

Appendix 19.1

Assessment of Development Plan Policy Compliance

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1 Introduction

1.1 Assessment of Development Plan Policy Compliance

- 1.1.1 This appendix supports the assessment presented in **Chapter 19** in relation to the Proposed Scheme. **Table 1** in this appendix lists the key policies that should be taken into consideration when assessing the Proposed Scheme.
- 1.1.2 Policies that are marked with a tick indicate that the Proposed Scheme is generally compliant. Policies that are marked with a cross indicate that the Proposed Scheme does not comply with the policy.
- 1.1.3 Those Environmental Statement (ES) chapters that are relevant to individual policies are cross-referenced within this appendix.

Table 1: Assessment of Compliance of the Proposed Scheme

Policy	Relevant ES Chapter(s)	Compliance with Policy	Summary
Cairngorms National Park Local Development Plan (CNPLDP) (2015)			
Policy 2 Supporting Economic Growth	Chapter 8 (Community and Private Assets) Chapter 9 (Effects on all Travellers)	√ √	Policy 2 of the CNPLDP states that proposals which support or extend the economy, or enhance the range and quality of economic opportunities or facilities, will be considered favourably where 'It supports the vitality and viability of the local economy of the Park'. The Proposed Scheme would ensure that economic development was supported through the provision of efficient infrastructure.
Policy 3 Sustainable Design	Chapter 9 (Effects on All Travellers) Chapter 11 (Road Drainage and the Water Environment) Chapter 12 (Ecology and Nature Conservation) Chapter 13 (Landscape) Chapter 14 (Visual)	√ √ √ √ √	Policy 3 of the CNPLDP ensures, where possible, that development within the Local Plan area is carried out in a way that is in keeping with the goal of sustainable development. This includes ensuring that new development should meet local needs and enhance access to employment, facilities, services and goods. The key objectives of the Proposed Scheme, as part of the wider A9 dualling programme, are centred upon the following: <ul style="list-style-type: none"> • Economic growth • Improved connectivity between all of Scotland's cities • Improved road safety and a reduction in driver stress • Improved journey times • Improved access to tourist and recreation sites • Improved links to pedestrian, cycling and public transport facilities • Environmental relief and reduced severance for some communities The Proposed Scheme supports the economic, social and environmental objectives of Policy 3 in all respects.
Policy 4 Natural Heritage	Chapter 10 (Geology, Soils and Groundwater) Chapter 11 (Road Drainage and the Water Environment) Chapter 12 (Ecology and Nature Conservation) Chapter 13 (Landscape) Chapter 14 (Visual)	√ √ √ √ √	Policy 4 seeks to conserve and enhance the special habitats and species of the Cairngorms. This policy states that any proposed development where there is evidence to indicate that a habitat or species may be present on or adjacent to the site, comprehensive surveys and mitigation measures are to be submitted to avoid or reduce any potential impacts. Natural heritage has been considered in a number of chapters, specifically Chapter 12 , as it is a key aspect of the Proposed Scheme. Chapter 12 includes mitigation measures in order to reduce the level of potential adverse impacts resulting from the Proposed Scheme.

Policy	Relevant ES Chapter(s)	Compliance with Policy	Summary
Policy 5 Landscape	Chapter 13 (Landscape) Chapter 14 (Visual)	√ √	<p>Policy 5 states that there will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park.</p> <p>Appropriate mitigation measures to minimise potential landscape impacts have been identified in this ES in Chapter 13, which includes measures to reduce the level of adverse impacts related to the Proposed Scheme.</p> <p>The assessment in Chapter 13 determined that after mitigation none of the permanent effects on the landscape were assessed as significant.</p> <p>Careful consideration has been given to alignment, noise mitigation, siting and design.</p> <p>The Proposed Scheme has also taken into account the design policy requirements of the Strategic Environmental Assessment (SEA) undertaken for the A9 Dualling programme and complies with the requirements of Policy 5 in all respects.</p>
Policy 8 Sport and Recreation	Chapter 8 (Community and Private Assets) Chapter 9 (Effects on all Travellers)	√ √	<p>Policy 8 encourages new developments, which maintain and maximise opportunities to link into the existing path network, meet identified community needs, demonstrate best practice in terms of sustainable design, and where there are no adverse environmental impacts on the site.</p> <p>The Proposed Scheme is compliant with Policy 8 as Chapter 8 shows that there are no adverse impacts on sport and recreation land.</p> <p>Additionally, Chapter 9 outlines how access for non-motorised users (NMU) will be achieved and sustained throughout the Proposed Scheme, both during the construction phase and when it is operational.</p>
Policy 9 Cultural Heritage	Chapter 13 (Landscape) Chapter 14 (Visual) Chapter 15 (Cultural Heritage)	√ √ √	<p>Policy 9 aims to conserve and enhance the cultural heritage of the National Park.</p> <p>The policy states that where a development would result in a significant adverse impact on a Listed Building and Landscapes, the proposal must demonstrate that the effect is clearly outweighed by social and economic benefits and minimise and mitigate any adverse effects on the asset or its setting.</p> <p>It also requires that development affecting a cultural heritage asset or local or wider significance will protect or conserve and enhance the feature and its setting or take reasonable measures to avoid, minimise and mitigate any adverse effects.</p> <p>Appropriate provision must be made for recording and publication in advance of development.</p> <p>Therefore, the Proposed Scheme is considered policy compliant as the preservation of the National Parks cultural heritage will be delivered through the implementation of proportionate mitigation.</p>
Policy 10 Resources	Chapter 10 (Geology, Soils and Groundwater) Chapter 11 (Road Drainage and the Water Environment) Chapter 18 (Materials)	√ √ √	<p>To accord with Policy 10, new development proposals must consider water resources, flooding, connections to sewage, water management and minimisation, minerals, carbon sinks and stores, contaminated land and landfills.</p> <p>The Proposed Scheme will be compliant with Policy 10 of the Local Development Plan (LDP) and the effect on local resources has been assessed in Chapter 10, Chapter 11 and Chapter 18.</p>

Policy	Relevant ES Chapter(s)	Compliance with Policy	Summary
Chapter 25 Dalwhinnie (Paragraphs 25.3 - 25.17)	Chapter 8 (Community and Private Assets) Chapter 9 (Effects on all Travellers) Chapter 11 (Road Drainage and the Water Environment) Chapter 13 (Landscape) Chapter 14 (Visual)	√ √ √ √ √	Chapter 25 of the Local Plan reinforces the importance of Dalwhinnie as a Rural Community and the need to protect the role of Dalwhinnie as an important provider of local services. Chapter 25 states the importance of supporting economic growth The Proposed Scheme would support economic growth within Dalwhinnie by protecting the local services within the area and supporting the development for new housing within allocated land. This is due to the fact that the Proposed Scheme would be increasing connectivity to and from Dalwhinnie. Therefore, it is considered that the Proposed Scheme is policy compliant on account of the fact that one of its fundamental aims focuses explicitly on improving access for persons across the region which will in turn aid Dalwhinnie to fulfil its role as an important provider of local services.
Cairngorms National Park Authority (CNPA) Supplementary Planning Guidance			
Policy 2 Supporting Economic Growth (Non-Statutory Guidance)	Chapter 8 (Community and Private Assets) Chapter 9 (Effect on all Travellers)	√ √	The non-statutory guidance relating to Policy 2 states that developments which promote and enhance the social, economic and environmental wellbeing of people in the locality of the National Park will be supported. This includes ensuring that new developments should meet local needs and improve access for all motorised and NMUs. The assessment in Chapter 9 demonstrates that the Proposed Scheme will ensure that existing access and connections within the local area are retained. The Proposed Scheme supports economic, social and environmental objectives contained in Policy 2.
Policy 3 Sustainable Design (Non-Statutory Guidance)	Chapter 8 (Community and Private Assets) Chapter 9 (Effect on all Travellers) Chapter 12 (Ecology and Nature Conservation) Chapter 13 (Landscape) Chapter 14 (Visual)	√ √ √ √ √	The non-statutory guidance for Policy 3 seeks to ensure, where possible, that the Proposed Scheme is carried out in a manner in keeping with the goal of sustainable development. It states that all development must adopt a sustainable approach to design in order to minimise long-term damage to the natural environmental and support social and economic fabric of the National Park. The Proposed Scheme supports the key objectives contained in this non-statutory guidance for Policy 3 in terms of making sustainable use of resources, promoting sustainable transport, improving provision of open space and enhancing the local biodiversity.
Policy 4 Natural Heritage (Supplementary Guidance)	Chapter 10 (Geology, Soils and Groundwater) Chapter 11 (Road Drainage and the Water Environment) Chapter 12 (Ecology and Nature Conservation) Chapter 13 (Landscape) Chapter 14 (Visual)	√ √ √ √ √	The supplementary guidance of Policy 4 states that development will not be supported where there would be damage to the Natural Heritage of the area. As stated above under Policy 4, mitigation measures to avoid or reduce impacts on the natural heritage will be incorporated into the construction and operation of the Proposed Scheme. Such mitigation measures include Environmental Clerk of Works and replanting of lost woodland and habitat. Additionally, this Proposed Scheme is an environmentally led development in which a number of embedded mitigation measures have been included into the design.

Policy	Relevant ES Chapter(s)	Compliance with Policy	Summary
Policy 5 Landscape (Non-Statutory Guidance)	Chapter 13 (Landscape) Chapter 14 (Visual)	√ √	<p>The non-statutory guidance of Policy 5 states that development proposals will be assessed on four key considerations which include; complementing and enhancing the landscape character and special qualities, having no negative impact on the experience of the wild land, demonstrating social or economic benefits of national importance if the development has a significant adverse effect, and also if there is likely to be a significant adverse effect it must be demonstrated how those effects are minimised through appropriate mitigation.</p> <p>Chapters 13 and 14 address the key issue of landscape.</p> <p>Chapter 13 contains an assessment of the landscape within the Project 8 study area, outlining important mitigation measures to ensure no permanent adverse impact as a result of development.</p> <p>This guidance also provides information on appropriate mitigation measures, including location and what to avoid, which Chapter 13 has used as a guide.</p>
Policy 8 Sport and Recreation (Non-Statutory Guidance)	Chapter 9 (Effects on all Travellers)	√	<p>The non-statutory guidance relating to Policy 8 supports new development that is designed and located to ensure that existing and potential public access routes are protected and utilise appropriate opportunities to promote walking and cycling.</p> <p>The assessment in Chapter 9 concludes that the Proposed Scheme aims to increase the connections for NMUs who use the variety of paths in and around Project 8.</p> <p>Increasing safe crossing points will encourage the use of these paths and exploration of the wider area.</p> <p>Additionally, there are no significant residual impacts arising from the Proposed Scheme in relation to any effects on all travellers.</p> <p>The Proposed Scheme is therefore in line with the non-statutory guidance of Policy 8.</p>
Policy 9 Cultural Heritage (Non-Statutory Guidance)	Chapter 15 (Cultural Heritage)	√	<p>This non-statutory planning guidance gives further information on policy requirements and information required on cultural heritage assets in order to meet the requirements of Policy 9 of the CNPLDP.</p> <p>This guidance clarifies that the key to preserving the cultural heritage of the National Park is managing change in an appropriate way.</p> <p>As per Policy 9, Chapter 15 predicts a slight adverse impact on three cultural heritage assets; however, the additional mitigation proposed shall reduce these potential impacts.</p> <p>The mitigation measures proposed follow the requirements provided within this non-statutory planning guidance.</p>

