC DEVELOPMENT PLAN: SUBMISSION TO  
THE SCOTTISH MINISTERS**

**REPORT BY: PAMELA EWEN, STRATEGIC DEVELOPMENT PLANNING  
AUTHORITY MANAGER**

**REPORT NO: SDPA09-2011**

## **1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek approval for the Note of Representations including the Schedule of Unresolved Issues and that no modifications should be made to the Proposed Plan. Therefore, the Plan and related documents should be submitted to The Scottish Ministers for Examination and approval.
- 1.2 In addition approval is sought for the revised Proposed Action Programme, the revised Record of Habitats Regulations Appraisal (including the Appropriate Assessment), the revised Equalities and Human Rights Impact Assessment, and the Report of Conformity to the Participation Statement.

## **2 SUMMARY**

- 2.1 A good response was received to the period of representations to the Proposed Plan. TAYplan Officers have considered all of the responses received and grouped all unresolved issues into groups, each set out within a 'Schedule 4'. In addition a report on conformity with the participation statement has been prepared which sets out how TAYplan have delivered their participation in line with the commitments given earlier this year in the Development Plan Scheme publication. The Proposed Action Programme, the Record of Habitats Regulations Appraisal, and Equalities and Human Rights Impact Assessment have all been revised taking account of representations received.
- 2.2 The Note of Representations is the document which includes:
- The overall summary;
  - Within which the Summary of Unresolved Issues is set out containing 24 individual issues set out in Schedule 4 forms which summarise the issues raised, changes sought and sets out the proposed response for Members consideration. In addition to this, the following will also be submitted to the Scottish Ministers (and are not appended to this Report):
    - A copy of all the representations made on each issue; and,
    - A copy of library documents (all documents referred to within Schedule 4's).
- 2.3 The conclusion to each issue sets out the proposed response for Members consideration. This concludes that no modifications should be made to the Proposed Plan. As such, the report sets out submission of the Proposed Plan and related documents to The Scottish Ministers for examination.

### **3 RECOMMENDATION**

3.1 It is recommended that The Joint Committee:

- a) approve the Note of Representations including the Summary of Unresolved Issues (as referred to in Para. 6.4 of this report), and that no modifications are to be made to the Proposed Plan (June, 2011) (large document: copy with Members lounges and online at 'www.tayplan-sdpa.gov.uk'), subject to the constituent Councils approval and adoption of the Habitats Regulations Appraisal;
- b) approve the Report of Conformity with the Participation Statement (Appendix One) (conforming with the participation statement as set out on the Development Plan Scheme, March 2011);
- c) approve the Proposed Action Programme (Oct., 2011) (Appendix Two), the Record of Habitats Regulations Appraisal (including the Appropriate Assessment) (Oct., 2011) (Appendix Three), and the Equalities and Human Rights Impact Assessment (Oct., 2011) (Appendix Four);
- d) request that the four constituent Councils approve and adopt the Habitats Regulations Appraisal (including the Appropriate Assessment) (Oct., 2011); and,
- e) delegate the SDPA Manager to submit to The Scottish Ministers all of the documents referred to in (a), (b) and (c) above and also the Monitoring Report (April, 2010), the Environmental Report (April, 2010), the Development Plan Scheme (March, 2011), and other documents as may be required.

### **4 FINANCIAL IMPLICATIONS**

4.1 On submission of the Proposed Plan to Ministers and no earlier than 4 weeks from the Minister's Direction that all unresolved issues are to be examined, costs will be incurred. Report 10-2011: Strategic Development Planning Authority Budget Update and 3 Year Proposed Budget sets out in more detail the projected costs associated with the Examination; TAYplan being required to meet 50% of costs, projected at £65,000 (total £130,000).

### **5 BACKGROUND**

5.1 The Proposed Strategic Development Plan is the stage where the Strategic Development Planning Authority sets out its view as to what the final content of the Plan should be. The Plan sets out a vision of how the area should develop together with a spatial strategy which explains where development should and should not go in the TAYplan area over the next 20 years. The Plan provides a locational strategy for new development up to year 12 from Plan approval and a broad indication of the scale and direction of growth up to year 20.

5.2 The Plan is focused on delivering sustainable economic growth for the area through shaping better quality places and responding to climate change, as reflected in the vision. The Plan focuses on the long term strategy of delivering sustainable economic growth, and in doing so having an effective supply of land identified to facilitate the delivery of new development.

5.3 The Plan provides a positive, ambitious and deliverable framework for Local Development Plans across the TAYplan area to provide greater policy detail and for development proposals.

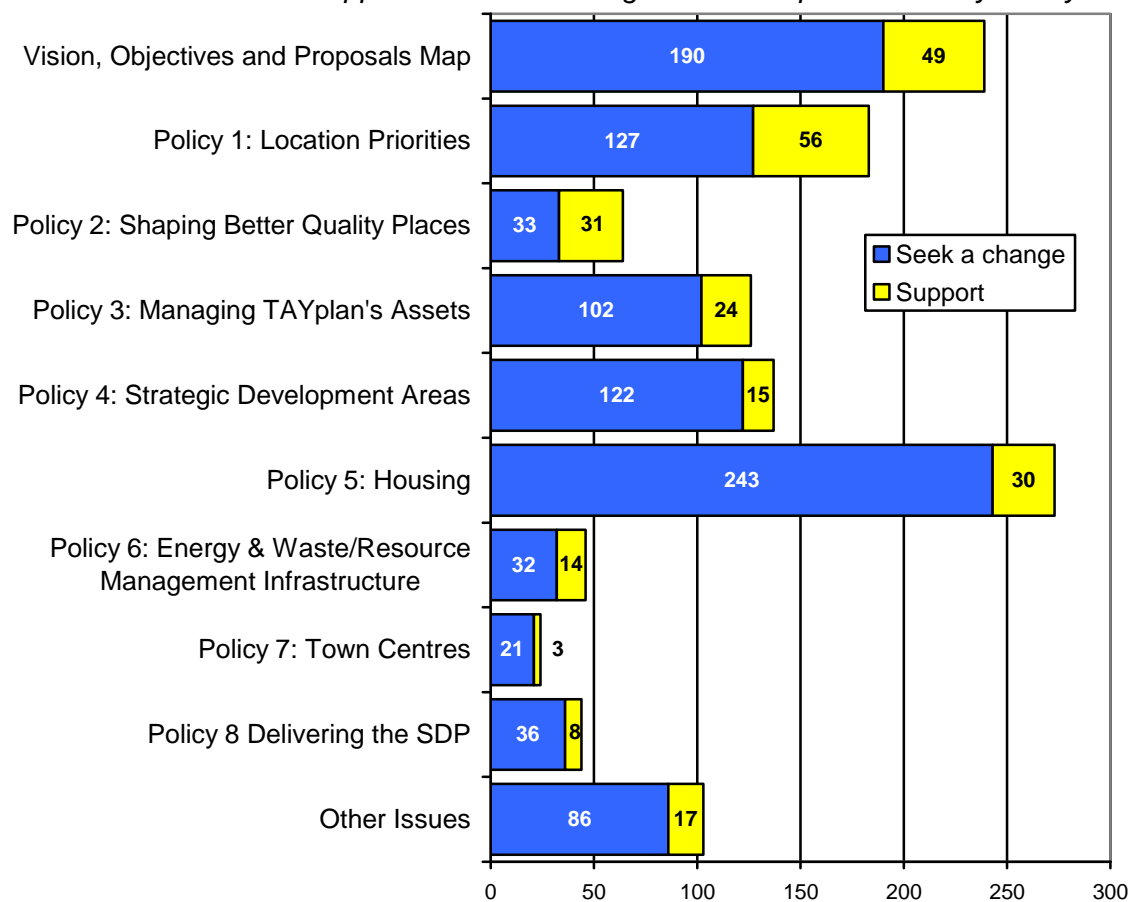
- 5.4 An 8 week period over the summer provided an opportunity for representations to be submitted either seeking a change to the Proposed Plan or to support as written. 188 *people/organisations/groups* submitted 847 *representations* which has raised approximately 1,240 *individual issues* in total. Of the *individual issues* raised; approximately 24% are in support and 76% seeking a change.
- 5.5 The statutory Development Planning Regulations (2008) require the Strategic Development Planning Authority in preparing a Strategic Development Plan to have regard to:
- The resources available or likely to be available for the carrying out of the policies and proposals set out in the plan;
  - Any adjoining strategic development plan, either existing or proposed;
  - Any regional transport strategy relating to the area;
  - Any river basin management plan relating to the area;
  - Any local housing strategy relating to the area;
  - Strategic flood risk assessments;
  - The national waste management plan; and,
  - The Servso Directive on Health and Safety of major hazard sites and pipelines.
- 5.6 Regard has been had to all of these requirements in preparing the Proposed Strategic Development Plan, as well as the National Planning Framework 2 and the Scottish Government's Strategic Transport Policy Review.

## 6 **THE NOTE OF REPRESENTATIONS, INCLUDING THE SCHEDULE OF UNRESOLVED ISSUES**

### Overview

- 6.1 The Note of Representations requires to be submitted to The Scottish Ministers. This requires to set out the representations made and of whether and how those representations are taken into account. The note provides an overall summary and includes the Summary of Unresolved Issues which comprises 24 Schedule 4 documents, including a copy of the actual representations, and library of documents referred to. The later 2 parts do not require to be published by TAYplan, however one hard copy will be available for public inspection at TAYplan's office during office hours. Publication of documents will be for the Directorate of Planning and Environmental Appeals to consider following submission.
- 6.2 Figure 1 overleaf sets out the number of representations received to each part/Policy/Proposal within the Plan. The issues attracting the most representations relate to housing, particularly housing numbers and effectiveness of the housing supply as well as the locational strategy and the Proposals Map which sets out the key proposals including infrastructure. The representations have all been grouped into similar issues around the structure of the Plan itself. As a result 24 Schedule 4's have been prepared which all summarise all of the representations received, all unresolved, and TAYplan's response to these 24 issues.

Figure 1: Issues raised that support or seek a change to the Proposed Plan by Policy



6.3 From all the representations received there are not any issues which are considered to require a modification by the Strategic Development Planning Authority prior to submission of the Proposed Plan to The Scottish Ministers. None of the 4 constituent Councils have sought changes to the Plan and only a small number of changes are being sought by the Scottish Government's Key Agencies whom have been involved from the outset in the Plan's preparation.

#### Issues

6.4 The 24 individual Summary of unresolved issues cover the issues as set out below. For each of these issues the conclusion is that the changes being sought by respondents do not warrant any modifications to The Proposed Plan prior to submission to The Scottish Ministers. The Proposed Plan accords with Scottish Planning Policy and meets the legal requirements. A copy of the Note of Representations with all 24 Schedule 4's is available in Members lounges within each of the constituent Councils (a hard copy of the actual representations and library of documents referred to is available for viewing at the TAYplan Office). A short overview is provided of each Schedule:

#### **01: Vision and Objectives**

A number of changes are sought to the vision and objectives, mostly detailed changes to text and many different areas of changes to insert or change a few words particularly to the objectives. It is proposed that the Plan remains as written and unchanged. Overall the changes being sought are not considered necessary or appropriate. The Plan's vision and objectives are concise statements.

## **02: Proposals Map 1**

A number of respondents are seeking changes to the road and rail infrastructure set out in the Proposals Map. These relate to the priority of new rail station at Newburgh, a new station at Blackford, as well as opposing view for the removal of proposed new rail stations. In addition more weight given to sea freight and what are considered as consequential changes should changes be made to other parts of the Plan, for example a Strategic Development Area. It is proposed that the Plan remains as written and unchanged. The additional transport proposals sought are not supported for inclusion in the Proposed Plan. The Plan includes the key strategic proposals that are within both Regional Transport Strategies as well as national proposals. Whilst, a respondent wishes the proposal for new rail stations at Newburgh and Oudenarde to be removed, this is not supported given the importance of enhancing the public transport network.

## **03: Policy 1: Locational Priorities-settlement tiers**

Many representations were made in respect of the hierarchy of settlement tiers in Policy 1a. There are a mix of issues within this Schedule including: some concerns that there is too much emphasis placed on Dundee and Perth core areas and that settlement categorisation is unjustified, contradictory and should be removed; in relation to the Core Areas various respondents seeking a change to include other settlements and others seeking to remove settlements as defined within the Core Areas; and a range of changes being sought to include and exclude different other settlements, predominantly from the development industry.

It is proposed that the Plan remains as written and unchanged. This Policy sets out the preferred spatial strategy identified and consulted upon at the Main Issues Report stage, with 55% supported this and only 14% preferring the alternative.

## **04: Policy 1: Locational Priorities-Policy 1b, text and general**

Changes being sought relate to how land release is prioritised with a variety of detailed changes suggested. It is proposed that the Plan remains as written and unchanged. The Policy is consistent with Scottish Planning Policy (SPP) (2010) and provides a clear and concise strategy for where development should and should not go.

## **05: Policy 2: Shaping Better Quality Places**

This issue attracted an almost equal amount of respondents supporting the Plan as written to those seeking a change. The changes being sought are mainly detailed small changes to the Policy text including more flexibility in respect of ensuring that new developments are built to standards that create low energy buildings and development. The changes also relate to the graphics used within the Policy and accompanying text. This Policy is central to delivering the Plan's vision of improving the quality of place and quality of life. It is proposed that the Plan remains as written and unchanged.

## **06: Policy 3: Managing TAYplan's Assets-general and text**

Almost an equal number of respondents are supporting this issue as are seeking a change. Most of these relate to seeking more detail and commitment in respect of delivering development infrastructure. It is proposed that the Plan remains as written and unchanged. The Proposed Action Programme sets out how the proposals and policies within the Plan are to be taken forward and this will be kept up to date. It is not considered necessary to provide further detail within the Proposed Plan itself.

**07: Policy 3: Managing TAYplan's Assets-employment land**

A small number of respondents are seeking changes including providing a 7 year supply of effective employment land, and opportunities for employment land across the area. It is proposed that the Plan remains as written and unchanged. The Plan is consistent with SPP and the Policy provides for at least 5 years of effective supply across the TAYplan area, including within rural areas.

**08: Policy 3: Managing TAYplan's Assets-green belts**

A number of respondents are seeking change to the green belt policy including representations that the Policy should accord with SPP, changes to the Perth and St. Andrews green belts, and seeking inclusion of a green belt at Kinross. The Policy is consistent with SPP and provides a strategic overview from which Local Plans/ Local Development Plans will define the detailed boundaries of the green belts. Only Perth and St. Andrews are considered to require green belts, with other policies including countryside policies through the Local Development Plans controlling development around towns. It is proposed that the Plan remains as written and unchanged.

**09: Policy 3: Managing TAYplan's Assets-finite resources**

A small number of respondents are seeking changes to more detail being provided in respect of coal resources, and changes to the wording relating to prime agricultural land. It is proposed that the Plan remains as written and unchanged. The Policy is consistent with SPP. Local Plans already provide detail for minerals development and the Proposed Plan provides a strategic framework in respect of safeguarding mineral deposits.

**10: Policy 3: Managing TAYplan's Assets-transport**

A small number of respondents are seeking changes in respect of more weight given to rail freight, and some detailed wording changes to the Policy itself. It is proposed that the Plan remains as written and unchanged. It is considered that the scope of the Policy is adequate and is consistent with SPP.

**11: Policy 3: Managing TAYplan's Assets-natural and historic assets**

Almost an equal number of respondents are supporting this issue as are seeking a change. Changes being sought are detailed and considered minor changes to Policy wording. It is proposed that the Plan remains as written and unchanged. The Policy is consistent with SPP and has been written in close partnership working with the Key Agencies.

**12: Policy 4: Strategic Development Areas Part A-strategic allocations**

Various changes are being sought to the Strategic Development Areas sets out within this Policy including the removal of the St. Andrews development area, and a few concerned on the West/North West Perth, Oudenarde, Dundee, Cupar development areas. It is proposed that the Plan remains as written and unchanged. Any changes or alterations to many of the strategic allocations would fundamentally undermine the existing allocations in each Authority as most are allocated within the approved Development Plan. Circular 1/2009 (Para 17) advises that the Government considers it good practice to draw from existing Structure Plans within the first generation of Strategic Development Plans and goes on (Para 78) to say that reporters should generally not recommend modifications to parts of plans that have been examined in previous examinations or rolled forward from previous plans, unless circumstances have clearly changed.

**13: Policy 4: Strategic Development Areas-alternative sites**

Changes are sought to include new development areas at Guardbridge and Leuchars, within the Carse of Gowrie, around Dundee, Craigend (near Methven) and other locations. No additional Strategic Development Area is required. It is proposed that the Plan remains as written and unchanged.

**14: Policy 4: Strategic Development Areas-Policy 4b, text and general**

A small number of respondents are seeking different changes to these areas of the Plan. These changes are considered minor in detail and some are considered in more detail within other Schedules. It is proposed that the Plan remains as written and unchanged.

**15: Policy 5: Housing-Policy 5a+b scale and distribution**

Numerous representations from the housebuilding industry seek an increase in the house build rates with detailed comments in respect of the calculation of the housing land requirement targets set out in the Proposed Plan. Other individuals and Community Councils are seeking a decrease in the scale of build rates. It is proposed that the Plan remains as written and unchanged. The TAYplan Housing Needs and Demand Assessment (2010) has been declared as robust and credible. The Scottish Government's guidance on this subject explains that where an assessment has been declared robust and credible its approach will not be considered at examination. Instead the examination will focus on the proposed spatial policies for housing set out in the plan and their relationship with the findings of the assessment. As such, some of the changes being sought are considered to be outwith the scope of the examination. Overall the housing scale and distribution is consistent with SPP and provides flexibility allowing for a generous supply of effective housing across the TAYplan area.

**16: Policy 5: Housing-Policy 5a effectiveness of land**

A number of changes are being sought to the Policy wording to 'require' (as opposed to 'should') Local Development Plans to allocate additional housing land to provide more flexibility. Others are seeking changes including to provide in more detail what the land supply is, and to question the effectiveness of a few strategic sites. It is proposed that the Plan remains as written and unchanged. The flexibilities sought by many already exist in the Plan and provide clarity and flexibility within the context of SPP. Some of the changes being sought could lead to an over supply and could undermine the vision, objectives and other locational policies in the Plan.

**17: Policy 5: Housing-Policy 5c areas surrounding Dundee and Perth Core Areas**

A small number of respondents oppose restricting housing development to principal settlements and wish to see further development, in particular, within the Carse of Gowrie and areas north and east of Dundee. It is proposed that the Plan remains as written and unchanged. The Policy is consistent with the locational priorities on where development should and should not be developed and changes to the Policy would undermine the intentions of the spatial strategy and the Plan's objectives.

**18: Policy 5: Housing-Policy 5a up to 10% shift between Housing Market Areas**

A small number of respondents are seeking changes to widen the flexibility on meeting housing needs in neighbouring housing market areas, identifying Kinross as a settlement where this will apply, and amending this approach. It is proposed that the Plan remains as written and unchanged. The Policy is consistent with SPP and provides flexibility where there are exceptional environmental circumstances. It is appropriate for the Local Development Plan to identify where this should apply when they have considered potential environmental implications of development in more detail.

**19: Policy 5: Housing-Policy 5a range and mix of housing including affordable**

A number of respondents are seeking changes in respect of delivering affordable housing and thresholds. It is proposed that the Plan remains as written and unchanged. The approach set out in the Plan provides appropriate flexibility in delivering housing, including affordable housing. Local Development Plans will define the levels of affordable housing required within each housing market area. The Policy is consistent with SPP.

**20: Policy 6: Energy and Waste/Resource Management Infrastructure (Policy 6a, b, text and general)**

Respondents are seeking changes including to the general location of such development, the specific identification of 2 existing strategic facilities, and more detail for hydro power, licence holder obligations, and wave/tidal/wind energy. It is proposed that the Plan remains as written and unchanged. The Policy is consistent with SPP and Scotland's Zero Waste Plan. The Policy guides such development to within or close proximity to Dundee and Perth where the majority of waste arises within the TAYplan area.

**21: Policy 6: Energy and Waste/Resource Management Infrastructure (Policy 6c)**

A small number of respondents are seeking changes in relation to land take requirements, proximity to resources, sensitivity of landscapes, new grid connections and distribution, cumulative impacts and additional policy criterion. It is proposed that the Plan remains as written and unchanged. Many of these changes are seeking a level of detail which is considered more appropriate for Local Development Plans.

**22: Policy 7: Town Centres**

Changes are sought to the Policy in respect of the hierarchy of town centres, the sequential process and more general supporting text. It is proposed that the Plan remains as written and unchanged. The retail hierarchy set out in the Policy is consistent with SPP and it is the role of Local Development Plans to identify Commercial Centres.

**23: Policy 8: Delivering the Strategic Development Plan**

A number of respondents are seeking changes in particular to seeking consistency with Circular 1/2010, changes to the Policy text to provide more detail and emphasis on public sector funding of infrastructure, and contributions being realistic and linked to the scale of development. It is proposed that the Plan remains as written and unchanged. The Policy is consistent with SPP and Circular 1/2010 and specifically refers to the Circular within the Policy itself. The accompanying text recognising the importance of public and private sector working and the need for partnership working. The detail which some of the respondents are seeking is considered more appropriate for the Proposed Action Programme which details how the Plan should be implemented.

**24: Other Issues**

Changes are sought including to the foreword wording, monitoring arrangements and more generally timing of the Plan, climate change considerations and the environmental report and landscape assessments. It is proposed that the Plan remains as written and unchanged. The Proposed Plan satisfies the requirements of the Planning etc. Scotland Act 2006 and has been prepared in response to The Scottish Government's drive to see Strategic Development Plans which are clear, concise and visionary whilst utilising graphics.



- 6.5 Each Schedule is set out in the format as required by The Scottish Government and appended to each will be a full set of representations received pertaining to that issue. In addition, a Schedule of Library documents will be submitted with each Schedule 4 and also a core set containing larger documents. This assists the Reporter(s) to access information quickly and easily. These parts do not require to be published by TAYplan, however one hard copy will be available for public inspection at TAYplan's office during office hours. On submission, to supplement the Note of Representations, the Directorate of Planning and Environmental Appeals will also be provided with a full copy of all representations received by respondent without information retracted, as required on a confidential basis. As such, the full Note of Representation and library documents will fill approximately 25 lever arch files. It is the responsibility of the Directorate of Planning and Environmental Appeals following submission to consider what documentation should be published.

## **7 THE REPORT OF CONFORMITY TO THE PARTICIPATION STATEMENT**

- 7.1 The Town and Country Planning (Scotland) Act 1997 requires a Conformity Report (as set out in Appendix One) to be submitted which sets out "*the extent to which the Authority's actions with regard to consultation and the involvement of the public at large have conformed with or have gone beyond the requirements of) their current participation statement*".
- 7.2 TAYplan's Participation Statement is set out within the approved Development Plan Scheme (March, 2011) (Report SDPA03-2011: Revised Development Plan Scheme). The statement set out in some detail how the Authority was going to participate with the public at the Proposed Plan stage. All of the commitments set out in TAYplan's Participation Statement have been actioned and conform to the Participation Statement. The Report of Conformity with the Participation Statement (Appendix One) sets out clearly what the Participation Statement committed and in the parallel column what actions the Strategic Development Planning Authority undertook and when in fulfilling these commitments. Whilst the requirement is only to demonstrate conformity with the Participation Statement at the Proposed Plan stage, the report also sets out in an appendix the participation undertaken at the Main Issues Report stage, the key stage for a programme of engagement by the Authority.
- 7.3 TAYplan undertook comprehensive public engagement at the Proposed Plan stage; the most comprehensive of the Strategic Development Plan engagement processes to date nationally. This is recognised in the recently published Audit Scotland Report on Modernising the Planning System (Sept. 2011) which highlights TAYplan as a good example in engaging with the public at both Main Issues Report and Proposed Plan stages.

## **8 THE REVISED PROPOSED ACTION PROGRAMME (Oct., 2011)**

- 8.1 The purpose of the Proposed Action Programme is to set out the aspirations behind the Plan and the actions required delivering the spatial strategy. These actions predominantly relate to the provision of new infrastructure. The Strategic Development Planning Authority in preparing an action programme is required to list the actions required to deliver each of the policies and proposals, name the person who is to carry out each action (identified as the Lead Partner(s)) with other delivery bodies also identified, and the timescales for conclusion of each action. In compiling the programme the Strategic Development Planning Authority requires to seek and have regard to the views of The Scottish Ministers and any person specified (Lead Partners(s)) by name when compiling the action programme.

- 8.2 In compiling the Proposed Action Programme views have been sought and regard has been had to comments from officers of the 4 Constituent Councils, Key Agencies, the Scottish Government, and the other persons (Lead Partners(s)). Whilst it is not a legal requirement to seek representations on the Programme beyond those organisations listed within it, an opportunity was provided alongside the Proposed Plan period for representations. 41 representations were received promoting a number of changes and updates to the Programme, together with comments from the Local Authorities and Key Stakeholders. A number of the changes have been made to provide further clarity and updates where possible on actions.
- 8.3 All of the 13 Key Stakeholders involved with the preparation of the Proposed Action Programme have all agreed to their logos being in the document and stating that “the Programme has been prepared in partnership with the...stakeholders, all of whom are committed to supporting the delivery of the TAYplan Strategic Development Plan”.
- 8.4 Following approval of the Strategic Development Plan, the Action Programme will be updated and adopted within 3 months of that date. The Action Programme is approved/adopted by the TAYplan Joint Committee, not Scottish Ministers, and is updated at least every 2 years.

## **9 THE RECORD OF HABITATS REGULATIONS (INCLUDING THE APPROPRAITE ASSESSMENT) (Oct., 2011)**

- 9.1 A Habitat Regulations Appraisal is mandatory under the Habitats Directive which, in Scotland, is governed by The Conservation (Natural Habitats, & c.) Regulations 1994. The purpose of the Habitat Regulations Appraisal is to screen what policies or proposals may have an impact, and for those screened in, undertake an Appropriate Assessment. This assesses the impacts of the Plan against the conservation objectives and qualifying features of the relevant wildlife sites with European protection. The Assessment identifies mitigation, and this has been incorporated into the Proposed Plan.
- 9.2 This work has been undertaken in close consultation with Scottish Natural Heritage whom were formally consulted in parallel with the Proposed Plan period of representations. A small number of changes have been made to the appraisal and Scottish Natural Heritage has confirmed in writing that they welcome the amendments made and are content with the Record of Habitats Regulations Appraisal. This letter requires to be submitted alongside the appraisal to Scottish Ministers.

## **10 THE REVISED EQUALITIES AND HUMAN RIGHTS IMPACT ASSESSMENT (Oct., 2011)**

- 10.1 The purpose of an Equalities and Human Rights Impact Assessment (set out in Appendix Four) is to help ensure that we do not discriminate and that, where possible, we utilise opportunities to promote equality, as well as all other human rights and good relations between groups.
- 10.2 This Assessment was updated in parallel with the production of the Proposed Plan and published for representations. Three representations were received. These comments generally related to concerns with the online system, use of jargon and accessibility to documents. No modifications are being proposed to the Plan as a result of these comments. It is considered that the Proposed Plan is easy to read. The online system was accessible with help notes provided as well as assistance from the TAYplan team. Hard copies of questionnaires by letter or email could also be submitted.

## **11 SUBMISSION TO THE SCOTTISH MINISTERS**

- 11.1 On approval of the Note of Representations (and that no modifications are to be made to the Proposed Plan by TAYplan), the Proposed Plan will be submitted to The Scottish Ministers (through the Directorate of Planning and Environmental Appeals) following approval and adoption of the Habitats Regulations Appraisal by the four constituent Councils. The anticipated submission date is 30<sup>th</sup> November 2011. A range of documents also require to be submitted:
- The Note of Representations (including Schedule of Unresolved Issues with a copy of the actual representations and library of all documents/extracts referred to);
  - Conformity Statement (Appendix One);
  - Proposed Action Programme (Appendix Two);
  - Record of Habitats Regulations Appraisal together with letter from Scottish Natural Heritage (Appendix Three);
  - Equalities and Human Rights Impact Assessment (Appendix Four);
  - Environmental Report (April, 2010);
  - Monitoring Report (April, 2010);
  - Participation Statement (within Development Plan Scheme) (March, 2011); and,
  - Copy of notice of submission.
- 11.2 On submission the Directorate of Planning and Environmental Appeals appoints a reporter(s) and publishes a Direction to this effect and firstly considers the Report of Conformity with the Participation Statement. The Town and Country Planning (Scotland) Act 1997 precludes the Examination of the Plan commencing within 4 weeks of the Direction to commence the examination being made by Ministers. The Development Planning Regulations 2008(Section 20(1)) allows a further 14 days after the person/reporter is appointed to examine the Plan to submit information, with the Circular 1/2009 (Para 70) clarifying that any supporting productions should also be submitted at this stage.
- 11.3 On submitting the Proposed Plan TAYplan are to advertise they have done so by publishing a notice in a local newspaper (Courier and Press and Journal), the internet and copying the notice to all libraries across the TAYplan area, to the key agencies (key stakeholders), and all persons whom made a representation to the Proposed Plan.
- 11.4 Copies of the Proposed Plan will be available for inspection in all libraries/access/local offices, on the TAYplan website, and the Planning offices in Dundee (City Council and TAYplan), Cupar, Perth, and Forfar. It is the responsibility of the Directorate of Planning and Environmental Appeals following submission to consider what documentation should be published.

## **12 CONSULTATIONS**

- 12.1 The Treasurer and Clerk to TAYplan, the Director of Infrastructure Services, Angus Council, The Director of City Development, Dundee City Council, The Head of Enterprise, Planning and Protective Services, Fife Council and the Executive Director (Environment), Perth & Kinross Council have been consulted and are in agreement with the contents of this report.

## **13.0 BACKGROUND PAPERS**

- 13.1 TAYplan Proposed Strategic Development Plan (June, 2011).
- 13.2 Circular1/2009: Development Planning, Scottish Government.  
<http://www.scotland.gov.uk/Resource/Doc/261030/0077887.pdf>.
- 13.3 Planning etc. (Scotland) Act 2006.  
[http://www.legislation.gov.uk/asp/2006/17/pdfs/asp\\_20060017\\_en.pdf](http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf).
- 13.4 The Town and Country Planning (Scotland) Act 1997.
- 13.5 Town and Country Planning (Development Planning) (Scotland) Regulations 2008.
- 13.6 Report SDPA03/2011: Revised Development Plan Scheme, February 2011.
- 13.7 Report 10-2011: Strategic Development Planning Authority Budget Update and 3 Year Proposed Budget
- 13.8 TAYplan SDPA Monitoring Report (April, 2010).
- 13.9 Environmental Report (April, 2010) (Perth & Kinross Council).
- 13.10 TAYplan SDPA Development Plan Scheme (March, 2011).
- 13.11 Audit Scotland Report on Modernising the Planning System (Sept. 2011).
- 13.12 Scottish Planning Policy (2010).
- 13.13 TAYplan Housing Needs and Demand Assessment.
- 13.14 Housing Needs and Demand Assessment Guidance, the Scottish Government.
- 13.15 Representations received to the Proposed Plan (6<sup>th</sup> June -1<sup>st</sup> August 2011).

Pamela Ewen  
Strategic Development Planning Authority Manager  
11<sup>th</sup> October 2011