

To: Council

On: 28 September 2023

Report by: Chief Executive

Heading: Clydeplan / Regional Spatial Strategy – future governance

1. Summary

- 1.1 This report seeks to update members following the meeting of the Clydeplan Joint Committee on 28th June 2023 and seeks Renfrewshire Council's agreed position on the future governance for the preparation of a Regional Spatial Strategy (RSS). The report outlines potential options and seeks members view on their preferred model for delivery of this duty.
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2. Recommendations

- 2.1 It is recommended that the Council agree to:
- Note the Joint Committee recommendation (Jun 2023) to its member authorities (and Renfrewshire's vote against this recommendation);
 - Instruct officers on its preference for future governance in terms of preparation of an RSS (see section 5 of the report) so this may be communicated to other member authorities;
 - Note that further reports will come back to the appropriate Council board or Full Council once other member authority make their preference known;

3. **Background**

- 3.1 The Planning (Scotland) Act 2019 has resulted in significant changes to the planning system in Scotland. The Act, together with the adoption of National Planning Framework 4 (NPF), removes strategic development plans (like Clydeplan) from the statutory development plan.
- 3.2 The Act introduced a new duty which requires one or more local authorities to prepare a regional spatial strategy (RSS). The RSS is a long-term spatial strategy for the strategic development of an area which enables planning authorities to work together with others within a defined area to guide future long-term use of land.
- 3.3 Elements for consideration that will inform the content of an RSS for the region will be informed by forthcoming Scottish Government guidance.
- 3.4 Unlike the Glasgow and Clyde Valley Strategic Development Plan, the RSS will not form part of the statutory development which now comprises NPF as well as the local development plans prepared by each individual local authority.
- 3.5 There is no prescription in the Planning (Scotland) Act 2019 on how local authorities discharge the duty to prepare an RSS and it is open for local authorities to consider their preferred model. The RSS will not be a statutory document and it is not clear what, if any, role a regional body would have in approving its content. Guidance on the preparation of RSSs is pending, however the Scottish Government are yet to confirm a timescale for this.

4. **Joint Committee 28 June 2023**

- 4.1 The Glasgow & the Clyde Valley Strategic Development Planning Authority Joint Committee (“Joint Committee”) met on 28 Jun 2023 to consider a report on the next steps towards preparation of an RSS. The report recommended that the Joint Committee:
- a) notes the cessation of strategic development plans; and
 - b) considers the options detailed within the report and advises officers of the Joint Committee’s preferred option for considering regional spatial planning issues going forward.
- 4.2 Appendix 2 to that report set out four possible options for the future governance and preparation of the forthcoming RSS.
- 4.3 In summary these four options were:

- i. This option follows the recommendation of the March 2021 Joint Committee report. Existing Clydeplan staff resource would be reviewed considering the new requirements for RSS preparation. Staff would be consulted on a possible TUPE transfer to Glasgow City Council. If transferred, the team would be integrated into the existing city region structures (overseen by the Regional Director) who would take responsibility for preparing an RSS and reporting this through to the GCR Cabinet for approval. This would move the duty to prepare an RSS directly into the city region governance structures.
 - ii. All strategic planning issues relating to individual member authorities would revert to them. It would be up to each individual authority to reach decision on whether to participate in the preparation of an RSS going forward.
 - iii. Strategic planning issues to be considered by a newly formed “Spatial Planning Partnership”. This new forum would enable member discussion on cross boundary strategic planning issues and approve the production of the RSS. The Partnership would require to be established as a formally constituted body. The new Partnership supported by an officer Steering Group and (repurposed Clydeplan) dedicated officer team.
 - iv. This option is like the recommendation of the March 2021 Joint Committee report. The Clydeplan staff team would be integrated into the existing city region Programme Management Office (overseen by the Director of Regional Economic Growth) who would take responsibility for preparing an RSS and reporting this through to the Joint Committee for approval.
- 4.4 The Joint Committee Convenor (Cllr O’Neill; West Dunbartonshire Council) moved option (iv) (of those listed above) that would see the Joint Committee retained as the governance for any future RSS and the staff resource being dealt with as per option 1.
- 4.5 An amendment was put forward by two other Committee members that option (i) should be supported.
- 4.6 On a vote 4 Cllrs voted for the motion (including the Renfrewshire Council representative), while 8 members voted for the amendment which was carried as the recommendation of the Joint Committee to the member authorities.
5. **Next steps**
- 5.1 Following the recommendation of the Joint Committee in June 2023, it now falls on each of the eight member authorities to decide individually how they wish to proceed.

- 5.2 It is clear, given the voting that took place at the Joint Committee, that many of the authorities wish to move the governance for any future RSS from the existing arrangements to the city region (Cabinet or any sub-group thereof), albeit this would need to be expressed as a formal decision from each authority individually. They also wish the current Clydeplan officer team (currently employees of Renfrewshire Council) to be consulted on a TUPE transfer to the GCR officer team (who would then be employed by Glasgow City Council).
- 5.3 The Joint Committee's Minute of Agreement makes clear that for any member authority who wishes to leave the current arrangement have to offer formal notice of their withdrawal and there is then a notice period (extending to 2 financial years from 31 March of the year notice given) given before they are formally no longer part of that governance arrangement.
- 5.4 Clearly if there was a mutual agreement between all 8 authorities then then Minute of Agreement could be formally amended to change the notice period.
- 5.5 Council is asked to express a view on a proposed course of action which authorises officers to discuss with the other seven authorities. These could include:
- Maintaining the existing Joint Committee arrangements and review following publication of Scottish Government guidance on RSS preparation;
 - Maintain the existing Joint Committee arrangements in line with option (1) but (meantime) agree to consult the existing Clydeplan officer team on a possible TUPE transfer to GCR officer team;
 - Accept the recommendation of the Joint Committee (28 June 2023) and agree to the proposed change to future RSS governance being transferred to the GCR Cabinet;
 - Await the views of the other seven authorities to determine if others wish to continue with the Joint Committee, as at present or in some reshaped format. A further report will be brought back to Renfrewshire Council once the other views are known;
 - Tendering their notice from the Joint Committee and await Scottish Government guidance on how individual authorities can undertake collective approaches with neighbouring authorities;

Implications of the Report

1. **Financial** – will depend on option selected by the GCR member authorities but costs to date for Clydeplan and Joint Committee are divided between the eight constituent authorities, with Renfrewshire Council as lead authority to date.

2. **HR & Organisational Development** – The Clydeplan and GCR Green Network team are currently Renfrewshire Council employees (due to RC being lead authority for these matters). Any potential transfer of employer for these employees would be subject to consultation through the recognised TUPE arrangements.
3. **Community/Council Planning** –
 - *Reshaping our place, our economy and our future* – The RSS could be a key document in establishing a land use framework for supporting, encouraging and delivering economic development in Renfrewshire.
4. **Legal** - will depend on option selected by the GCR member authorities in terms of how to progress with governance arrangements.
5. **Property/Assets** – None.
6. **Information Technology** – None.
7. **Equality & Human Rights**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – None.
9. **Procurement** – None.
10. **Risk** – None.
11. **Privacy Impact** - None.
12. **Cosla Policy Position** – Not Applicable.
13. **Climate Risk** – None.

List of Background Papers

- (a) "Towards a Regional Spatial Strategy"; Glasgow and the Clyde Valley Strategic Development Planning Authority Joint Committee; 28 June 2023
- (b) "Towards a Regional Spatial Strategy"; Glasgow and the Clyde Valley Strategic Development Planning Authority Joint Committee; 12 June 2023

(c) Planning (Scotland) Act 2019 - Duty to prepare a Regional Spatial Strategy;
Glasgow and the Clyde Valley Strategic Development Planning Authority Joint
Committee; 8 March 2021

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