

49 Policies and Plans

This chapter addresses the implications of the proposed scheme in the context of national, regional and local planning policies. The Fastlink section of the AWPR has been assessed in terms of compliance with the relevant plans, policies and guidance at a national, regional and local level. There are potential impacts in relation to the water environment, cultural heritage, landscape and visual impacts, ecology and public access in particular, which could conflict with planning policy. However, the principle of the proposed scheme is supported within the Structure Plan and Aberdeenshire Local Plan.

49.1 Introduction

- 49.1.1 This chapter addresses the implications of the proposed scheme in the context of national, regional and local planning policies.
- 49.1.2 The Scottish planning policy framework is provided by the 'Town and Country Planning (Scotland) Act 1997' and the 'Planning and Compensation Act 1991', which is underpinned by the general principle that decisions on development and land use planning should be taken at the most local administrative level wherever possible. The Planning Etc. (Scotland) Act 2006, which received Royal Assent in December 2006, will update this existing primary legislation once enacted. The National Planning Framework 2 (NPF2) will be a statutory document under the new 2006 Act.
- 49.1.3 The Scottish Executive influences the planning system through legislation, White Papers, National Planning Policy Guidelines (NPPGs), Circulars, Planning Advice Notes (PANs), approval of strategic planning documents and through powers to call in planning applications. NPPGs are currently being replaced by a series of new guidance documents called Scottish Planning Policies (SPPs), which identify key priorities for the planning system in respect of various aspects of land use. These documents are material considerations to be taken into account in the consideration of planning applications and other development proposals.
- 49.1.4 In terms of transport policy, the Scottish Executive published a Transport White Paper in 2004 (Scotland's Transport Future). The Executive also produces the Scottish Transport Appraisal Guidance (STAG), and it is a requirement that all transport projects, for which Scottish Executive support or approval is required, are appraised in accordance with this guidance. The North East of Scotland Transport Partnership (NESTRANS) was established in 2001 to promote an integrated transport system for the North East of Scotland based on the results of an appraisal of transport proposals undertaken using STAG. The Aberdeen Western Peripheral Route (AWPR) was highlighted in the STAG appraisal as a key element in the integrated transport strategy called the Modern Transport System (MTS). The outcome of the appraisal was that an integrated transport system incorporating a package of measures performed better in addressing the objectives of the MTS and existing congestion and traffic problems and demonstrated the need for provision of the AWPR. Details regarding the STAG assessments that have been undertaken are provided in Chapter 2 (Need for Scheme) and Chapter 3 (Alternatives Considered).
- 49.1.5 The development plan system (Structure and Local Plans) forms the basis on which decisions about development and future land uses are made, and effectively incorporates national, regional and strategic policies within a local framework.
- 49.1.6 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. Therefore, if a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted and *vice versa*.
- 49.1.7 Structure Plans can be prepared by a single planning authority or by a collaboration of neighbouring planning authorities. These documents set out the strategic policies and major proposals for the development and use of land, and incorporate the principles of European and UK legislation and national planning policies.

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49.1.8 Each planning authority is also required to prepare one or more Local Plans. These provide a framework of policies and proposals for land use to provide guidance and promote change in the locality, and to apply national and strategic planning policies at a local level. In this regard, the proposed route of the Fastlink lies within one planning authority, namely Aberdeenshire Council. Within Aberdeenshire, the following documents comprise the development plan,

- Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 North East Scotland Together (NEST), Approved December 2001, and
- Aberdeenshire Local Plan (Adopted June 2006).

49.1.9 Further discussion on the impact of the proposed scheme on development land allocations is also provided in Chapter 37 (Land Use).

49.2 Approach and Methods

49.2.1 The proposed scheme was considered in the context of relevant policies, proposals and guidance. The assessment was undertaken in accordance with DMRB (Volume 11, Part 12: Impact of Road Schemes on Policies and Plans). In addition to undertaking an assessment of the likely impacts of the proposed scheme on policies at a national, regional and local level, the views of Aberdeenshire Council were sought on the impact of the preferred route on planning policy objectives.

49.2.2 This chapter therefore:

- describes the existing and, where appropriate, emerging Planning Policy guidance framework as applicable to the proposed scheme; ;
- describes the existing Development Plan framework as applicable to the proposed scheme;
- considers the likely conflicts or compliance of the scheme with key strategic and local planning policy objectives; and
- sets out the expressed views of the relevant planning authorities on the impact of the preferred route on planning policy objectives.

49.3 Summary of Policies and Plans

49.3.1 This section presents the results of a review of the national, regional and local guidance of relevance to the proposed scheme, together with a summary of the consultation exercise undertaken with the affected planning authority of Aberdeenshire Council.

National Policies

49.3.2 The Scottish Executive White Paper, 'Scotland's Transport Future' (2004) establishes the policy framework for transport in Scotland with a clear overall aim to 'promote economic growth, social inclusion, health and protection of our environment through a safe, integrated, effective and efficient transport system' (Page 17).

49.3.3 Paragraphs 4.28 – 4.29 of the White Paper recognise that the trunk road network is vital because it serves public transport, other road users and freight. In this regard, the AWPR is specifically identified as a scheme in which the Scottish Executive is working with local authorities to deliver.

49.3.4 STAG, published by the Scottish Executive, is specifically designed to aid transport planners and decision-makers in the development of transport policies, plans, programmes and projects. It is a requirement that all transport projects, for which Scottish Executive support or approval is required, are appraised in accordance with this guidance. All major road projects are required to be subject to a full STAG appraisal.

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- 49.3.5 Central to the overall aims and objectives of STAG is an assessment of the overall sustainability of a transport project. The guidance requires that the impacts of a proposal are assessed against the following Government objectives:
- Environment;
 - Safety;
 - Economy;
 - Integration; and
 - Accessibility and Social Inclusion.
- 49.3.6 In April 2004, the Scottish Executive published the National Planning Framework (NPF) for Scotland. In essence this represents a framework to guide the spatial development of Scotland to 2025. This document is a material consideration in planning policy and is to be taken into account for decisions on relevant planning applications, appeals and spending decisions by the Executive and its agencies.
- 49.3.7 Paragraph 71 of the NPF states that *'...[economic] success will bring more planning challenges than failure, with a growing economy generating increased traffic and transport capacity problems'*. Paragraph 72 suggests, *'...the trunk road network and public transport systems require investment to address problems of congestion and unreliability'*. In particular, Paragraph 98 recognises the importance of long-term transport options as a key element of the spatial strategy to 2025. Paragraph 116 specifically states that the Scottish Executive is committed to the AWPR project.
- 49.3.8 The NPF is not a statutory document, but as stated above NPF2 will be placed on a statutory footing by the 2006 Planning Act. A Paper which sets out the range of strategic alternatives that have been considered as part of the development of the Strategic Environmental Assessment (SEA) on NPF2 was published in June 2007. These findings will be used to inform the development of a 'preferred option' for the second NPF. With regards to the AWPR, Alternative 4 (Connectivity) (Page 26) states that as part of the consultation process several views have been raised in relation to improving connectivity. Many participants emphasised the importance of strengthening links between Scotland's City regions primarily by rail, but also in some instances by improving road links, including the AWPR.
- 49.3.9 National land use planning guidance in Scotland is provided through a series of documents, which are material considerations in the assessment of planning applications and direct the form and content of Structure Plans and Local Plans. In this regard, NPPGs and SPPs were reviewed as part of this assessment. An overview of NPPGs and SPPs is provided in Table 49.1, with a brief summary of each of these documents in Appendix A19.1.

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Table 49.1 – Relevant National Planning Policy

Policy	Title	Details
SPP1	The Planning System (2002)	Provides an overview of the land use planning system in Scotland under current arrangements. In particular SPP1 highlights that planning decisions should favour the most sustainable option. When conflicts between objectives arise, decisions should be taken in line with the local priorities and needs as identified in the Local Plan.
SPP2	Economic Development (2002)	Examines how locational factors, including quality of life issues and the provision of infrastructure have a direct impact on Scotland's competitiveness and its ability to grow and prosper. In particular, it highlights the integration between transport and economic development.
NPPG5	Archaeology and Planning (1994)	Sets out the Government's planning policy for handling archaeological remains and discoveries.
SPP7	Planning and Flooding (2004)	This policy highlights that new development should not take place if it would be at significant risk of flooding from any source or if it would materially increase the probability of flooding elsewhere.
NPPG11	Sport, Physical Recreation and Open Space (1996)	This NPPG describes the role of the planning system in making provision for sports and physical recreation and protecting and enhancing open space. Although the NPPG is mainly concerned with the land use implications of sport and physical recreation, it also considers the key planning issues to be taken into account for developments on the urban fringe and within the Green Belt.
NPPG14	Natural Heritage (1999)	Indicates how the Government's policies for the conservation and enhancement of natural heritage should be reflected in land use planning. Information is also provided regarding international, national, regional and local designations and the legislative mechanisms that enable their protection.
SPP15	Planning for Rural Development (2005)	Sets out how the statutory land use planning system can assist the achievement of sustainable development in rural areas of Scotland. Its overarching aim is to have a prosperous rural economy, with a stable or increasing population that is more balanced in age structure and where rural communities have reasonable access to good quality services. States that prime agricultural land should continue to be protected but only used to meet strategic development objectives.
SPP17	Planning for Transport (2005)	Promotes an integrated approach to land use planning, economic development, transport and the environment. Provides support for sustainable economic development within a pattern of land use and integrated transport, which serves the economy and communities. It promotes a choice of transport modes, reduced car usage as well as increased walking, cycling and public transport.
NPPG18	Planning and the Historic Environment (1999)	Deals primarily with listed buildings, conservation areas, world heritage sites, historic gardens, designed landscapes and their settings. Notes the importance of the setting of the historic environment and advocates their protection and enhancement; or to minimise the impact from development through the consideration of new economic use that is viable over the long term.
SPP21	Green Belts (2006)	Aims to strengthen and enhance the role of existing green belts and encourage greater stability to increase their effectiveness. The stated key objectives are: to direct planned growth to the most appropriate locations and support regeneration; to protect and enhance the character, landscape setting and identity of towns and cities; and to protect and give access to open space within and around towns and cities, as part of the wider structure of green space.

49.3.10 In addition, PANs support the respective NPPGs and SPPs and provide advice on good practice and other relevant information to planning authorities. An overview of PANs is shown in Table 49.2 and a summary of each is provided in Appendix A19.2.

Table 49.2 – Relevant Planning Advice Notes

Policy	Title	Overview
PAN 40	Development Control (Revised March 2001)	Provides detailed guidance on the procedures involved in the Development Control process, including a 'best practice' guide
PAN 42	Archaeology- the Planning Process and Scheduled Monument Procedures (1994)	This PAN supports NPPG 5: Archaeology and Planning, and includes advice on the handling of archaeological matters within the planning process. It sets out the importance of archaeology as a physical link to the past, and describes how positive planning can help reduce potential areas of conflict between development and preservation. The Note also provides detailed guidance on the processes by which planning authorities and developers should preserve archaeological sites, including appropriate protection policies in local plans.
PAN 47	Community Councils and Planning (1996)	This PAN reflects an intention to involve local communities more closely in planning matters. It provides information on the role of Community Council's within the planning system, setting out key points of good practice to assist Councillor's, planning officers and local communities.
PAN 50	Controlling The Environmental Effects Of Surface Mineral Workings (1996)	Annex D of this document covers 'The Control of Blasting at Surface Mineral Workings', and is considered in the context of the proposed rock blasting requirements (Appendix A8.2: Blasting Assessment).
PAN 51	Planning and Environmental Protection (2006)	Supports existing policy on the role of the planning system in relation to environmental protection regimes, including pollution prevention and control, protection of the water environment and contaminated land amongst others.
PAN 56	Planning and Noise (1999)	PAN 56 sets out government policy on the treatment of noise within development plans and planning applications. It stresses the role of Noise Impact Assessments in developments where noise is likely to be considerable, and emphasises the need for mitigation where noise is likely to require some form of control. Construction noise is also considered here with reference to the need for minimisation of construction impacts.
PAN 58	Environmental Impact Assessment (1999)	Provides an overview of the EIA process, together with guidance on the role and implementation of Environmental Statements.
PAN 60	Planning for Natural Heritage (2000)	This PAN supplements NPPG 14, and aims to promote good practice in planning for natural heritage, and demonstrates how planning can contribute towards the realisation of natural heritage objectives, such as biodiversity, access and recreation and local designations. Its key themes are: encouraging local authorities to adopt positive and imaginative planning policies; planning for a diverse range of wildlife and habitats; maintaining landscape character and developing 'greenspace networks'.
PAN 61	Planning and Sustainable Urban Drainage Systems (July 2001)	Provides information on the role and principle of SUDS in the planning system, together with guidance on its provision and implementation.
PAN 65	Planning and Open Space (2003)	This PAN supports NPPG 11: Sport, Physical Recreation and Open Space, and emphasises the importance of open space to our quality of life. It sets out the role of the planning system in protecting and enhancing existing open spaces and providing high quality new spaces
PAN 69	Planning and Building Standards Advice on Flooding (2004)	Provides supplementary guidance and best practice advice in support of SPP7: Planning and Flooding. The PAN sets out the responsibilities of planning authorities in ensuring that future development is not located in areas with a significant risk of flooding. It also stresses that the flood risk from development can be minimised by the appropriate use of materials, good design and modern methods of construction.
PAN 75	Planning for Transport (2005)	Accompanies SPP17 and gives good practice advice on measures that planning authorities may consider in fulfilling their integrated land use and transport planning responsibilities in a sustainable manner. While it is aimed primarily at planning authorities, the PAN contains information that is of relevance to development proposals.

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Strategic and Local Guidance

- 49.3.11 The following Development Plans have been reviewed to identify policies and proposals relevant to the proposed scheme:
- Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 North East Scotland Together (NEST 2001), Approved December 2001; and
 - Aberdeenshire Local Plan, Adopted June 2006.
- 49.3.12 Policies and plans of relevance to the proposed scheme are listed in Tables 49.3 to 49.4.

Strategic Planning Policy

Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 North East Scotland Together (NEST)

- 49.3.13 NEST was approved in December 2001 and sets out a shared strategic statement about the future use of land in the North East of Scotland.
- 49.3.14 It sets out the core strategic land use objectives for the area, as well as locational objectives for specific land uses, which set the guidelines for allocating development sites. In achieving its vision of a 'sustainable community' the Structure Plan is based on three principles of responsible management of natural, built and community resources; fairness in allocation of these resources between competing demands; and, the need to benefit both existing and future generations.
- 49.3.15 The Key Diagram of the Structure Plan provides an indication of locations for large scale, strategic developments, including housing allocations for 2000 – 2005 and 2005 – 2010, business parks and employment land allowances. It also provides an indicative plan of major transport infrastructure, and, in particular, provides an indicative location of the Western Peripheral Route. Figure 1 of the Structure Plan contains the Strategic Diagram. This diagram indicates the proposed Northern and Southern Legs of the proposed scheme as a 'Major Communications and Development Corridor'. The Fastlink section of the proposed scheme is not indicated on Figure 1 or expressly referred to in the supporting text in relation to the main communications network. However, in general terms, Paragraph 5.6 of the Structure Plan states that the Western Peripheral Route is seen as an important component of the modern transport system and will '*...make northern areas more accessible from the south and enable appropriate transport measures to be introduced within Aberdeen*'. In this regard, Policy 30 states that '*improvements to the main communications network must support the development framework, contribute to the modern transport system and reflect the need to reduce travel, particularly by car*'.
- 49.3.16 Furthermore, in relation to transport infrastructure, Policy 32 states that '*land identified in Local Plans will be safeguarded for transport proposals*'. In addition, the best practicable environmental option not entailing excessive cost will be required to mitigate the impacts of transport proposals. Development proposals that result in a breach of National Air Quality Standards will not be permitted.
- 49.3.17 Other policies contained within the Structure Plan that are relevant to the proposed scheme include those relating to wildlife, landscape and land resources; built heritage and archaeology; water management and forestry. Details of all relevant Structure Plan policies are provided in Table 49.3.

Local Planning Policy

- 49.3.18 As stated above, the Local Plan for the Aberdeenshire Council area is the Aberdeenshire Local Plan, which was adopted in June 2006.
- 49.3.19 Policy Inf12 states that '*...safeguarded sites have been identified on the Main Proposals Maps for transport infrastructure projects relating to a Modern Transport System in the North East*'.

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Proposals for development which would prejudice implementation of such projects will be refused unless a better alternative demonstrating compliance with the 'best environmental option not entailing excessive cost' is identified'.

49.3.20 The AWPR is not identified in the Main Proposals Maps, however, within the text providing the justification for Policy Inf12, it is stated that '*...principal amongst these sites are the preferred routes for the Western Peripheral Route*'. Indeed, Appendix 14 of the Local Plan shows the 'preferred route' of the Northern and Southern Legs of the AWPR within the area of Aberdeenshire as they stood in March 2004. The Local Plan states that the alignment is shown for information purposes, since the choice of route is not part of the Local Plan process.

49.3.21 Table 49.4 summarises the other policies, which are relevant to the proposed scheme. These include policies relating to land release and the green space network, design and landscape, water management, flooding, the built heritage and the natural environment.

Local Planning Authority Response to DMRB Requirements

49.3.22 The Design Manual for Roads and Bridges (DMRB), Volume 11, Section 3 Part 12 'Impact of Road Schemes on Policies and Plans', states that one of the steps to be taken in the Stage 3 Assessment is to obtain the views of the Planning Authority on the impact of the preferred route on planning policy objectives. As previously detailed, the preferred route passes through the administrative control of Aberdeenshire Council, who in accordance with the requirements of DMRB, were contacted in relation to the above objectives. Aberdeenshire Council have provided views on the environmental issues associated with the scheme but have not expressly provided views in relation to the impact of the preferred scheme on planning policy objectives.

49.4 Assessment of Compliance

49.4.1 The Fastlink section of the proposed AWPR has been assessed in terms of whether it complies or conflicts with the relevant plans, policies and guidance, discussed in section 49.3 above.

Infrastructure and Transport

49.4.2 The National Planning Framework for Scotland (2004) specifically states that the AWPR is included within the Scottish Executive's transport infrastructure commitments to 2010. The Fastlink section of the proposed scheme is not indicated either on the proposals maps or within the supporting text of the Aberdeen and Aberdeenshire Structure Plan (NEST) 2001, but support for the principle of the AWPR in general terms is included within Paragraph 5.6 and Policy 30 (The Main Communications Network within the North East and Beyond). The Adopted Aberdeenshire Local Plan (2006) is also supportive of the AWPR in general terms as a key potential transport route.

49.4.3 The provision of the Fastlink section of the AWPR as part of a modern transport system is integral to Development Plan policy, in line with the objectives of developing a strategic transport network providing a range of travel modes, promoting public transport, and alleviating problems such as congestion in the city centre and residential areas. It also supports the development framework by enabling more accessible and sustainable locations for future development.

49.4.4 The infrastructure and transport policies are supportive of the proposed scheme and no conflict has been identified.

Sustainability

49.4.5 Key to the Structure Plan Vision is the concept of a 'sustainable community' where the management of the environment is balanced with the fair allocation of resources and the benefit to existing and future generations.

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- 49.4.6 Through the EIA process, mitigation measures have been incorporated into the proposals to reduce the environmental impact of the scheme. Some beneficial impacts will also accrue, as reported with the relevant chapters of the ES. At the same time, the proposed development will assist in the delivery of a transport network that is recognised by national, regional and local planning policy as beneficial to the future development of Aberdeen. A Sustainability Appraisal of the proposed scheme has been undertaken (See Chapter 58 for further details).

Cultural Heritage

- 49.4.7 Planning policy at both the Structure and Local Plan level require the protection of archaeological sites and their settings including Scheduled Ancient Monuments (SAMs). Forty nine sites of cultural heritage importance, ranging in date from the prehistoric period to the recent past have been identified, with the potential for direct impacts upon fifteen, along with adverse visual impacts upon the setting of seven. There is also the potential for the presence of unknown archaeological remains within the schemes land take.
- 49.4.8 With the implementation of appropriate mitigation, including geophysical surveys and trial trenching prior to works commencing, the substantial direct impact upon the regionally significant Hill of Megray Earthwork would be reduced to slight. The direct moderate impacts upon the locally significant sites of Moss of Cowie Bronze Sword Findspot, Hillocks Graves and Howieshill Farmstead would be reduced to none.
- 49.4.9 The proposed scheme would also result in a permanent change to the setting of and views from and to ten sites of cultural heritage importance. Specific mitigation measures will reduce the impact significance upon the Cantlayhills SAM reduced from moderate to slight. The residual impact significance upon the White Hill Hut Circles SAM and East Crossley Hut Circle and Field System SAM would be substantial.
- 49.4.10 The proposed scheme, therefore, potentially conflicts with cultural heritage policies owing to the possibility of impacts on the settings of identified sites of cultural heritage importance.

Ecology and Nature Conservation

- 49.4.11 Planning policies at all levels require the protection of sites of international, regional and local importance for nature conservation. There is generally a presumption against development that would have a significant adverse impact on a designated area (such as an internationally important Natura 2000 or Ramsar site and a nationally important Site of Special Scientific Interest (SSSI) as well as protected species or valuable habitats, unless the benefits of the development outweighs its nature conservation value. However, there are no internationally, nationally or locally designated sites within the Fastlink corridor.
- 49.4.12 The Fastlink section of the proposed scheme would pass through a diverse range of habitats of varying sensitivity. Although the majority of the proposed scheme would pass through an agricultural landscape of relatively low ecological value, important habitats are present at Limpet Burn, Megray Wood, Fisherymyre and the Burn of Muchalls. Fisherymyre is an important modified bog, heathland, wet woodland and marsh habitat as well as a habitat for protected species including otters, bats, birds and water voles. Within this area the proposed scheme would result in habitat loss, fragmentation, severance and hydrological damage to peat-based habitats. Habitat loss and fragmentation impacts are likely to be most important where the proposed scheme would affect burns and associated riparian habitat that form important wildlife corridors. The most important of these are Limpet Burn and the Burn of Muchalls, where there are likely to be significant impacts on birds and otters. Additional impacts would be associated with the localised fragmentation of woodland and heathland habitat and where the proposed scheme would potentially result in the fragmentation of bat flight routes and foraging areas.
- 49.4.13 However, in general, residual impacts as a result of the proposed scheme are not expected to be significant. At several locations, licences will be required for a number of protected species,

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including the closure of badger setts, the exclusion/disturbance of otter holts/couches, and the exclusion of bat roosts.

- 49.4.14 Elements of the proposed scheme conflict with planning policy at the Structure and Local Plan level specifically where there would be impacts on existing habitats resulting in habitat fragmentation, severance and loss. Further potential impacts are discussed within Chapter 40 (Ecology and Nature Conservation).

Land Use

- 49.4.15 Planning policy requires the protection of quality agricultural land, where possible. However the loss of agricultural land is considered acceptable under certain conditions such as when land is allocated for development, there is no alternative site, the land is not of prime quality (Macaulay Land Use Classification 3.1 or above), or the importance of development outweighs its agricultural value.
- 49.4.16 Overall there would be a net loss of some 127ha of agricultural and commercial forestry land as a result of the proposed Fastlink section of the AWPR. None of the land affected is Class 1 or 2 and less than 5ha of the net loss is Class 3.1. The majority of the net land lost would be Class 3.2 (around 92ha), with approximately 10ha of Class 5 and 12ha of Class 6. There would be a net loss of some 6ha of land used for woodland and commercial forestry and 3ha of scrub land.
- 49.4.17 Planning policies also require the protection and enhancement of recreational areas. The Fastlink has been designed so that areas designated as country, city or local parks have been avoided. Recreational/community areas affected are predominately woodlands; however this will be mitigated through proposed new planting. Further discussion on the impact on land use is provided in Chapter 37 (Land Use).
- 49.4.18 The proposed scheme would result in the loss of less than 5ha of prime quality land. This is not considered to be significantly non-compliant with agricultural land policies.

Public Access

- 49.4.19 The protection and enhancement of pedestrian, cyclist and equestrian access routes are required by planning policy at all levels. Where possible, the proposed scheme will address the severance of any access routes through the provision of diversions, over bridges and underpasses, although overall the amenity value in these locations would be reduced due to the proximity of the new road.
- 49.4.20 Reduced amenity value or access severance impacts represent potential non-compliance with policies on public access within the Structure Plan and the adopted Aberdeenshire Local Plan (2006).

Landscape and Visual

- 49.4.21 Planning policies require the protection and enhancement of the landscape and avoid development, which would harm the landscape character of the surrounding area.
- 49.4.22 A landscape assessment has been undertaken as part of the proposals and landscape mitigation is proposed which is sympathetic to the surrounding landscape features and character. There are no National Scenic Areas or Areas of Landscape Significance, which would be affected by the Fastlink section of the proposed scheme. The Fastlink has been designed to reduce the loss of landscape elements and the visual impact on settlements, wherever possible. In addition to the careful alignment of the road, mitigation measures will also incorporate the easing out of embankments, which will enable a return to agriculture, and the grading out of cuttings where possible to blend with local landforms. Drystone walls along field boundaries will also be continued throughout the proposed scheme and planting of scrub and mixed woodland will be used to screen and integrate the scheme with the immediate surroundings. These measures reduce any residual impacts in the

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longer term, however, it is envisaged that the proposed scheme may potentially conflict with landscape and visual policies.

- 49.4.23 Landscape and visual impacts of the proposed scheme have been assessed in Chapters 41 (Landscape) and 42 (Visual).

Water Resources/Pollution

- 49.4.24 Policies aim to protect and enhance watercourses and the quality and quantity of water resources, and to minimise pollution. The importance of minimising flood risk is stated in the policies, as is avoidance of increased discharge to watercourses and refusal of development on floodplains or other areas prone to flooding. Planning policy requires that any development that generates surface runoff likely to affect watercourses is to be treated using Sustainable Urban Drainage Systems (SUDS).

- 49.4.25 No significant issues concerning flooding have been raised.

- 49.4.26 Mitigation measures to prevent or reduce adverse impacts on the water environment, during both the construction phase and during scheme operation, will be implemented. However, despite these, there may be adverse impacts on the water environment. These mostly relate to geomorphology, and arise as a result of the culverting and realignment of watercourses affected by the proposed scheme.

- 49.4.27 As residual impacts on the water environment may be significant, it is envisaged that the proposed scheme may potentially conflict with water management policies.

Air Quality

- 49.4.28 Relevant planning policies have the objective of an overall improvement in air quality. Within the Fastlink corridor the baseline air quality is very good and impacts as a result of the proposed scheme are expected to range from moderate adverse to moderate beneficial. The majority of the adverse impacts would be caused by exhaust emissions from vehicles using the new road; however this would be countered by beneficial impacts upon existing roads which would experience a reduction in traffic. More locations within 500m of the Fastlink will experience adverse impacts than beneficial impacts however air quality will remain very good with or without the proposed scheme. The assessment undertaken (See Chapter 44) has not identified any requirement for additional air quality mitigation measures, other than those already built into the design of the proposed scheme.

- 49.4.29 No conflict with air quality planning policies is, therefore, envisaged.

Contaminated Land

- 49.4.30 The geological investigation undertaken identified no areas of contaminated land within the route corridor however there are three sites of potential contamination within the vicinity of the proposed Fastlink corridor. These sites comprise two quarries that may have been backfilled and a potential former landfill of unknown extent. Although the investigation did not identify any contamination, any areas of potentially contaminated land identified along the corridor of the Fastlink will be adequately remediated through mitigation as discussed in Chapter 38 (Geology, Contaminated Land and Groundwater), with a beneficial impact.

- 49.4.31 No conflict with contaminated land policies is envisaged.

49.5 Overall Compliance

- 49.5.1 Subsequent to the implementation of appropriate mitigation measures, which have been carefully formulated in accordance with relevant policy and guidance, areas of potential non-compliance

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have been identified in relation to landscape and visual impacts, cultural heritage, ecology, the water environment, public access and land use. These residual impacts conflict with planning policy at a national, regional and local level to a greater or lesser extent.

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Table 49.3 – Approved Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 North East Scotland Together (NEST) 2001

Topic	Policy	Purpose	Compliance	Conflict
Infrastructure and Transport	30 – The Main Communications Network within the North East and Beyond	Improvements to the main communications network must support the development framework, contribute to the modern transport system and reflect the need to reduce travel, particularly by car. Aberdeen and Aberdeenshire Councils will encourage the Trunk Roads Authority and other agencies to improve road infrastructure both in and outside the Structure Plan area. The Local Authorities will bid for funds and press other agencies to invest in transport infrastructure and services.	The Fastlink section of the AWPR supports the development framework by enabling more accessible locations for future development. The development aims to contribute towards a modern transport system and would reduce congestion.	n/a
	32 – Transport Infrastructure: Safeguarding Land and Minimising Environmental Impacts	Land identified in Local Plans will be safeguarded for transport proposals that contribute to the modern transport system (including the AWPR). The Best Practicable Environmental Option not entailing excessive cost will be required to mitigate the impacts of transport proposals.	Implements the requirement for Local Plans to safeguard land for transport proposals that contribute to the modern transport system. The proposed scheme was subject to a STAG appraisal, which considered a number of route options and the environmental and cost implications of each.	n/a
Cultural Heritage	20 – Built Heritage and Archaeology	To protect the integrity and setting of buildings and Scheduled Ancient Monuments, protect other archaeological sites and archaeologically sensitive areas but where this is not feasible proper recording and analysis shall take place; protect and enhance conservation areas, historic gardens, designed landscapes, town centres and historic features.	Adverse impacts on cultural heritage sites have been reduced, where possible by the implementation of suitable mitigation.	There will be a slight direct residual impact upon the regionally significant Hill of Megray Earthwork. The indirect residual impact upon the Cantlayhills SAM would be slight. The residual impact significance upon the White Hill Hut Circles SAM and East Crossley Hut Circle and Field System SAM would be substantial.

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Topic	Policy	Purpose	Compliance	Conflict
Ecology and Nature Conservation	19 – Wildlife, Landscape and Land Resources	<p>International Designations: Development which would have an adverse effect on a Natura 2000 or Ramsar site will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social, environmental or economic nature.</p> <p>National Designations: Development, which would have an adverse effect on a SSSI, National Nature Reserve or habitat or species identified as priorities in the UKBAP will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or any significant adverse effects are outweighed by social and economic benefits.</p> <p>Regional/Local Designations: Development which would have an adverse effect on local or non-statutory nature reserves, DWIs, wildlife corridors, species and habitats identified as a priority in the LBAP, SINS or other sites will only be permitted where it can be demonstrated that any damaging impact is considered acceptable overall, or there is a public interest which outweighs the conservation interest.</p> <p>Where development is allowed, appropriate measures shall be taken to conserve and enhance the sites ecological, geological or geomorphological interest.</p> <p>Everywhere else: Development shall be sited and designed to avoid adverse impacts on the biodiversity of the site.</p>	<p>The proposed scheme has been sited and designed to minimise adverse impacts upon biodiversity. Mitigation measures to reduce impacts on habitats and species affected include habitat creation, which would contribute to biodiversity targets identified in national and local BAPs.</p>	<p>There are no internationally, nationally or locally designated sites within the Fastlink corridor. Residual impacts as a result of the proposed scheme are not expected to be significant. At several locations, licences will be required for a number of protected species, including the closure of badger setts, the exclusion/disturbance of otter holts/couches, and the exclusion of bat roosts.</p>
Public Access	17 – Countryside and Open Space Access	<p>Local Plans should encourage and protect responsible access to open space, countryside, coast and inland water by promoting and protecting a network of routes and facilities throughout the North East. Care must be taken to minimise the detrimental impact upon the environment.</p>	<p>Mitigation has been developed so as not to hinder the development of future core path networks within Aberdeenshire.</p>	<p>As a result of the incorporation of mitigation proposals into the Fastlink scheme design, access to all paths severed will be maintained via diversions or alternative routes. The diversion length for some paths will still result in some adverse impacts on pedestrian, cyclists and equestrians. Users will also experience some adverse impacts in terms of amenity value and community severance.</p>

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Topic	Policy	Purpose	Compliance	Conflict
Landscape and Visual Impact	19 – Wildlife, Landscape and Land Resources	<p>National Designations: Development which would have an adverse effect on a National Scenic Area will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance.</p> <p>Regional/Local Designations: Development which would have an adverse effect on an Area of Landscape Significance will only be permitted where it can be demonstrated that any damaging impact is considered acceptable overall or there is a public interest which outweighs the conservation interest.</p> <p>Everywhere Else: All new development should take into consideration the character of the landscape in terms of scale, siting, form and design.</p>	No National Scenic Areas/Areas of Landscape Significance would be affected by the Fastlink. The Fastlink has been designed to reduce the loss of landscape elements and the visual impact on settlements, wherever possible and in addition to the careful alignment of the road, mitigation measures include the easing out of embankments, which would enable a return to agriculture and the grading out of cuttings where possible to blend with local landforms.	Residual impacts are predicted due to the severance of open and wooded farmlands, hill and valley landscapes and through the introduction of the AWPR in terms of its associated embankments and cuttings, overbridges, junctions, lighting and vehicle movements. Significant impacts are predicted where the Fastlink divides a sensitive rural valley at the Burn of Muchalls, cuts through the hillsides at Megray, Cookney and Stranog and crosses open farmland on embankment at Blaikiewell.
Water Resources/ Pollution	Policy 22 – Water Management	Development shall be directed away from areas at significant risk from flooding. Functional floodplains should be allowed to flood naturally where appropriate. Development shall also be sited and designed to protect the natural heritage value and water quality of lochs, ponds, watercourses, aquifers and wetlands. Developers shall deal with surface water treatment in a sustainable manner and in ways that avoid flooding and pollution and provide Flood Risk Assessments, where appropriate.	SUDS has been incorporated into the drainage design and an assessment of flood risk undertaken which has identified no issues of concern.	Residual impacts on the water environment are possible, mainly owing to the culverting and realignments of watercourses

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Table 49.4 – Relevant Policies of the Adopted Aberdeenshire Local Plan (2006)

Topic	Policy	Purpose	Compliance	Conflict
Infrastructure and Transport	Inf\1 – Roads and Accesses	A new road will be approved if it is designed to be safe, convenient for pedestrians, cyclists and public transport, resource efficient and cause minimal impact on the character of the site and surrounding area, satisfactory arrangements are made for its subsequent maintenance and a transport assessment shows that the development and any mitigation measures proposed will not have significant transport impacts on existing transport infrastructure or services.	The Fastlink section of the AWPR is a major infrastructure development supported by other policies contained within the Structure and Local Plans and an indicative route of the AWPR is provided within Appendix 14.	n/a
	Inf\12 – Safeguarding Land for the Modern Transport System	To ensure that development does not prejudice the ability to provide for the needs of the future, and that potential transport routes (including the AWPR), corridors and facilities are safeguarded from speculative development.	The proposed scheme is supported by this Policy.	n/a
Sustainability	Gen\1 – Sustainability Principles	Development will be assessed against sustainability indicators that relate to the local environment, community and economy.	The Fastlink section of the AWPR is major infrastructure development supported by other policies contained within the Structure and Local Plan.	n/a
Cultural Heritage	Env\19 – Archaeological Sites and Ancient Monuments	Development which would have an adverse effect on an Ancient Monument or other archaeological sites of either national or local importance or on their settings will be refused unless there are imperative reasons of overriding public interest and there is no alternative site.	Adverse impacts on cultural heritage sites have been reduced, where possible by the implementation of suitable mitigation.	There will be a slight direct residual impact upon the regionally significant Hill of Megray Earthwork. The indirect residual impact upon the Cantlayhills SAM would be slight. The residual impact significance upon the White Hill Hut Circles SAM and East Crossley Hut Circle and Field System SAM would be substantial.

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Topic	Policy	Purpose	Compliance	Conflict
Ecology and Nature Conservation	Env\1 – International Nature Conservation Sites	Development likely to have a significant impact on a site designated or proposed under the habitats or birds directive (Special Area for Conservation and Special Protection Area) or on a Ramsar site and not directly connected with or necessary to the conservation management of the site, must be the subject of an appropriate assessment for the implications for the site's conservation objectives. Development will then only be permitted where the assessment indicates that it will not adversely affect the integrity of the site, or there are no alternative solutions and there are imperative reasons of over-riding interest including those of a social or economic nature.	No internationally designated sites are located within the Fastlink corridor.	None.
	Env\2 – National Nature Conservation Sites	Development that would have an adverse effect on a SSSI or a National Nature Reserve will be refused unless the developer proves any significant adverse effects on the quality for which the area has been designated are clearly outweighed by social and economic benefits of national importance, the objectives of the designation and overall integrity of the area will not be compromised and there is no alternative site for the development.	No nationally designated sites are located within the Fastlink corridor.	None.
	Env\3 – Other Recognised Nature Conservation Sites	Development that would have an adverse effect on a Site of Interest to Natural Science, a Local Nature Reserve, an Ancient Long Established or Semi-Natural Woodland, a raised peat bog, wetland or a non-statutory Nature Reserve will be refused unless the developer proves its public benefits at a local level clearly outweigh the nature conservation value of the sites, and there is no suitable alternative site for the development.	No locally designated sites are located within the Fastlink corridor.	None.

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Topic	Policy	Purpose	Compliance	Conflict
	Env\4 – Biodiversity	Development that would have an adverse effect on habitats or species protected under British or European Law or identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats and species will be refused unless the developer demonstrates that the public benefits at a local level clearly outweigh the value of the habitat for biodiversity conservation, that the development will be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status, and that there will be no fragmentation or isolation of habitats as a result of the development.	The proposed scheme has been sited and designed to minimise adverse impacts upon biodiversity. Mitigation measures to reduce impacts on habitats and species affected include habitat creation, which would contribute to biodiversity targets identified in national and local BAP's.	There are no internationally, nationally or locally designated sites within the Fastlink corridor. Residual impacts as a result of the proposed scheme are not expected to be significant. At several locations, licences will be required for a number of protected species, including the closure of badger setts, the exclusion/disturbance of otter holts/couches, and the exclusion of bat roosts.
Land Use	Env\8 – Trees and Woodland	Development that would cause the loss of, or serious damage to trees or woodland which are of significant ecological and recreational value will be refused, unless its public benefits at a local level outweigh the value of the habitat, the development will be sited and designed to minimise adverse impacts upon biodiversity, there will be no further fragmentation or isolation of habitats as a result of the development and the development incorporates appropriate enhancement and replacement measures.	The proposed scheme has been sited and designed to minimise adverse impacts upon biodiversity. Mitigation measures to reduce impacts on habitats and species affected include habitat creation, which would contribute to biodiversity targets identified in national and local BAPs.	Overall there would be a net loss of some 127ha of agricultural and commercial forestry land. There would be a net loss of around 6ha of land used for woodland and commercial forestry and 3ha of scrub land.
	Env\11 – Agricultural Land	Development that would cause the permanent loss of productive agricultural land will be refused unless it has been allocated for development in the Plan or the developer demonstrates that that its social and economic benefits clearly outweigh the agricultural value of the site and there is no suitable alternative for the development.	None of the land affected is Class 1 or 2.	Overall there would be a net loss of some 127ha of agricultural and commercial forestry land. Less than 5ha of the net loss is Class 3.1. The majority of the net land lost would be Class 3.2 (approximately 92ha), with approximately 10ha of Class 5 and 12ha of Class 6.
Public Access	Env\22 – Public Access	Development that would have an adverse effect on any existing or potential public access for walking, cycling or horse riding will be refused unless it retains the existing or potential public access while maintaining or enhancing the amenity value or alternative access is provided which is not less attractive, safe or convenient for the user.	Mitigation has been developed so as not to hinder the development of future core path networks by Aberdeenshire Council.	The proposed scheme would not close any paths but journey lengths, amenity and community severance even with the implementation of appropriate mitigation may experience adverse impacts.

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Topic	Policy	Purpose	Compliance	Conflict
Landscape and Visual Impact	Env\5A – National Scenic Areas	Development that would have an adverse effect on a National Scenic Area will be refused unless the developer demonstrates that any significant adverse effects are clearly outweighed by social and economic benefits of national importance, the objectives of the designation and overall integrity of the area will not be compromised and there is no alternative site for the development.	No National Scenic Areas would be affected by the proposed scheme.	None
	Env\5B – Areas of Landscape Significance	Development within or adjacent to an Area of Landscape Significance will not be permitted where its scale, location or design will detract from the quality or character of the landscape.	No Areas of Landscape Significance would be affected by the proposed scheme.	None
	Gen\2 – The Layout, Siting and Design of New Development	New development will be approved in principle if it can be laid to fit successfully into the site itself and respect the character and amenity of the surrounding area, it respects the characteristics of the landscape in which it is situated and it respects important public views.	The Fastlink section of the AWPR has been designed to reduce the loss of landscape elements and the visual impact on settlements, wherever possible and in addition to the careful alignment of the road, mitigation measures include the easing out of embankments, which would enable a return to agriculture and the grading out of cuttings where possible to blend with local landforms, which will reduce the residual impacts over time.	Residual impacts are predicted due to the severance of open and wooded farmlands, hill and valley landscapes and through the introduction of the AWPR in terms of its associated embankments and cuttings, overbridges, junctions, lighting and vehicle movements. Significant impacts are predicted where the Fastlink divides a sensitive rural valley at the Burn of Muchalls, cuts through the hillsides at Megray, Cookney and Stranog and crosses open farmland on embankment at Blaikiewell.
	Gen\5 – Landscaping Standards	Development will be approved in principle, if the provision of landscaping and proposals for its subsequent maintenance conforms to the requirements of the Plan.	The Fastlink section of the AWPR has been designed to continue the theme of drystone walls along field boundaries and the proposed planting of scrub or mixed woodland has been used to screen and integrate the scheme with the immediate surroundings and to restore or enhance vegetation in these areas, which will reduce the residual impacts over time.	Residual impacts are predicted due to the severance of open and wooded farmlands, hill and valley landscapes and through the introduction of the AWPR in terms of its associated embankments and cuttings, overbridges, junctions, lighting and vehicle movements. Significant impacts are predicted where the Fastlink divides a sensitive rural valley at the Burn of Muchalls, cuts through the hillsides at Megray, Cookney and Stranog and crosses open farmland on embankment at Blaikiewell.
Water Resources/ Pollution	Policy Env\15 – Aquatic Engineering Works	Engineering works that would result in the deterioration of the ecological status or potential of a river, wetland, standing, tidal or coastal water or prejudice the ability to restore such water bodies to good ecological status will be refused.	No major aquatic engineering works (i.e. canalisation etc) are proposed.	Residual impacts on the water environment are possible, mainly owing to the culverting and realignments of watercourses

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Topic	Policy	Purpose	Compliance	Conflict
	Policy Env\16 – Water Catchment Areas	Development that would generate discharges or other impacts which would have an adverse effect on the water quality, quantity, flow rate, ecological status, riparian habitat, protected species or flood plains of water bodies including their catchment areas will be refused unless the criteria set out within other environment policies is met.	SUDS would be incorporated into the design of the proposed scheme.	Residual impacts on the water environment are possible, mainly owing to the culverting and realignments of watercourses
	Policy Gen\8 – Flooding	To ensure that developments likely to increase the risk of flooding or be at risk from flooding themselves are properly considered, and to introduce ‘softer’ methods of flood risk management wherever possible.	The proposed scheme is not predicted to raise any flooding issues.	n/a
	Policy Inf\4B – Surface Water Drainage Standards: Sustainable Urban Drainage Systems (SUDS)	To address pollution and flooding problems which may result from directly discharging surface water into sewers and water courses.	SUDS would be incorporated into the design of the proposed scheme.	n/a
Contaminated Land	Gen\7 – Contaminated Land	Development on land that is contaminated or suspected of contamination will be approved in principle if the necessary site investigations and assessments are undertaken and effective remedial action is taken to ensure that the site is suitable for the new use.	Areas of contaminated and potentially contaminated land have been identified and contaminated material would be treated or removed and the areas adequately remediated prior to works commencing.	n/a
	Policy Inf\4A – Foul Drainage Standards	To achieve satisfactory disposal of sewage and thereby maintain and improve standards of public health, amenity and the quality of the environment.	The proposed scheme is not anticipated to raise any specific sewerage issues. However accidental/uncontrolled release of sewage from sewers through damage to pipelines could occur during service diversions. Appropriate mitigation and best practice measures would be implemented to ensure that this does not occur.	n/a

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