



Town and Country Planning (Scotland) Act 1997

## Gate Check: Section 16B(9) Notification of Sufficiency

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Decision by Katrina Rice, a Reporter appointed by the Scottish Ministers

- Evidence Report Reference: GATE-300-1
- Moray Local Development Plan Evidence Report Gate Check
- Date of submission to Gate Check : 22 May 2024
- Procedure: Further written submissions

Date of Notice: 26 August 2024

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### Decision

I find the evidence report, as referenced above, sufficient to enable the planning authority to proceed to prepare its Local Development Plan.

### Assessment

I was appointed to carry out the required Gate Check on 4 June 2024. I have carried out my assessment in the context of the relevant legislative provisions of the 1997 Act. In doing so I have taken account of National Planning Framework 4 (NPF4) and the Scottish Government's Guidance on Local Development Planning in Scotland - 2023. My assessment relies on the evidence report including its linked documentation. The following post committee approval correspondence was submitted on 4 June 2024 :

- The final agreed version of the council's Strategic Flood Risk Assessment (SFRA).
- Confirmation from the Scottish Environment Protection Agency (SEPA) of their agreement with the final SFRA.

I also issued four Further Information Requests (FIRs).

A copy of this notice has been sent to the council and to Scottish Ministers.

In carrying out my assessment I found some aspects of the evidence which could have been improved or where there is some remaining uncertainty or need for minor clarification to secure alignment with the advice set out in the Scottish Government Guidance. These are set out as advisories in Annex 1. Given the extent and nature of these matters, I do not consider that they impact overall on the sufficiency of the evidence report. Rather they are included as advisories to this notice. These set out matters for the council to consider in proceeding to prepare its local development plan (including the assessment of sites).

In this case I am conscious of the number of advisories. Ideally these would have been captured in the evidence report, but I have no remit to recommend changes other than in the context of a conclusion of insufficiency. As stated above, I do not consider, on this occasion, given the strength of evidence included overall and the responses received from the council to my FIRs, that these matters merit return of the report. However, by including as advisories, they can be addressed going forward. Collectively, such omissions can impact on the quality of the evidence report and its purpose. There may be other occasions in future Gate Checks, where the collective scale and nature of such omissions may justify a conclusion of insufficiency and consequent return of the report.

In Annex 2, I set out an overview of my consideration of the main unresolved matters, which were recorded as part of the council's process of engagement and consultation.

Finally, I make some general observations about the evidence report as a whole, below:

- I have noted the council's response to FIR003 on how the Habitats Regulations Appraisal (HRA) process dovetails with the preparation of the evidence report and will be taken into account in the preparation of the local development plan. The evidence report could have been improved by including this explanation.
- Some schedules provide a detailed review of the previous Moray Local Development Plan - 2020 policies and their success in terms of delivery or otherwise. Others provide a less detailed analysis. The evidence report could have been improved by including an equally detailed review, together with any lessons learned for the preparation of the new plan, for all of the policies covered.
- The council has included policy statements in the links to evidence for at least one schedule, but has responded to a stakeholder that it would not be appropriate on another occasion. The evidence report could have been improved by taking a consistent approach towards the inclusion or non-inclusion of policy statements.
- It is clear extensive engagement was undertaken during the evidence gathering stages, but in some instances, it is less clear that there was an opportunity for key stakeholders to engage with the council's reporting of the evidence relevant to all of the topics which they have an interest in. All relevant parties should be fully involved in engagement with the local development plan preparation process going forward.
- FIRs have referred to the inclusion/non-inclusion of various stakeholders, neighbouring authorities and other sections of the council in the preparation of the evidence report. The evidence report could have been improved by explaining how these key parties have been involved or the reasons for not involving them. All relevant parties should be fully involved in engagement with the local development plan preparation process going forward.
- The evidence report could have been improved by adopting a consistent approach to update all of the schedules where the council was in agreement with comments made by stakeholders.
- The evidence report could have been improved by including a more detailed explanation of the reasons for not including data/evidence suggested by stakeholders.

## Conclusion

I find nothing to alter my overall conclusion on the sufficiency of the submitted evidence report.

Next Steps.

Consequently the planning authority can now proceed to prepare its local development plan.

*Katrina Rice*

Reporter

## **Annex 1 - Gate Check Advisories**

### **Schedule 1 - Climate change**

1. There is no direct reference to the National Marine Plan or any Regional Marine Plans for the area in the evidence report. There is a statutory requirement to take account of these. However, I have noted the council's response to FIR002 stating that the Moray Coastal Change Adaptation Plans, (both regional and local), which are referenced in the evidence report, have been prepared in full accordance with the National Marine Plan. The council is not aware of any agreed Regional Marine Plan for the Moray Firth. Furthermore, the council states that the text contained within the evidence report reflects National Planning Framework 4 (NPF4), which accords with the National Marine Plan and that the council has taken account of and incorporated the above into its ongoing work as it prepares to move towards preparation of the proposed plan. The evidence report could have been improved by including this explanation.

### **Schedule 2 - Biodiversity, natural places, green and blue infrastructure**

2. The evidence report could have been improved by the inclusion of a blue/green audit. However, I have noted the council's response to FIR003 which includes an explanation for which Scottish Environment Protection Agency (SEPA) datasets have been included/not included and states that it is likely some of the data sources will be used to inform the approach to blue infrastructure going forward. The Strategic Flood Risk Assessment (SFRA) identifies an information gap relating to blue infrastructure, which the council acknowledges. This will be addressed in part through the open space strategy, work on green networks, the commissioned Biodiversity Study and future work on the SFRA. This will all be used to inform the proposed plan. The council will also work closely with neighbouring authorities through the North East Scotland Biodiversity Partnership, North of Scotland Development Plan Forum and in the preparation of the Regional Spatial Strategy to explore cross boundary opportunities for blue infrastructure. It is advised that the council should continue to work closely with SEPA in progressing work in relation to blue infrastructure so that it can be adequately reflected going forward in the preparation of the local development plan.

### **Schedules 8a - Quality homes – Housing land supply and 8b - Quality homes – affordable and specialist housing requirements**

3. The evidence report could have been improved if the updated local housing strategy, based on the 2023 Housing Need and Demand Assessment (HNDA), had been available as part of the evidence base.
4. The evidence report could have been improved by detailing the extent to which the 2023 Housing Land Audit (HLA) was agreed with Homes for Scotland.
5. The evidence report states "Following validation, stakeholders were assured that there is robust local evidence to support the use of the growth scenario aligned to the ambitious economic development strategy associated with the Moray Growth Deal and overall approach in Moray to economic growth." Given the dependence of the Local Housing Land Requirement (LHLR) figure on adopting the growth scenario, the evidence report could have been improved by expanding on the reasons for this.

6. Given the government emphasis on delivery, the evidence report could have been improved by including a summary of the relevant local authority housing investment priorities and projects relating to affordable housing and particular needs.

### **Schedule 10a – Infrastructure**

7. There is no direct reference to the National Waste Management Plan in the evidence report. There is a statutory requirement to take this into account. However, I have noted the council's response to FIR002 stating that the requirements of the National Waste Management Plan are reflected in NPF4, and these have been reflected in the evidence report. The council have taken account of and incorporated the above into its ongoing work as it prepares to move towards preparation of the proposed plan. The evidence report could have been improved by including this explanation.
8. The evidence report could have been improved by referring to an authority specific waste strategy. However, I have noted the council's response to FIR002 that there is no specific Moray Waste Strategy. Moray Council has a Kerbside Collection Policy which is aligned to the Scottish Government's Household Recycling Charter. The council is currently undertaking a depot review of all facilities, including waste/recycling facilities.
9. There is no direct reference to audits of water fill locations and public toilets in the evidence report, which is a statutory provision. However, I have noted the council's response to FIR002 providing their locations and stating that the council have taken account of and incorporated them into its ongoing work as it prepares to move towards preparation of the proposed plan. The evidence report could have been improved by including this explanation.

### **Schedule 10b - Transport**

10. The evidence report could have been improved by including reference to an up to date local transport strategy. However, I have noted the council's response to FIR002 and the fact that the existing strategy was prepared over 10 years ago, before the publication of the National Transport Strategy 2 (NTS2) and other transport related investment programmes from Scottish Government. The focus for preparing the evidence report has therefore been on the national strategy and policies, in particular relating to the sustainable transport hierarchy in NTS2 and role that transport has in relation to reducing emissions.
11. The evidence report states that the council is committed to undertaking a proportionate Transport Appraisal to support and inform the development of the new local development plan. Budget has been allocated for this process and traffic counts completed. Transport Scotland has not objected to the lack of a transport appraisal at this stage in the local development plan preparation process. Its response is recorded and the council has confirmed that the extra data referred to will be taken into account in the preparation of the Transport Appraisal. However, the evidence report could have been improved by making clear that the council had agreed a methodology for producing its Transport Appraisal with Transport Scotland.
12. The evidence report could have been improved by providing more information in relation to parking within Moray taking cognisance of NPF4 Policy 13, the Scottish Government Guidance on Local Development Planning (2023), the need to minimise space dedicated to parking and a shift to low/no car developments.

## **Schedule 11 - Flood risk and water management**

13. The “Site Assessment and SEA Checklist” shown in the evidence report refers to flood risk as one of the questions and states that if flood risk is not understood, a Flood Risk Assessment should be undertaken. However, it does not refer to the updated SFRA, which could be used as part of the process. Given the availability of an up to date version of the SFRA, the final version of both this checklist and also the “Effectiveness Checklist for Development Sites” could be improved by referring to it in the flooding questions.

## **Schedule 18 - Minerals**

14. I note from the council’s response to FIR004 that the Moray Minerals Audit 2023, although referred to in the evidence report, has not been provided because it is an internal monitoring tool that is not publicly available due to the commercial sensitivity of its contents. When engaging with operators as part of the audit process, assurances have been given by the council that the information submitted will be treated in the strictest confidence and that it would be used on an internal basis only. The evidence report could have been improved by explaining the reasons for its non-inclusion. It is advised that the council should consider how the evidence to support its conclusions can be rehearsed more transparently going forward.

## **Other**

15. There is no data on the location of hazardous substances and their associated safety zones in the evidence report, which is a statutory provision. However, I have noted the council’s response to FIR004 stating that the GIS webmap identifies the location and buffer zones of hazardous substances. This includes Health and Safety Executive (HSE) explosive sites and consultation zones and Ministry of Defence (MOD) fuel pipelines and high pressure gas pipelines. The proximity to hazardous substances is included in the site assessment checklist and will be taken into consideration in the identification of sites for the proposed plan. The evidence report could have been improved by including this explanation.
16. In response to FIR004, the council has confirmed that businesses/operators using hazardous substances are identified on the council GIS webmap. No expansion plans were identified through the Business Property Needs Study 2023. Further engagement with existing businesses/operators will take place during the preparation of the proposed plan, and the Call for Sites. The evidence report could have been improved by including this explanation.
17. While acknowledging the council’s response in FIR001, the Scottish Government Guidance on Local Development Planning (2023) states that although forming part of Scottish Government, Marine Scotland should have the same level of involvement in the development planning process as the key agencies listed in regulation 25. In addition, organisations which participate in the key agencies group such as Architecture and Design Scotland, are also likely to provide support and input. Given the above, it is advised that they should be fully involved in the preparation of the local development plan going forward and should be involved in the preparation of future evidence reports.
18. The evidence report could have been improved by including some evidence of involvement/validation of the site checklists with key agencies/other stakeholders.

19. In response to FIR004, the council has confirmed that there are no Air Quality Action Plans or Air Quality Management Areas in Moray. Given the reference to these in the Scottish Government Guidance on Local Development Planning (2023), the evidence report could have been improved by explaining that they are not relevant to Moray.

## Annex 2 - Overview of reporter's consideration of the main unresolved matters

<b>Respondent</b>	<b>Schedule</b>	<b>Reporter's consideration</b>
Cabrach Trust	5 - Energy	There is already a section recognising the potential of the Just Transition Fund in schedule 5 on energy. I am satisfied that the evidence in this section of the evidence report and associated work on the Just Transition Project is sufficient to enable the council to fully consider the comments made in the preparation of the local development plan going forward.
	9 – Rural homes	I agree with the council that the evidence already presented within the schedule is adequate. I am not convinced that the inclusion of further information would be necessary or proportionate.
Highland and Islands Enterprise	13 - Productive places - business and industry	I note that the Hydrogen Strategy has been added to the evidence list and that the other masterplans are in draft form. The council has confirmed that both masterplans will inform the new local development plan. Given the existing references to the Moray Business Property Needs Study 2023, I do not consider that further recognition in this schedule is necessary.
	15 – Rural development	The importance of tourism to Moray's economy is recognised in schedule 16 - Productive places – tourism. Opportunities to maximise socio-economic benefits from energy developments are discussed in schedules 5 - Energy and 12 - Community wealth building. I agree that no change to this schedule is necessary.
Historic Environment Scotland	4 – Historic assets and places	I acknowledge the inclusion of the buildings at risk data and recognise the difficulties in keeping the various supporting information up to date. Similarly the intention to align the site checklist with the SEA objectives is noted. The council already proposes to consider a tailored approach towards enabling development and to the windows and doors guidance in the evidence report. I consider this to be adequate. Finally, I agree that the inclusion of National Planning Framework 4 (NPF4) and the Scottish Government Guidance on Local Development Planning (2023) in the links to evidence would not be necessary. The evidence report makes it sufficiently clear that it is prepared in the context of NPF4 and the Scottish Government guidance.
Homes for Scotland	8a - Quality homes – Housing land supply	I do not agree that the Local Housing Land Requirement (LHLR) is not ambitious enough. The (LHLR) 10 year figure (3,730) is already 8% higher than the MATHLR 10 year figure (3450) and does not include a potential contribution from windfall sites (32 completions per year averaged 2017 – 2022) or from empty homes (2,577 in March 2023). It is based on the highest figure in the 2023 Housing Need and Demand Assessment (HNDA) (the “growth scenario”). In addition there is an existing constrained supply of 5,339 units including over 3,875 “long” units. It is proposed to retain the “long” designations to ensure a pipeline of housing sites is available. With regard to the relevant timeframe, the HNDA estimates are based on a 20 year period,



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		<p>2022 to 2041. For the purposes of calculating the housing land requirement for the evidence report, it is therefore appropriate to take account of figures for 2022-2026.</p> <p>In this case I have found the council's explanation of the evidence to inform its LHLR sufficient. It is based on an up to date HNDA (2023) overseen by the Moray HMP Steering Group which comprises key housing, development planning, economic development, health and social care partners including Homes for Scotland. The housing estimates were then subject to scrutiny and analysis by housing system partners and stakeholders in four interactive HNDA conference events held between March and May 2023. It has been found robust and credible and supports an LHLR in excess of the MATHLR. The Diffley report whilst providing some indication of the urgency and scale of potential need based on primary data, was received on 15 March 2024 and was not considered in partnership with the council or other stakeholders. I am not persuaded that, in this case, it represents robust alternative or additional evidence that the council need have relied on. I find the current evidence report sufficiently addresses housing need in accordance with the approach advised in Scottish Government Guidance on Local Development Planning (2023).</p> <p>I note that the Moray Growth Deal and general economic growth aspirations for Moray are clearly articulated in the HNDA and were discussed and promoted by both council officers and housebuilders in preparation of the assessment. The Growth Deal is also referred to in schedule 13 – Business and industry and schedule 14 – Town centres and retail and recognised under the demographic challenges section of chapter 3 of the evidence report (Main issues arising from the evidence). I do not consider that further references would be proportionate. The evidence report states that "There was overwhelming stakeholder consensus that the growth scenario (6,730) should be used as a starting point for future housing delivery and land use planning within the new Local Housing Strategy and next Local Development Plan. Following validation, stakeholders were assured that there is robust local evidence to support the use of the growth scenario aligned to the ambitious economic development strategy associated with the Moray Growth Deal and overall approach in Moray to economic growth". However, given the dependence of the LHLR figure on adopting the growth scenario, the evidence report could have been improved by expanding further on this. (See advisory 5 in annex 1). I am also satisfied that the HNDA has adequately taken into account the views of major local employers. This led to the "growth" figure being adopted for the LHLR in the evidence report.</p>
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		<p>My assessment is that the evidence report sufficiently addresses the matter of how the pipeline of land including brownfield and long term sites will become free of constraints and deliverable. The evidence report states that the viability and effectiveness of all housing sites, including “long” sites will be reassessed as part of the next stage of the local development plan preparation. If sufficient evidence of both effectiveness and viability is not forthcoming, then the sites will not be included and existing designations will be deleted. I am satisfied that the “call for ideas” and “call for sites” provide ample opportunities for such information to be provided and for possible new sites to be suggested. The Strategic Flood Risk Assessment (SFRA), which has been agreed with the Scottish Environment Protection Agency (SEPA), includes an assessment of the flood risk of all existing housing sites.</p>
	<p>8b – Quality Homes - Affordable and specialist housing requirements</p>	<p>Registered Social Landlords (RSLs) and affordable housing providers were involved in the HNDA process. Also in the preparation of the Strategic Housing Investment Plan (SHIP) and Local Housing Strategy (LHS), which set out investment priorities. Given the required focus on delivery, it would have been helpful if the evidence report had included a summary of the relevant local authority housing investment priorities and projects relating to affordable housing and particular needs. (See advisory 6 in annex 1).</p> <p>“Viability issues” are already recognised by the council in the “Summary of implications for the proposed plan” section, as one of the circumstances where a lower contribution may be justified. I consider the evidence in the HNDA, showing affordable housing and accessible housing need is very clear.</p> <p>Given that the HNDA was produced so recently, I consider that there is sufficient evidence on which to base the next local development plan policies. The evidence can provide the basis to inform the plan’s strategy and the council’s approach to delivery of affordable housing. This is a matter for the next stages in the development plan process.</p>
	<p>10a - Infrastructure</p>	<p>Healthcare</p> <p>Given the agreement of NHS Grampian to the evidence included, I am satisfied that the inclusion of further detail about where it comes from, is not necessary in order to progress with the local development plan preparation.</p> <p>Education</p>

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		<p>I note that the thresholds referred to are for planning and not working capacity. (Planning Capacity is the physical, theoretical measure of the total number of pupils which can be accommodated in a school, based on the total number of teaching spaces, the size of these spaces and the class size maxima). Furthermore, these have been consulted on as part of the preparation of the Developer Obligations Supplementary Guidance and there will be further opportunities for comments/changes as the preparation of the local development plan progresses. My focus here is on the sufficiency of the evidence report. The consideration of future policy and delivery is for the next stage in the local development plan process. In these circumstances, I am content that the evidence and assumptions used in the evidence report are appropriate.</p> <p>The schools roll forecast document used by the council (March 2024 version) is based on the annual census 2023. A number of other data sources are also used, for example, the National Records of Scotland and the Moray 2023 Housing Land Audit (HLA). Calculations are made using mathematical formulas and trends. Occasionally it is necessary to replace formula predictions with known data to provide more accurate information. The full methodology including a section explaining problems with the accuracy of forecasting, is set out in the forecast document. I am satisfied that the information used by the council in the evidence report is based on appropriate sources.</p> <p>The “Summary of implications” section also states that “For the LDP27, it is proposed to consider a tailored approach to provide clarity on the types, level and location of infrastructure necessary to support development and the sites that will be expected to contribute via developer obligations. This provides clarity and certainty to the development industry and communities as to what infrastructure is to be provided to support growth”. I agree with Homes for Scotland that front loading the planning system is key. However, I also recognise that some elements will be outside the council’s control. I consider the use of the term “As far as practically possible...” in the evidence report to be appropriate.</p>
Moray Society	17 – Culture and creativity	<p>The importance of the Elgin Museum is already acknowledged by the council in references to it in the evidence report under the cultural quarter parts of the Elgin City Centre Masterplan (schedule 14 – Town centres and retail) and as the only accredited museum in Moray, in the table on the cultural venues database in this schedule. I am not persuaded that further references are necessary.</p>

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NatureScot	2 – Biodiversity, natural places, green and blue infrastructure	<p>I note some of the data sources have been included. Given the explanation provided in FIR003, I am content that the inclusion of the other datasets would not be necessary as they are referred to elsewhere in the evidence, or would not be proportionate.</p> <p>The council in FIR003 confirms that all of the sites listed by NatureScot have been shown on the map of Moray Environmental Protected Areas (CD042). These sites will be taken into account when undertaking site assessments and will be included within the GIS data held by the council. This will be used to inform the preparation of the proposed plan. Furthermore, although the list of challenges has not been added to the schedule wording, the council will take account of the challenges as it prepares to move towards preparation of the proposed plan.</p> <p>I note the confirmation in FIR003 that the council will take account of the datasets to address earth science and geodiversity issues in ongoing work to prepare the proposed plan. This information will be considered when undertaking site assessments for land use allocation and be included as part of the site checklists.</p>
	3 – Forestry, woodland and trees	<p>I note the addition of one of the data sources as requested. Given the explanation provided in FIR003, I am content that the inclusion of the other datasets would not be necessary as they are referred to elsewhere in the evidence, or would not be proportionate.</p> <p>The addition of the requested protected areas and the extra challenges is noted.</p>
	6 - Design, quality and place	<p>I agree with the council that the “Designing Streets” policy statement is policy context. However, I have noted that policy statements are included in the links to evidence for schedule 5 on energy. A consistent approach would have been preferable, as stated in the general observations of my decision letter.</p>
NHS Grampian (NHSG)	7 – Local living and 20 minute neighbourhoods	<p>I note the council’s assurance that NHSG will be fully involved in the preparation of the local development plan going forward. I do not consider that any changes to the evidence report itself are necessary.</p>
SEPA	2 - Biodiversity, natural places, green and blue infrastructure	<p>Through FIR003 the council explains which SEPA datasets have been included/not included and states that it is likely some of the data sources will be used to inform the approach to blue infrastructure going forward. The SFRA identifies an information gap relating to blue infrastructure, which the council acknowledges. This will be addressed in part through the open space strategy, work on green networks, the commissioned Biodiversity Study and future work on the SFRA. This will all be used to inform the proposed plan. The council will also work</p>

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		<p>closely with neighbouring authorities through the North East Scotland Biodiversity Partnership, North of Scotland Development Plan Forum and in the preparation of the Regional Spatial Strategy to explore cross boundary opportunities for blue infrastructure. Given this explanation and subject to the council continuing to work closely with SEPA in progressing work in relation to blue infrastructure in the preparation of the local development plan, I am satisfied that blue infrastructure could be adequately dealt with going forward. (See advisory 2 in annex 1).</p>
	11 – Flood risk and water management	<p>SEPA comments and advice are captured in the evidence report. However the updated SFRA referred to and SEPA’s agreement to it were received post committee approval. Ideally this would have been captured in the evidence report and there is an expectation that future reports will include all the available evidence prior to submission.</p> <p>I note that the “Site Assessment and SEA Checklist” shown in the evidence report refers to flood risk as one of the questions and states that if flood risk is not understood, a Flood Risk Assessment should be undertaken. However, it does not refer to the updated SFRA, which could be used as part of the process. Given the availability of an up to date version of the SFRA, this should be included in the flooding questions in the final version of both this checklist and also in the final version of the “Effectiveness Checklist for Development Sites”. (See advisory 13 in annex 1).</p>
Speyside Community Council	5 - Energy	<p>I recognise the interaction between this schedule and other evidence such as the Moray Woodland and Forestry Strategy. The council’s Landscape Sensitivity Study 2023 (LSS) referred to in the evidence accords with the NatureScot methodology set out in their Landscape Sensitivity Assessment Guidance 2022. LSS are intended to inform strategic planning for wind energy and to provide information that can assist in the evaluation of specific development proposals. They are a tool to help guide development to the best location. The LSS considers broad landscape and visual sensitivities, identifying constraints and opportunities at a strategic scale including woodland. The cumulative impact of wind farms is acknowledged in the evidence report, as a key issue to be considered as part of the approach to maximising opportunities for renewable energy. However, I also note the apparent non-involvement of organisations such as NatureScot, Scottish Forestry and SEPA in the preparation of this section of the evidence report. It could have been improved by involving a broader range of stakeholders in the evidence gathering. (See general observations in my decision letter). The concerns with regard to national policy and the overturning of local decisions is noted, but is a matter to be dealt with outside the Gate Check process.</p>

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SSEN Distribution	5 – Energy and Infrastructure - 10a	I agree with the council's view, that the existing evidence contained in these parts of the evidence report is sufficient. I am not persuaded that the addition of the evidence cited would be proportionate.
Transport Scotland	10b - Transport	<p>The council has clarified that the referenced data will inform the Transport Appraisal. I am satisfied that the Transport Scotland comments will be taken on board by the council as part of the next stages of the local development plan preparation. (See advisory 11 in annex 1).</p> <p>I note that a review of the car parking standards to reflect the approach set out in NPF4 will be completed and form part of the proposed plan. However, I consider that the evidence report could have been improved by clarifying the council's stance on car parking. (See advisory 12 in annex 1).</p>