

## DPEA Guidance Note 26

### Evidence Report and Gate Check

Guidance note for:	Reporters and parties
Relating to:	Evidence Report preparation and the subsequent Gate Check process.
Legislative framework:	<ul style="list-style-type: none"> <li>• The <a href="#">Town and Country Planning (Scotland) Act 1997</a>, as amended by the <a href="#">Planning (Scotland) Act 2019</a> (the Act)</li> <li>• <a href="#">The Town and Country Planning (Development Planning) (Scotland) Regulations 2023</a>. (The Regulations)</li> </ul>
Policy and Guidance:	<ul style="list-style-type: none"> <li>• <a href="#">National Planning Framework 4</a> (February 2023)</li> <li>• Scottish Government <a href="#">Local Development Planning Guidance</a> (May 2023) – The Guidance</li> <li>• <a href="#">Effective community engagement in local development planning guidance: consultation</a> (May 2023)</li> </ul>
What is an evidence report and what should it include?:	<ul style="list-style-type: none"> <li>• It is an early statutory step in the local development plan process.</li> <li>• It should be proportionate – see below.</li> <li>• It is a summary of the base-line data and other information that will form a sound basis for plan preparation.</li> <li>• It explains what the evidence means for the plan drawing on clearly referenced and accessible baseline evidence source(s).</li> <li>• It is not site specific but is excepted to rely on spatial data that is presented in map based formats.</li> <li>• There is no statutory format but the Guidance includes a suggested template (<a href="#">Figure 7 following paragraph 109</a>).</li> <li>• It should be presented logically and collated around topics, issues or places.</li> <li>• If a place-based approach is followed, the Evidence Report should also ensure strategically important issues are considered separately.</li> <li>• Separate templates should be completed for housing, transport and infrastructure for all plans.</li> </ul>
What is a Gate-Check?:	<ul style="list-style-type: none"> <li>• The scope of the gate check is set in the Act <a href="#">section 16B(8)</a></li> <li>• This stage follows submission of the evidence report to Ministers.</li> <li>• The process is to be administered by the Planning and Environmental Appeals Division.</li> <li>• The sufficiency of the evidence report will be assessed by an appointed reporter.</li> </ul>

	<ul style="list-style-type: none"> <li>• The purpose of the gate check is to confirm that there is a sound evidence base on which to prepare a Local Development Plan.</li> </ul>
A Proportionate Approach:	<ul style="list-style-type: none"> <li>• The whole plan preparation process should take 3-4 years and the evidence report is a first step in that process.</li> <li>• The gate check is not intended to be a second examination or to otherwise cause delay.</li> <li>• A sound evidence gathering and reporting stage should enable a quick gate check and a firm basis to proceed to prepare the local development plan.</li> <li>• Evidence Reports should reflect the key areas of change in each planning authority area.</li> <li>• The Guidance highlights that the evidence report process can align with the SEA process. Scoping is already an important first step in that established process.</li> <li>• A clear record of a scoping process, for the evidence report, that involved consultation authorities and stakeholders is likely to establish a firm basis for a proportionate approach.</li> </ul>
Statutory Evidence Requirements	<p>The Act - <a href="#">Section 15(5) matters</a>:</p> <ul style="list-style-type: none"> <li>• the principal physical, cultural, economic, social, built heritage and environmental characteristics of the district;</li> <li>• the principal purposes for which the land is used;</li> <li>• the size, composition, health and distribution of the population of the district;</li> <li>• the housing needs of the population of the area, including, in particular, the needs of persons undertaking further and higher education, older people and disabled people;</li> <li>• the availability of land in the district for housing, including for older people and disabled people;</li> <li>• the desirability of allocating land for the purposes of resettlement;</li> <li>• the health needs of the population of the district and the likely effects of development and use of land on those health needs;</li> <li>• the education needs of the population of the district and the likely effects of development and use of land on those education needs;</li> <li>• the extent to which there are rural areas within the district in relation to which there has been a substantial decline in population;</li> <li>• the capacity of education services in the district;</li> <li>• the desirability of maintaining an appropriate number and range of cultural venues and facilities;</li> <li>• the infrastructure of the district (including communications, transport and drainage systems, systems for the supply of water and energy, and health care and education facilities);</li> <li>• how that infrastructure is used; and</li> </ul>

	<ul style="list-style-type: none"> <li>any change which the planning authority thinks may occur in relation to any of the matters mentioned above.</li> </ul>
<p>Other statutory provisions of the Act and the Regulations</p>	<ul style="list-style-type: none"> <li><a href="#">Section 16D(1)</a> Play sufficiency with reference to the Play Sufficiency Assessment Regulations. - <a href="#">The Town and Country Planning (Play Sufficiency Assessment)(Scotland) Regulations 2023</a></li> <li><a href="#">Section 16B(3)(b)</a> on the housing needs of older people and disabled people in the authority's area, and analysis of the extent to which action has helped to meet those needs.</li> <li><a href="#">Section 16B(3)(d)</a> on Local Place Plans</li> <li><a href="#">Regulation 9</a> information and considerations including other relevant plans and strategies.</li> <li><a href="#">Regulation 24</a> in relation to the evidence that might be required to support a future delivery programme.</li> <li><a href="#">Regulation 25</a> which defines Key Agencies.</li> </ul>
<p>Other considerations from the Guidance and in taking account of NPF4.</p>	<p>The <a href="#">Guidance</a> sets out 33 topic areas from NPF4 with associated evidence sources. This should not be interpreted as a checklist of the information to be included in Evidence Reports.</p> <p>There are other specific references in the Guidance, relevant to the content of the evidence report as set out in summary below.</p> <ul style="list-style-type: none"> <li>Para 90 - Consider the local, regional and national strategies and policy priorities that could impact on the direction and subsequent implementation of the LDP and which will shape the requirements of the evidence base.</li> <li>Para 92- Support an Infrastructure First approach by including an assessment of the capacity of existing infrastructure and services.</li> <li>Para 93: Evaluate whether the previous plan has delivered on its outcomes, and allocations, identify any lessons learnt for the preparation of the new plan and consider the appropriateness of the previous spatial strategy.</li> <li>Para 108 - Could usefully establish a site appraisal methodology that will be used to appraise sites and inform allocations for the Proposed Plan. This could also be linked or ideally integrated with the approach to SEA assessment.</li> <li>Para 111- Identify any potential gaps or uncertainty in the evidence and explain the authorities reasoning for accepting and including it in the Report. This should be clearly set out under the 'Summary of Evidence' heading within the template.</li> <li>Para 112- Set out the authority's interpretation of the evidence and its implications for the plan and delivery programme under a summary of implications heading.</li> <li>Para 113- Highlight areas where the authority is aware that there is dispute about the evidence. The template reflects this by referencing "Statements of agreement/dispute".</li> <li>Para 114 - The Evidence Report should bring together 'Summary of Implications for the Proposed Plan' and the 'Statements of Agreement / Dispute' for all the topics. This will</li> </ul>

	<p>help to make connections across issues, and to highlight key issues.</p> <ul style="list-style-type: none"> <li>• Para 125 - Evidence requirements will vary across Scotland depending on local circumstances and should reflect the key areas of change in the planning authority area.</li> </ul> <p><b>Note:</b> Brief explanatory reasoning of the scope of the evidence report, in terms of what is included or excluded, is likely to prove helpful to the gate check process.</p>
Infrastructure, Transport and Housing	<p>These issues have often been contentious at the later examination stage of the development plan process. The guidance places some emphasis on the following:</p> <p><b>Sustainable Transport</b> – The evidence report is expected to be informed by baseline information and data about the transport infrastructure and capacity of an area.</p> <p><b>Quality Homes</b> – The evidence report is expected to include an indicative Local Housing Land Requirement (LHLR), when setting out what the evidence means for the Proposed Plan; and provide a transparent and understandable explanation of how the indicative LHLR has been arrived at.</p> <p><b>Infrastructure First:</b> The evidence report is expected to inform the spatial strategy and to draw on evidence from infrastructure providers including for education, health and water management.</p>
Engagement:	<ul style="list-style-type: none"> <li>• Stakeholders and communities should be aware there is no formal consultation or representation stage.</li> <li>• The council's approach to engagement should be proportionate.</li> <li>• Setting out that approach in an early Participation Statement is advised but the planning authorities process and approach to engagement is not subject to gate check.</li> <li>• The evidence report must include a statement on how the planning authority has sought particular stakeholders' views, and how these views are taken into account in the report.</li> <li>• The planning authority must seek and have regard to the views of key agencies (as defined in the Regulations).</li> <li>• The Act (Section 16b) references the involvement of children and young people, the public at large, disabled people, gypsies and travellers and community councils.</li> </ul> <p>The Guidance also references:</p> <ul style="list-style-type: none"> <li>• Transport Scotland, Scottish Forestry and Marine Scotland as having involvement in the development plan process;</li> <li>• the likely input of Architecture and Design Scotland and SportScotland; and</li> <li>• landowners/developers and their representative bodies where appropriate.</li> </ul>

	<p>Note 1: The finalised evidence report must be approved by the full council of the relevant planning authority prior to submission to Ministers.</p> <p>Note 2: Concluding correspondence and any supporting documentation, on the relevant topics by the relevant key stakeholders, should be sought wherever possible. This should preferably be linked through the evidence report or otherwise made available to the gate check.</p>
<p>Submission of the evidence report to Ministers.</p>	<p>The planning authority can enable an efficient gate check process by :</p> <ul style="list-style-type: none"> <li>• scoping the content of the evidence report with relevant stakeholders at an early stage;</li> <li>• identifying those who hold relevant information, knowledge or expertise early in the process including through early engagement on the Participation Statement;</li> <li>• checking the evidence report and its preparation reflects legislation, policy and current guidance as summarised above;</li> <li>• presenting the evidence report topics/areas in a concise and logical manner using the standard template or other consistently applied format;</li> <li>• adopting a schedule 3 style format for at least the topics of housing, transport and infrastructure even where a place based format may be favoured;</li> <li>• avoiding lengthy topic chapters or templates which are likely to prove unwieldy for the reader and time consuming for the reporter in carrying out the gate check;</li> <li>• ensuring the Evidence Report contains sufficient information before submitting;</li> <li>• having minimal areas of dispute outstanding when submitting to the gate check;</li> <li>• clearly guiding the reader through the associated evidence base highlighting any gaps, alternative or disputed evidence;</li> <li>• including clear reasoning as to the planning authority’s conclusion that its evidence report is sufficient;</li> <li>• Following our Administrative Checklist - <a href="https://www.dpea.scotland.gov.uk/LibraryDocument.aspx?id=2861">https://www.dpea.scotland.gov.uk/LibraryDocument.aspx?id=2861</a> advice from an early stage. This explains a proportionate approach to document management whilst seeking to ensure that any document referred to in the evidence report is accessible and can be made available to the appointed person if required (Regulation 5). <a href="#">The Town and Country Planning (Development Planning) (Scotland) Regulations 2023 (legislation.gov.uk)</a></li> </ul>

	<ul style="list-style-type: none"> <li>• taking a proportionate approach to supporting documentation and data and making sure the evidence report explains its interpretation and relevance;</li> <li>• including a position statement within the evidence report to direct the reporter to any issues where the sufficiency of the evidence is disputed or uncertain; and</li> <li>• providing DPEA with realistic and up to date submission timescales.</li> </ul> <p><b>Note: On the last bullet point a realistic submission date is crucial to enable forward planning of reporter availability and resource planning.</b></p>
<p>DPEA Practice and the role of the planning authority.</p>	<p>The DPEA administration team are in regular contact with all planning authorities and maintain a list of the anticipated submission dates for all evidence reports. They provide pre-submission support to the planning authority to aid the smooth administration of the process.</p> <p>The Head of Performance and Administration will identify a reporter in advance of the submission of the evidence report. The availability of a reporter to make a prompt start to the assessment relies on an accurate estimate from the council of its intended submission date.</p> <p>On receipt of the evidence report the administration team will arrange for the reporter to be appointed to conduct the assessment and notify the planning authority of the appointment. The team will check the documents before the reporter's assessment commences. The assessment will not commence until the file is in order.</p>
<p>Process: management</p>	<p>Upon commencement of the gate check the reporter will:</p> <ul style="list-style-type: none"> <li>• scope the work and produce an outline project plan including indicative timescales;</li> <li>• prepare and submit weekly timesheets and progress returns;</li> <li>• inform the Chief Reporter or an Assistant Chief Reporter if the assessment is unlikely to be completed within 3 months;</li> <li>• aim for completion in a shorter timescale of 1-2 months if there are few if any issues arising; and</li> <li>• arrange for a progress update to be sent to the planning authority at the start of each month to coincide with the issuing of an invoice sent by finance team.</li> </ul> <p><b>Note:</b> The need for any further process, particularly a hearing, will have consequent implications on the time required and consequent cost of the gate check process.</p>
<p>Process: Reporter's Assessment</p>	<p>The reporter:</p> <ul style="list-style-type: none"> <li>• will assess the evidence in the context of the relevant statutory context, policy and guidance;</li> </ul>

	<ul style="list-style-type: none"> <li>• will be guided by the evidence report to focus on any matters raised by stakeholders regarding missing, disputed or insufficient evidence;</li> <li>• will not test the sufficiency of the overall engagement process but will look for evidence of engagement with the relevant stakeholders and key agencies on the relevant topics;</li> <li>• is unlikely to look at any issue in depth where there is agreement with the relevant agencies and stakeholders as to the sufficiency of that evidence;</li> <li>• is unlikely to accept any additional information following submission to gate check unless it has been specifically requested, by the reporter, through a further information request;</li> <li>• will require sufficient understanding of any alternative view or evidence and the planning authority's response to that;</li> <li>• will request further information only where necessary on the expectation that all the required information has been provided at the point of submission to the gate check;</li> <li>• will determine any further process whether in terms of written submissions, or more unusually, a hearing or inquiry to enable the assessment; and</li> <li>• will conclude on whether there are any gaps in evidence which should be addressed.</li> </ul> <p>Following assessment as above the reporter will reach a conclusion as to whether the evidence as presented in the evidence report:</p> <ul style="list-style-type: none"> <li>• is sufficient to enable the development plan process to proceed; or</li> <li>• is insufficient and is to be returned to the planning authority.</li> </ul>
Output from the Gate Check	<p>A letter confirming the reporter's conclusion that the evidence is sufficient including their reasoning in reaching that conclusion (<a href="#">section 16B(9)</a>)</p> <p>OR</p> <p>A letter confirming return of the evidence report to the planning authority with an accompanying assessment report which is to be sent to the planning authority and Scottish Ministers (<a href="#">section 16B(10)</a>)</p> <p>Where the latter applies the reporter's assessment report will:</p> <ul style="list-style-type: none"> <li>• set out the reasons why the reporter found that the evidence was insufficient along with any associated recommendations;</li> <li>• be succinct to focus only on those matters where the evidence report was found insufficient; and</li> </ul>

	<ul style="list-style-type: none"><li>• present its conclusions by adding these to the relevant evidence report template in order to avoid any unnecessary repetition.</li></ul>
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