

PERTH AND KINROSS COUNCIL

19 December 2012

**DUNDEE, PERTH, ANGUS AND NORTH FIFE
STRATEGIC DEVELOPMENT PLANNING AUTHORITY (SDPA)****STRATEGIC DEVELOPMENT PLANNING AUTHORITY BOUNDARY CHANGE
AND STRATEGIC ENVIRONMENTAL ASSESSMENT****Report by Executive Director (Environment)**

The purpose of this report is to ratify the decision of the Joint Committee of the Dundee, Perth, Angus and North Fife Strategic Development Planning Authority to ask the Scottish Ministers to amend the TAYplan boundary following the extension of the Cairngorms National Park in 2010 into parts of Eastern and Highland Perthshire.

The Committee is also asked to note the decision of the Joint Committee to re-appoint Perth and Kinross Council as the responsible authority for the production of the Strategic Environmental Assessment of the next Strategic Development Plan.

1. RECOMMENDATIONS

1.1 It is recommended that the Council:

- i) Ratify the decision of the TAYplan Joint Committee to ask the Scottish Ministers to amend the TAYplan boundary involving the extension of the Cairngorms National Park in 2010 into parts of Eastern and Highland Perthshire.
- ii) Note the decision of the TAYplan Joint Committee to re-appoint Perth and Kinross Council as the responsible authority for the production of the Strategic Environmental Assessment (SEA) of the next Strategic Development Plan.

2. BACKGROUND**2.1 TAYplan Boundary Change**

- 2.1.1 In October 2010 the boundary of Cairngorms National Park was extended to include part of Eastern and Highland Perthshire following an amendment to the National Parks (Scotland) Act. As a result of this extension, the Cairngorms National Park boundary now runs from Drumochter down Glen Garry to Killiecrankie and includes the Forest of Atholl. From Blair Atholl, the boundary runs east to the south of the Beinn a' Ghlo massif and the Glenshee Munros, and to the north of the A924 road from Pitlochry to Bridge of Cally to reach Glenshee at Cray, south of Spittal of Glenshee.

2.2 TAYplan Strategic Environmental Assessment

- 2.2.1 Scottish Government Circular 2/2008 states that Strategic Development Plan boundaries are expected to follow local authority boundaries with the exception of national parks which are to be excluded from Strategic Development Plan Areas. Because Strategic Development Plans do not cover national park areas, and as such, the Cairngorms National Park extension requires an amendment to the TAYplan boundary. This needs to be done before commencing with the second Strategic Development Plan and Strategic Environmental Assessment.

3. **PROPOSALS**

3.1 TAYplan Boundary Change

- 3.1.1 The Planning etc. (Scotland) Act 2006, Section 5, states that at any time a Strategic Development Planning Authority can conclude that, because of a material change in circumstances, the boundary of their Strategic Development Plan area is no longer appropriate. Should this occur they are, within three months after so concluding, to submit to the Scottish Ministers both a plan showing a boundary which they propose in place of the determined boundary, and a statement in justification of that proposal.
- 3.1.2 The Joint Committee of the TAYplan Strategic Development Plan Authority at their meeting of 2 October 2012 approved the amendment to the TAYplan boundary to exclude those areas of the Cairngorms National Park which extend into parts of Eastern and Highland Perthshire. This decision is subject to ratification by all four constituent Councils and as noted above this requires to be submitted to the Scottish Ministers for their approval. The overall area covered by TAYplan and Perth and Kinross Council will be reduced by 281 square miles. A map of the boundary change is set out as Appendix 1.

3.2 TAYplan Strategic Environmental Assessment

- 3.2.1 The Strategic Development Planning Authority is not a legal entity and as a result it cannot be responsible for the submission of the SEA. Consequently, one authority has to take on the role of the responsible authority and obligations of that authority, in respect of the 1995 Act and Regulations.
- 3.2.2 The first Strategic Development Plan was adopted in June 2012 and Perth and Kinross Council were appointed the responsible authority for the production of the accompanying SEA. It is recommended that Perth and Kinross Council continue to have this role given their expertise.

4. **CONSULTATION**

- 4.1 The Head of Legal Services, the Head of Democratic Services and the Head of Finance have been consulted in the preparation of this report.

5. RESOURCE IMPLICATIONS

- 5.1 There are no financial implications for Perth and Kinross Council directly arising from this report.

6. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

- 6.1 The Council's Corporate Plan 2009-2012 lays out five Objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. It is considered that the proposed boundary change does not impinge on any of the objectives.

7. EQUALITIES IMPACT ASSESSMENT (EqIA)

- 7.1 An equality impact assessment needs to be carried out for functions, policies, procedures or strategies in relation to race, gender and disability and other relevant protected characteristics. This supports the Council's legal requirement to comply with the duty to assess and consult on relevant new and existing policies.
- 7.2 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- i) Assessed as **not relevant** for the purposes of EqIA

8. STRATEGIC ENVIRONMENTAL ASSESSMENT

- 8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 8.2 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

9. CONCLUSION

- 9.1 The Joint Committee of the TAYplan Strategic Development Planning Authority (SDPA) approved the proposed amendments to the Cairngorms National Park boundary. It is considered that the impact will be very minor in nature and will not impinge on the existing function of Perth and Kinross Council.
- 9.2 Perth and Kinross Council should continue its role as responsible authority to produce the SEA for the next Strategic Development Plan given its level of experience and expertise in this field.

JIM VALENTINE
EXECUTIVE DIRECTOR (ENVIRONMENT)

Note: The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above report.
TAYplan – Joint Committee Report (SDPA10-2012) ‘Strategic Development Planning Authority Boundary Change’, October 2012
TAYplan – Joint Committee Report (SDPA09-2012) ‘Strategic Development Plan Project Plan, October 2012

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Maps of Extension to Cairngorms National Park

Figure 1: Cairngorms National Park Extension

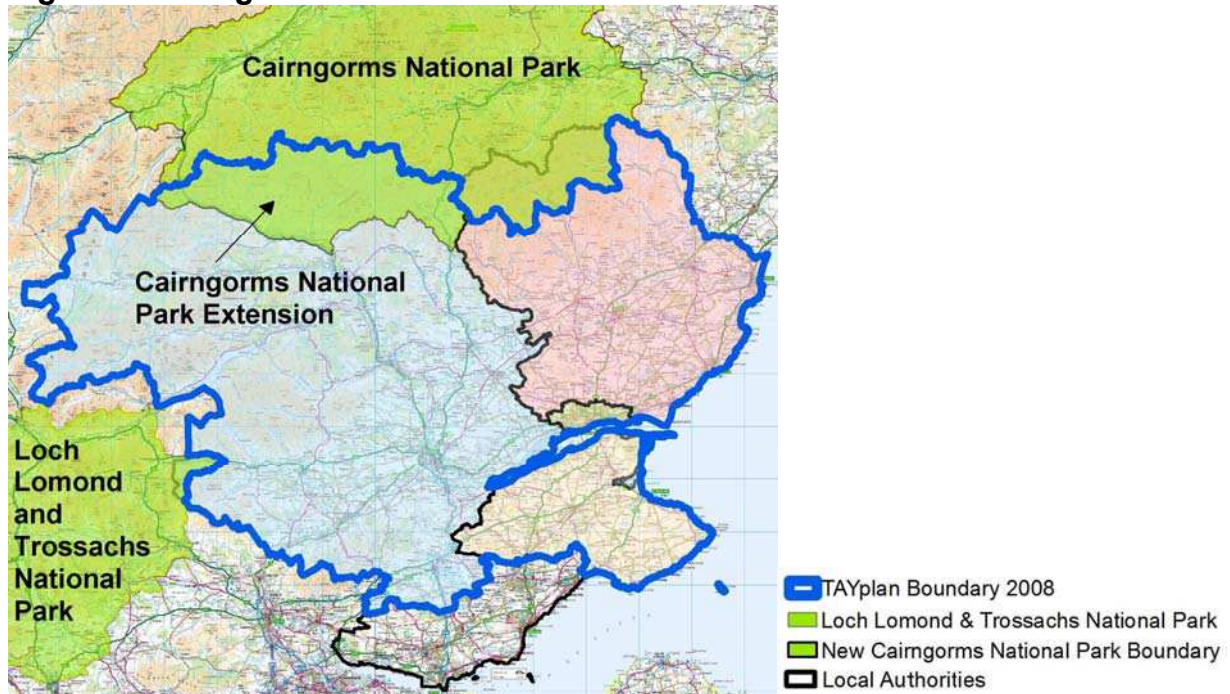


Figure 2: New TAYplan Boundary



