

**REPORT TO:** East Lothian Council

**MEETING DATE:** 16 November 2021

**BY:** Executive Director for Place

**SUBJECT:** Cessation of SESplan Joint Committee and Budget

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## **1 PURPOSE**

- 1.1 This report explains the changes to Regional Planning that are being introduced through the Planning Act 2019 and seeks the Council's consequential ratification of a SESplan Joint Committee decision, taken on 4 October 2021, to cease Joint Committee meetings, fund a staff member to handle residual matters and redistribute the SESplan budget.

## **2 RECOMMENDATIONS**

- 2.1 It is recommended that Council ratifies the SESplan Joint Committee decisions to:
- i. amend the SESplan Constitution so the SESplan Joint Committee is not required to meet twice a year;
  - ii. close the SESplan accounts;
  - iii. redistribute the remaining SESplan budget equally back to the six SESplan authorities;
  - iv. transfer £11,000, being East Lothian's share of £66,000 to support a residual staffing requirement for a period of three years, to the South East Scotland City Deal Joint Committee; and

It is further recommended that Council notes that:

- v. following agreement by each of the partner authorities, Regional Spatial Planning responsibilities have transferred from the SESplan Joint Committee to the City Deal Elected Member Oversight Committee; and

- vi. the existing SESPlan Project Board will be renamed the Strategic Planning Advisory Group [or similar] with the chair of that group becoming a member of the City Region Deal Directors' Group.

### **3 BACKGROUND**

- 3.1 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.
- 3.2 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.
- 3.3 While each of the six partner authorities agreed to this approach going forward there was some concern about the 'watering down' of the strategic planning function. Given these discussions it was agreed that an Elected Member Oversight Committee (EMOC) 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 on the 15 January 2020.
- 3.4 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.
- 3.5 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 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. There are, however, two caveats:
  - The committee would have to agree a final account, including disbursement of the remaining money; and
  - The committee's own constitution which requires it to meet twice a year would have to be extinguished. It is open to the Joint Committee to change its constitution however this requires each local authority to take a report to its Council seeking agreement that these requirements are removed.
- 3.6 Addressing these two issues allow the Joint Committee to be disbanded. The SESplan Joint Committee considered these two points at its meeting on 4 October 2021 and agreed to cease activity of the SESplan Joint

Committee and redistribute its budget (see below). These are the decisions requiring ratification through this report.

- 3.7 For the avoidance of doubt, appointment of a plan manager will remain a legislative requirement in the short term, although the requirement is expected to be removed when the secondary legislation regarding the cessation of strategic planning authorities comes into effect. This can be addressed by the continuation of current arrangements (but removing the reference to SESplan in any job titles or signatures). The SESplan manager is currently Robin Edgar of East Lothian, although his active tasks have ceased.

#### **Closure and redistribution of SESplan budget**

- 3.8 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.
- 3.9 The balances held at 31 March 2021 reported to the Committee in June 2021 as part of the unaudited accounts were £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 £100,800.
- 3.10 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 require to be a resource to be the focus for moving work forward. Therefore, it is proposed that a planning officer is appointed for a 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 leave a remainder of £5,800 to be returned to each authority).
- 3.11 This funding would allow the appointment of a Strategic Planner, on a part-time basis, for approximately three years which should be sufficient time to complete all of the likely tasks identified.
- 3.12 The need for the post beyond the three-year period could be reviewed at the time but recognising that any extension would have to be funded at that stage. The post will be incorporated within the Deal Programme Management Office (PMO) structure and will report to the Programme Manager.
- 3.13 Subject to agreement a job description for the post would have to be established and the post graded by the employing authority (City of Edinburgh Council).

## **4 POLICY IMPLICATIONS**

- 4.1 The decision to cease the operations of SESplan will have no policy implications as the responsibility for strategic planning and the development of future strategic planning strategy has been passed to the City Deal Joint Committee.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 This report does not directly affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – there are no additional costs associated with the proposals. The Council will receive 1/6<sup>th</sup> of the remaining SESplan budget and contributions back to the City Deal Joint Committee will be funded from this money.
- 6.2 Personnel – the Council’s Planning Service are already involved in strategic planning work and will continue to contribute towards this work. Strategic Planning input will continue to be provided by the renamed SESplan Board. The Board is chaired on a rotational basis and the responsibility currently sits with Midlothian Council until 31 December 2021 (thereafter it will pass to East Lothian Council).

The role of SESplan Manager will continue until the adoption of NPF4. This role will continue to be provided by East Lothian Council.

The proposal to fund a strategic planner post for three years, as set out above, will be covered from the money returned to the councils from the SESplan budget and the post will be hosted by City of Edinburgh Council.

- 6.3 Other – none

## **7 BACKGROUND PAPERS**

- 7.1 Report to SESplan Joint Committee, 4 October 2021: Item 6 – Transfer of Regional Spatial Planning Responsibilities and Cessation of SESplan
- 7.2 Report to SESplan Joint Committee, 4 October 2021: Item 7 – Final Accounts, Audit Report and Closing Financial Statement

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