

## 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 Dalraddy to Slochd 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 As described within Chapter 1, the Proposed Scheme comprises widening of an existing road of two lanes to provide four lanes over a continuous length of over 10km and is therefore a Schedule 1 project for which EIA is mandatory. The assessment approach 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 Assessment<sup>i</sup>.
- 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'.
- 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)<sup>ii</sup>. 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. Local Authority consultation responses are reported in Appendix 7.1.

#### Study Area

- 19.1.7 This chapter has reviewed the Proposed Scheme for dualling the A9 between Dalraddy and Slochd in the context that this section of road forms part of a wider commitment to dual the whole of the A9 between Perth and Inverness. Nevertheless, for assessment of the Proposed Scheme's compliance with planning policy it has also 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 has identified those of relevance and the Proposed Scheme has been 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 and Cairngorms National Park Local Development Plan, which due to the large number of relevant policies, are listed 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)<sup>iii</sup> and subsequent Addendum<sup>iv</sup>. 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 Summary of Policies and Plans

- 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.
- 19.3.2 The Planning (Scotland) Bill was introduced to Parliament on 4 December 2017, and sets out proposed high level changes to the overall framework in which planning operates. The detail of how new provisions would work in practice will be covered later in secondary legislation and guidance. The Bill and its Associated Documents are posted on the Scottish Parliament website, together with a summary of its progress (it is currently at Stage 1).

### National Planning Framework 3 (2014)<sup>v</sup>

- 19.3.3 National Planning Framework 3 (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.
- 19.3.4 Statutory development plans must have regard to NPF3, and Scottish Ministers expect planning decisions to support its delivery.
- 19.3.5 NPF3 was laid in the Scottish Parliament on 23 June 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.
- 19.3.6 The NPF3 sets out a number of spatial priorities for change. Of relevance to the Proposed 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 .....*

- 19.3.7 It goes on at paragraph 5.32 to state that:

*'The dualling of the A9 between Perth and Inverness and improvements to the Highland Mainline will provide a step change in accessibility across the rural north, increase business confidence and support investment throughout the region.'*

### Scottish Planning Policy (2014)<sup>vi</sup>

- 19.3.8 The purpose of the Scottish Planning Policy (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; and*
  - *the determination of planning applications and appeals' (paragraph i).*
- 19.3.9 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, Sections 3D and 3E of the Planning etc. (Scotland) Act 2006<sup>vii</sup> require that functions relating to preparation and revision of the National Planning Framework by Scottish Ministers and any functions 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. (These sections replace the equivalent policies in the Town and Country Planning (Scotland) 1997 Act.)
- 19.3.10 As a statement of Ministers' priorities, the content of the SPP is a material consideration that carries significant weight, although 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.

- 19.3.11 As part of delivery of **A Connected Place**, 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'*.
- 19.3.12 **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.
- 19.3.13 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 that *'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; or*
  - *for small-scale development directly linked to a rural business; or*
  - *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'.*
- 19.3.14 **Valuing the Historic Environment** - The SPP provides guidance on maintaining and enhancing 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; and*
  - *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.'*
- 19.3.15 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 Designed Landscapes, Battlefields and archaeological sites (paragraphs 140 – 151).
- 19.3.16 **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.
- 19.3.17 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; and*
- *support opportunities for enjoying and learning about the natural environment’.*

- 19.3.18 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 landscapes and 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 an automatic prohibition on development (paragraphs 202 and 203).
- 19.3.19 Paragraphs 216 to 218 cover Woodland and include a reminder that The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits.
- 19.3.20 **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 Scotland's cities and towns, encourage sustainable land management in rural areas, and to address the long-term vulnerability of parts of its 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.
- 19.3.21 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; and*

- *avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface’.*

19.3.22 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).

19.3.23 **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 (inter alia) *‘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’.*

19.3.24 **Planning for Zero Waste** – Paragraph 179 promotes resource efficiency and the minimisation of waste during construction and operation of new developments.

19.3.25 **Promoting Sustainable Transport and Active Travel** – Paragraph 269 acknowledges that the economy relies on efficient transport connections and that planning can play 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 policy and decisions to take account of the implications of development proposals on traffic, patterns of travel and road safety. Paragraph 282 requires development plans to consider the need for improved and additional freight transfer facilities. It states:

- *‘Existing roadside facilities and provision for lorry parking should be safeguarded and, where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail’.*

## Planning Advice Notes

19.3.26 Sitting below the NPF3 and the SPP are a suite of Planning Advice Notes (PANs) and policies which provide more focused guidance by topic area. Those of relevance to the Proposed Scheme are summarised below.

### *PAN 33: Development of Contaminated Land<sup>viii</sup>*

19.3.27 This PAN provides guidance on the development of contaminated land and the determination of planning applications when a site is or may be contaminated. A key role of the planning system is to ensure that land is made suitable for its new use. The PAN highlights that schemes should adequately identify the sources of contamination and include 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.

#### *PAN 51: Planning, Environmental Protection and Regulation<sup>x</sup>*

- 19.3.28 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 regard 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 (paragraphs 50 and 51).

#### *PAN 60: Planning for Natural Heritage<sup>x</sup>*

- 19.3.29 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.
- 19.3.30 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 important planning objectives are identified in paragraph 12:
- *'maintaining and enhancing landscape character;*
  - *providing for a diversity of wildlife habitats;*
  - *making provision for a wide range of outdoor recreational activities; and*
  - *fostering opportunities for learning about the environment'.*

#### *PAN 61: Planning and Sustainable Urban Drainage Systems<sup>xi</sup>*

- 19.3.31 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 [sic], and in masterplanning exercises.
- 19.3.32 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, which should be submitted as an integral part of a planning application.

#### *PAN 65: Planning and Open Space<sup>xii</sup>*

- 19.3.33 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 and valued areas and ensure provision of appropriate quality in, or within easy reach of, new development.

#### *PAN 75: Planning for Transport<sup>xiii</sup>*

- 19.3.34 This PAN provides good practice guidance which planning authorities, developers and others should 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<sup>xiv</sup>*

- 19.3.35 This PAN provides advice on good practice in relation to the provision of water and drainage in a planning context. 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'.*
- 19.3.36 Paragraphs 47-49 of the PAN provide advice on SuDS. The advice note identifies that it is Scottish Environment Protection Agency (SEPA) 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<sup>xv</sup>*

- 19.3.37 This PAN provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise.
- 19.3.38 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.
- 19.3.39 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.
- 19.3.40 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.
- 19.3.41 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’.*

- 19.3.42 The PAN identifies issues which may be relevant when considering noise in relation to a development proposal. Those in respect of road proposals 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<sup>xvi</sup>*

- 19.3.43 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.
- 19.3.44 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.
- 19.3.45 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; and*
  - *the potential value of retaining the feature for tourism or place-making’.*

### *Online Planning Advice on Flood Risk<sup>xvii</sup>*

- 19.3.46 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)<sup>xviii</sup>**

- 19.3.47 The National Transport Strategy (NTS) was originally published in December 2006 and set a framework for transport in Scotland up to 2026. A refresh of the NTS was published in January 2016. The refreshed NTS restates (page 46) 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'.*

- 19.3.48 The NTS 2016 also restates the five High Level Objectives and three Key Strategic Outcomes to be used as guiding principles when developing strategy and prioritising resources (pages 46 and 47). The High Level Objectives are:
- *'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; and*
- *Improve integration by making journey planning and ticketing easier and working to ensure smooth connection between different forms of transport’.*

19.3.49 The Key Strategic Outcomes 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’.*

19.3.50 More specifically, the NTS highlights the commitment made by Scottish Ministers to a significant road investment programme, which includes the dualling of the A9 between Perth and Inverness by 2025 (page 21).

19.3.51 A full review of the NTS will be completed in 2018.

### **Infrastructure Investment Plan (2015)<sup>xix</sup>**

19.3.52 The Infrastructure Investment Plan (IIP) 2015 builds on the achievements delivered through the Scottish Government’s previous infrastructure plans and sets out a refreshed programme of long-term investment. It supports the objectives in Scotland’s Economic Strategy and sets out priorities for investment and a long-term strategy for the development of public infrastructure in Scotland. The IIP summarises why the Scottish Government invests, how it invests and what it intends to invest in up to 2040 by sector.

19.3.53 The IIP highlights a number of existing strategic projects to which the Scottish Government is committed, including its commitment to complete dualling of the A9 between Perth and Inverness by 2025 – initially set out in the IIP of 2011. The IIP 2015 reiterates 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)<sup>xx</sup>**

19.3.54 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 delivering sustainable economic growth, one of which is investment in people, infrastructure and assets in a sustainable way.

19.3.55 The Strategy promotes investment in the nation’s infrastructure in order to help businesses to grow, innovate and create employment opportunities, and to 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 (page 40).

## Historic Environment Scotland Policy Statement (2016)<sup>xxi</sup>

- 19.3.56 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 and Strategic Environmental Assessment processes. 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 and the setting of individual elements of the historic environment.
- 19.3.57 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'.*

## Cairngorms National Park Partnership Plan 2017-2022 (2017)<sup>xxii</sup>

- 19.3.58 The Cairngorms National Park Partnership Plan 2017 – 2022 (CNPPP) is the overarching management plan for the National Park approved by Scottish Ministers, with the purpose of setting out how those with a responsibility for the Park will co-ordinate their work to address the most important issues. The document sets out the vision and overarching strategy for managing the Park, whilst also providing the strategic context for the Local Development Plan. That vision being:
- *'An outstanding National Park, enjoyed and valued by everyone, where nature and people thrive together'*
- 19.3.59 The CNPPP identifies the dualling of the A9 as a key issue in the national park and recognises that it 'will bring opportunities and challenges over the next decade and it is important to maximise the benefits both during construction and on completion' (page 46). It also highlights that, in respect of Aviemore, the A9 dualling offers 'the opportunity to improve access infrastructure and promotion to encourage more active travel by both residents and visitors' (page 50). As such, the A9 dualling is identified as a capital investment priority in the National Park, with the aim of 'especially ensuring that the investment benefits local communities and visitors' (page 76).
- 19.3.60 Policy 3.2 of the CNPPP seeks to *'enable sustainable patterns of settlement development, infrastructure and communications while maintaining the integrity of designated sites by...supporting sensitively designed improvements to the A9 and other*

*trunk roads and main railway line as an integral part of enhancing the connectivity of the Highlands’.*

## Local Development Plans

- 19.3.61 The following adopted plans make up the statutory development framework relevant to the Proposed Scheme area and provide the vision for how communities will grow and develop:
- Cairngorms National Park Local Development Plan (relevant to the study area within the National Park);
  - Highland-wide Local Development Plan (relevant to the study area outside the National Park); and
  - Inner Moray Firth Local Development Plan (relevant to the study area outside the National Park).

- 19.3.62 Areas of the Proposed Scheme that are inside and outside of the National Park are shown on Figure 1.2 (Dalraddy to Slochd Proposed Scheme Location Plan).

### *Cairngorms National Park Local Development Plan (2015)<sup>xxiii</sup>*

- 19.3.63 The Cairngorms National Park Local Development Plan (CNPLDP) was adopted on 27 March 2015 and sets out the planning policies against which development in the Cairngorms National Park is to be determined. The Local Plan sets out the spatial strategy and vision for the Park, which seeks to primarily focus future growth in settlements along the Perth to Inverness rail line and A9 (and within other settled valleys and straths of the Park), whilst ensuring the protection of its natural and cultural heritage.
- 19.3.64 Paragraphs 1.16 and 1.17 of the CNPLDP repeat the vision for the National Park from the CNPP and that it is to be delivered through three long-term outcomes:
- *‘A sustainable economy supporting thriving businesses and communities*
  - *People enjoying the Park through outstanding visitor and learning experiences*
  - *A special place for people and nature with natural and cultural heritage enhanced’*
- 19.3.65 The spatial strategy for the Park seeks to deliver new housing to meet the identified housing land requirement up to 2034. It seeks to focus new housing within a number of settlements, in particular Aviemore and the new settlement of An Camas Mòr.
- 19.3.66 Appendix 19.1 to this ES summarises the main strategic development, transport and environmental policies outlined in the CNPLDP which are of relevance to the study area.
- 19.3.67 The Cairngorms National Park Authority has been (17 November 2017 to 2 March 2018) consulting on the main issues to be addressed in the CNPLDP 2020. This consultation, on the Main Issues Report, seeks views on the big issues the CNPLDP 2020 will need to address and the options for tackling them. There are ten topics which the Authority considers to be the main policy issues and these include *‘Impacts and Opportunities from the A9 and Highland Main Line upgrades’*. The Authority has also identified issues and objectives for each of the main settlements in the National Park, including Aviemore and Carrbridge, and proposes carrying forward existing site allocations from the

CNPLDP 2015 plus new site allocations alongside the A9 for future economic development (and alternative allocations).

### *Highland-wide Local Development Plan (2012)<sup>xxiv</sup>*

- 19.3.68 The Highland-wide Local Development Plan (HwLDP) was adopted by The Highland Council 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 CNPLDP.
- 19.3.69 The Plan 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 2030. The Plan provides for change in population, employment and in environmental conditions by indicating the nature of development that should be encouraged and where.
- 19.3.70 The overall vision of moving towards a sustainable region means that the intention of the Plan is to create sustainable communities, balancing population growth and economic development and safeguarding the environment across the area.

### Spatial Strategy

- 19.3.71 The route corridor falls within the Inner Moray Firth sub area within the HwLDP. Pressure for development within this area requires a vision that will harness demand within the constraints that exist and disperse its benefits across the Highlands. The land use, economic and environmental objectives for the Inner Moray Firth area are that by 2030 the sub area will:
- *'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 ...*
  - *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...; and*
- *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...'*

19.3.72 Appendix 19.1 of this ES provides a summary of the main strategic development, transport and environmental policies outlined in the HwLDP.

19.3.73 The Highland Council started to review the HwLDP with a Main Issues Report consultation in 2016. However, as mentioned above, in December 2017 the Scottish Government published a Planning Bill outlining possible changes to the content of Local Development Plans and a broadening of the issues covered by the SPP. As a result, the review of the HwLDP has been postponed until the implications of the Planning Bill are more clearly understood.

*Inner Moray Firth Local Development Plan (2015)<sup>xxv</sup>*

19.3.74 The Inner Moray Firth Local Development Plan (IMFLDP) was adopted on 31 July 2015. The Plan sets out the policies and land allocations to guide development in the Inner Moray Firth area over 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.

19.3.75 The Plan sets out the land use 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 sustainable new communities, provide the required infrastructure and transport network, and protect the area's most valuable built and natural assets.

19.3.76 The Plan identifies that the provision of infrastructure and efficient forms of transport is fundamental to the delivery of development and to create communities served by an appropriate level of services and facilities.

19.3.77 A small section of the Proposed Scheme is located within an area subject to policies in the IMFLDP. However, due to the small section of the route covered by the IMFLDP, there are no policies within the Plan that are applicable to the Proposed Scheme. As such, no reference is made to IMFLDP policies in Table 19.4. 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.

### Local Supplementary Planning Guidance

- 19.3.78 Sitting below the CNPLDP, HwLDP and IMFLDP is a suite of adopted supplementary guidance notes (SG) that provide further detail on a number of topic areas and how to comply with Local 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.
- 19.3.79 Tables 19.2 and 19.3 below summarise the relevant Supplementary Planning Guidance.

#### The Highland Council Supplementary Guidance

**Table 19.2: Summary of Relevant Highland Council Supplementary Guidance**

Supplementary Guidance	Summary of Guidance
Highland Statutorily Protected Species SG <sup>xxvi</sup>	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 Assessment SG <sup>xxvii</sup>	Outlines developers' responsibility to demonstrate that their proposals will not be subject to an 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 summarises the matters to consider and requirements of Impact Assessments and provides guidance on appropriate roadside drainage.
Trees, Woodlands & Development SG <sup>xxviii</sup>	Seeks to ensure that applicants for planning permission effectively consider existing, and the opportunities for planting new, trees and woodland 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 the 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 clear and significant public benefit can be demonstrated (pages 11 and 12).
Highland Historic Environment Strategy SG <sup>xxix</sup>	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 new 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 the archaeological, historical and cultural significance of all aspects of the local environment (Strategic Aim 33).
Physical Constraints SG <sup>xxx</sup>	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: <ul style="list-style-type: none"> <li>• Within 15m of any water body or water dependant habitat identified in the Register of Protected Areas</li> <li>• Private water supplies</li> <li>• Within 400m of an active quarry</li> <li>• Poorly drained areas</li> <li>• Flood risk areas</li> </ul>



Supplementary Guidance	Summary of Guidance
	<ul style="list-style-type: none"> <li>• Railway Infrastructure</li> <li>• Rights of way</li> <li>• Within 20m of woodland</li> </ul>

Cairngorms National Park Authority Supplementary Guidance

**Table 19.3: Summary of Relevant Cairngorms National Park Authority Supplementary Guidance**

Supplementary Guidance	Summary of Guidance
Policy 3 – Sustainable Design Non-statutory Planning Guidance <sup>xxxii</sup>	Sets out the issues which development must consider in a Design Statement in order to adopt a sustainable approach to design. The objective is minimise long-term damage to the natural environment and support the National Park socially and economically.
Policy 4 - Natural Heritage SG <sup>xxxiii</sup>	Sets out three principles for meeting the requirements of the Policy. The first is to ensure that development does not result in net loss of a natural heritage asset by firstly seeking to protect it, then if loss/damage is unavoidable minimise and mitigate adverse impacts and, as a final option if full mitigation is not possible on site, compensate for any loss. The second principle is to assess and deliver the potential to enhance the natural heritage, whilst the third is to ensure the management of any mitigation measures.
Policy 5 - Landscape Non-statutory Planning Guidance <sup>xxxiii</sup>	Sets out steps for meeting the requirements of the Policy. It states (inter alia) that proposals should demonstrate how adverse impacts have been minimised through appropriate siting and design, how it responds to the local landscape character and setting, and how the design relates to the site and cultural context. The SG states that if there are any remaining negative impacts, consideration will be given as to how these will be managed, firstly through on-site minimisation/mitigation or, where this is not possible, through off-site landscape enhancement works.
Policy 9 - Cultural Heritage Non-statutory Planning Guidance <sup>xxxiv</sup>	Provides further detail on how development can protect cultural heritage. For example, it states that development affecting a Listed Building should demonstrate how the design ensures protection and enhancement of the building and has no adverse effect on the building, its curtilage and setting. In the case of Scheduled Monuments, a proposal must demonstrate how it will preserve known and formally recognised, or scheduled, archaeology in situ. It should also be demonstrated that no adverse impact on the setting will occur.
Policy 10 – Resources Non-statutory Planning Guidance <sup>xxxv</sup>	Sets out how development can meet the requirements of the Policy in relation to a range of National Park resources, including water resources, flooding, minerals and carbon sinks and stores (including peat).

*Cairngorms National Park Core Paths Plan (2015)*<sup>xxxvi</sup>

19.3.80 The Cairngorms National Park Core Paths Plan (CNPCPP) was adopted by the Cairngorms National Park Authority in March 2015. It identifies a network of paths to provide high quality outdoor access opportunities. The CNPCPP has a number of objectives, seeking to ensure the core paths network will:

*'a) help to conserve the Park's natural and cultural heritage and encourage people to enjoy it in a responsible way;*

*b) help those living and working on the land manage access;*

*c) help to deliver the priorities for each area identified in Active Cairngorms;*

*d) provide for a wide range of activities;*

*e) provide for a wide range of abilities;*

*f) include a wide range of popular routes; and*

*g) include paths within, around and between communities and to public transport connections and places of local importance'.*

- 19.3.81 The CNPCPP is also intended to inform large scale infrastructure projects to ensure the protection and enhancement of access opportunities (specifically mentioning along the A9 corridor).

### **Regional and Local Transport Strategies**

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

#### *HITRANS RTS (2008)<sup>xxxvii</sup>*

- 19.3.83 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.
- 19.3.84 The RTS has as its vision enhancing the region's viability - enhancing its place competitiveness and thereby attracting and retaining people in the region and making it a more attractive place in which to live, to work, to conduct business and to visit.
- 19.3.85 This vision will be achieved through improving the interconnectivity of the whole region to strategic services and destinations. This will require development of a fit for purpose, multi-modal transport system, with associated infrastructure.
- 19.3.86 The RTS seeks, as aspirations for priority links in the strategic road network, increased journey reliability and reduced journey times. The Strategy 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; and
  - Delivering environmental sustainability, health and well-being.
- 19.3.87 Analysis had shown that 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.

19.3.88 HITRANS has set out the proposed interventions to be undertaken to support 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.

19.3.89 The HITRANS Board has agreed to carry out a review and refresh of the RTS and conducted an eight week consultation on the refreshed draft Strategy and Delivery Plan in Summer 2017. A draft Update (refresh) of the RTS was published in May 2017, to capture projects that are now committed (such as the A9 dualling) and highlight further action that is still required.

*The Highland Council Local Transport Strategy 2010/11 - 2013/14 (2010)<sup>xxxviii</sup>*

19.3.90 The Highland Council Local Transport Strategy (LTS) set the direction for transport in the Highlands at a local level for the period 2011 to 2014. The principal themes at the heart of the LTS are:

- Safety
- Sustainability
- Economic development
- Integration

19.3.91 These themes are contained in national and regional transport strategies and they are again reflected in the LTS, seeking to ensure policy integration and provide guidance on investment and the maintenance of transport services and infrastructure across all modes.

19.3.92 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; and
- To reduce road accidents and improve personal safety.

## 19.4 Assessment of Compliance

**Table 19.4: Assessment of the 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.	<p>There will be permanent loss of better agricultural land adjacent to the A9. The significance of these losses is reported in Chapter 8. Losses have been minimised and mitigated wherever possible, but are not entirely avoidable due to the presence of such soils in the vicinity of the existing A9, which determines the location of the proposed widening.</p> <p>The Proposed Scheme seeks to meet an established need for essential infrastructure and therefore the loss of such land is not considered to depart from policy.</p>
	Cairngorms National Park Local Development Plan	Policy 3 (Sustainable Design) – Part 1 (g)	Improve or add to existing public open space.	The Proposed Scheme will take land classed as community open space at Milton Woods, Aviemore. However, there will be no residual impact as the scheme mitigation includes provision of compensatory land nearby (adjoining Milton Woods, south of the area referred to as COM4 in Chapter 8). Thus, the Proposed Scheme will comply with this policy.
	Highland-wide Local Development Plan	Policy 28 (Sustainable Design)	<p>Developments will be assessed on the extent to which they impact:</p> <ul style="list-style-type: none"> <li>• prime quality agricultural land</li> <li>• individual and community residential amenity</li> </ul> <p>Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan.</p> <p>Developments with significant adverse effects will only be supported if there is demonstrable over-riding strategic benefit</p>	<p>There will be permanent loss of better agricultural land adjacent to the A9. The significance of these losses is reported in Chapter 8. Losses have been minimised and mitigated wherever possible, but are not entirely avoidable due to the presence of such soils in the vicinity of the existing A9, which determines the location of the proposed widening.</p> <p>A number of residential properties will be subject to moderate adverse impacts during construction. None remain significantly affected during operation. The impact has been assessed in Chapter 8 as moderate adverse, it is unclear in the context of this policy whether this is considered 'significantly detrimental'.</p> <p>However, the Proposed Scheme will provide demonstrable over-riding strategic benefit as it seeks to meet an established</p>

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
				need for essential infrastructure so is compliant with this policy.
		Policy 30 (Physical Constraints)	Consideration of constraints identified within the Physical Constraints Supplementary Guidance, including quarries.	There will be no impact at Granish Quarry and therefore, in this respect, conflict with this policy does not occur.
		Policy 53 (Minerals)	Safeguard economically significant, workable minerals reserves/operations from incompatible development.	There will be no impact at Granish Quarry and therefore conflict with this policy does not occur.
		Policy 75 (Open Space)	Safeguard existing areas of high quality open space from inappropriate development.	Open space at Dalfaber Drive between the Bowling Green and Main Railway Line will be protected for community use, and therefore conflict with this policy does not occur.
	Highland Council Supplementary Guidance: Physical Constraints		Demonstration of appropriate mitigation measures in respect of impact on quarries within 400m.	There will be no impact at Granish Quarry and therefore conflict with this guidance does not occur.
	PAN 65: Planning and Open Space		Protect designated areas of open space	The Proposed Scheme will take land classed as community open space at Milton Woods, Aviemore. However, it is reported in Chapter 8 that there will be no residual impact as the scheme mitigation includes provision of compensatory open space nearby (adjoining Milton Woods, south of the area referred to as COM4 in Chapter 8) and the impact significance is determined to be negligible/slight. Thus, the Proposed Scheme will comply with the objectives of PAN 65.
Effects on all travellers	Scottish Planning Policy	Paragraphs 220 & 221	Ensure access to green infrastructure, including core paths and other important routes.	As established in Chapter 9, during the construction phase, the Proposed Scheme will cause a slight/moderate or moderate adverse residual impact on and disruption to non-motorised users of a number of Other NMU routes and Core Paths. Similarly, there will be a slight/moderate adverse residual impact on access to Craigellachie NNR, Beinn Ghuilbin and hills in the vicinity of Slochd summit. During the operational phase, a number of Other NMU Routes (1, 6, 8, 10, 12, 15 and 16) will require permanent diversion
	Cairngorms National Park Local Development Plan	Policy 3 (Sustainable Design) – Part 1 (h)	Maintain and maximise opportunities for responsible outdoor access, including links into the existing path network. Ensure consistency with the Core Paths Plan.	

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
	Highland-wide Local Development Plan	Policy 30 (Physical Constraints)	Consider constraints identified in the Physical Constraints Supplementary Guidance, including Rights of Way.	and/or an additional journey length considered to be of moderate/substantial adverse significance to users. There will be a slight/moderate adverse impact on access to Beinn Ghuilbin, but a slight/moderate beneficial impact on access to hills in the vicinity of Slochd summit (and some slight benefits to access at Loch Alvie and the River Dulnain). However, no NMU routes are to be permanently closed. Outdoor access to green infrastructure will be retained and, in some cases, improved. As such, full compliance with the objectives of these policies and guidance is achieved.
		Policy 77 (Public Access)	Where a route in the Core Paths Plan is affected, alternative provision should be made or the existing path retained.	
		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.	The assessment in Chapter 10 finds that with effective implementation of the proposed mitigation, there will be no residual significant impacts predicted in relation to geology, soils and groundwater. The largest impacts are associated with construction pollution, loss or soils and peat, loss or change to groundwater flow and loss of groundwater-dependent terrestrial ecosystems/biodiversity, but these are predicted to be of only slight adverse significance. A minor beneficial impact is predicted in some areas in terms of migration of historic contamination and/or pollutants into groundwater/ surface water. In this context, the Proposed Scheme complies with the objectives of all these policies and guidance.
	Cairngorms National Park Local Development Plan	Policy 4 (Natural Heritage)	Protect Geological Conservation Review designations from inappropriate development.	
	Highland-wide Local Development Plan	Policy 55 (Peat and 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.		
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.	Implementation of the Construction Environmental Management Plan and good working practices will largely mitigate potential impacts on the water environment from construction pollution. There is, however, a residual moderate adverse risk of construction pollution affecting water quality

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
				<p>and bio-diversity at Allt-na-Criche (Lynwilg) and the River Dulnain (two locations). This is reported in Chapter 11.</p> <p>The Proposed Scheme drainage has been designed to ensure sufficient levels of treatment to avoid any pollution of water bodies receiving run-off from road surfaces or accidental spillages during operation.</p> <p>Mitigation for the Proposed Scheme has been designed to prevent any deviation from achieving WFD Good status for receiving watercourses and to prevent increased flood risk. However, there is a residual neutral/moderate chance of increased flood risk at Allt an Fhearna and slight/moderate at Aviemore Burn. There may also be a residual flood risk impact for those receptors where increased depths of flood water have been accepted as a part of the Proposed Scheme.</p> <p>The implementation of SuDS is a standard mitigation commitment for the Proposed Scheme.</p> <p>The Proposed Scheme is, therefore, generally compliant with the objectives of these paragraphs.</p>
	Cairngorms National Park Local Development Plan	Policy 10 (Resources)	Avoid unacceptable impact on the water environment and significant risk of flooding.	<p>Mitigation for the Proposed Scheme has been designed to prevent any deviation from achieving WFD Good status for receiving watercourses and to prevent increased flood risk. However, there is a residual neutral/moderate chance of increased flood risk at Allt an Fhearna and slight/moderate at Aviemore Burn. There may also be a residual flood risk impact for those receptors where increased depths of flood water have been accepted as a part of the Proposed Scheme. This is set out in Chapter 11.</p> <p>Nevertheless, the Proposed Scheme is considered compliant with this policy.</p>
	Highland-wide Local Development Plan	Policy 30 (Physical Constraints)	Consider constraints identified in the Physical Constraints Supplementary Guidance.	Design of the Proposed Scheme and the associated mitigation and working practices have fully considered all the constraints identified in this Policy.
		Policy 63 (Water Environment)	Achieve the objectives of the Water Framework Directive (2000/60/EC) to protect the water environment.	The mitigation for the Proposed Scheme has been designed to prevent any deviation from achieving WFD Good status at

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
				receiving watercourses. Thus, the Proposed Scheme will comply with this policy.
		Policy 64 (Flood Risk)	Avoid development in areas susceptible to flooding. Development in flood risk areas should provide appropriate information and identify mitigation measures.	The route of the A9 means that some development has to be in areas susceptible to flooding. However, mitigation for the Proposed Scheme has been designed to prevent increased flood risk by keeping run-off at pre-development levels. Thus, the Proposed Scheme will comply with this policy.
		Policy 66 (Surface Water Drainage)	Promotes the use of SuDS.	The implementation of SuDS is a standard mitigation commitment for the Proposed Scheme and the objective of this policy is therefore achieved.
	Cairngorms National Park Policy 10 - Resources Non-statutory Planning Guidance	Sets out how development can meet the requirements of CNPLDP Policy 10 with respect to water resources and flooding.	Mitigation for the Proposed Scheme has been designed to prevent any deviation from achieving WFD Good status for receiving watercourses and to prevent increased flood risk. However, there is a residual neutral/moderate chance of increased flood risk at Allt an Fhearna and slight/moderate at Aviemore Burn. There may also be a residual flood risk impact for those receptors where increased depths of flood water have been accepted as a part of the Proposed Scheme. This is set out in Chapter 11.  Compliance with the objective of this policy and guidance should generally be achieved, but there are some residual risks.	
	Highland Council Supplementary Guidance: Flood Risk and Drainage Impact	Ensure development is not subject to unacceptable risk of flooding and does not increase risk elsewhere.	The design of the Proposed Scheme and the associated mitigation are both intended to prevent flood risk. However, there is a residual neutral/moderate chance of increased flood risk at Allt an Fhearna and slight/moderate at Aviemore Burn. There may also be a residual flood risk impact for those receptors where increased depths of flood water have been accepted as a part of the Proposed Scheme.  Compliance with the objective of this guidance should generally be achieved, but there are some residual risks.	
	Highland Council Supplementary Guidance: Physical Constraints	Demonstration of appropriate mitigation measures in respect of	Mitigation for the Proposed Scheme has been designed to prevent increased flood risk by keeping run-off at pre-	



Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
			impact on poorly drained areas and flood risk areas.	development levels. Thus, the Proposed Scheme will comply with this guidance.
	PAN 61: Planning and Sustainable Urban Drainage Systems		Take account of potential increase in surface water run-off and use SuDS as appropriate.	The implementation of SuDS is a standard mitigation commitment for the Proposed Scheme and the objective of this policy is therefore achieved.
	PAN 79: Water Drainage		Promotes SuDS as the preferred solution for drainage of surface water run-off.	The implementation of SuDS is a standard mitigation commitment for the Proposed Scheme and the objective of this policy is therefore achieved.
	Online Planning Advice on Flood Risk		Prevent and manage flood risk, particularly developments in flood risk areas.	The route of the A9 means that some development has to be in areas susceptible to flooding. However, mitigation for the Proposed Scheme has been designed to prevent increased flood risk by keeping run-off at pre-development levels. Thus, the Proposed Scheme will comply with this policy.
Ecology and Nature Conservation	Scottish Planning Policy	Paragraphs 194 and 216-218	Conserve protected sites and species, protect ancient semi-natural woodland and seek biodiversity enhancements.	<p>It is assessed in Chapter 12 that 25 areas listed on Ancient Woodland Inventory fall within the Proposed Scheme and will be subject to some permanent habitat loss. The total loss is 77.2 ha, of which 42.03 ha is woodland and the remainder is a mix of open habitats, scrub and existing carriageway/tracks. The majority (around 65%) is of Authority Area importance and dominated by plantation or immature trees with no or few ancient woodland features. It is possible that the ancient woodland seedbank is still present in these areas. There are substantial (around 35%) areas with mature and ancient trees. In all areas of ancient woodland loss, mitigation includes for the soil to be stripped and re-used within areas of woodland planting in the Proposed Scheme and include an undertaking for the establishment of mitigation woodland planting, habitat creation within the dry heat zone at Slochd and a woodland compensation planting site totalling 88.97 ha and resulting in no net loss of woodland.</p> <p>It is acknowledged that ancient woodland cannot be replaced, so this loss is considered to be permanent and significant at an Authority Area or National level, depending on the value of the individual woodland.</p>
	Cairngorms National Park Local Development Plan	Policy 4 (Natural Heritage)	Protect designated sites, ancient woodland and protected species.	

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
				<p>Removal of woodland is deemed acceptable where it would achieve significant and clearly defined additional public benefits, as is the intent of the Proposed Scheme.</p> <p>The loss of habitat, mainly dry heath (17.3ha) with smaller areas of associated communities, is deemed to be permanent as a 'precautionary approach' and is considered to be significant at an Authority Area level. To this extent, it is determined that this is a departure from elements of policy objectives,</p>
	Highland-wide Local Development Plan	Policy 30 (Physical Constraints)	Consider constraints identified in the Physical Constraints Supplementary Guidance.	<p>There are no residual impacts predicted for water bodies, all ponds lost to construction will be replaced as near as possible to their original location as outlined in Chapter 12.</p> <p>Woodland lost to construction will be replaced and/or mitigated wherever possible. With the exception of habitat loss at the 42.03 ha of woodland included on the Ancient Woodland Inventory, there are no predicted significant residual impacts. There is no predicted severance or fragmentation.</p> <p>Thus, although the Proposed Scheme would be in conflict with this policy to some extent, it is largely compliant.</p>
		Policy 51 (Trees and Development)	Protect existing hedges, trees and woodlands on and around development sites.	<p>As set out in Chapter 12, woodland lost to construction will be replaced and/or mitigated insofar as possible. The receptor sites for compensatory planting have been selected to enhance the ecological connectivity and functionality of the existing woodland network. With the exception of habitat loss at the 42.03 ha of woodland included on the Ancient Woodland Inventory, there are no predicted significant residual impacts. There is no predicted severance or fragmentation.</p> <p>Thus, although the Proposed Scheme would be in conflict with this policy to some extent, it is largely compliant.</p>
		Policy 52 (Principle of Development in Woodland)	Protect woodland resources from development unless significant public benefit is demonstrated.	<p>There will be permanent loss of some woodland resources which is essential to deliver the Proposed Scheme. However, the combined areas of mitigation and compensatory planting</p>

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
				as set out in Chapter 12, will result in no net loss of woodland overall and this, together with the demonstrable significant public benefit associated with the Proposed Scheme, means that compliance with this policy is secured.
		Policy 58 (Protected Species)	Prevent adverse impact on protected animals and plants and identify appropriate mitigation measures.	With the proposed mitigation in place, there are no predicted significant adverse residual impacts on protected animals and plants, as set out in Chapter 12. Embedded design includes installation of mammal passageways and fenced crossing points to mitigate road deaths. There is predicted to be a significant beneficial impact for fish, as a result of improvements to some bridges and culverts. The objectives of these policies are therefore achieved.
		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.	As reported in Chapter 12, approximately 20.9 ha of the dry heath zone by Slochd (17.3 ha of dry heath of Authority Area value) is assumed to be permanently lost to construction, although habitat creation will be undertaken in this area as part of the Proposed Scheme mitigation. Thus, although taking a precautionary approach would assume that this area of habitat will be permanently lost (as it can be difficult to re-establish), the objectives of this policy are being achieved.
	Cairngorms National Park Authority Policy 4 - Natural Heritage Supplementary Guidance		Protect natural heritage assets from adverse impacts or mitigate any impacts.	As reported in Chapter 12, with the exception of habitat loss at the 42.03 ha of woodland included on the Ancient Woodland Inventory, there are no predicted significant residual impacts. There is no predicted severance or fragmentation. Thus, although the Proposed Scheme would be in conflict with this policy to some extent, considerable effort has been made to comply with the overall principles.
	Highland Council Supplementary Guidance: Trees, Woodlands and Development		Protect woodland from development unless a significant public benefit can be demonstrated.	There will be permanent loss of some woodland resources. However, loss of such land is essential to deliver the Proposed Scheme which has demonstrable public benefit and compliance with this policy is secured in this regard.

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
	Highland Council Supplementary Guidance: Statutorily Protected Species		Prevent or reduce impact on protected species.	With the proposed mitigation in place, there are no predicted significant adverse residual impacts on protected species. Embedded design includes installation of mammal passageways and fenced crossing points to mitigate road deaths. There is predicted to be a significant beneficial residual effect for fish, as a result of improvements to some bridges and culverts. The objectives of this policy are therefore achieved.
	Highland Council Supplementary Guidance: Physical Constraints		Demonstration of appropriate mitigation measures in respect of impact on woodlands within 20m.	Woodland lost to construction will be replaced and/or mitigated insofar as possible. With the exception of habitat loss at the 42.03 ha of woodland included on the Ancient Woodland Inventory, there are no predicted significant residual impacts. Thus, although the Proposed Scheme would be in conflict with this policy to some extent, it is largely compliant.
	PAN 60: Planning for Natural Heritage		Conserve and enhance the natural environment.	With the exception of habitat loss at the 42.03 ha of woodland included on the Ancient Woodland Inventory and the 20.9 ha of dry heath zone by Slochd, there are no predicted significant residual impacts. There is no predicted severance or fragmentation. Embedded design includes installation of mammal passageways and fenced crossing points to mitigate road deaths. There is predicted to be a significant beneficial residual effect for fish. Thus, although the Proposed Scheme would be in conflict with this policy to some extent, it is largely compliant.
Landscape and Visual	Scottish Planning Policy	Paragraphs 194 & 203	Maintain distinctive landscape character.	The following conclusions are discussed further in Chapters 13 and 14. Design of the Proposed Scheme includes embedded mitigation (e.g. angle of slope gradients, aesthetic treatment of structures, a landscape influence in the design of rock cuts and ponds, seeding and planting schemes etc.). Embedded and location-specific mitigation has been informed by the Cairngorms National Park (CNP) guidance and
	Cairngorms National Park Local Development Plan	Policy 5 (Landscape)	Conserve and enhance the landscape character of the National Park.	

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 developments on extent of impact on landscape and scenery.	<p>consultation with the Authority, and designed to respond to the landscape qualities and key characteristics along the route. These commitments will reduce the impact from construction, and the Proposed Scheme is considered to be compliant with Policies 28 and 61 of the HwLDP.</p> <p>There is likely to be significant residual adverse impact for three Landscape Character Areas (LCA) during construction:</p> <ul style="list-style-type: none"> <li>Moderate–substantial adverse on the Badenoch: Loch Alvie to Inverdrue LCA and the Slochd LCA</li> </ul> <p>For the former, this is mainly due to the construction of Aviemore South Junction and retaining walls south of Aviemore. For the latter, it is mainly due to the works associated with rock cuts including blasting, construction of retaining walls and the Slochd Beag bridge structure.</p> <ul style="list-style-type: none"> <li>Moderate adverse on the Strathspey: Inverdrue to Pityoulish LCA</li> </ul> <p>associated with mainline work and associated underpasses, and retaining walls within Aviemore.</p> <p>There are no significant impacts on the LCAs on or after the opening of the Proposed Scheme.</p> <p>As such, construction conflicts with the objectives of the Scottish Planning Policy and Policy 5 of the CNPLDP and supporting Planning Guidance, although it is not considered to be significant for the LCAs (or the National Park) as a whole.</p> <p>Although about 18 receptors/receptor types would experience significant adverse visual impacts from construction of the Proposed Scheme, only one (Broom Cottages) is predicted to remain significantly adversely affected once the mitigation planting has matured. This results from the close proximity of the proposed Dulnain Bridge structure along the property boundary.</p>
		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.	
	Cairngorms National Park Authority Policy 5: Landscape Non-statutory Planning Guidance	Conserve and enhance the landscape character of the National Park.		
Cultural Heritage	Scottish Planning Policy	Paragraphs 137 & 140 - 151	Protect and enhance historic places and heritage assets.	As stated in Chapter 15, following mitigation, no significant impacts are predicted on designated or undesignated heritage

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
	Cairngorms National Park Local Development Plan	Policy 9 (Cultural Heritage)	Conserve and enhance cultural heritage assets.	assets. There is expected to be an overall residual impact of slight adverse on a range of known archaeological remains (including the Military Road). Residual impacts cannot be assessed for currently unknown sites which may be uncovered during site evaluations.
	Highland-wide Local Development Plan	Policy 57 (Natural, Built and Cultural Heritage)	Prevent unacceptable impact on features of natural and cultural importance.	No significant residual impacts are predicted on designated or undesignated historic buildings. A neutral/slight adverse residual impact is predicted for the Slugganganish Building following mitigation, as aspects of this structure will be partially destroyed and a drawn and photographic record cannot replace the physical building.
	Cairngorms National Park Policy 9 – Cultural Heritage Non-statutory Planning Guidance		Provide further detail on how development can protect cultural heritage assets.	No significant residual impacts are predicted for Historic Landscapes.
	Historic Environment Scotland Policy Statement		Preserve and manage the historic environment.	The overall residual impact on Cultural Heritage has been assessed as slight adverse.
	Highland Council Supplementary Guidance: Historic Environment Strategy		Protect and enhance historic assets and their surroundings.	Thus, the Proposed Scheme is considered to be compliant with all these policies.
	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.	As discussed in Chapter 16, assessment indicates that there should not be a significant impact on local air quality as a result of construction traffic. Construction dust impacts will be managed through the application of suitable mitigation and management techniques. There will be no significant changes in concentrations of NO <sub>2</sub> , PM <sub>10</sub> and PM <sub>2.5</sub> at human health receptors as a result of the Proposed Scheme. Similarly, there will not be any significant changes in concentrations of NO <sub>x</sub> or nitrogen deposition at ecological receptors that are tied to exceedances of limit values or critical loads. Although there will be an increase in regional emissions, due to an increase in vehicle kilometres travelled, the changes in regional emissions of CO <sub>2</sub> can be considered to be
		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
				insignificant when put in the context of regional or national emissions. Thus, the Proposed Scheme is compliant with the objectives of these policies.
Noise and Vibration	Highland-wide Local Development Plan	Policy 72 (Pollution)	Resist development resulting in significant pollution, such as noise.	As discussed in Chapter 17, with the proposed noise barriers in place, operation of the Proposed Scheme would not give rise to any permanent significant noise or vibration impacts. There may be significant short-term impacts at three dwellings (7 Bogroy, Dalrachney Road and Cherry Bank) and two ecological receptors (SSSIs) and consideration of alternative mitigation measures is required, in conjunction with The Highland Council. Four dwellings may qualify for an offer of noise insulation.  During construction, there is potential for localised and temporary significant impacts at around 70 sensitive receptors, in several locations – particularly from rock blasting works in the Slochd area. However, these impacts can be adequately mitigated through implementation of an environmental management plan and good working practices.  Thus, compliance with the objective of this policy and guidance is achieved.
		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.	As reported in Chapter 18, effective implementation of the recommended mitigation measures will result in only one significant residual adverse impact – embodied carbon associated with materials resources is anticipated to remain at a moderate level.  Otherwise, post mitigation: <ul style="list-style-type: none"> <li>Impact from site preparation to waste receptors is considered to be slight adverse</li> <li>Impact from depletion of natural resources and demolition is considered to be neutral/slight adverse</li> <li>Residual impacts relating to waste cannot be absolutely predicted, as they are dependent on the availability of off-site re-use locations and their ability to accept arisings</li> </ul>
	Cairngorms National Park Local Development Plan	Policy 3 (Sustainable Design) – Part 1 (c)	Use materials complementing the development setting and make sustainable use of resources.	
		Policy 10 (Resources)	Minimise waste from construction and throughout life of a development.	
	Highland-wide Local	Policy 28 (Sustainable Design)	Minimise generation of waste during construction and operational phases.	

Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
	Development Plan	Policy 54 (Mineral Wastes)	Minimise construction and demolition waste.	<p>from the Proposed Scheme. Assuming that the majority of excess materials will be diverted from disposal, there will be a slight adverse impact to waste receptors from construction</p> <ul style="list-style-type: none"> <li>Reliance on primary mineral resources can be minimised but not avoided for the aggregate and soil requirements of the Proposed Scheme, meaning that the impact on primary resources receptors will be neutral/slight. An indirect impact on primary resources as a result of materials derived from secondary and manufactured sources has been identified but cannot be quantified at this stage.</li> </ul> <p>There are no residual impacts from operation.</p> <p>Despite risk of a moderate adverse residual impact from embodied carbon associated with materials resources, the Proposed Scheme is compliant with the objectives of these policies.</p>
Beneficial Impacts	National Planning Framework 3		Promotes dualling of the A9	<p>The Proposed Scheme would contribute towards the delivery of dualling of the A9 and improving the road network between Perth and Inverness. The Proposed 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.</p> <p>Additionally, the Proposed Scheme would deliver the objectives in the HITRANS RTS and Highland RTS by improving journey reliability, accessibility and driver safety.</p> <p>The Proposed Scheme would also make a valuable contribution towards economic growth and would provide a significant 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, in particular those of the CNPLDP and CNPPP.</p>
	Scottish Planning Policy	Paragraph 278	Prevents new junctions on trunk roads unless significant economic benefits are demonstrated.	
	Cairngorms National Park Partnership Plan	Policy 3.2	Supports sensitively designed improvements to the A9.	
	Cairngorms National Park Local Development Plan	Policy 2: Supporting Economic Growth	Support development, where it has no adverse environmental impact, which will enhance recreation and tourist facilities and support the economy.	
	Highland-wide Local Development Plan	Vision and Spatial Strategy Paragraphs 5.2 and 8.2	Promotes improvements to the A9 trunk road.	



Topic	Relevant Policy Document	Relevant Policy	Policy Objective	Impact of Proposed Scheme on Policy Objective
	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 compliance (or conflict) with the policies in national and local planning documents.
- 19.5.2 With the intended mitigation in place, the Proposed Scheme will be compliant with the majority of national and local planning policies. Examples include community assets (HwLDP Policies 30, 53 and 75), road drainage including SuDS (SPP and multiple local policies), air quality (HwLDP Policies 28 and 73), noise and vibration (HwLDP Policy 72).
- 19.5.3 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 growth and public benefits that would arise as a result of contributing towards improved connections between Perth and Inverness, journey reliability, accessibility and driver safety. The Proposed Scheme is also predicted to deliver individual beneficial impacts, such as reduced migration of contaminants, access to hills in the Slochd area and positive effects on fish.
- 19.5.4 The Proposed Scheme conflicts to an extent with:
- SPP and HwLDP Policy 55 by virtue of a small loss of soils and peat
  - SPP and HwLDP Policy 28 by permanent loss of some better quality agricultural land and residual impacts on one residential property
  - SPP by some residual risk of impact on the water environment, although at a small scale in the context of the area as a whole
  - SPP and CNPLDP Policy 4 due to habitat loss at 42.03 ha of woodland included on the Ancient Woodland Inventory
  - SPP, CNLDP Policy and HwLDP Policies 30, 51 and 52 and PAN60 due to the loss of Ancient Woodland, although the majority (around 65%) is of Authority Area importance and dominated by plantation or immature trees with no or few ancient woodland features. Around 35% comprises areas with mature and ancient trees, diverse ground layer and ancient woodland indicator species
  - HwLDP Policy 60 and PAN60 due to the loss of approximately 20.9 ha of the dry heath zone by Slochd (17.3 ha of dry heath of Authority Area value), although habitat creation will be undertaken in this area as part of the Proposed Scheme mitigation
  - SPP and CNPLDP Policy 5 by residual adverse impacts on parts of three Landscape Character Areas during construction, although such impacts would not be significant for the Landscape Character Areas or Cairngorms National Park as a whole
  - SPP, CNPLDP Policy 9, HwLDP Policy 57 and PAN 2/2011 by disturbance of known archaeological remains (e.g. the Military Road) and partial loss of the Slugganranish Building, although overall considered to be compliant with these policies
  - CNPLDP Policy 3 due to impact from embodied carbon associated with materials resources.
- 19.5.5 The Proposed Scheme is intended to meet an established need for essential infrastructure and in the planning balance these conflicts are considered to be outweighed by the demonstrable over-riding strategic and public benefits of the Proposed Scheme.

- 19.5.6 It is important to note that appropriate mitigation measures have been identified to prevent, reduce or compensate for the likely adverse impacts identified. Effective implementation of these mitigation measures has been assumed as part of the assessment, to ensure a substantial reduction in the significance of impacts and prevent conflict with a number of policies - in particular those related to:
- community assets (replacement of land classed as community open space at Milton Woods in Aviemore)
  - outdoor access to non-motorised users' routes, Core Paths and green infrastructure
  - road drainage and the water environment
  - nature conservation (on Protected Species and Other Important Habitats)
  - landscape
  - cultural heritage
  - noise.
- 19.5.7 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.
- 19.5.8 It is considered that, following mitigation, the level of conflict with planning policies referenced in this chapter and its Appendix would be outweighed by the significant public benefits that would be delivered by the Proposed Scheme.

## 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 planning policies and the efforts made to meet policy objectives. Compliance with other policies is achieved through the significant public benefits of the A9 dualling demonstrably outweighing any residual impact. In this context, it is therefore concluded that there are no planning policy reasons why the Proposed Scheme should not be progressed.

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<sup>i</sup> Highways Agency et al. (2001), Design Manual for Road and Bridges, Volume 11, Section 3, Part 12 Impact of Road Schemes on Policies and Plans (as amended)

<sup>ii</sup> The Roads (Scotland) Act 1984

<sup>iii</sup> Transport Scotland, (June 2013), A9 Dualling Programme Strategic Environmental Assessment

<sup>iv</sup> Transport Scotland, (June 2014), A9 Dualling Programme Strategic Environmental Assessment – Environmental Report Addendum

<sup>v</sup> Scottish Government, (June 2014), National Planning Framework 3

<sup>vi</sup> Scottish Government, (June 2014), Scottish Planning Policy

<sup>vii</sup> The Planning etc. (Scotland) Act 2006

<sup>viii</sup> Scottish Government (June 2016), PAN 33: Development of Contaminated Land

<sup>ix</sup> Scottish Executive (October 2006), PAN 51: Planning, Environmental Protection and Regulation

<sup>x</sup> Scottish Executive, (August 2000), PAN 60: Planning for Natural Heritage

<sup>xi</sup> Scottish Executive, (July 2001), PAN 61: Planning and Sustainable Urban Drainage Systems

<sup>xii</sup> Scottish Government (June 2008), PAN 65: Planning and Open Space

<sup>xiii</sup> Scottish Executive (August 2005), PAN 75: Planning for Transport

<sup>xiv</sup> Scottish Executive, (September 2006), PAN 79: Water and Drainage

<sup>xv</sup> Scottish Government, (March 2011), PAN 1/2011 Planning and Noise

<sup>xvi</sup> Scottish Government, (July 2011), PAN 2/2011 Planning and Archaeology

<sup>xvii</sup> Scottish Government, (June 2015), Online Planning Advice on Flood Risk

<sup>xviii</sup> Transport Scotland, (January 2016), Scotland's National Transport Strategy

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- xix Scottish Government, (December 2015), Infrastructure Investment Plan 2015
- xx Scottish Government, (March 2015), Scotland's Economic Strategy 2015
- xxi Historic Environment Scotland, (June 2016), Historic Environment Scotland Policy Statement
- xxii Cairngorms National Park Authority, (2017), Cairngorms National Park Partnership Plan 2017 - 2022
- xxiii Cairngorms National Park Authority, (March 2015), Cairngorms National Park Local Development Plan 2015
- xxiv The Highland Council, (April 2012), Highland-wide Local Development Plan
- xxv The Highland Council, (July 2015), Inner Moray Firth Local Development Plan
- xxvi The Highland Council, (March 2013), Highlands Statutorily Protected Species Supplementary Guidance
- xxvii The Highland Council, (January 2013), Flood Risk and Drainage Impact Supplementary Guidance
- xxviii The Highland Council, (January 2013), Trees, Woodlands and Development Supplementary Guidance
- xxix The Highland Council, (January 2013), Historic Environment Strategy Supplementary Guidance
- xxx The Highland Council, (March 2013), Physical Constraints Supplementary Guidance
- xxxi Cairngorms National Park Authority, (2015), Policy 3 - Sustainable Design Non-statutory Planning Guidance
- xxxii Cairngorms National Park Authority, (2015), Policy 4 - Natural Heritage Supplementary Guidance
- xxxiii Cairngorms National Park Authority, (2015), Policy 5 - Landscape Non-statutory Planning Guidance
- xxxiv Cairngorms National Park Authority, (2015), Policy 9 - Cultural Heritage Non-statutory Planning Guidance
- xxxv Cairngorms National Park Authority, (2015), Policy 10 - Resources Non-statutory Planning Guidance
- xxxvi Cairngorms National Park Authority, (March 2015), Cairngorms National Park Core Paths Plan  
Developing Active Places
- xxxvii Highlands and Islands Transport Partnership, (March 2008), Regional Transport Strategy
- xxxviii The Highland Council, (August 2010), Local Transport Strategy