TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP

17 SEPTEMBER 2019

DEVELOPMENT PLANNING CONSULTATIONS

REPORT BY ACTING STRATEGIC DEVELOPMENT PLAN AUTHORITY MANAGER AND SENIOR STRATEGY OFFICER

This report asks the Partnership to note updates on the Planning (Scotland) Bill; respectively endorse responses to Supplementary Guidance being consulted on by Stirling Council and Perth & Kinross Council; and for information, note the status of development Plans across the region.

1 RECOMMENDATIONS

1.1 That the Partnership:

- (i) notes the update on the Planning (Scotland) Bill;
- (ii) endorses the representation to the Supplementary Guidance on 'Transport and Access for New Development' being consulted on by Stirling Council, as contained in Appendix A;
- (iii) endorses the proposed representations to the Supplementary Guidance on Developer Contributions and Green and Blue Infrastructure being consulted on by Perth & Kinross Council, as contained in Appendix B; and
- (iv) notes the status update of the Development Plans within the Tactran region, as contained in Appendix C.

2 BACKGROUND

- 2.1 The Scottish Government introduced the Planning (Scotland) Bill in the Scottish Parliament on the 4 December 2017. The Bill set out the proposed reforms to the planning system as a whole, including development planning.
- 2.2 The Bill proposed substantial changes in the preparation, form and content of development plans. Strategic Development Plans (SPDs) for Scotland's four city-regions were to be abolished, removing this statutory tier of regional development planning.
- 2.3 Stirling Council is undertaking a <u>review of all its Supplementary Guidance</u> (SG) documents following the adoption of a new Local Development Plan on October 2018. Consultation on <u>Transport and Access for New Development</u> was issued on 24 June with representations requested by 6 September 2019.

2.4 Perth and Kinross Council issued a number of draft <u>Supplementary Guidance</u> documents for consultation on 19 August 2019 requesting representations by 30 September 2019. The supplementary guidance being consulted on included <u>Developer Contributions & Affordable Housing</u> and <u>Green & Blue Infrastructure.</u>

3 DISCUSSION

Update on the Planning (Scotland) Bill

- 3.1 The Scottish Parliament Local Government and Communities Committee published its Stage 1 report on the Planning Bill during May 2018. The Scottish Government's response to Stage 1 of the Planning (Scotland) Bill set out that there were significant concerns about the future of regional spatial planning, a discipline that has a long history in Scotland and has attracted interest and commendation from elsewhere.
- 3.2 Scottish Government concluded that it was not clear from the evidence heard as part of Stage 1 that removing the current provisions for Strategic Development Plans (SDPs) will lead to simplification, to streamlining, to cost savings or to more effective planning at a regional scale. They outlined that there is a risk that the time and effort currently devoted to the four SDPs will be eroded and political support will wane if regional planning becomes a voluntary endeavour. They did, however, state that in their view the current arrangements for strategic development plans are not fit for purpose. They also pointed out that planning at this scale is operating in isolation from wider, more dynamic regional working.
- 3.3 Given this, Scottish Government concluded that the current statutory framework for regional planning should not be repealed unless a more robust mechanism is provided to that proposed in the Bill. Such a mechanism could include enabling local authorities to work together for strategic planning purposes; and that any agreed plan that arises from that work should then form part of the relevant Local Development Plans (LDPs). Scottish Government set out priorities for stage 2 in September 2018, namely to:
 - Establish a clearer duty for all planning authorities to undertake strategic planning. This will ensure the continuing commitment to planning at this scale is better understood.
 - Ensure regionally driven strategic planning will be used to inform a collaborative approach to the National Planning Framework, rather than being prescribed nationally.
 - Maintain flexibility for resourcing, governance and procedural arrangements so that different parts of the country are able to adjust their approaches to strategic planning.
 - Ensure that procedures are proportionate, to enable fuller alignment of strategic planning with wider partnership working at a regional scale.

- 3.4 Stage 2 of the parliamentary process commenced on 12 September 2018 and lasted until 14 November 2018. 390 amendments were proposed and 244 agreed as part of Stage 2 of the Bill's passage through Parliament. Specifically, an amendment to delete Section 2 of the Bill, which removed the requirement to prepare Strategic Development Plans from the 1997 Planning Act was agreed. An additional amendment relating to the need to produce an Evidence Report (rather than a Main Issues Report) before preparing a Strategic Development Plan was also agreed. An amendment removing the requirement to subject the strategic development plan to independent examination was also agreed.
- 3.5 The Bill as amended by Stage 2 therefore retained the requirement to produce a Strategic Development Plan, but with changes to the production process and final agreement.
- 3.6 Prior to stage 3 there has been widespread press coverage of the growing concern for the Bill. The amendments proposed through stage 2 added no fewer than 63 new duties on local authorities and 25 new duties for the Scottish Government. The revised financial memorandum estimated that this would result in additional costs of between £18.84m and £74.33m for planning authorities, between £395.2m and £1,176.79m additional cost to developers and around £11.96m additional costs to communities.
- 3.7 The three members of the original independent panel that were behind the initial report 'Empowering Planning to Deliver Great Places' which led to the Planning (Scotland) Bill wrote to the Minister for Local Government, Housing and Planning to express their concerns at the way Stage 2 had taken the Bill. They called for swift intervention as they considered that the Bill was dangerously close to creating a system that is more complex than before, more remote and in danger of losing the spirit of the original review recommendations.
- 3.8 Stage 3 of the parliamentary process commenced on the 18 June and lasted for 3 days. There were a further 185 amendments proposed, many of which sought to repeal amendments introduced in Stage 2. Following amendment, the Bill was passed on the 20 June 2019. It received Royal Assent on the 25 July 2019.
- 3.9 The Planning (Scotland) Act 2019 repeals Sections 4 to 14 of the Town and Country Planning (Scotland) Act 1997, which relate to the creation of Strategic Development Planning Authorities, the preparation of Strategic Development Plans, their publication, examination and approval or rejection by Scottish Ministers.

- 3.10 The Act includes provisions that allow for the production of Regional Spatial Strategies by two or more authorities. These documents will set out the long term strategy in respect of strategic development of an area, considering the strategic need for development, the outcomes that strategic development will contribute to, priorities for delivery of strategic development and proposed locations. Strategic development is defined as development that is likely to have a significant impact on future development within the area of more than one planning authority.
- 3.11 The Act sets out that before adopting such strategies, authorities must publish a draft, along with a summary of information that has informed the strategy and ask for representations. Once adopted by the relevant authorities, the strategy should be submitted to Scottish Ministers. There is therefore more freedom in terms of which authorities work together to produce such strategies, what the strategies contain and the need for an independent examination of the document has been removed. Regional Spatial Strategies will not form part of the statutory Development Plan.
- 3.12 The Act is clear that the National Planning Framework and Local Development Plans (which will form the two parts of the statutory Development Plan) must have regard to any Regional Spatial Strategy submitted to Ministers as adopted. Such strategies should be produced as soon as possible after the Act comes into force and should be kept under review at least once every 10 years from adoption. Scottish Ministers will produce guidance (after consulting with local planning authorities) that must be taken into account by authorities working together to produce a Regional Spatial Strategy.

Implications of the Planning (Scotland) Act 2019

- 3.13 It is clear that the Planning (Scotland) Act 2019 will see a different working relationship between authorities to produce a Regional Spatial Strategy that may not encompass all the content of the current Strategic Development Plan, but which will focus on the identification, prioritisation and delivery of strategic development in the region.
- 3.14 The timescales for the production of such a strategy would be determined by implementation of the Act. The Scottish Government's Chief Planner wrote to stakeholders on the 30 June 2019 setting out current workstreams and ways in which the Act will be implemented. It is anticipated that it will take two years to fully implement the Act.

- In addition, the Chief Planner wrote to all Chief Executives and Chief Planners within local authorities about work being undertaken to progress the fourth National Planning Framework (NPF4). The letter sets out that ahead of fuller Regional Spatial Strategies emerging, there will be some collaboration to develop early thinking on strategic planning which will provide early input to National Planning Framework 4. The letter further states that this early work will be informed by the policy principles guiding Regional Economic Partnership (REP) arrangements where regional groupings are voluntary, self-assembled and flexible around the bespoke requirements of particular areas; an approach that is also being taken by Transport Scotland in relation to production of Strategic Transport Projects Review 2 with which NPF4 seeks to align.
- 3.16 Having met in early August to discuss a way forward, the officers involved in the TAYplan Board and working group agreed that they will continue to work together on the work needed to input into the fourth National Planning Framework and on an emerging Regional Spatial Strategy. An options paper on joint working, Regional Spatial Strategy work and Regional Spatial Strategy Governance will be brought before the TAYplan Joint Committee in due course.
- 3.17 Stirling Council will also have to consider, along with neighbouring Councils, what, if any, regional spatial strategy is appropriate.

Representation to Stirling Council on Supplementary Guidance consultation

- 3.18 Stirling Council is undertaking a review of all its Supplementary Guidance (SG) documents following the adoption of its new Local Development Plan on October 2018. Consultation on <u>Transport and Access for New Development</u> was issued on 24 June with representations requested by 6 September 2019. Supplementary Guidance documents support policies within the Local Development Plan by providing more detailed information.
- 3.19 The Supplementary Guidance note sets out minimum 'transport and access' requirements for each mode of travel to ensure that there is a safe and realistic choice of access to new development in support of LDP Policy 3.1 'Addressing the Travel Demands of New Development'.
- 3.20 The Supplementary Guidance supports the RTS sub-objectives of:
 - 6a. Ensuring integration with land-use planning
 - 3c. Promoting a shift towards more sustainable modes
 - 5a. Improving transport related safety
- 3.21 As the deadline for submissions is 6 September 2019, officer responses have been submitted under the proviso that their endorsement will be sought from the Partnership meeting of 17 September 2019. The officer submission is included as Appendix A.

Representations to Perth and Kinross Council on Supplementary Guidance consultation

- 3.22 Perth and Kinross Council have issued a number of draft Supplementary Guidance documents for consultation on 19 August 2019 requesting representations by 30 September 2019. These include Developer Contributions & Affordable Housing and Green & Blue Infrastructure, on 19 August 2019 requesting representations by 30 September 2019.
- 3.23 The 'Developer Contributions and Affordable Housing' SG sets out the requirements for development in Auchterarder to contribute to 'Auchterarder A9 Junction Improvements; and in Perth City to either the 'Cross Tay Link Road' or 'A9/A85 Crieff Road Junction Improvements' in support of the LDP Policy 5 'Infrastructure Contributions'.
- 3.24 The Supplementary Guidance supports the RTS sub-objective of:
 - 6a. Ensuring integration with land-use planning
 - 5a. Improving transport related safety
- 3.25 Nonetheless, the Partnership had previously (in June 2013) supported the general thrust of Policy PM3 on Infrastructure Contributions and re-iterated a response submitted to the Proposed LDP in 2012 (report RTP/12/10 refers), that the Supplementary Guidance developed to support Policy PM3 should "specifically allow(s) for potential contributions towards strategic infrastructure, including infrastructure which serves cross-boundary travel demands and needs identified within the Regional Transport Strategy" (Report RTP/13/20 refers).
- 3.26 The Supplementary Guidance on Developer Contributions Transport Infrastructure does not address this request made in the Tactran Partnership Board's formal response to the Proposed Plan at the Period of Representation stage and only allows for contributions to be sought for the interventions outlined in paragraph 3.23. This is a lost opportunity to help bring forward other elements of the transport package required to mitigate the transport implications of development, especially in Perth.
- 3.27 The 'Green and Blue Infrastructure' Supplementary Guidance sets out the Council's aspirations in support of Policy 40 'Green Infrastructure', including active travel infrastructure within green corridors. Consequently, the Supplementary Guidance has the potential to support the RTS sub-objectives of:
 - 6a. Ensuring integration with land-use planning
 - 3c. Promoting a shift towards more sustainable modes
- 3.28 However, the Supplementary Guidance simply identifies opportunity area and opportunities for improvement within particular areas. It does not state any specific requirement for development in or near an opportunity area to support (either through contributions or direct intervention) one of the opportunities

identified. It is suggested the Guidance would be more effective if it stated requirements of development rather than an aspirational wish list.

3.29 Proposed responses to the Developer Contributions & Affordable Housing and Green & Blue Infrastructure Supplementary Guidance Notes, which the Partnership is asked to endorse, are included as Appendix B.

Status update on the Local and Strategic Development Plans in Tactran region

3.30 The current status and the next key stages for each of the seven Development Plans within the Tactran region is summarised in Appendix C for members' awareness and information.

4 CONSULTATIONS

4.1 This report has been prepared in consultation with the local authority officers.

5 RESOURCE IMPLICATIONS

5.1 There are no resource implications arising directly from this report.

6 EQUALITIES IMPLICATIONS

6.1 This report has been screened for any policy implications in respect of Equality Impact Assessment and no major issues have been identified.

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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:

Report to Partnership RTP/13/20, Development Planning Consultations, 18 June 2013

Report to Partnership RTP/16/19, Review of RTS Delivery Plan, 14 June 2016

Scottish Parliament Local Government and Communities Committee Stage 1 Report: http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11566&i=104862

Scottish Parliament Local Government and Communities Committee Stage 1 debate: http://digitalpublications.parliament.scot/Committees/Report/LGC/2018/5/17/Stage-1-Report-on-the-Planning--Scotland--Bill

Scottish Parliament Local Government and Communities Committee Stage suggested amendments

http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11566&i=104862

Planning (Scotland) Bill as amended at Stage 2

https://www.parliament.scot/S5_Bills/Planning%20(Scotland)%20Bill/SPBill23AS052 018.pdf

Scottish Parliament Stage 3 suggested amendments

https://www.parliament.scot/S5_Bills/Planning%20(Scotland)%20Bill/SPBill23AMLS052019.pdf

Planning (Scotland) Act 2019.

http://www.legislation.gov.uk/asp/2019/13/enacted

Chief Planner letter: Current workstreams.

https://www.gov.scot/publications/current-workstreams-chief-planner-letter-2/

Stirling Council '<u>Draft Supplementary Guidance Transport and Access for New Development Supplementary Guidance</u>' July 2019

Perth and Kinross Council '<u>Development Contributions and Affordable Housing Draft Supplementary Guidance 2019</u>' August 2019

Perth and Kinross Council '<u>Green and Blue Infrastructure Supplementary Guidance</u>' August 2019

Representation to Stirling Council on Supplementary Guidance consultation: Transport and access for New Development

Your comments on the Supplementary Guidance:

The Supplementary Guidance note is supported in terms of helping deliver

- LDP Policy 3.1 'Addressing the Travel Demands of New Development' and in particular ensuring safe and realistic choice of modes to new development
- Regional Transport Strategy sub-objectives of:
 - 6a. Ensuring integration with land-use planning
 - 3c. Promoting a shift towards more sustainable modes
 - 5a. Improving transport related safety

And we support the proposal to adopt the Supplementary Guidance as guidance for the area of the LLTNPA that falls within the Stirling Council boundary to provide consistent guidance across the Stirling Council area

What changes should be made to the Supplementary Guidance? Section 2: Meeting the Travel Demands of New Development

Para 2.4: Text suggests that "measures to improve wider networks may also be required" may only be required for larger developments. It is noted that developer contributions towards "wider networks" improvements are required for medium sized developments (Table 1 and Table 2). Suggest para 2.4 is amended to reflect that measures to improve wider networks may also be required for medium and large developments.

Table 1:

- The requirements to provide safe walking links to passenger waiting facilities is noted, however it would be beneficial if this also outlined the expected length of walk to the bus stop for passengers (which may be different in rural locations to urban locations). The requirement for 3 buses an hour to key destinations should have more detail including the expected key destinations and how this would be assessed.
- Given the Government's objectives for introducing electric vehicles, suggest provision for electric car charging at new development is "required" rather than "encouraged".

Developer contributions

Para 2.10 -2.11: Text doesn't explicitly state which locations developer contributions will be sought from, but implies it applies to development in areas shown in Figure 2. Suggest that text states that contributions be sought from development which has an impact on the city transport area as shown in Fig 2.

Text beneath 2.16 notes the key issues to be addressed for rural developments, however these issues are applicable to all developments. Suggest that it is clarified whether this is summary text for part or all of Section 2.

Assessment Process

The unreferenced figure will better follow para 2.18 rather than 2.17.

Table 3: "More commonly it is appropriate for cycle access to be shared with vehicles". Suggest consider removing this statement as its inclusion may restrict the options you may want to pursue with some developments.

Section 3: Transport Statements, Assessments and Travel Plans

Para 3.4: The principles of the mode hierarchy (i.e. consider meeting demands by, in order, walking-cycling-public transport-other motor vehicles) would be better emphasised if the 'scoping' table was ordered Development / People / Traffic. The problem with transport assessments following the mode hierarchy is that they still tend to first and foremost consider traffic issues first.

Para 3.10 - 3.13: Welcome the fact that the guidance outlines measures to enforce the delivery of travel plans. However a specific reference to residential travel plans would be useful in para 3.13.

Section 4: Road Safety Audits

First reference to road safety audits in the document is in section 4. If table 1 is a summary of the likely requirements of a development, it would be useful to reference road safety audits under the requirements for medium and large developments in table 1.

Section 5: Quality Audits

Likewise, the first reference to quality audits in the document is in section 5. If table 1 is a summary of the likely requirements of a development, it would be useful to reference quality audits under the requirements for large developments in table 1.

The text should make reference to when a quality audit may or may not be appropriate, and where further information on quality audits may be found. Accordingly, it may be beneficial to reference the National Roads Development Guidance section relating to quality audits.

Appendix A: Parking Standards

Table 1 refers to the requirement for:

- Maximum parking standards to apply to non-residential development
- Parking standards to apply to residential developments

Within Appendix A, the standards for car parking are stated as "appropriate provision". It is assumed this terminology is used to cover both the non-residential and residential requirements outlined in table 1, however, it may cause confusion, especially if the user just refers to the appendix. It is suggested that either the existing table in the appendix is clearer when either standards or maximum standards apply, or the table be split into a non-residential table and a residential table.

The provision of staff parking for 'Motor Trade' has been omitted. It also noted that there are a number of omissions in the table relating to cycle provision for certain classes that should be addressed.

Perth & Kinross Council - Draft Supplementary Guidance

Developer Contributions & Affordable Housing

The draft Developer Contribution and Affordable housing Supplementary Guidance details the developer contribution mechanism that Perth & Kinross Council will utilise to meet the infrastructure demands of proposed development. Comments from Tactran are limited to the application of developer contributions in relation to transport infrastructure and interventions.

This draft supplementary guidance brings together previously approved developer contribution policies relating to the Auchterarder A9 Junction and Transport Infrastructure for the Perth HMA and proposes no substantive changes to the earlier guidance.

5. Auchterarder A9 Junction Improvements

This section of guidance only applies to developments within the Auchterarder and Strathearn housing market area where contributions will be used to meet the cost of delivering the A9 junction improvements that are required in the interests of road safety.

What change to the Developer Contributions and Affordable Housing Supplementary Guidance would you like to see?

5.5 Principles

Is it noted that non-residential developments that do not require a Transport Assessment will not be subject to the guidance, however further details of the thresholds that will be used for a Transport Assessment should be given.

Similarly, developments outwith the identified boundary area but within the Strathearn HMA are subject to the guidance where it is deemed that they require a Transport Assessment but no detail on the likely thresholds is provided. There is also no detail provided regarding any cumulative impact assessment that has been undertaken to identify any potential issues that might arise out of a number of below threshold developments within the area.

5.7 Applying the Guidance

This paragraph notes that "major developments contrary to the Development Plan will be subject to separate assessment against this guidance on road safety grounds".

Based on the assumption that any major development would be subject to a Transport Assessment, the impact on the transport networks would be properly assessed which would not just be limited to road safety.

5.8 Developer Contribution Calculation

This section outlines the "project" costs as £10.25m but no details of what this project consists of have been provided and only the improvements made at the

A9/A823 Loaninghead junction are noted. Further details of what the package of measures that the developer contributions will contribute to should be provided.

6. Transport Infrastructure

This section of the Supplementary Guidance sets out the basis on which PKC will seek contributions from developments in and around the Perth towards transport infrastructure improvements that have been identified as being required.

What change to the Developer Contributions and Affordable Housing Supplementary Guidance would you like to see?

The Tactran Partnership Board approved and submitted a response to earlier Supplementary Guidance on Developer Contributions Transport Infrastructure on 18 June 2013 (report RTP/13/20 refers), itself re-iterating a response submitted to the Proposed LDP in 2012 (report RTP/12/10 refers), and that response is still considered to be valid. A summary is noted below:

In responding formally to the Proposed Plan Period of Representation in March 2012, the Tactran Partnership Board supported the general thrust of Policy PM3 on Infrastructure Contributions and requested that the Supplementary Guidance developed on this "specifically allows for potential contribution towards strategic infrastructure, including infrastructure which serves cross-boundary travel demands and needs identified within the Regional Transport Strategy ..." and also "strongly recommend that Supplementary Guidance is produced with regard to the need for effective Travel Plans in relation to significant developments which generate additional employment travel"

The Supplementary Guidance on Developer Contributions Transport Infrastructure does not appear to address these specific requests made in the Tactran Partnership Board's formal response to the Proposed Plan at the Period of Representation stage.

The current draft Guidance again notes that developer contributions will solely be used for the Cross Tay Link Road and the A9/A85 Crieff Road junction improvements with no funding of additional infrastructure or transport interventions, including active travel or public transport. Suggest that this is a lost opportunity to help bring forward other elements of the transport package required to mitigate the transport implications of development, especially in Perth.

The methodology used to calculate the impact and therefore the contribution to be applied is outlined, however it is unclear where the thresholds of 12% and 19% have been derived from and why they are deemed appropriate.

Para 6.4 notes that the developer contribution calculated as part of this Supplementary Guidance will be "additional to any other cumulative or site specific transport contribution". It then notes that following appropriate assessment

contributions may be sought to other interventions such as improvements at Broxden and Inveralment roundabouts or to the Perth Park & Ride Schemes.

These additional packages of transport interventions should be outlined in greater detail with information provided on the expected assessment methodology that will be used to determine cumulative impact to the transport networks (all modes).

Green and Blue Infrastructure

Tactran supports the principals outlined in the Draft Supplementary Guidance on Green and Blue Infrastructure, in particular the integration of active travel infrastructure within green corridors.

What change to the Developer Contributions and Affordable Housing Supplementary Guidance would you like to see?

However, the SG simply identifies opportunity area and opportunities for improvement within particular areas. It does not state any specific requirement for development in or near an opportunity area to support (either through contributions or direct intervention) one of the opportunities identified. It would make the Guidance more effective if it stated requirements of development rather than an aspirational wish list.

This supplementary Guidance explains what green infrastructure is and where and how it should be taken into account in the development process. Green and blue infrastructure can help support the development of the active travel network, however when considering utility trips any development should lead to the provision of direct, well maintained options that are of a suitable minimum standard. It would therefore be beneficial if the guidance references other guidance on the design and implementation of active travel infrastructure to ensure best practice.

Appendix C

Status of Development Plans

Planning Authority	Plan Status	Next Key Stage
Angus Council	Local Development Plan 2016 – 2026 was adopted September 2016. Action Plan published December 2016	Engagement and Developing Options process commenced for Angus Plan 2021
Dundee City Council	Dundee Local Development Plan 2 (as modified) was adopted by Council on 15 February 2019	Main Issues Report to be published December 2019.
Perth & Kinross Council	Consultation on Proposed Plan ended on 2/2/18. Plan submitted to DPEA for examination. Consultation on Supplementary Guidance from 31/1/19 – 14/3/19.	Awaiting adoption by Council. Supplementary Guidance consultation ongoing.
Stirling Council	Modified plan approved by Council on 3/5/18.	Supplementary Guidance consultation ongoing.
Loch Lomond and the Trossachs National Park Authority	Local Development Plan 2017- 2021 adopted December 2016. Action Programme published March 2017. Supplementary & Planning Guidance documents being finalised and adopted.	Pre-Main Issues Report Engagement scheduled for late 2018/early 2019 through to Q3 2019. MIR to be published Q4 2019.
Cairngorms National Park Authority	Proposed Plan (LDP2) was published in January 2019.	Consultation on proposed plan from 25 January 2019 - 5 April 2019. Awaiting examination by DPEA.
TAYplan	Strategic Development Plan (2016-36) approved by Scottish Ministers October 2017. Approved Action Programme published January 2018.	Ongoing monitoring. Action Programme to be updated annually.