

19. Policies and Plans

19.1. Introduction

- 19.1.1. The purpose of this chapter is to provide an assessment of potential impacts and constraints associated with the Proposed Scheme for the dualling of the A9 between Tomatin and Moy in terms of the wider national and local planning policy context. This includes a review of national and local planning policy documents and guidance, as well as consideration of the Proposed Scheme in terms of potential policy conflicts or compliance. Potential impacts on extant planning permissions are considered in Chapter 8 (People and Communities: Community and Private Assets).
- 19.1.2. The approach taken follows guidance in the Design Manual for Roads and Bridges (DMRB) Volume 11, Section 3, Part 12 (Impact of Road Schemes on Policies and Plans) for a DMRB Stage 3 Environmental Assessmentⁱ. Regard has also been given to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017ⁱⁱ, which aims to ensure the authority granting development consent for a project makes its decision in full knowledge of any likely significant effects on the environment.
- 19.1.3. This chapter applies a desktop study approach to the analysis of policies and plans of relevance to the Proposed Scheme. This standalone Policies and Plans chapter has been created to provide a simple reference to all relevant planning policies against which a scheme would be assessed, rather than the relevant planning policies being absorbed into each topic chapter, as suggested in Interim Advice Note 125/15 'Supplementary guidance for users of DMRB Volume 11 'Environmental Assessment Update'ⁱⁱⁱ.
- 19.1.4. It is important to note that since DMRB Volume 11, Section 3, Part 12 was published in August 1994, the planning system has been subject to substantial change. The Planning etc. (Scotland) Act 2006 brought about significant changes to the legal framework for the planning system. This introduced the National Planning Framework and replaced the previous Structure Plans (as referenced in the DMRB) with Local Development Plans. Regardless, the objective of a Stage 3 assessment remains applicable and is applied in this chapter.
- 19.1.5. The powers and duties to manage, maintain and build trunk roads in Scotland rest with the Scottish Ministers by virtue of the Roads (Scotland) Act 1984 (the RSA)^{iv}. The RSA sets out the procedures the Scottish Ministers must follow in promoting orders for new roads.
- 19.1.6. This chapter outlines the land use (including transport and environment) policy and plans framework of the study area. It should be read in conjunction with the other specialist chapters within the DMRB Stage 3 Environmental Statement.

Study Area

- 19.1.7. There is no specific study area for this chapter: for assessment of the Proposed Scheme's compliance with planning policy it has been appropriate to apply the study areas used for analysis by the technical specialists and described in the preceding chapters.

19.2. Approach and Methods

- 19.2.1. The assessment considers the extent to which the Proposed Scheme integrates with the national and local planning policy framework, and the extent to which the construction of the Proposed Scheme would assist or hinder achievement of planning policy objectives.
- 19.2.2. A desktop study has been undertaken to identify and review national and local planning policy documents and guidance of relevance to the Proposed Scheme. In addition, the assessment also identified national, regional and local strategies related to transport provision and economic development. The purpose of this exercise was also to ensure that information on planning policy identified at DMRB Stage 2 is up to date.
- 19.2.3. A review of objectives and planning policies contained in these documents identified those of relevance and the Proposed Scheme was assessed against these policies to establish the level of compliance or conflict with the planning policy framework.
- 19.2.4. A summary of all relevant planning policy documents and guidance is provided in this chapter, with the exception of relevant policies contained in the Highland-wide Local Development Plan which, due to the large number of relevant policies, are listed fully in Appendix 19.1 for reference. A summary of the assessment of the Proposed Scheme against all relevant planning policies is provided in Table 19.4.
- 19.2.5. The assessment for this chapter also considers the desktop study that identified and reviewed key planning policy documents within the Strategic Environmental Assessment (SEA)^v and subsequent Addendum^{vi}. The SEA, concluded that:
- 'Online A9 dualling is not expected to significantly affect current development plans, as these have been developed in consideration of the current A9 route'.

19.3. Baseline Conditions

- 19.3.1. The desktop analysis identified the national and local planning policies of relevance in terms of the geographic context of the Proposed Scheme. As described below, this includes the National Planning Framework 3 (NPF3), Scottish Planning Policy (SPP), and Scottish Planning Advice Notes, as well as the relevant Local Development Plan policies. In addition, national, regional and local Transport and Economic Strategies are also considered.

National Planning Framework 3 (NPF3)^{vii}

- 19.3.2. NPF3 sets out the Scottish Government's context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole. It sets out the Government's development priorities over the next 20-30 years and identifies national developments which support the development strategy.
- 19.3.3. Statutory development plans must have regard to NPF3, and Scottish Ministers expect planning decisions to support its delivery.
- 19.3.4. NPF3 was laid in the Scottish Parliament on June 23, 2014. As well as a framework for the spatial development of Scotland as a whole, it includes 14 national developments, identified to deliver the strategy.
- 19.3.5. The NPF3 sets out a number of spatial priorities for change. Of relevance to this scheme, paragraph 5.20 of NPF3 states that:

- ‘The road network has an essential role to play in connecting cities by car, public transport and active travel. We will complete dualling of the trunk roads between cities, with dualling of the A9 from Perth to Inverness complete by 2025.....’

19.3.6. It goes on at paragraph 5.32 to state that:

- ‘The dualling of the A9 between Perth and Inverness and improvements to the Highland Main Line will provide a step change in accessibility across the rural north, increase business confidence and support investment throughout the region.’

Scottish Planning Policy (SPP)^{viii}

19.3.7. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP was published in June 2014 and promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans
- the design of development, from initial concept through to delivery
- the determination of planning applications and appeals’ (paragraph i)

19.3.8. The SPP is a non-statutory statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. However, Section 3D of the Planning etc. (Scotland) Act 2006^{ix} requires that functions relating to the preparation of the NPF by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to sustainable development. Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on sustainable development is under Section 3E of the Act.

19.3.9. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with the SPP, their progress through the planning system should be smoother.

19.3.10. Paragraph 278 of the SPP states that although ‘new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance’.

19.3.11. **Promoting Rural Development** – paragraph 77 of the SPP encourages development providing suitable sustainable economic activity in remote and fragile areas, while preserving important environmental assets, such as landscape and natural habitat.

19.3.12. It states in paragraph 80 that where good quality land is needed for development, the layout and design should minimise the amount of land that is required. It states *‘development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential:*

- ‘as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available
- for small-scale development directly linked to a rural business

- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status'

19.3.13. **Valuing the Historic Environment** - The SPP provides guidance on maintaining and enhancing the distinctive and high-quality, irreplaceable historic places; to this end paragraph 137 of the SPP states that the planning system should:

- 'Promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning".
- "Enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced."

19.3.14. The SPP goes on to require the siting and design of development to take account of all aspects of the historic environment, including Listed Buildings, Conservation Areas, Scheduled Monuments, World Heritage Sites, Gardens and Designated Landscapes, Battlefields and archaeological sites (paragraphs 140 – 151).

19.3.15. **Valuing the Natural Environment** - The SPP also identifies that the natural environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. It states that planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

19.3.16. In respect of the natural environment paragraph 194 of the SPP states that the planning system should:

- 'facilitate positive change while maintaining and enhancing distinctive landscape character
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way
- seek to protect soils from damage such as erosion or compaction
- protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value
- seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats
- support opportunities for enjoying and learning about the natural environment'

19.3.17. The SPP requires the siting and design of development to take account of local landscape character and that decisions should take account of potential effects on landscape, as well as the natural and water environment. It states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment but highlights that although

effects on statutorily protected sites will be an important consideration, designation does not impose automatic prohibition on development (paragraph 203).

- 19.3.18. **Managing Flood Risk and Drainage** - In relation to resilience from flood risk the SPP confirms the NPF3 support for a catchment-scale approach to sustainable flood risk management. The spatial strategy aims to build the resilience of our cities and towns, encourage sustainable land management in our rural areas, and to address the long-term vulnerability of parts of our coasts and islands. It identifies that climate change will increase the risk of flooding in some parts of the country and that planning can play an important part in reducing the vulnerability of existing and future development to flooding.
- 19.3.19. Paragraph 255 establishes policy principles through which the planning system should promote:
- 'a precautionary approach to flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change
 - flood avoidance: by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas
 - flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible
 - avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface'
- 19.3.20. To achieve this, the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity (paragraph 256). The policy states that proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place (paragraph 268).
- 19.3.21. **Maximising the Benefits of Green Infrastructure** – Paragraph 220 promotes the protection, enhancement and promotion of green infrastructure, including open space and green networks. It states in paragraph 221 that the planning system should *'provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003'*.
- 19.3.22. **Planning for Zero Waste** – Paragraph 179 promotes resource efficiency and the minimisation of waste during construction and operation of new developments.
- 19.3.23. **Promoting Sustainable Transport and Active Travel** – Paragraph 269 acknowledges that the economy relies on efficient transport connections and that planning plays an important role in improving connectivity. The SPP encourages the planning system to support development which optimises the use of existing infrastructure (paragraph 270). Paragraph 271 requires planning decisions to take account of the implications of development proposals on traffic, patterns of travel and road safety.

Planning Advice Notes

- 19.3.24. Sitting below the NPF3 and the SPP are a suite of Planning Advice Notes (PANs) and policies which provide more focussed guidance by topic area.

PAN 33: Development of Contaminated Land^x

- 19.3.25. This PAN provides guidance on the development of contaminated land and the determination of schemes when a site is contaminated. It highlights that schemes should adequately identify the sources of contamination and provide suitable remediation measures. If such measures are not forthcoming then there are grounds for refusal. Where schemes are approved, it recommends the imposition of conditions to ensure that land is remediated before development can commence.

PAN51: Planning, Environmental Protection and Regulation^{xi}

- 19.3.26. This PAN supports existing policy on the role of the planning system in relation to the environmental protection regimes, as well as summarising the statutory responsibilities of the environmental protection bodies. With regards to the Development Management process, the PAN sets out a detailed scope of environmental material considerations that are to be considered in relation to development proposals.

PAN 60: Planning for Natural Heritage^{xii}

- 19.3.27. This PAN provides advice on how development and the planning system can contribute to the conservation, enhancement, enjoyment and understanding of Scotland's natural environment and encourages developers and planning authorities to be positive and creative in addressing natural heritage issues.
- 19.3.28. The PAN identifies that the planning system has a vital role to play in safeguarding the natural heritage and building environmental capital. It confirms that planning can help to create high quality sustainable environments which offer social and economic opportunities and weave the experience of nature into the fabric of everyday life. Within this context the following are identified in paragraph 12 as important planning objectives:
- 'maintaining and enhancing landscape character
 - providing for a diversity of wildlife habitats
 - making provision for a wide range of outdoor recreational activities
 - fostering opportunities for learning about the environment'.

PAN 61: Planning and Sustainable Urban Drainage Systems^{xiii}

- 19.3.29. This PAN describes how the planning system has a central co-ordinating role in getting Sustainable Urban Drainage Systems (SuDS) accepted as a normal part of the development process. It states that planners have a policy role in setting the framework in structure and local plans, as well as masterplanning exercises.
- 19.3.30. The PAN advises all proposals for development to take account of the effects of potentially increased surface water run-off. It describes the overall objectives of SuDS as returning excess surface water to the natural water cycle with minimal adverse impact on people and the environment. It advises that structure and local plans should set out the planning authority's expectations in relation to the use of SuDS and should indicate the basis on which SuDS will influence the overall design of a major development or regeneration project. It also recommends that developers draw up a drainage strategy as an integral part of a planning application.

PAN 65: Planning and Open Space^{xiv}

- 19.3.31. This PAN emphasises that the importance given to open space in local planning policy should be reflected in development management decisions. Development management decisions should have appropriate regard to designated open spaces and robust justification should be provided where there is conflict. It highlights the important role of the planning system to protect valuable open space and ensuring provision of appropriate quality in or within easy reach of new development.

PAN 75: Planning for Transport^{xv}

- 19.3.32. This PAN provides good practice guidance to be used by planning authorities, developers and others to carry out in their policy development, proposal assessment and project delivery. The document aims to create greater awareness of how linkages between planning and transport can be managed. The PAN highlights that projects likely to result in significant environmental effects require an Environmental Impact Assessment and that permitted development rights are withdrawn.

PAN 79: Water and Drainage^{xvi}

- 19.3.33. Paragraph 14 of the PAN states that:
- 'The interaction between sewers, local watercourses and water bodies (including groundwater), means that planning authorities must also consider arrangements for surface water drainage and whether the risk of flooding is an issue'.
- 19.3.34. Paragraphs 47-49 of the PAN provide advice on SuDS. The advice note identifies that it is SEPA's policy to promote SuDS as the preferred solution for drainage of surface water run-off for all proposed development. The purpose of SuDS is to mimic natural drainage, encouraging infiltration where appropriate and attenuating both hydraulic and pollutant impacts with minimal adverse impact on people and the environment.

PAN 1/2011 Planning and Noise^{xvii}

- 19.3.35. This PAN provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise.
- 19.3.36. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It promotes the appropriate location of new potentially noisy development, and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth.
- 19.3.37. The Environmental Noise (Scotland) Regulations 2006 transposed the European Directive 2002/49/EC (the Environmental Noise Directive) into Scottish law. The Regulations affect large urban areas, major transport corridors and major airports.
- 19.3.38. They require Scottish Ministers and airport authorities to manage noise through a process of strategic noise mapping and noise action plans. In the areas affected by the Regulations, planning authorities have a role in helping to prevent and limit the adverse effects of environmental noise.
- 19.3.39. Paragraph 4 of the PAN identifies that:
- 'Unwanted noise can have a significant impact upon environmental quality, public health and amenity. It is important to be aware of the sources of noise in the

environment in order to minimise or prevent its effects. Common sources of noise include road vehicles, aircraft, railways, industry, landfill operations, construction, commercial premises and entertainment venues, and sport and recreation venues

- The Environmental Noise Directive (END) describes environmental noise as “unwanted or harmful outdoor sound created by public activities, including noise emitted by means of transport, road traffic, rail traffic, air traffic, and from sites of industrial activity” (Directive 2002/49/EC, article 3). It focuses on the impact of such noise on individuals and serves to prevent noise levels that would endanger the health and quality of life of any person’.

19.3.40. The PAN identifies issues which may be relevant when considering noise in relation to a development proposal. In respect of road proposals these are set out at paragraph 23 which states that:

- ‘Road traffic noise impact assessments should take account of level, potential vibration, disturbance and variation in noise levels throughout the day, the pattern of vehicle movements and the configuration of the road system. When upgrading existing roads it will normally be sufficient to base noise assessments on the current measured noise level. When considering proposals for the development or improvement of major roads, forecast noise levels can be ascertained from the relevant roads authority. In some cases, roads authorities may have prepared predictions of the effects of road traffic noise but this will depend upon accurate data on traffic flow being available’.

PAN 2/2011 Planning and Archaeology^{xviii}

19.3.41. This PAN supersedes PAN 42 Archaeology – the Planning Process and Scheduled Monuments Procedures. It sits alongside SPP, Historic Environment Scotland Policy Statement 2016 and the Managing Change in the Historic Environment Guidance Notes, which together set out the Scottish Ministers’ policies for planning and the historic environment. This PAN is intended to inform the day-to-day work of a range of local authority advisory services and other organisations that have a role in the handling of archaeological matters within the planning process.

19.3.42. Government policy is to protect and preserve archaeological sites and monuments, and their settings, in situ wherever feasible. Where preservation in situ is not possible, planning authorities should consider applying conditions to planning consents, listed building consents and conservation area consents to ensure that an appropriate level of excavation, recording, analysis, publication and archiving is carried out before and/or during development. The interpretation and preservation in situ of archaeological remains should be seen as a positive resource that can contribute to a sense of place in new development.

19.3.43. The PAN establishes that in determining development proposals that may impact on archaeological features or their setting, the determining body may on occasion have to balance the benefits of development against the importance of archaeological features. The weight that should be given to archaeological considerations will depend on a number of factors, including the following set out in paragraph 6:

- ‘the relative rarity of the archaeological feature concerned
- the completeness of the feature / whether it is a particularly good example of its type
- the historical or cultural associations of the feature
- the value given to the feature by the local community
- the potential value of the feature as an in situ educational or research resource

- the potential value of retaining the feature for tourism or place-making’.

Online Planning Advice on Flood Risk^{xix}

19.3.44. This online advice note replaces the previous PAN 69 and provides guidance in relation to flood risk. The note (in paragraph 43) lists the following points that should be taken into account as part of the development management process:

- ‘establish whether the development site is susceptible to flooding, from all sources, and whether development of the site would lead to an increase in flood risk elsewhere
- consider proposals within the context of the Flood Risk Framework, location and site specific circumstances, the characteristics and nature of any flood risk and the type and design of development proposed
- applications that may lead to an increase in flood risk on or off site should be supported, as appropriate, by a Flood Risk Assessment (see diagram 2 below) [sic] in accordance with SEPA’s Technical flood risk guidance for stakeholders
- where development is allowed in a flood risk area measures to protect against or manage flood risk and loss of storage capacity should be agreed
- for redevelopment and change of use proposals in areas at flood risk, consider options to reduce flood risk vulnerability through e.g. design, type and use of development or number of buildings
- consider the impacts of climate change during the lifetime of the development and whether the development needs to be designed to be adaptable to climate change, e.g. to potentially rising levels of flood waters’

National Transport Strategy (2016)^{xx}

19.3.45. The National Transport Strategy (NTS) was originally published in December 2006 and sets a framework for transport in Scotland up to 2026. A refresh of the NTS was published in January 2016. The NTS (page 46) restates the following vision for transport in Scotland:

‘An accessible Scotland with safe, integrated and reliable transport that supports economic growth, provides opportunities for all and is easy to use; a transport system that meets everyone’s needs, respects our environment and contributes to health; services recognised internationally for quality, technology and innovation, and for effective and well-maintained networks; a culture where transport providers and planners respond to the changing needs of businesses, communities and users, and where one ticket will get you anywhere’.

19.3.46. The NTS also restates five high level objectives and three key strategic outcomes (page 46 and 47). The high level objectives are as follows:

- ‘promote economic growth by building, enhancing managing and maintaining transport services, infrastructure and networks to maximise their efficiency
- promote social inclusion by connecting remote and disadvantaged communities and increasing the accessibility of the transport network
- protect our environment and improve health by building and investing in public transport and other types of efficient and sustainable transport which minimise emissions and consumption of resources and energy

- improve safety of journeys by reducing accidents and enhancing the personal safety of pedestrians, drivers, passengers and staff
- improve integration by making journey planning and ticketing easier and working to ensure smooth connection between different forms of transport'

19.3.47. The key strategic outcomes are outlined are:

- 'improved journey times and connections, to tackle congestion and lack of integration and connections in transport
- reduced emissions, to tackle climate change, air quality, health improvement
- improved quality, accessibility and affordability, to give choice of public transport, better quality services and value for money, or alternative to car'

19.3.48. More specifically, the NTS highlights the commitment made by Scottish Ministers to a significant road investment programme, which includes the dualling of the A9 by 2025.

Infrastructure Investment Plan 2015^{xxi}

19.3.49. The Infrastructure Investment Plan (IIP) sets out priorities for investment and a long-term strategy for the development of public infrastructure in Scotland. The IIP sets out the Scottish Government's long term aspirations for infrastructure and highlights a number of existing strategic projects to which the Government is committed.

19.3.50. The IIP highlights the Scottish Government's commitment to complete the dualling of the A9 by 2025. The Plan outlines that the dualling of the A9 will contribute towards Scotland's sustainable economic growth, which requires the '*strategic transport network to be available for workers and employers to access those areas where employment can grow, provide efficient access to markets and ensure inward investment opportunities are captured*'(Annex A, page 108).

Scotland's Economic Strategy 2015^{xxii}

19.3.51. Scotland's Economic Strategy 2015 sets out the Scottish Government's overarching framework for increasing competitiveness and tackling inequality in Scotland. The Strategy sets out four priorities for achieving sustainable economic growth, one of which is investing in people and infrastructure in a sustainable way.

19.3.52. The Strategy promotes investment in the nation's infrastructure in order to help businesses to grow, create employment opportunities and boost connectivity. The Strategy advocates taking a strategic and long-term approach to infrastructure investment and lists a number of major projects that are supported by the Scottish Government. This includes investment in the dualling of the A9.

Historic Environment Scotland Policy Statement (2016)^{xxiii}

19.3.53. This Policy Statement supersedes the previous Scottish Historic Environment Policy for operational matters. The Policy Statement is a material consideration in the Scottish planning system, as well as a relevant document in the Environmental Impact Assessment process. It is to be read alongside the SPP. The Policy Statement sets out how Historic Environment Scotland fulfils its regulatory and advisory roles and how the SPP should be implemented. The Statement provides guidance/policy on applications for conservation area consent, listed building consent and planning applications affecting the historic environment along with the setting of individual elements of the historic environment.

- 19.3.54. The Statement seeks to achieve the principles that underpin Historic Environment Scotland. These principles are as follows (paragraph 1.9):
- 'actions taken in respect of Scotland's historic environment should secure its conservation and management for the benefit and enjoyment of present and future generations
 - there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it
 - Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value
 - all of the people of Scotland should be able to enjoy, appreciate, learn from and understand Scotland's historic environment, and be assisted in that through access, research, knowledge, information and education and proactive conservation investment, without compromise to cultural significance'

Local Development Plans

- 19.3.55. The following adopted plans make up the statutory development framework relevant to the Proposed Scheme area:
- Highland-wide Local Development Plan (HwLDP)
 - Inner Moray Firth Local Development Plan (IMFLDP)
 - Highland Council Supplementary Planning Guidance

Highland-wide Local Development Plan (2012)^{xxiv}

- 19.3.56. The HwLDP was adopted on 5 April 2012 and was constituted as the local development plan in law. It sets out the overarching spatial planning policy for the whole of The Highland Council area, except the area covered by the Cairngorms National Park Local Development Plan. All relevant HwLDP policies to the Proposed Scheme are listed in full in Appendix A19.1.
- 19.3.57. The HwLDP sets out a vision statement and spatial strategy for the area, taking on board the outcomes of consultation undertaken during preparation of the Plan. The HwLDP represents the strategic element of the development plans and its purpose is to give broad strategic land use planning guidance until 2020. The Plan provides for change in population, employment and in environmental conditions by indicating the nature of development that should be encouraged and where.
- 19.3.58. The overall aim of moving towards a sustainable region means that the intention of the Plan is to create sustainable communities, balance population growth, encourage economic development and safeguard the environment across the area (paragraph 5.1).

Spatial Strategy

- 19.3.59. The Proposed Scheme falls within the Inner Moray Firth sub area within the HwLDP.
- 19.3.60. The land use, economic and environmental objectives for the sub area are that by 2030 the Inner Moray Firth will (paragraph 8.2):
- 'have increased the number of jobs, people and facilities - the Inner Moray Firth will be a larger and more efficient "engine" for the wider Highland economy...

- have a growing City – building on the growth and opportunities of its role as the major service and administrative centre, Inverness will have developed in a way that promotes the key aspirations of the updated City vision, focuses development where infrastructure exists or can be provided in the most efficient way and maintains a thriving City centre as the focus for services and retail provision
- have safeguarded and enhanced its special places - the firths around which the settlements and economic activity are located have retained their quality, support an abundance of internationally and nationally important wildlife and provide a special place for residents and visitors alike. The environmental limits of the area will have been respected, particularly in the countryside around its towns and along its coast, where the effect of sea level rising from climate change has been allowed for in the location of new development
- have made it easy for people and wildlife to move about through a green network – large scale and small scale habitat corridors have been protected and enhanced so that species can move about within and around development, including species that are affected by climate change. People will have better access to high quality places using a network of paths for walking and cycling, which contributes to quality of life, health and inward investment. Effective masterplanning will have ensured that linkage to the green network, accessible civic and greenspaces and enhanced access will have accompanied development
- have more efficient forms of travel – the area will have seen substantial improvements to the existing transport network through improvements to the road network, seeing an increase in the numbers of people walking, cycling as a result of the green network, and taking the urban rail/bus networks and delivery of better connections for local road freight to and from longer haul Caledonian canal, rail, sea and air routes
- have resolved its infrastructure constraints - an effective partnership of all funding bodies will have removed the barriers to growth. As well as improvements to the A9 trunk road, the West Link, A96 upgrade, the Nairn By-pass and a new station at Dalcross will have been delivered. Broadband, electricity grid networks and drainage infrastructure will no longer restrict the economic potential of the area
- have diversified its economy - there will be more, different jobs...
- be regenerated and renewed – brownfield land and buildings in the City and other settlements across the area will have been brought back into more productive use...'

19.3.61. Appendix A19.1 provides a summary of the development, transport and environmental policies outlined in the HwLDP of relevance to the Proposed Scheme.

Inner Moray Firth Local Development Plan (2015)^{xxv}

- 19.3.62. The IMFLDP was adopted on 31 July 2015. The Plan sets out the strategic policies and land allocations to guide development in the Inner Moray Firth area in the next 10 – 20 years. The IMFLDP adds to the HwLDP and Supplementary Guidance as part of the Development Plan for the Inner Moray Firth area.
- 19.3.63. The Plan sets out the spatial strategy for delivering the vision for the Inner Moray Firth area as set out in the HwLDP. The spatial strategy seeks to focus development in existing settlements, create new communities that are sustainable, provide the required infrastructure and transport network, and protect the area's built and natural assets.
- 19.3.64. The Plan identifies that the provision of infrastructure and efficient forms of transport are fundamental to the delivery of development and to create communities served by an appropriate level of services and facilities.

- 19.3.65. The Plan identifies Tomatin as a Local Centre within the south area of Inner Moray Firth and sets out a spatial strategy, including a number of land allocations for a range of development types, including housing, business, mixed use, community and industry (see Figures 8.2 b and c relating to Chapter 8). Land for 200 new homes is allocated in Tomatin and it is recognised that the Proposed Scheme is likely to increase commuter housing demands.
- 19.3.66. The Plan also highlights that, as a result of the dualling of the A9, Tomatin is in a prime location to take further advantage of passing trade. Land for employment opportunities (IMFLDP Sites references TM10 and TM11, see Table 19.2 below) are allocated close to the existing at grade A9 junction where it has the advantage of visibility from the A9. As described in Chapter 8 (People and Communities: Community and Private Assets), site TM11 (the Braemore Estate Development Site, known also as the former Little Chef site) has the benefit of planning permission for a mixed used commercial development and is the subject of a recent planning application for a similar scheme (see paragraph 19.3.70).
- 19.3.67. Table 19.1 below summarises the main relevant policy outlined in the IMFLDP.

Table 19.1: Summary of Relevant Land Use and Environmental Policies in the IMFLDP

IMFLDP Policy	Summary of Policy
Delivering Development Policy 2	States that the development of the locations identified in the Plan will be supported subject to the necessary infrastructure, services and facilities required to support the new development being provided.

- 19.3.68. The IMFLDP allocates thirteen sites for development in Tomatin for residential, community, business, industry or mixed uses. All allocations identified in the IMFLDP within Tomatin are listed in Table 8.8 in Chapter 8 of this report. Table 19.2 below identifies the allocated sites that are close to the Proposed Scheme.
- 19.3.69. As described in Chapter 8 (People and Communities: Community and Private Assets), a pre-application enquiry has been lodged with The Highland Council for development on land allocated for housing development and other uses at Tomatin. The application is accompanied by a Framework Master Plan for development of sites TM3, TM4, TM5 and TM7. However, the initial planning application will be for one phase of development - 7 houses on a part of Allocation TM5 at the northern end of the land known as Sandside Wood.
- 19.3.70. As further mentioned in Chapter 8, a planning application was validated by The Highland Council on 20 March 2018 (18/00962/FUL - pending determination) for a mixed use development including hotel, food and retail outlets and a fuel station on land comprising the IMFLDP development area TM11. Allocation TM11 also has an extant planning permission for a similar scheme - 12/02590/FUL permitted in August 2012 as an extension of time to 07/00163/FULIN.

Table 19.2: Site Allocations in close proximity of the proposed route

IMFLDP Site Reference	Site Name	Site Area (ha)	Proposed Use
TM3	Land northwest of Old Post Office	4.7	47 residential dwellings
TM4	Land north of Station Cottages	7.6	76 residential dwellings
TM5	East of Distillery	5.1	51 residential dwellings

IMFLDP Site Reference	Site Name	Site Area (ha)	Proposed Use
TM8	Land northwest of Porters Lodge	3.8	Sports pitches and associated facilities
TM10	Land west of former Little Chef	1.2	Business
TM11	Former Little Chef site	1.0	Business
TM12	Land south of former Little Chef	2.9	Waste water treatment facility
TM13	Tomatin Distillery	19.9	Expansion and/or intensification of uses at distillery

Highland Council Supplementary Planning Guidance

- 19.3.70. Sitting below the HwLDP and IMFLDP is a suite of adopted supplementary guidance (SG) that provide further detail on a number of topic areas and how to comply with Local Development Plan policies. The SG form part of the local development plan and those that are considered to be of relevance to the study area are discussed below.
- 19.3.71. Table 19.3 below summarises the relevant Highland Council Supplementary Planning Guidance.

Table 19.3: Summary of Relevant Highland Council Supplementary Planning Guidance

Supplementary Guidance	Summary of Guidance
Highland Statutorily Protected Species SG ^{xxvi}	Provides further detail on protected species legislation and policy and provides guidance on how development proposals can prevent or reduce impact on such species.
Flood Risk & Drainage Impact SG ^{xxvii}	Outlines that developers should demonstrate that their proposals will not be subject to unacceptable risk of flooding, will not increase flood risk elsewhere and will safeguard water quality and have effective maintenance arrangements for all SUDS devices, other water bodies and associated set-back areas. The SG also provides guidance on appropriate roadside drainage.
Trees, Woodlands & Development SG ^{xxviii}	Seeks to ensure that applicants for planning permission effectively consider existing trees and woodlands and the opportunities for planting new trees and woodlands in their proposals. It states that the capacity of woodland to accommodate new development without losing its essential character should be considered and is important to establish in relation to levels of acceptability of development. It requires applicants to demonstrate why there is a need to develop a wooded site, as opposed to an alternative unplanted site. It highlights that there is a strong presumption in favour of protecting woodlands and that proposals including the removal of woodland will only be supported where a significant public benefit can be demonstrated.
Historic Environment Strategy SG ^{xxix}	Seeks to ensure that development proposals take into account the historic environment and that historic assets are protected and enhanced. The SG sets out a number of strategic aims against which development is to be considered. This includes ensuring that development is sensitive to the historic environment and responds to the established qualities of the surroundings (Strategic Aim 30), as well as having due regard to archaeological, historical and cultural significance of all aspects of the local environment (Strategic Aim 33).

Supplementary Guidance	Summary of Guidance
Physical Constraints SG ^{xxx}	<p>This guidance supplements HwLDP Policy 30 and identifies a range of physical constraints on development. It states that such constraints do not necessarily preclude development but that developers should demonstrate compatibility with the constraint or provide appropriate mitigation measures. Constraints of relevance to the Proposed Scheme are as follows:</p> <ul style="list-style-type: none"> • Within 15m of any water body or water dependant habitat identified in the Register of Protected Areas. • Within 400m of an active quarry. • Poorly drained areas. • Flood risk areas. • Rights of way. • Within 20m of woodland.

Regional and Local Transport Strategies

19.3.72. Regional Transport Strategies for the area are outlined in the HITRANS Regional Transport Strategy (RTS). This was approved by Scottish Ministers in July 2008, and covers a 14 year period.

HITRANS RTS (2008)^{xxxi}

19.3.73. In accordance with the Transport (Scotland) Act 2005, HITRANS has prepared a RTS, setting out a vision and programme for improving the Region's transport infrastructure, services and other facilities to 2022.

19.3.74. The vision of the RTS is to enhance the area's viability - enhancing its place competitiveness and thereby attracting and retaining people in the area and making it a more attractive place in which to live, work, conduct business and visit.

19.3.75. This vision will be achieved through improving the interconnectivity of the whole area to strategic services and destinations. This will require development of a fit for purpose, multi-modal transport system.

19.3.76. The RTS seeks as aspirations for priority links in the strategic road network, increased journey reliability and reduced journey times. The RTS seeks to fulfil this vision through a balanced and integrated package of interventions which support the key themes of:

- delivering economic prosperity
- connecting communities and being socially inclusive
- delivering environmental sustainability, health and well-being

19.3.77. Delays to movement on the strategic roads occur mainly on the single carriageway sections of the trunk roads, including the A9 between Perth and Inverness.

19.3.78. HITRANS has set out the proposed interventions to be undertaken to support the delivery of the RTS, which will subsequently improve the transport system. As a result, HITRANS supports measures which will improve the journey reliability on key connections within the region including improvements to the A9 between Perth and Inverness.

Highland Local Transport Strategy (LTS) (2010)^{xxxii}

19.3.79. The principal themes at the heart of the LTS are (page 5):

- 'Safety
- Sustainability
- Economic development
- Integration'

19.3.80. All of these themes are contained in national and regional transport strategies and they are again reflected in the LTS.

19.3.81. The objectives outlined in the LTS include:

- To create a transport framework which contributes to the economic growth of the region by improving access to jobs, and creating a more attractive environment for business and tourism.
- To increase accessibility for those sections of the community which may currently be excluded such as those with reduced mobility and those without access to a car.
- To integrate transport modes with each other and with other needs of the council area.
- To reduce road accidents and improve personal safety.

19.4. Potential Impacts

19.4.1. Table 19.4 below provides a schedule of the relevant planning documents, policies and guidance identified in this chapter and the objectives associated with each. It provides an assessment of the likely residual impacts of the Proposed Scheme against the objectives of each policy and guidance. It identifies the policies against which the Proposed Scheme, following implementation of the identified mitigation measures, is likely to result in conflict and those whereby the objectives would be achieved and compliance secured.

19.4.2. It is important to note that the level of conflict with planning policy is reflective of the scheme design at this stage, i.e. a specimen design. Any changes in the design of the scheme and revision to the identified mitigation measures at a later stage could result in a change to the level of adverse impact associated with the scheme. As such, the level of conflict with planning policy has the potential to change accordingly.

Table 19.4: Assessment of Proposed Scheme against Planning Policy Objectives

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
Community and Private Assets	Scottish Planning Policy	Paragraph 80	Prevent/limit development on important agricultural land unless it is essential.	There is no prime quality agricultural land within the vicinity of the Proposed Scheme (Classes 1, 2 and 3.1) (see Chapter 8, para.8.3.44). The Proposed Scheme would have some impact on other agricultural land during both construction and operation phases. It therefore has no conflict with the objective of these policies.
	Highland-wide Local Development Plan	Policy 28 (Sustainable Design)	Assess developments on extent of impact on prime quality agricultural land.	
		Policy 30 (Physical Constraints)	Compatibility with constraints listed in the Physical Constraints Supplementary Guidance needs to be demonstrated and appropriate mitigation measures identified. This is applicable to developments within 400m of an active quarry.	See comment next to 'Highland Supplementary Guidance: Physical Constraints' below. Through mitigation, the Scheme is compliant with this guidance.
		Policy 53 (Minerals)	Safeguard economically significant, workable minerals reserves/operations from incompatible development.	Dalmagarry Quarry is located adjacent to the southbound carriageway. There will be encroachment into the existing boundary of the quarry, as well as the existing at grade access with the A9 being closed. Journeys from the quarry would be adversely impacted travelling to Inverness (northbound), whilst journeys to/from Aviemore/Perth (southbound) would only be marginally impacted. Access to the A9 would be an additional distance of 2.3km as a result of the Proposed Scheme (see Chapter 8, Table 8.46). However, operations at the quarry would not be adversely affected. Despite the encroachment into the existing boundary and impact on the existing access to Dalmagarry Quarry this can be mitigated whereby operations at the site are safeguarded and compliance with this policy is therefore achieved.
	Policy 75 (Open Space)	Safeguard existing areas of high quality open space from inappropriate development.	There are no significant impacts on existing community land, including areas of open space. However, the Proposed Scheme would have a significant impact on the ability of land designated for sports pitches in the IMFLDP (Site TM8) from being delivered for that purpose (see Chapter 8, Section 8.6). The Proposed Scheme would therefore conflict with the objective of this policy.	

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
	Inner Moray Firth Local Development Plan	Policy 2 (Delivering Development) – Site Allocations TM3, TM4, TM5, TM8, TM10, TM11, TM12, TM13	Supports development at allocated sites.	The Proposed Scheme would result in land-take (to varying degrees) from site allocations, in relation to the widening of the A9 mainline around Tomatin, construction of a new junction at Tomatin and improvement work to local roads (see Chapter 8, paragraphs 8.4.49 - 51). Although the Proposed Scheme would require small land-take on Allocations TM3, TM4, TM5, TM10, TM11 and TM13 it would not affect the ability of these sites to deliver the overall objective of the allocations. However, the Proposed Scheme would have a significant impact on Allocations TM8 and TM12 due to land-take required for the Tomatin Grade Separated Junction and may prohibit the site coming forward for its intended use. By virtue of the significant impact on allocations TM8 and TM12, the Proposed Scheme would conflict with the objective of this policy.
	Highland Council Supplementary Guidance: Physical Constraints		Demonstration of appropriate mitigation measures in respect of impact on quarries within 400m.	Dalmagarry Quarry is located within 400m of the Proposed Scheme. The Proposed Scheme would impact the quarry due to the existing at grade access with the A9 being closed. Such impact would be mitigated through alternative northbound and southbound access to the A9 and operations at the quarry would remain unaffected (see Chapter 8, Table 8.46). This therefore ensures compliance with this policy.
	PAN 65: Planning and Open Space		Protect designated areas of open space.	There are no significant impacts on existing community land, including areas of open space (see Chapter 8, Section 8.6). The Proposed Scheme is therefore compliant with this guidance.
Effects on all travellers	Scottish Planning Policy	Paragraphs 220 & 221	Ensure access to green infrastructure, including core paths and other important routes.	There are three Core Paths within the wider area under consideration as part of the Proposed Scheme. It is considered that construction and operation of the Proposed Scheme would not adversely affect access to these Core Paths (see Chapter 9, para. 9.3.24). Although there would be some impact and disturbance to Public Rights of Way and other Non-Motorised User routes, including in the Invereen area, the level of such impact is not considered to be significant. Likewise, although temporary closure would be required during construction, National Cycle Network 7 would be safeguarded. Northbound lay-bys, which currently provide access to Public Rights of Way, will also
	Highland-wide Local Development Plan	Policy 30 (Physical Constraints)	Compatibility with constraints listed in the Physical Constraints Supplementary Guidance needs to be demonstrated and appropriate mitigation measures identified. Such constraints include Public Rights of Way.	

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
		Policy 77 (Public Access)	Where a route in the Core Paths Plan is affected alternative provision should be made or the existing path retained.	<p>be permanently closed. However, alternative access will be provided and therefore the impact will not be significant.</p> <p>Additionally, the removal of at grade crossings and diversion via the new underpass would result in a safety benefit to travellers (see Chapter 9, Table 9.14).</p> <p>In the context of these changes, the objectives of these policies are not compromised and the Proposed Scheme is in compliance.</p>
		Policy 78 (Long Distance Routes)	Safeguard and enhance long distance routes and their settings.	
	Highland Council Supplementary Guidance: Physical Constraints		Demonstration of appropriate mitigation measures in respect of impact on Rights of Way.	
Geology, Soils and Groundwater	Scottish Planning Policy	Paragraph 194	Protect soils from damage.	<p>In relation to areas of priority peatland, there is no loss of Class 1 peat under the Proposed Scheme footprint, with only small areas of Class 3 peatland loss. Overall the percentage loss of Class 3 and 'other' areas of peat is small (see Chapter 10, para. 10.4.46).</p> <p>There are extensive areas of LCA soil classes 4.1, 4.2 and 5.2 (medium sensitivity) present in the wider study area, with the areas disturbed by the Proposed Scheme being relatively small in the context of the wider area. For LCA class 6.3, which is of low sensitivity, there will be minimal disturbance of soils (see Chapter 10, Table 10.15).</p> <p>It is considered unlikely the Proposed Scheme will have any material effect on the quality or value of the existing rock exposures or geological features of the study area (see Chapter 10, paragraph 10.4.27).</p> <p>In the context of the above, it is considered that, whilst resulting in some disturbance to/removal of soils and peat, the Proposed Scheme would not result in unacceptable disturbance of these features, whilst geodiversity interests would be protected. Soil and peat material will be reused within the scheme wherever possible. Overall, although there is a level of conflict with the objective of these policies this is considered to be minor.</p>
	Highland-wide Local Development Plan	Policy 55 (Peatland Soils)	Prevent unacceptable disturbance of peat and soils.	
		Policy 62 (Geodiversity)	Protect and enhance geodiversity interests.	
	PAN 33:Development of Contaminated Land		Identify areas/sources of contamination and provide suitable remediation measures.	Several areas of land with potential for contamination have been assessed, with no significant potential impacts relating to

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
				contamination identified during construction or operation. In this regard the Proposed Scheme is in full compliance with these policies. Any remedial action undertaken in relation to land affected by contamination will be carried out under the appropriate remediation licencing. Consultation with the relevant local authorities and SEPA will be carried out to ensure the obligations set out in this guidance are met. With regard to potential sources of contamination, further site investigation is recommended prior to construction to sufficiently determine the extent and type of contaminants present in order to identify appropriate construction methods and any additional mitigation required. Following further site investigation, it is expected that full compliance with this guidance will be achieved by adopting appropriate construction methods and upon the completion of such mitigation.
Road Drainage and the Water Environment	Scottish Planning Policy	Paragraphs 194, 255, 256 & 268	Protect the water environment, prevent increase in flood risk and provide adequate SuDS.	There is potential for impact on the water environment during construction and operation. Impact on water quality may occur as a result of construction pollution. The Proposed Scheme could potentially increase flood risk as a result of capacity improvements in watercourse crossings, development within the floodplain, increased runoff rates and volumes from hardstanding areas and proposed channel modifications such as watercourse realignment. The Proposed Scheme would involve the loss of a single standing water body (Lynebeg Pond) adjacent to the existing A9 carriageway, whilst other standing water bodies (Tigh an Alt South, Tigh an alt East, Tigh an Alt North, Loch Moy, Lynebeg South, and Lynebeg North) may be impacted during the operational phase. However, mitigation measures have been identified to prevent, reduce or compensate for the impacts described, including the provision of a new standing water body. Implementation of such mitigation would reduce the significance of impact to a level whereby the objectives of these policies would not be compromised (see Chapter 11, Table 11.18). Additionally, policy compliance is further
	Highland-wide Local Development Plan	Policy 30 (Physical Constraints)	Compatibility with constraints listed in the Physical Constraints Supplementary Guidance needs to be demonstrated and appropriate mitigation measures identified. This is applicable to developments within 15m of a water body, within a flood risk area and in poorly drained areas.	
		Policy 63 (Water Environment)	Achieve the objectives of the Water Framework Directive (2000/60/EC) to protect the water environment.	
		Policy 64 (Flood Risk)	Avoid development in areas susceptible flooding. Development in flood risk areas should provide	

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
			appropriate information and identify mitigation measures.	secured through the incorporation of SuDS in the Proposed Scheme to successfully manage surface water run-off.
		Policy 66 (Surface Water Drainage)	Promotes the use of SuDS.	
		Highland Council Supplementary Guidance: Flood Risk and Drainage Impact	Ensure development is not subject to unacceptable risk of flooding and not increase risk elsewhere.	
		Highland Council Supplementary Guidance: Physical Constraints	Demonstration of appropriate mitigation measures in respect of impact on poorly drained areas and flood risk areas.	
		PAN 61: Planning and Sustainable Urban Drainage Systems	Take account of potential increase in surface water run-off and use SUDS as appropriate.	
		PAN 79: Water Drainage	Promotes SUDS as the preferred solution for drainage of surface water run-off.	
		Online Planning Advice on Flood Risk	Prevent and manage flood risk, particularly developments in flood risk areas.	
Ecology and Nature Conservation	Scottish Planning Policy	Paragraph 194	Conserve protected sites and species, protect ancient semi-natural woodland and seek biodiversity enhancements.	<p>The Proposed Scheme would result in no direct impacts to protected sites. However, it would result in loss of areas of ancient semi-natural woodland, which cannot be fully mitigated, representing conflict with the objective of this policy.</p> <p>Biodiversity enhancements would be secured through the planting of new woodland at a variety of locations. This would also mitigate the loss of non-ancient woodland (see Chapter 12, Section 12.6).</p> <p>In relation to protected species, through the implementation of mitigation measures no significant residual impacts are anticipated to arise during the construction or operational phases.</p>

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
	Highland-wide Local Development Plan	Policy 30 (Physical Constraints)	Compatibility with constraints listed in the Physical Constraints Supplementary Guidance needs to be demonstrated and appropriate mitigation measures identified. This is applicable to developments within 20m of woodland.	The Proposed Scheme would result in the loss of areas of woodland, including areas of semi-natural and Ancient Woodland. Although the loss of Ancient Woodland cannot be fully mitigated, the planting of new woodland at a variety of locations would mitigate the loss of non-ancient woodland (see Chapter 12, Section 12.6). This therefore represents partial conflict with the objective of this policy.
		Policy 51 (Trees and Development)	Protect existing hedges, trees and woodlands on and around development sites.	Although the Proposed Scheme has been designed to minimise loss as far as possible, it would result in the loss of areas of woodland, including areas of semi-natural and Ancient Woodland. Although the loss of Ancient Woodland cannot be fully mitigated, the planting of new woodland at a variety of locations would mitigate the loss of non-ancient woodland (see Chapter 12, Section 12.6). However, the Proposed Scheme would deliver significant public benefits and therefore compliance with Policy 52 can be demonstrated.
		Policy 52 (Principle of Development in Woodland)	Protect woodland resources from development unless significant public benefit is demonstrated.	
		Policy 58 (Protected Species)	Prevent adverse impact on protected animals and plants and identify appropriate mitigation measures.	Several protected species are identified within the study area. However, through the implementation of mitigation measures appropriate to each identified species, no significant residual impacts are anticipated to arise during the construction and operational phases (see Chapter 12, Section 12.6). The Proposed Scheme is therefore fully compliant with the objective of these policies.
		Policy 59 (Other Important Species)	Have regard to adverse impact on Other Important Species.	
		Policy 60 (Other Important Habitats and Article 10 Features)	Have regard to Other Important Habitats where not protected by nature conservation site designations.	The Proposed Scheme would result in loss of notable habitat, such as dry dwarf shrub, wet heath and blanket bog/wet modified bog. Although habitat creation is proposed as part of the Proposed Scheme, there is no proposed mitigation to account for the loss of such habitat due to complexities in creating these habitat types (see Chapter 12, Section 12.6). Following mitigation, there are no anticipated significant impacts on other habitats beyond the impact identified on Ancient Woodland and notable habitats.

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
				In the context of the above, the Proposed Scheme is in partial conflict with this policy.
	Highland Council Supplementary Guidance: Trees, Woodland and Development		Protect woodland from development unless a significant public benefit can be demonstrated.	The Proposed Scheme would result in the loss of areas of woodland, including areas of semi-natural and Ancient Woodland, which cannot be fully mitigated. However, the Proposed Scheme will deliver a significant public benefit and therefore compliance with this policy is demonstrated (see Chapter 12, Section 12.6).
	Highland Council Supplementary Guidance: Statutorily Protected Species		Prevent or reduce impact on protected species.	Several protected species are identified within the study area. However, through the implementation of mitigation measures appropriate to each identified species, no significant residual impacts are anticipated to arise during the construction and operational phases (see Chapter 12, Section 12.6). The Proposed Scheme is therefore fully compliant with the objective of these policies.
	Highland Council Supplementary Guidance: Physical Constraints		Demonstration of appropriate mitigation measures in respect of impact on woodlands within 20m.	The Proposed Scheme would result in the loss of areas of woodland, including areas of semi-natural and Ancient Woodland. Although the loss of Ancient Woodland cannot be fully mitigated, the planting of new woodland at a variety of locations would mitigate the loss of non-ancient woodland (see Chapter 12, Section 12.6). This therefore represents partial conflict with the objective of this guidance.
	PAN 60: Planning for Natural Heritage		Conserve and enhance the natural environment.	The Proposed Scheme would result in the loss of areas of woodland, including areas of semi-natural and Ancient Woodland, as well as notable habitats, which cannot be fully mitigated. Although the loss of Ancient Woodland cannot be fully mitigated, the planting of new woodland at a variety of locations would mitigate the loss of non-ancient woodland. No significant residual impacts on protected species are anticipated to arise during the construction and operational phases (see Chapter 12, Section 12.6). In this context, there is partial conflict with the objective of this PAN, as a result of woodland and notable habitat loss.
Landscape & Visual	Scottish Planning Policy	Paragraphs 194 & 203	Maintain distinctive landscape character.	The Proposed Scheme is sited within a number of Landscape Character Areas (LCAs). Mitigation measures have been identified

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
	Highland-wide Local Development Plan	Policy 28 (Sustainable Design)	Assess development on extent of impact on landscape and scenery.	for implementation during the construction and operational phases, along with principles to inform the subsequent development of detailed landscape proposals. Implementation of such mitigation is expected to ensure that the Proposed Scheme does not compromise the distinctive characteristics of the surrounding landscape and the wider countryside (see Chapter 13, paras 13.6.24 – 13.6.26 and Chapter 14, Section 14.6). As a result, the objective of these policies would be achieved.
		Policy 36 (Development in the Wider Countryside)	Ensure compatible and sympathetic developments with the wider countryside and avoid significant detrimental impact.	
		Policy 61 (Landscape)	Developments to be designed to reflect landscape character.	
Cultural Heritage	Scottish Planning Policy	Paragraphs 137 & 140 - 151	Protect and enhance historic places and heritage assets.	There are 5 scheduled monuments and 14 listed buildings within the study area. There are no World Heritage Sites, Registered Battlefields, Registered Gardens and Designated Landscapes, or Conservation Areas. The majority of the impacts upon the cultural heritage assets will occur during the construction phase, which will have a negative effect on nine archaeological remains, nine historic buildings (designated and undesignated) and four historic landscapes. Appropriate mitigation measures are therefore identified to prevent or reduce impact on the heritage assets. Following mitigation, no significant impacts are predicted on designated or undesignated heritage assets (including archaeological remains, historic buildings and historic landscapes) (see Chapter 15, Section 15.6). In the context of the above, the Proposed Scheme is compliant with the objectives of these policies.
	Highland-wide Local Development Plan	Policy 57 (Natural, Built and Cultural Heritage)	Prevent unacceptable impact on features of natural and cultural importance.	
	Historic Environment Scotland Policy Statement		Preserve and manage the historic environment.	
	Highland Council Supplementary Guidance: Historic Environment Strategy		Protect and enhance historic assets and their surroundings.	
	PAN 2/2011: Planning and Archaeology		Protect and enhance archaeological features and their setting.	
Air Quality	Highland-wide Local Development Plan	Policy 28 (Sustainable Design)	Assess developments on extent of impact on air quality.	Although the Proposed Scheme has the potential to contribute towards an adverse effect on air quality by virtue of facilitating a potential increase in vehicle journeys, it is unlikely to be at a level whereby harm to human health would occur (see Chapter 16, Section 16.6). In this regard, the Proposed Scheme is compliant with the objectives of these policies.
		Policy 73 (Air Quality)	Require appropriate mitigation for developments adversely affecting air quality to a level causing harm to human health.	

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
Noise and Vibration	Highland-wide Local Development Plan	Policy 72 (Pollution)	Resist development resulting in significant pollution, such as noise.	Following mitigation, including adoption of standard noise control measures, the Proposed Scheme is not expected to give rise to significant noise pollution during the construction phase, whilst predicted impacts arising during the operational phase are generally below the threshold for mitigation. Where the mitigation threshold may be exceeded, mitigation has been considered and this has resulted in the requirement for a section of noise barrier adjacent to the A9 at the new Tomatin GSJ (see Chapter 17, paras. 17.5.1 – 17.5.5). The Proposed Scheme would be compliant with these policies with the effective implementation of noise mitigation.
		PAN 1/2011: Planning and Noise	Prevent and limit the adverse effects of noise.	
Materials	Scottish Planning Policy	Paragraph 179	Minimise waste during construction and operation of new developments.	The assessment of both materials resource and waste produced indicate that, prior to mitigation, the Proposed Scheme would result in some adverse impacts during the construction phase.
	Highland-wide Local Development Plan	Policy 28 (Sustainable Design)	Minimise generation of waste during construction and operational phases.	At this stage, it is not possible to absolutely predict the majority of residual impacts related to materials, nor is it feasible to identify how the generated waste will be treated. This is dependent on how the mitigation commitments are implemented by the contractor. However, the contractor will strive to manage waste according to the waste hierarchy so that it is reduced (see Chapter 18, Table 18.15). Material resource use and waste generation associated with the operational phase is not considered to be significant following mitigation (application of waste hierarchy). In this context, the Proposed Scheme is compliant with the objectives of these policies.
		Policy 54 (Mineral Wastes)	Minimise construction and demolition waste.	
Beneficial Impacts	National Planning Framework 3		Promotes dualling of the A9.	The Proposed Scheme would contribute towards the delivery of dualling of the A9 and improving the road network between Perth and Inverness. The Scheme would deliver the Spatial Priority for Change outlined in the NPF3, which seeks the completion of the A9 dualling by 2025. It would also deliver the Vision and Spatial Strategy for the Inner Moray Firth as outlined in the HwLDP. Additionally, the Proposed Scheme would deliver the objectives in the HITRANS RTS and Highland RTS by improving journey reliability, accessibility and driver safety. The Proposed Scheme would also make a valuable contribution towards economic growth and would provide a significant

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
	Scottish Planning Policy	Paragraph 278	Prevents new junctions on trunk roads unless significant economic benefits are demonstrated.	public benefit. As such, the creation of new junctions on an existing trunk road is justified by virtue of the economic benefits associated with the scheme. The Proposed Scheme therefore achieves and is compliant with the objectives of these policies.
	Highland-wide Local Development Plan	Vision and Spatial Strategy Paragraphs 5.1 and 8.2	Promotes improvements to the A9 trunk road.	
	National Transport Strategy 2016		Promote economic growth and social inclusion by enhancing the transport network. Also improve the safety of drivers.	
	Infrastructure Investment Plan 2015		Promotes dualling of the A9 to contribute towards economic growth.	
	Scotland's Economic Strategy 2015		Promotes investment in infrastructure to aid economic growth.	
	HITRANS RTS		Improve journey reliability on key connections, including improvements between Perth and Inverness.	
	Highland LTS		Create a transport network that contributes to economic growth, improves accessibility and improves personal safety.	

19.5. Summary of Policy Compliance

- 19.5.1. As shown in Table 19.4, the Proposed Scheme is likely to result in varying levels of conflict (or compliance) with a number of the polices in both national and local planning documents.
- 19.5.2. The Proposed Scheme is compliant with a number of national and local planning policies, notably in relation to community assets (HwLDP Policies 30, 53 and 75), effect on all travellers (SPP, HwLDP Policies 30, 77 and 78), SUDS (SPP, HwLDP Policy 66), noise and vibration (HwLDP Policy 72). The principle of the Proposed Scheme delivers the vision and strategies outlined in a number of planning policy, transport and economic strategies. This is due to the economic and public benefits that would arise as a result of contributing towards improving connections between Perth and Inverness, journey reliability, accessibility and driver safety.
- 19.5.3. The Proposed Scheme would have minor conflict with the SPP and HwLDP Policies 55 and 62 by virtue of small disturbance of soils and peat. However, the Proposed Scheme is not considered to result in unacceptable disturbance and policy conflict would be minor and certainly outweighed by the wider benefits. Additionally, although no significant land contamination is identified, as all potential sources of contamination still have to be investigated, full compliance with PAN 33 is yet to be established at this stage. However, it is expected that full compliance will be achieved upon the completion of further site investigation and adoption of recommended construction/mitigation measures.
- 19.5.4. It is important to note that appropriate mitigation measures have been identified at Stage 3 to prevent, reduce or compensate for the likely adverse impacts identified. The implementation of the mitigation measures identified would ensure a substantial reduction in the significance of impacts and that conflict with a number of policies, in particular those related to road drainage and the water environment, nature conservation (on Protected Species and non-ancient woodland), landscape, land contamination, and cultural heritage, would be prevented. It is therefore essential that appropriate mitigation measures, as identified, are implemented to ensure the best possible performance against the prevailing national and local planning policy framework.
- 19.5.5. It is considered that, following mitigation, the level of conflict with planning policies referenced above would not be significant. This is with the exception of HwLDP Policy 60 due to the loss of important habitat. With regards to Ancient Woodland, although there would be loss as a result of the Proposed Scheme, resulting in conflict with the objectives of SPP paragraph 194, HwLDP Policies 30, 51 and 52, Highland Council Supplementary Guidance and PAN60), such loss would be outweighed by the significant public benefits that would be delivered. As such, compliance with these policies would be achieved. An additional exception is conflict with HwLDP Policy 75 and IMFLDP Policy 2, where land-take required for the loop junction at Tomatin is likely to prevent Allocation TM8 from being delivered for its intended use as sports pitches. Nevertheless, as it can be demonstrated that significant economic benefits would arise through the delivery of the Proposed Scheme, it is considered that such benefits would outweigh the residual conflict with planning policies.

19.6. Conclusion

- 19.6.1. Overall, the Proposed Scheme performs very well against the planning policy framework. This is achieved in the most part through full compliance with the majority of

planning policies and achievement of policy objectives. Compliance with remaining policies is achieved through the significant public benefits demonstrably outweighing any residual impact.

19.7. References

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- ^{xxxii} The Highland Council, (August 2010), Local Transport Strategy