

19 Policies and Plans

19.1 Introduction

- 19.1.1 This chapter presents the ‘*Design Manual for Roads and Bridges*’ (DMRB) Stage 3 Environmental Impact Assessment (EIA) of the potential impacts of the Proposed Scheme for Project 9 (Crubenmore to Kincaig) on the Central Section of the A9 Dualling Programme in terms of planning policy. The chapter provides an overview of the relevant national, regional and local policy documents including development allocations and a summary of specific policies and objectives relevant to the Proposed Scheme as a whole. The chapter also presents an assessment of the Proposed Scheme in terms of compliance with policies and plans.
- 19.1.2 It has been agreed with Transport Scotland, and applied across the A9 Dualling Programme, that within this DMRB Stage 3 EIA Environmental Statement (ES) report all relevant policy/ plan details will be collated within one standalone chapter. This allows for a comprehensive assessment of the many plans and policies; which cut across different disciplines and are relevant to a range of topics.
- 19.1.3 This chapter is supported by **Appendix 19.1** and **Appendix 19.2**, which provide a compliance summary split by each relevant policy and each specific chapter of this ES.

19.2 Approach and Methods

Scope and Guidance

- 19.2.1 A detailed assessment has been undertaken in line with the guidance set out in DMRB Volume 11, Section 3, Part 12 ‘*Impact of Road Schemes upon Policies and Plans*’. It should be noted that Interim Advice Note (IAN) 125/15 proposes the assessment of policies and plans is undertaken within each environmental parameter, but as agreed this is not considered appropriate for this Scheme given the scale, complexity and interrelationship of policy objectives across different parameters. Therefore a single policies and plans chapter has been prepared and will accord with the guidance in DMRB.
- 19.2.2 The various chapters of this Stage 3 Assessment focus on protection or, wherever relevant, enhancement of the environmental resources identified throughout the EIA process. There are, however, additional policies of relevance that also include the economic and social impacts that a scheme of this nature could have on the wider community.
- 19.2.3 Due to its overarching nature, this chapter is therefore structured differently to the other disciplines in that it presents an overview of relevant policy guidance, and undertakes an assessment of how the achievement of policy objectives would be hindered or facilitated if the Proposed Scheme were to be constructed. **Appendix 7.1** of the ES provides an indication of the Planning Authority’s views on the potential impacts of the Proposed Scheme.
- 19.2.4 Thus, the DMRB Stage 3 Assessment presented in this chapter comprises:
- A review of national, regional and local adopted and emerging planning policies
 - An assessment of the likely impact of the Proposed Scheme on the policy objectives listed in the schedule

- A review of the effects of the required mitigation proposals on any identified potential conflicts with policies and plans

19.2.5 The objective of the assessment is to determine the impact of the Proposed Scheme on the achievement of national, regional, and local policy objectives.

Study Area

19.2.6 The study area includes all land directly affected by the Proposed Scheme (permanent and temporary), and any extended study areas for each environmental assessment parameter.

Baseline Data Sources

19.2.7 Baseline information has been obtained via a desk study in which relevant policies and plans at national, regional and local level were identified and reviewed. Further baseline information has been obtained as part of a consultation process with the relevant statutory planning authorities.

Limitations to Assessment

19.2.8 Please note that this assessment has been carried out using the current design and caveats. Therefore this assessment could alter should future design changes be applied within this project.

19.3 Plans and Policies Overview

19.3.1 This section sets out the planning policy documents that are of particular relevance to the Proposed Scheme.

19.3.2 In addition, an analysis of relevant land use allocations and the precise locations of planned developments adjacent to or within the vicinity of the Proposed Scheme was also completed. This is set out in **Chapter 8**.

National Planning Policies and Guidance

19.3.3 The framework for land use planning and development of planning policy across Scotland is the *'Town and Country Planning (Scotland) Act 1997'* (as amended by the Planning etc. (Scotland) Act 2006). The *'Planning etc. (Scotland) Act 2006'* is an enabling Act, and its purpose is to amend existing planning legislation and provide a mechanism for the delivery of a modernised planning system.

19.3.4 Overarching planning policies for Scotland are contained within the *'National Planning Framework 3'* (NPF3) and *'Scottish Planning Policy'* (SPP), these documents share the following vision for the planning system in Scotland:

"We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which represents the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world".

- 19.3.5 This vision is also reflected within the ‘*Scotland’s Economic Strategy*’ (March 2015) (SES), which sets out the government’s role to increase sustainable economic growth through six strategic priorities. The priorities focus on making connections across Scotland to ensure it is well connected to accelerate recovery, drive sustainable economic growth and develop a more resilient and adaptable economy. The first priority of the SES is “*Investing in our people, infrastructure, and assets in a sustainable way*” recognising that investment in these is key to driving long-term improvements in competitiveness and in creating opportunities for everyone in society to benefit. Infrastructure investment is identified as attracting business investment, stimulating economic activity and deepening access to the labour market as well as improving connectivity and helping cities, towns and regions to drive growth and compete internationally. The SES aims to take a strategic and long-term approach to infrastructure investment through major projects such as the investment to dual the A9 alongside a number of rail improvements including the Borders Railway and Edinburgh-Glasgow Improvement Programme.
- 19.3.6 As part of this the Scottish Government published an ‘*Infrastructure Investment Plan*’ (IIP) (December 2015) which sets out priorities for investment and a long term strategy for development of public infrastructure in Scotland. This supports the SES through a focus on strategic long term infrastructure priorities upon the recognition that well planned investment in infrastructure can play a central role in improving competitiveness and driving inclusive economic growth. The IIP includes the overall intention to dual the road network between all of Scotland’s cities by 2030 (this includes the A9 from Perth to Inverness by 2025). As well as the IIP, the ‘*Strategic Transport Projects Review*’ (STPR) (October 2009) also supports Scotland’s Economic Strategy and sets out the Government’s transport investment priorities until 2032 including completing the dualling of the A9 from Dunblane to Inverness.
- National Planning Framework 3 (NPF3)*
- 19.3.7 NPF3 is Scotland’s third national planning framework, and was revised and published in June 2014. NPF3 sets out the Government’s priorities, in terms of development, over the next 20 to 30 years. It is a spatial expression of the ‘*Government Economic Strategy*’ and the Government’s plans for development and investment in infrastructure.
- 19.3.8 Section 2 of NPF3 outlines the importance of creating high quality, diverse and sustainable places that promote well-being and attract investment.
- 19.3.9 NPF3 paragraph 2.7 states that:
- “Great places support vibrant, empowered communities, and attract and retain a skilled workforce. Emerging technologies for renewable energy and improved digital connectivity are changing our understanding of what constitutes a sustainable community. We must ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions”.*
- 19.3.10 Paragraph 1.2 states that the vision for Scotland is “*a low carbon place*”. It also states “*we have seized the opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore. Our built environment is more energy efficient and produces less waste and we have largely decarbonised our travel*”. Section 3 of NPF3 highlights the target of reducing greenhouse gas (GHG) emissions by 80% by 2050 and outlines how this can be achieved.
- 19.3.11 Section 4 outlines the importance of respecting, enhancing and responsibly using natural and cultural assets. Paragraph 4.2 recognises that Scotland’s principal asset is its land, with peatlands

being an important habitat for wildlife and very significant carbon store. The paragraph goes on to recognise that mineral resources support the construction and energy sectors and that woodlands and forestry are an economic resource as well as an environmental asset.

- 19.3.12 Paragraph 4.4 acknowledges that Scotland’s landscapes are spectacular and contribute to quality of life, national identity and the visitor economy. The paragraph aims to protect the wildest landscapes, whilst recognising that closer to settlements landscapes have an important role to play in sustaining local distinctiveness and cultural identity and in supporting health and wellbeing.
- 19.3.13 Paragraph 4.5 of NPF3 recognises that biodiversity in Scotland is rich and varied and that geodiversity underpins landscapes and provides important ecosystem services.
- 19.3.14 The value of the historic environment to well-being and cultural identity is acknowledged in paragraph 4.6.
- 19.3.15 The importance of a national long distance walking and cycling network to link key outdoor tourism locations across the country is outlined in paragraph 4.28.
- 19.3.16 NPF3 pays specific attention to Scotland’s two National Parks, including the Cairngorms, and states that it wants to see positive planning and innovation to continue to strengthen communities, encourage investment, support tourism, deliver affordable rural housing and encourage high quality placemaking and visitor experiences. NPF3 also recognises the planned improvements to the A9 as part of ensuring the success of the Cairngorms National Park (CNP).
- 19.3.17 Paragraph 5.1 recognises that Scotland’s location and its unique geography mean that connections within the country (and with the rest of the world) are crucial.
- 19.3.18 Paragraph 5.3 recognises that the road network is extensive but requires maintenance and in some cases upgrading to provide sufficient capacity, reduce congestion and address safety issues. Paragraph 5.20 acknowledges that the road network has an essential role to play in connecting cities by car, public transport and active travel. Paragraph 5.32 highlights the importance of the dualling of the A9 to increase business accessibility across the rural north, increase business confidence and support investment throughout the region.
- 19.3.19 The National Long Distance Cycling and Walking Network is identified in the NPF3, which aims to provide a tourism resource by making best use of existing infrastructure, closing gaps in the network and upgrading routes.

Scottish Planning Policy (SPP) 2014

- 19.3.20 SPP was revised in June 2014 and sets out national planning policies, which reflect Scottish Ministers’ priorities for the operation of the planning system and for the development and use of land.
- 19.3.21 SPP is a statement of Scottish Government policy but is non-statutory. The policy guides the development of local and regional planning policies and is a material consideration in the determination of planning applications.
- 19.3.22 The opening sections of SPP outline the following four key outcomes which should be achieved to support the vision for the planning system in Scotland:
- *“A successful, sustainable place*
 - *A low carbon place*

- *A natural, resilient place*
- *A more connected place*

- 19.3.23 The introductory paragraphs further emphasise that planning should take a positive approach in order to enable high quality development, and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.
- 19.3.24 SPP introduces a presumption in favour of development that contributes to sustainable development. At paragraph 28 it states, *“the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”*. This then follows onto paragraph 29 which provides principles for guidance on decisions. These principles include:
- *“Giving due weight to net economic benefit*
 - *Responding to economic issues, challenges and opportunities, as outlined in local economic strategies*
 - *Supporting good design and the six qualities of successful places*
 - *Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities*
 - *Supporting delivery of accessible housing, business, retailing and leisure development*
 - *Supporting delivery of infrastructure, for example transport, education, energy, digital and water*
 - *Supporting climate change mitigation and adaptation including taking account of flood risk*
 - *Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation*
 - *Having regards to the principles for sustainable land use set out in the Land Use Strategy*
 - *Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment*
 - *Reducing waste, facilitating its management and promoting resource recovery*
 - *Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality”*
- 19.3.25 Paragraph 75 of SPP outlines that the key aims of the planning system with regard to rural development include *“encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality”*.
- 19.3.26 Paragraph 80 of SPP aims to restrict development on prime agricultural land or land of a lesser quality that is locally important, except where it is essential.
- 19.3.27 Paragraph 84 of SPP recognises that National Parks are designated under the National Parks (Scotland) Act 2000 because they are of national importance for their natural and cultural heritage. The four aims of national parks are outlined to be:
- *“Conserve and enhance the national and cultural heritage of the area*
 - *Promote sustainable use of the natural resources of the area*

- *Promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public*
 - *Promote sustainable economic and social development of the area's communities"*
- 19.3.28 Paragraph 93 of SPP highlights its support for business and employment and states that the planning system should:
- *"Promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets*
 - *Allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities*
 - *Give due weight to net economic benefit of proposed development"*
- 19.3.29 Paragraph 141 and 142 of the SPP includes policy on listed buildings stating that *"a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest"*. Paragraph 142 goes on to state that development may be acceptable where there is clear evidence that the proposals clearly show that it is the only means of preventing the loss of the asset and securing its long-term future.
- 19.3.30 Paragraph 145 of the SPP relates to scheduled monuments and states *"where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development"*.
- 19.3.31 Paragraphs 150 and 151 of the SPP include policy on archaeology and other historic environment assets. Paragraph 150 states:
- "Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible". Where in situ preservation is not possible, planning authorities should, through the use of condition or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording"*.
- 19.3.32 Paragraph 151 of the SPP follows to state that there is a wide range of non-designated historic assets and areas of historical interest which do not have statutory protection but are an important part of Scotland's heritage and planning authorities should protect and preserve these resources as far as possible. These resources include historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads.
- 19.3.33 Paragraph 176 of the SPP includes policy on planning for zero waste in order to:
- *"Promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials*

- *Support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing*
- *Support achievement of Scotland’s zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland’s annual waste arisings to landfill by 2025*
- *Help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal”*

19.3.34 Additionally, paragraphs 178 and 179 emphasise that plans should promote the waste hierarchy and resource efficiency. Furthermore, Paragraph 180 states:

“Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate”

19.3.35 Paragraph 194 of SPP relates to valuing the natural environment and states that the planning system should:

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

19.3.36 SPP considers the importance of green infrastructure and states within paragraph 221 that the planning system should:

- *“Consider green infrastructure as an integral element of places from the outset of the planning process*

- *Assess current and future needs and opportunities for green infrastructure to provide multiple benefits*
- *Facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation*
- *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”*

19.3.37 Paragraph 255 of SPP discusses the principles of flood risk and drainage stating that 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 floodplains and medium to high risk areas.*
- *Flood reduction: assessing flood risk, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible.*
- *Avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impenetrable surface.”*

19.3.38 Additionally, paragraph 237 relates to safeguarding all workable mineral resources which are of economic or conservation value. This paragraph goes on to state that proposals need to address:

- *“Disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water*
- *Impacts on local communities, individual houses, sensitive receptors and economic sectors important to the local economy*
- *Benefits to the local and national economy*
- *Cumulative impact with other mineral and landfill sites in the area*
- *Effects on natural heritage, habitats and the historic environment*
- *Landscape and visual impacts, including cumulative effects*
- *Transport impacts*
- *Restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability)”*

19.3.39 Outcome 4 of the SPP states the importance of *“a more connected place – supporting better transport and digital connectivity”*. Paragraph 23 follows by emphasising how this should be delivered and states that, *“aligning development more closely with transport and digital infrastructure, planning can improve sustainability and connectivity. Improved connections facilitate accessibility within and between places – within Scotland and beyond – and support economic growth and an inclusive society”*.

- 19.3.40 In addition, SPP’s paragraph 270 includes information on promoting sustainable transport and active travel and emphasises the importance of:
- *“Optimising the use of existing infrastructure*
 - *Reducing the need to travel*
 - *Providing safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport*
 - *Enabling the integration of transport modes*
 - *Facilitating freight movement by rail or water”*

Fitting Landscapes: Securing more sustainable landscapes (2014)

- 19.3.41 This document details Transport Scotland’s landscaping policy for their transport corridors and provides guidance on its implementation. ‘*Fitting Landscapes*’ sets an agenda, helping to address the challenges of delivering and managing a transport network that contributes to national policy targets, supports the natural heritage resources and ensures a ‘best fit’ with the local landscape character.
- 19.3.42 The vision of this document is to, *“promote the more sustainable design, implementation, maintenance and management of the transport estate and ensure that the landscapes we create and manage are of high quality, well integrated, bio-diverse, adaptable and deliver a meaningful contribution to national sustainability targets”*.
- 19.3.43 Additionally, ‘*Fitting Landscapes*’ includes four ‘aims’ which are:
- Ensure high quality of design and place
 - Enhance and protect natural heritage
 - Use resources wisely
 - Build in adaptability to change

Planning Advice Notes and Circulars

- 19.3.44 The Scottish Government provides Planning Advice Notes (PANs) which contain information on good planning practice in a range of different subjects and should be taken into account when considering development proposals. The Scottish Government also produces Circulars which contain guidance on policy implementation through legislative or procedural change. The PANs and Circulars considered relevant to this assessment comprise:
- ‘*PAN 33 (Development of Contaminated Land)*’ (2000) provides advice on the implications of the contaminated land regime for the planning system. It advises on: the development of contaminated land; the approach to contaminated land in development plans; and the determination of planning applications when the site is or may be contaminated.
 - ‘*PAN 51 (Planning, Environmental Protection and Regulation)*’ (Revised 2006) supports the role of the planning system in relation to the environmental protection regimes. This PAN summarises the statutory responsibilities of the environmental protection bodies, as well as informing these bodies about the planning system. The environmental protection regimes referred to in this PAN are: pollution, prevention and control; protection of the water environment; drinking water quality – public and private water supplies (PWS);

contaminated land; radioactive substances; statutory nuisance including noise; litter; light; local air quality management; and environmental noise.

- *'PAN 1/2013 (Environmental Impact Assessment)'* (2013) provides advice on EIAs undertaken within the Planning EIA regime, as required by *'The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017'* ('the EIA Regulations'). Furthermore this PAN explains the role of individual planning authorities and that of the consultation bodies in EIA, as well as providing advice on how the EIA regime can be integrated into the development management process.
- *'PAN 60 (Planning for Natural Heritage)'* (2000) (Paragraph 47 updated 2008) provides advice on how development and the planning system can contribute to the conservation, enhancement, enjoyment and understanding of Scotland's natural environment. In addition, it encourages developers to positively and creatively address natural heritage issues.
- *'PAN 61 (Planning and Sustainable Urban Drainage Systems)'* (2001) provides developers and the planning system with good practice guidance, complementing the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland. This PAN ensures that planners work together with a number of disciplines and agencies to ensure that SUDS are accepted as an integral part of the planning system and ensures that developments are sustainable.
- *'PAN 63 (Waste Management Planning)'* (2002) has been replaced by online Planning and Waste Management Advice (<http://www.gov.scot/Resource/0048/00481407.pdf>). This document works in conjunction with the NPF3, SPP and Scotland's Zero Waste Plan (ZWP). It explains that an alternative to the "make, use, dispose" culture is a "circular economy" and a low carbon place. This document, therefore, provides guidance on development management and planning. The advice has the same function as the previous PAN 63 under Part 2 of the *'National Waste Management Plan for Scotland Regulations 2007'*.
- *'PAN 65 (Planning and Open Space)'* (2008) provides advice on the role of the planning system in protecting, enhancing and creating new open spaces. This PAN also gives advice on good practice for providing; maintaining and managing open spaces as well as giving guidance on how local authorities can prepare open space strategies.
- *'PAN 68 (Design Statements)'* (2003) seeks to ensure local authorities and applicants are aware of the role of design statements in the planning system. This PAN provides guidance on how design statements should be prepared and presented, and information on what a design statement is, why it is a useful tool and when it is required.
- *'PAN 78 (Inclusive Design)'* (2006) provides guidance for the planning system and different stakeholders on how to design for the wider user group. Within this PAN the nature of the issues in designing inclusive environments is outlined, however, the importance of inclusive design is also stressed.
- *'PAN 79 (Water and Drainage)'* (2006) provides good practice guidance for the planning system on the provision of water and drainage and clarifies the role of the planning authority in establishing a development pattern to ensure the delivery of infrastructure and planning in a coordinated way. In addition, this PAN explains the role of Scottish Water and the Scottish Environment Protection Agency (SEPA) within the planning system on water and drainage issues. Furthermore, it encourages partnership working to ensure a common understanding of capacity constraints and agreement on the means to accommodate new development.

- *'PAN 3/2010 (Community Engagement)'* (2010) sets out the guidance for Councils and other public bodies to engage with and consult communities on planning matters. This PAN is supported by Visioning Outcomes in Community Engagement (VOiCE) and Planning Aid for Scotland's Scottish Planning equals Effective Engagement and Delivery (SP=EED). It adopts ten National Standards and details on how these standards should be used in the planning system. These are as follows: involvement; support; planning; methods; working together; sharing Information; working with others; improvement; feedback; and monitoring and evaluation.
- *'PAN 1/2011 (Planning and Noise)'* (2011) was published in March 2011 and provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. This PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. Furthermore, it stresses the acceptable locations for potentially noisy developments and adopts a pragmatic approach to the location of new development within the vicinity of existing noise generating uses. This is to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth.
- *'PAN 2/2011 (Planning and Archaeology)'* (2011) is used in conjunction with SPP, and the *'Managing Change in the Historic Environment Guidance Notes'*, which together outline the policies for planning and the historic environment. This PAN advises planning authorities and other relevant stakeholders in the handling of archaeological matters in the planning process.
- The *'Historic Environment Scotland Policy Statement'* (June 2016) is a material consideration in the statutory planning, EIA and Strategic Environmental Assessment (SEA) processes. This policy statement sets out the principles under which Historic Environment Scotland (HES) operates and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment.
- *'Guidance Note Series, Managing Change in the Historic Environment'*, sets out guidance on how to apply SHEP (2011) and SPP (2010). The key aims of the series are to identify the main issues that can arise in conflicting situations and provide advice, understandable to all, on how to best deal with these issues.
- *'Circular 18/1987 (Development Involving Agricultural Land)'* (1987) highlights important issues to be addressed in relation to development on agricultural land. This includes mitigation of impacts related to land take, severance and disruption of farm infrastructure and the protection of prime agricultural land.
- *'Circular 1/2013 Strategic Development Plan Area'* determines the boundaries of the four strategic development plan (SDP) areas.
- *'Circular 1/2017 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations'* (2017) provides guidance on the EIA regulations.

Other National Policies

19.3.45 There are a range of additional national policies and legislation relating to specific environmental topics, which are considered further in **sub-section 19-4**

National and Regional Strategies

Scotland's National Transport Strategy (NTS) (January 2006)

19.3.46 'Scotland's National Transport Strategy' (NTS) sets out the long term vision for Scotland's transport policies. The overall aims of this strategy are to: tackle congestion and improve journey times between destinations and global markets; tackle climate change by reducing emissions; and improve quality, accessibility and affordability of transport through improving public transport.

19.3.47 The high level objectives of the strategy are as follows:

- *"Economic growth: encourage the construction, enhancement, management and maintenance of infrastructure, transport services and networks to maximise their efficiency"*
- *Social Inclusion: Connect disadvantaged and remote communities and increase the accessibility of the transport network*
- *Environment and Health: Build and invest in public transport and other efficient and sustainable modes of transport which minimise emissions and consumption of resources and energy*
- *Improve safety: reduce accidents and enhance pedestrian, driver, passenger and staff safety*
- *Improve integration: Make journey planning and ticketing easier and ensure smooth connections between different forms of transport"*

Highlands and Islands Regional Transport Strategy (July 2008)

19.3.48 'The Highlands and Islands Regional Transport Strategy' (RTS) is a statutory document which outlines transport policy and an infrastructure framework. The RTS outlines the objectives to enhance transport in the Highland and Islands Transport Partnership area. The vision is to enhance the areas viability through encouraging place competitiveness which will retain and attract people to the area.

19.3.49 This primary objective of this strategy is *"to improve the interconnectivity of the whole region to strategic services and destinations in order to enable the region to compete and support growth."*

19.3.50 The actions and investment to deliver this strategy will be focussed on:

- *"Active travel"*
- *Aviation and the air network*
- *Community and health passenger transport*
- *Congestion and urban issues*
- *Freight transport*
- *Locally significant network and maintenance of the area's roads*
- *Mainstream passenger transport*
- *Ports, ferries and waterway transport*
- *Cost of transport and travel"*

Highlands and Islands Regional Transport Strategy (Draft) 2017 Update

- 19.3.51 The RTS is currently being updated and has undergone public consultation between 12 May 2017 and 7 July 2017.
- 19.3.52 The draft renewed primary vision of the RTS is *“To deliver connectivity across the region which enables sustainable economic growth and helps communities to actively participate in economic and social activities”*.
- 19.3.53 The transport objectives set out in the draft Strategy are to:
- Reduce journey times and improve reliability and resilience
 - Improve safety of transport and travel
 - Tackle capacity constraints
 - Improve the quality, accessibility, availability and integration of travel
- 19.3.54 The draft strategy recognises the A9 Dualling as a committed project stating that HITRANS will work with Transport Scotland and The Highland Council to help ensure that the project delivers a transport corridor with benefits for public transport and active travel users as well as a strategic road link that can help transform the region’s economy.

Tourism Development Framework for Scotland: Role of the planning system in delivering the visitor economy (refresh December 2016)

- 19.3.55 The Tourism Development Framework for Scotland: role of the planning system in delivering the Visitor Economy (TDF) has been prepared to assist and promote growth in Scotland’s visitor economy to 2020.
- 19.3.56 The TDF recognises that the A9 is Scotland’s longest trunk road which passes through outstanding areas in wildlife and landscape terms, it also recognises the A9 as having a particular tourist focus. The TDF states that upgrades to routes with tourist potential should consider opportunities to incorporate vistas in route design and stopping places along the route to take advantage of scenic views.
- 19.3.57 The TDF was published by Visit Scotland in 2016 and covers two key themes: improving the customer journey and providing authentic experiences.
- 19.3.58 The TDF makes specific reference to the A9 and states that *“Continuing investment to maintain and improve our roads is essential and preparation is underway to take forward a number of schemes, either in the near future or when funding is available, which will enhance these key tourist routes”*. One of the Actions included in this framework is that Visit Scotland will encourage the development of scenic tourist routes, recognising the importance of landscape, scenery and natural environment, and its accessibility to visitors. The TDF goes on to state that upgrades *“need to consider a wide range of factors to maximise benefit to the visitor economy including ease of connectivity (and signage) to tourist destinations; opportunities to incorporate vistas in route design and stopping places along the route to take advantage of scenic views”*.

Local Planning Policy

19.3.59 The Proposed Scheme for falls fully within the CNP. The National Park has its own Local Development Plan (LDP) which guides development within the park. It is acknowledged that the A9 in this section falls within The Highland Council (THC) area; however, as the Proposed Scheme falls fully within the National Park the adopted planning policies for the THC area are not applicable to the Proposed Scheme.

Cairngorms National Park Local Development Plan (2015)

19.3.60 ‘Cairngorms National Park Local Development Plan’ (CNPLDP) sets out the vision for the CNP which is, *“an outstanding National Park, enjoyed and valued by everyone, where nature and people thrive together”*.

19.3.61 Policy 2 of the LDP relates to the importance of supporting economic growth. Section 3 of this policy regards *“other economic development”* and states that proposals which support or extend the economy, or enhance the range and quality of economic opportunities or facilities, will be considered favourably where:

- *“It is compatible/complementary with existing business activity in the area*
- *It supports the vitality and viability of the local economy and the broader economy of the Park”*.

19.3.62 Policy 3 of the LDP considers sustainable design. Section 1 of this policy states that a design statement must accompany all development proposals to demonstrate how the proposal has been designed to:

- *“Minimise the effect of the development on climate change*
- *Be sympathetic to the traditional pattern and character of the surrounding area*
- *Use materials and landscaping that will complement the setting of the development*
- *Make sustainable use of resources*
- *Enable the storage, segregation and collection of recyclable materials and make provision for composting*
- *Promote sustainable transport methods*
- *Improve or add to existing public and amenity open space*
- *Maintain and maximise all opportunities for responsible outdoor access*
- *Protect the amenity enjoyed by neighbours*
- *Include an appropriate means of access, egress, levels of private amenity ground, and space for off-street parking*
- *Create opportunities to further biodiversity and promote ecological interest”*

19.3.63 Policy 4 of the LDP considers the importance of valuing natural heritage. Within this policy, international/ national designations and heritage sites are assessed through the following:

1. International and national designations

19.3.64 Any development which is likely to have an impact on a Natura 2000 site must show that there will be *“no adverse effect on the integrity of the site”*. If this is not possible, development will only be considered favourably when:

- *“There are no alternative solutions, and*
- *There are imperative reasons of overriding public interest including those of a social or economic nature”*

2. National designations

19.3.65 If a development negatively impacts on CNP, a Site of Special Scientific Interest (SSSI), National Nature Reserve or National Scenic Area then it would only be permitted when:

- *“It will not adversely affect the integrity of the area or the qualities for which it has been designated*
- *Any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of commensurate or greater importance than those that are adversely affected”*

3. Other important natural and earth heritage sites and interests

19.3.66 If a development negatively impacts a Geological Conservation Review (GCR) site, an ancient woodland site, semi-natural ancient woodland site or other nationally, regionally or locally important site recognised by the planning authority, development will only be considered favourably when:

- *“The objectives of the identified site and overall integrity of the identified area would not be compromised*
- *Any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost”*

4. Protected Species

19.3.67 A development that has an adverse impact on any European Protected Species will not be permitted unless:

- *“There are public health, public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment*
- *There is no satisfactory alternative solution*
- *The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

19.3.68 If a development has negative impacts on species protected under Schedule 5 (animals) or 8 (plants) of the ‘Wildlife & Countryside Act 1981’, as amended, it will only be allowed if:

- *“Undertaking the development will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit*
- *There is no other satisfactory solution*

- *The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

19.3.69 Development that would have adverse effect on species protected under Schedule 1, 1A or A1 (birds) of the ‘Wildlife and Conservation Act 1981’ as amended will not be permitted unless:

- *“The development is required for preserving public health and safety*
- *There is no other satisfactory solution*
- *The development will not be detrimental to the species concerned at a favourable conservation status in their natural range”*

19.3.70 If a development has negative impacts on badgers then it will not be permitted unless *“the development fully complies with the requirements of the Protection of Badgers Act 1992 as amended”*.

5. Other Biodiversity

19.3.71 Developments will not be permitted if they negatively affect species found in Annexes 11 or V of the European Commission (EC) Habitats Directive or Annex 1 of the EC Birds Directive, unless:

- *“There is no other satisfactory solution*
- *The development will not be detrimental to the maintenance of the species concerned at a favourable conservation status in the natural range”*

19.3.72 Development will not be permitted if it negatively impacts species found in the Cairngorms Nature Action Plan (CNAP), UK Biodiversity Action Plan, Birds of Conservation Concern (red and amber), or by Scottish Ministers through the Scottish Biodiversity List (SBL), including any cumulative impact, unless:

- *“The developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species*
- *Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimized where harm is unavoidable; and appropriate compensatory and/or management measures are provided; and new habitats of commensurate or greater nature conservation value are created as appropriate to the site”*

6. All development

19.3.73 The developer will be required to undertake a comprehensive survey of the area’s natural environment where there is evidence that a habitat or species may be present. A species/habitat protection plan should be submitted where necessary to set out measures to avoid, reduce or mitigate effects.

19.3.74 Policy 5 of the LDP relates to landscape and introduces a presumption against any development that does not conserve and enhance the landscape character and special qualities of the CNP, including wildness, and in particular, the setting of the proposed development.

19.3.75 Policy 8 considers safeguarding sport and recreation facilities and states that developments which result in a reduction of these facilities will only be supported where:

- *“The development is ancillary to the principal use of the site as sport and recreation facilities*
- *The development would not affect the use of the site as a sport and recreation facility*
- *In the reduction of public access rights, or loss of the existing path network including loss of access to inland water, an appropriate or improved alternative access solution can be secured*
- *A compensatory site of at least equal size and quality is created which is convenient to users, or an existing facility is upgraded to maintain and improve the overall capacity in the area*
- *An audit demonstrates the development will not result in the loss of provision of services used by the affected community, and that no alternative site is available”*

19.3.76 Policy 9 of the LDP considers the importance of conserving cultural heritage in the CNP. This includes internationally significant listed buildings, archaeological remains, historic gardens and landscapes, important architectural and historic landscapes and ancient routes through the park.

1. National designations

19.3.77 Developments impacting on a scheduled monument, listed building and inventory gardens, landscapes and battlefields should achieve all of the following objectives:

- *“Have no adverse effect on a structure or other remains of human activity or their setting. This may require remains to be preserved in situ, within an appropriate setting*
- *Conserve and enhance any structure or other remains*
- *Enhance its character, and the contribution it makes to the cultural heritage of the National Park”*

19.3.78 If a development will have a significant adverse impact the proposals must:

- *“Demonstrate that the effect is clearly outweighed by social and economic benefits*
- *Minimise and mitigate any adverse effects on the asset or its setting through appropriate siting, layout, scale, design and construction”*

2. Conservation Areas

19.3.79 Development affecting, or proposed within, a conservation area will only be permitted if it:

- *“Enhances its character and is consistent with any relevant conservation area appraisal or management plan*
- *Uses design, materials, scale, layout and siting appropriate to the site and its setting”*

3. Other Cultural Local Heritage

19.3.80 Development affecting a site, feature or use of land of local or wider cultural historic significance, or its setting will only be considered if it will *“protect or conserve and enhance the feature and its setting, or take reasonable measures to avoid, minimise and mitigate any adverse effects”*.

19.3.81 Policy 10 of the LDP relates to protecting resources, reducing consumption and aiding communities to live a low carbon life. This includes: helping developments minimise adverse

impacts and encourage developments to improve the environment; preserve existing resources; and protect public health.

- 19.3.82 In relation to water resources, the LDP states that all development should:
- *“Minimise the use of treated and abstracted water*
 - *Treat surface water and foul water discharge separately and in accordance with SUDS manual criteria C697*
 - *Have no significant adverse impact on existing or private water supplies or wastewater treatment services*
 - *Not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status*
 - *Not result in the deterioration of water resources used for amenity or recreation*
 - *Avoid unacceptable detrimental impacts on the water environment. Development should demonstrate any impacts (including cumulative) can be adequately mitigated. Existing and potential impacts up and downstream of the development, particularly in respect of potential flooding, should be addressed”*
- 19.3.83 The LDP considers measures for mitigating flooding and states that all development should:
- *“Be free from significant risk of flooding*
 - *Not increase the risk of flooding elsewhere*
 - *Not add to the area of land that requires flood prevention measures*
 - *Not affect the ability of the functional floodplain to store or move flood waters”*
- 19.3.84 In relation to the minimisation and management of waste, the LDP states that all development should:
- *“Safeguard existing strategic waste management facilities and all sites required to fulfil the requirements of the Zero Waste Plan*
 - *Ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement”*
- 19.3.85 A development that affects a mineral reserve should protect any viable future extraction unless:
- *“There is no alternative site*
 - *The development is considered to deliver the aims of the Park in a way which outweighs its value as a mineral resource*
 - *The opportunity has been provided for extraction of the mineral resource prior to development commencing”*
- 19.3.86 The exploitation of mineral reserves will be protected. However, where this is not possible development will only be considered favourable where:
- *“The developer can demonstrate the market within the Cairngorms National Park where the mineral will be used to provide other social or economic benefits*

- *There are no adverse environmental impacts*
- *The material furthers conservation or restoration of the distinctive landscape character and built environment of the Park*
- *Full restoration details are incorporated as part of the proposal*
- *No suitable and reasonable alternatives to the material are available”*

19.3.87 Development affecting carbon sinks and stores, particularly soil and peat should:

- *“Protect all soil and peat from commercial extraction; and*
- *Minimise disturbance of soils, peat and any associated vegetation; and*
- *Minimise the release of stored carbon from carbon sinks and stores as a result of disturbance”*

19.3.88 A development located on contaminated land will only be considered favourable when:

- *“Assessments are undertaken to identify actual and potential impacts, on-site and off-site, of all stages of development proposals on the risks to human health and also to the Park’s biodiversity, geodiversity, hydrology and other special qualities.*
- *In the event of significant risk, investigations and assessments including site specific risk assessments are submitted with planning applications to identify actual or potential significant risks to human health and safety associated with the current condition of the site, and how contaminants currently interact with the surrounding ecosystem and the Park’s special qualities.*
- *Effective remedial action, including control and limitations of the release of contaminant to the surrounding environment, is taken to ensure that the site is made suitable for the development proposal use and potential reuse by other development, and that there are no significant detrimental effects on the Park’s special qualities on or off-site.”*

Kincaig

19.3.89 Chapter 35 of the LDP provides community information for development within Kincaig and its vicinity. Within this chapter, it highlights the importance of Kincaig’s role as providing local and tourist services. The objectives of Kincaig are provided in paragraph 35.3. These are as follows:

- *“To consolidate Kincaig’s role as an intermediate settlement in the settlement hierarchy.*
- *To ensure that development contributes to a clear definition between settlement and countryside.*
- *To protect the role of Kincaig as an important provider of local services.*
- *To ensure new housing can progress in a way that helps the community remain sustainable.*
- *To facilitate appropriate economic growth which supports a thriving community.*
- *To protect those parts of the village that are important to its character and setting”*

19.3.90 Paragraph 35.4 provides design guidance for development within Kincaig and states that all new development will, where appropriate:

- *“consolidate the existing settlement;*

- *maximise use of existing local services and infrastructure;*
- *ensure the quality of surrounding woodland, and sensitive valuable habitats is not compromised. This should include improvements to the woodland setting and woodland structure for Kincaig;*
- *enhance and diversify the local economy;*
- *reflect existing housing development in terms of positions, density and scale;*
- *maintain building lines, plot sizes, building sizes and building orientation. This should be done in a way which raises architectural and design quality;*
- *protect existing shops and businesses and their normal operations;*
- *add to and improve community facilities, including improving pedestrian connectivity and achieving a more pedestrian and cycle friendly environment; and*
- *promote energy efficiency and sustainability”.*

19.3.91 Paragraph 35.10 relates to the priorities and opportunities for landscaping and highlights the Cairngorms Landscape Toolkit. This provides information on these priorities and opportunities which development should contribute to delivering. Paragraph 35.11 considers cultural heritage and states that all listed buildings and structures, archaeological remains and sites, and features which are notable for their local cultural heritage will be protected and enhanced. Additionally, paragraph 35.16 considers the linkages and connections between existing and proposed development within Kincaig. This includes linking into existing Core Paths and the wider path network. Development proposals should specify these links to ensure new development is both walkable and well connected into the existing village.

Kingussie

19.3.92 Chapter 36 of the LDP provides community information for development within Kingussie. Within this chapter, it highlights the importance of Kingussie’s role as providing local services and facilities. The objectives of Kingussie are provided in paragraph 36.3. These are as follows:

- *“To consolidate Kingussie’s role as a main settlement in the settlement hierarchy.*
- *To ensure that development contributes to a clear definition between settlement and countryside.*
- *To protect the role of Kingussie in providing services to the wider region.*
- *To ensure Kingussie’s built heritage is preserved and enhanced.*
- *To ensure new housing can progress in a way that helps the community remain sustainable.*
- *To facilitate appropriate economic growth which supports a thriving community.*
- *To protect those parts of the town that are important to its character and setting”*

19.3.93 As per paragraphs 35.4, 35.10, 35.11, and 35.16 above (within the CNPLDP), information regarding design guidance, priorities and opportunities for landscaping, the protection and enhancement of local cultural heritage, and linking into existing Core Paths is provided within chapter 36 of the CNPLDP in relation to Kingussie.

Newtonmore

- 19.3.94 Chapter 39 of the LDP provides community information for development within Newtonmore. Within this chapter, it highlights the importance of Newtonmore’s role as providing local services and facilities, as well as enhancing its role as a tourism centre. The objectives of Newtonmore are provided in paragraph 39.4. These are as follows:
- *“To consolidate Newtonmore’s role as a main settlement in the settlement hierarchy.*
 - *To ensure that development contributes to a clear definition between settlement and countryside.*
 - *To protect the role of Newtonmore in providing services to the wider region.*
 - *To ensure Newtonmore’s built heritage is preserved and enhanced.*
 - *To identify sufficient housing land to meet the requirements of the community.*
 - *To facilitate appropriate economic growth which supports a thriving community.*
 - *To protect those parts of the town that are important to its character and setting”*
- 19.3.95 As per paragraphs 35.4, 35.10, 35.11, and 35.16 above (within the CNPLDP), information on design guidance, priorities and opportunities for landscaping, the protection and enhancement of local cultural heritage, and linking into existing Core Paths is provided within chapter 39 in relation to Newtonmore.

CNPA Supplementary Planning Guidance

- 19.3.96 The Cairngorms National Park Authority (CNPA) have provided a range of statutory and non-statutory guidance, which supports the CNPLDP, which was published in 2015. The following guidance documents provide further information and detail on how to comply with the relevant CNPLDP policies:
- *‘Policy 1: Planning Non-statutory Guidance’*
 - *‘Policy 2: Supporting Economic Growth Non-statutory Guidance’*
 - *‘Policy 3: Sustainable Design Non-statutory Guidance’*
 - *‘Policy 4: Natural Heritage Supplementary Guidance’*
 - *‘Policy 5: Landscape Non-statutory Guidance’*
 - *‘Policy 7: Renewable Energy Supplementary Guidance’*
 - *‘Policy 8: Sport and Recreation Non-statutory Guidance’*
 - *‘Policy 9: Cultural Heritage Non-statutory Guidance’*
 - *‘Policy 10: Resources Non-statutory Guidance’*

Cairngorms National Park Partnership Plan (2017-2022)

- 19.3.97 CNPA have formally launched (June 2017) the Cairngorms National Park Partnership Plan 2017-2022 (NPPP) which is a management plan for the Cairngorms National Park setting out how all those with a responsibility for the Park will co-ordinate their work to tackle the most important issues.

- 19.3.98 The NPPP Is a 5 year plan which:
- sets out the vision and overarching strategy for managing the Park
 - guides the work of all public bodies and other partners to deliver the aims of the Park
 - provides the strategic context for the Local Development Plan
 - sets out the regional land use framework for the Park
 - provides the strategic context for managing the Park as a sustainable tourism destination
 - shows how the Park will contribute to the Scottish Government’s core purpose and national outcomes.
- 19.3.99 The plan contains nine priorities, which have evolved from a period of extensive public consultation, the ‘Big 9’, and the relevant priorities include:
- Supporting landscape scale collaboration (1)
 - Deer Management (2)
 - Moorland Management (3)
 - Visitor Infrastructure and Information (4)
 - Active Cairngorms (5)
 - Community Capacity and Empowerment (8)
 - Economic Development (9)
- 19.3.100 With regard to Priority 1 the Partnership Plan aims to support woodland expansion targets, peatland restoration targets, river restoration and wetland enhancement and designated site targets.
- 19.3.101 With regard to Priority 4: Visitor Infrastructure and Information the NPPP recognises that the dualling of the A9 will bring opportunities and challenges over the next decade and that it is important to maximise the benefits both during construction and on operation.
- 19.3.102 In consideration of Priority 5: Active Cairngorms the NPPP also recognises that the dualling of the A9 also provides the opportunity to improve access infrastructure and promotion to encourage more active travel both by residents and visitors.
- 19.3.103 Policy 3.2 aims to assist on achieving Priority 9: Economic Development and states that sensitively designed improvements to the A9 will be supported as an integral part of enhancing the connectivity of the Highlands.
- Kincaig Community Action Plan**
- 19.3.104 ‘Kincaig Community Action Plan, Our Community...A Way Forward (2011)’, outlines the framework of actions for the Kincaig community. The purpose of this Community Action Plan is to provide a strategy for Kincaig to make their own changes and improvements, tackling issues and taking advantage of the opportunities that are relevant and important to them. Within this document it outlines what the Kincaig community aim to achieve and the issues/ obstacles that may be incurred. Examples of some aims that are covered in this action plan are: provision of a

playing field, increasing recycling facilities, reducing speeding, improving public transport, and providing visitor public toilets.

Kingussie Community Action Plan

- 19.3.105 'Kingussie Community Action Plan, Our Community...A Way Forward (2011)', outlines the framework of actions for the Kingussie community. The purpose of this Community Action Plan is to provide a strategy for Kingussie to make their own changes and improvements, tackling issues and taking advantage of the opportunities that are relevant and important to them. Within this document it outlines what the Kingussie community aim to achieve and the issues/ obstacles that may be incurred. Examples of some aims that are covered in this action plan are: provision of units for small businesses, providing garden allotments, enhancing accessibility to local health facilities, improving public transport, and providing leisure facilities for young people.

Newtonmore Community Action Plan

- 19.3.106 'Newtonmore Community Action Plan, Our Community...A Way Forward (2009)', outlines the framework of actions for the Newtonmore community. The purpose of this Community Action Plan is to provide a strategy for Newtonmore to make their own changes and improvements, tackling issues and taking advantage of the opportunities that are relevant and important to them. Within this document it outlines what the Newtonmore community aims to achieve and the issues/ obstacles that may be incurred. Examples of some aims that are covered in this action plan are: refurbishing the village hall, reducing on-road parking on the main street, provision of affordable housing, better transport links (particularly bus and train services), and increasing activities for young people.

Cairngorms National Park Local Development Plan 2020 – Main Issues Report (MIR)

- 19.3.107 The Cairngorms National Park Authority consulted upon the Main Issues to be addressed in the revised Local Development Plan between 17 November 2017 and 2 March 2018. The outcome of this consultation will take into consideration in the formulation of the next CNPLDP for the national park which is intended to be adopted in 2020. The MIR recognises the dualling of the A9 and its benefits including improved road safety, quicker journey times and better links to pedestrian, cycling and public transport facilities.
- 19.3.108 The Main Issues identified include:
- Making the most of the new development opportunities that arise from the A9 upgrades
 - Mitigating any adverse impact on housing affordability resulting from the A9 dualling (due to increased popularity of the area)
 - Opportunity to place greater emphasis on the requirement of new developments to incorporate SUDS
 - Clarification of a presumption against new tracks in areas of open moorland
 - Recognition that the A9 Dualling may impact the settlement of Kingussie

19.4 Compliance with Policies and Plans

19.4.1 As part of this DMRB Stage 3 EIA, this chapter will now assess the Proposed Scheme to demonstrate whether the policy objectives can be complied with, and identify mitigation measures where potential impacts associated with the Proposed Scheme could result in non-compliance with aspects of policy. The mitigation measures proposed to address these potential impacts have been identified in the specialist assessment chapters of this ES (i.e. **Chapters 8-18**). This chapter will also provide a review of the potential effects of these mitigation proposals on any identified potential conflicts with policies and plans. Please see **Chapter 21**, for a schedule of the committed mitigation measures.

Community Consultation

19.4.2 Community consultation and landowner liaison has been key to the development of the Proposed Scheme and to the environmental assessment process. A range of measures have been used to engage the community and have included consultation events that are outlined in **Chapter 7**.

19.4.3 Accordingly, the Proposed Scheme is considered compliant with the requirements of PAN 3/2010 'Community Engagement'.

Principle of Development

19.4.4 The aim of the Proposed Scheme, as part of the wider A9 Dualling Programme to the A9 between Perth and Inverness, is to deliver economic growth through improved road safety and reliable and quicker journey times, as well as better links to pedestrian cycling and public transport facilities.

19.4.5 The principle of development of the Proposed Scheme, therefore, is generally supported in national, regional and local planning policy. The Government's commitment to the Proposed Scheme and wider improvements to the A9 is outlined in the NPF3. The Proposed Scheme also supports national and regional transport policy objectives as part of a wider strategy to assist in providing enhanced connectivity to deliver prosperity and connect communities across the region.

19.4.6 Furthermore in relation to local policy, the Proposed Scheme follows CNPLDP's Policy 2 which relates to supporting economic growth.

19.4.7 Planning policy recognises the need for dualling the A9. As this Proposed Scheme is part of this Dualling Programme, it is considered that the Proposed Scheme is supported in principle by national, regional and local policy.

19.4.8 With regards to the Proposed Scheme's policy compliance it should be recognised that any potential impacts on noise, air quality, heritage, and landscape and visual, have been assessed within the relevant chapter. This assessment process has ensured that appropriate safeguards and mitigation will be implemented where necessary.

19.4.9 The following sections summarise the assessment of compliance of the Proposed Scheme against national, regional and local policy objectives relating to each specialist topic.

People and Communities: Community and Private Assets

- 19.4.10 Consideration of the Proposed Scheme’s potential impacts on community and private assets has been conducted in accordance with the objectives set out in SPP, predominantly these objectives centre on endorsing the sustainable use of both natural and built resources. The proposals are considered to be broadly in line with the relevant criterion. Specifically these objectives include:
- Support sustainable economic growth and regeneration
 - Make efficient use of existing capabilities of land, buildings and infrastructure
 - Support delivery of infrastructure
 - Improve health and wellbeing by offering opportunities for social interaction and physical activity including sport and recreation
 - Protect, enhance and promote access to natural and cultural heritage including green infrastructure, landscape and the historic environment
 - Protect the amenity of new and existing development
- 19.4.11 The Proposed Scheme is considered to accord with the following aims for the National Park, as set out in the SPP:
- Conserve and enhance the natural and cultural heritage of the area
 - Promote sustainable use of the natural resources of the area
 - Promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public
 - Promote sustainable economic and social development of the area’s communities
- 19.4.12 National guidance is also contained within policy document NPF3, which seeks to achieve *“positive planning and innovation and will continue to strengthen communities, encourage investment, support tourism, deliver affordable rural housing and encourage high quality place-making and visitor experiences”*. Further national guidance of relevance to community and private assets has also been provided in the form of ‘PAN 65 Planning & Open Space’ (2008), and ‘Circular 18/1987’ (as amended by 29/1988 and 25/1994) *‘Development Involving Agricultural Land’*. Nevertheless, the Proposed Scheme is considered to be compliant with these policy documents because of the fact that NPF3 supports the dualling of the A9 between Perth and Inverness, expecting this to provide a step change in accessibility across the rural north, increase business confidence and support investment throughout the region. Additionally, in accordance with Circular 18/1987 it is considered that agricultural land loss associated with the Proposed Scheme is in line with the requirements of the circular as the land lost for this purpose is the most appropriate land for the Proposed Scheme.
- 19.4.13 In a more regional/ local context policies relevant to community and private assets have been identified within the CNPLDP. Policy 2 relates to the facilitation of sustainable economic growth and introduces three criteria that seek to protect sites and buildings currently in, or last used for, economic employment purposes. In this regard, the Proposed Scheme does not result in the loss of employment land and is therefore compliant with this policy.
- 19.4.14 Policy 8 looks to protect existing sport and recreation facilities. This policy outlines a range of criteria which must be complied with in circumstances which would result in the re-development of or reduction in existing facilities as set out above. It is noted that the Proposed Scheme will

result in a loss of land from Glebe Ponds and the Insh Marshes NNR, however, the nature of this land loss is not considered to result in a reduction of facilities and therefore the Proposed Scheme is considered to still be compliant with this policy.

People and Communities: Effects on All Travellers

- 19.4.15 At a National level, the NPF3 sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole. Paragraph 5.5 of the NPF3 states that the Scottish Government “want to significantly increase levels of everyday cycling and walking”. Paragraph 5.20 states that “the road network has an essential role to play in connecting cities by car, public transport and active travel”. With regard to Effects on All Travellers, the Proposed Scheme complies with the policies set out within NPF3 by maintaining the NCN7, which is a Sustrans cycle path running the length of Project 9, whilst creating safer links with underpass crossings between this and other non motorised users (NMUs) routes.
- 19.4.16 Also at a National level, the SPP is a statement of Scottish Government policy with a purpose “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 considers the issues of promoting sustainable transport and active travel. In particular, Paragraph 288 of the SPP states that ‘Buildings and facilities should be accessible by foot and bicycle and have appropriate operational and servicing access for large vehicles. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible.’ Paragraph 290 states that “development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact”. The proposed scheme complies with this policy as the NCN7 and other high value NMU routes are retained throughout construction (using temporary diversions where required). In the long term, safety to the network of NMU routes has been improved by the removal of existing at-grade crossing points and rationalised underpass crossings.
- 19.4.17 The Transport Strategy for the Highlands and Islands (2008-2021) sets out various objectives relevant to Effects on All Travellers such as “Improve the reliability of journey times” and “Improving accessibility and the attractiveness of public transport, walking and cycling”. The Proposed Scheme complies with these specific aims by using the design process to ensure the existing provision of walking and cycle routes are connected through rationalised underpass crossings as well as provision of a new NMU link from Kingussie to Kincaig.
- 19.4.18 Let’s Get Scotland Walking: The National Walking Strategy (Published 2014) aims “to realise the vision of a Scotland where places are well designed for walking, an increased number of people enjoy the outdoors and more people walk as part of their everyday journeys”. Specific aims of the strategy include; creating a culture of walking, better walking environments throughout Scotland and ensuring easy, convenient, independent mobility for all. The Proposed Scheme complies with this policy as all new and improved NMU routes will be designed to up to date relevant design standards, as well as creating improved connections for NMU routes across the dual carriageway.
- 19.4.19 As discussed earlier in this chapter, the National Long Distance Cycling and Walking Network is identified in the NPF3, which aims to provide a tourism resource by making best use of existing infrastructure, closing gaps in the network and upgrading routes. The provision of lay-bys alongside the A9 with access to this network would assist in opening up accessibility for non-motorised users (NMUs).

- 19.4.20 The Trunk Road Cycling Initiative, established in 1996, has support for the National Cycle Network (NCN) as well as promoting road safety for cyclists around the interface of the NCN with trunk roads. There is a requirement to fully consider the effect on cyclists of all new trunk road schemes and within improvements of existing trunk roads. The Proposed Scheme complies with this policy by ensuring the continuation and connectivity of NCN7 is embedded into the design proposals and considering solutions to retain a continuous route where it is affected during a proposed 3 to 3.5 years construction period.
- 19.4.21 The Fitting Landscapes – Securing More Sustainable Landscapes policy document provides the Scottish Government’s policy statement addressing the landscape design and management of our transport corridors. Section 8 considers the issue of conserving and creating key views. It states that “Transport corridors can direct or screen views, create vistas and inform how we read and perceive the landscape. Understanding the value of views and designing to create and retain views and vistas is important in place-setting and the experience of travel.” The Proposed Scheme looks to retain high quality views already experienced from the existing road corridor such as distinctive features like Ruthven Barracks. Views will, on the whole, remain unchanged from existing, where specific infrastructure may impact on those views, such as around the upgraded and proposed junctions, an appropriate level of secondary mitigation will aim to enhance these areas.
- 19.4.22 The Cairngorms National Park Authority Local Development Plan is the land-use plan that guides development around Project 9. The Long Term Vision detailed within this LDP includes “people enjoying the park through outstanding visitor and learning experiences” and “New development well connected to Core Paths and other off-road routes”. Policies of particular relevance to Chapter 9 Effects on All Travellers includes; Policy 2 (Supporting Economic Growth), Policy 3 (Sustainable Design) and Policy 8 (Sport and Recreation). The CNPLDP also includes aims and objectives for each town and village, in this case Newtonmore and Kingussie, relevant objectives regards linkages and connections are considered below:
- Kingussie*
- “Linkages and connections:
- Linkages and connections between existing and proposed development within Kingussie should be provided. This includes linking into existing Core Paths and the wider path network. Development proposals should specify these links to ensure new development is both walkable and well connected into the existing town.
 - Development must also ensure no adverse impact on the safe crossing of the railway. This includes vehicular and pedestrian links.”
- Newtonmore*
- “Linkages and connections:
- Linkages and connections between existing and proposed development within Newtonmore should be provided. This includes linking into existing Core Paths and the wider path network. Development proposals should specify these links to ensure new development is both walkable and well connected into the existing village”.
- 19.4.23 The Proposed Scheme ensures safe connections between the various hill walking tracks, Core Paths and cycle ways through rationalised underpass crossings. Mitigation proposals such as a new NMU link between Kingussie and Kincaig benefitting local connectivity ensures conformity

with these requirements. Embedded mitigation also ensures that continued and potentially improved NMU access is available.

- 19.4.24 A Core Paths Plan has been produced by Cairngorms National Park Authority (CNPA) as required by the Land Reform (Scotland) Act 2003 and shows a system of paths (Core Paths). Key objectives include helping to conserve the Park's natural and cultural heritage, encouraging people to enjoy it in a responsible way and to include paths within, around and between communities, public transport connections and places of local importance.
- 19.4.25 Core Paths Plans have also been produced by The Highland Council. The area was subdivided into 6 areas for core path planning purposes; these were Caithness, Sutherland, Ross & Cromarty, Skye & Lochalsh, Lochaber and Inverness & Nairn. The Proposed Scheme does not directly enhance these routes but aims to increase the ease of connections for NMUs using the variety of paths in and around Project 9. Increasing safe crossing points and visitor parking areas will encourage the use of these paths and exploration of the wider area. The Proposed Scheme does not directly enhance these routes but aims to increase the ease of connections for NMUs using the variety of paths in and around Project 9. Increasing safe crossing points will encourage the use of these paths and exploration of the wider area.
- 19.4.26 In terms of All Travellers, there are no significant residual impacts arising from the Proposed Scheme and it is compliant with the national, regional and local policies mentioned above. It is also important to note that the provision of lay-bys alongside the A9 with access to this network would assist in opening up accessibility for NMUs.

Geology, Soils and Groundwater

- 19.4.27 In a national context, aspects of the NPF3 and SPP related to geology, soils and groundwater include recognition that Scotland's land is among its principal assets, with peatlands representing important habitat for wildlife and significant carbon stores. Aspects including promoting sustainable development, tackling climate change, encouraging planning authorities to take the probability of flooding, including groundwater, and the risks involved into account when preparing development plans and determining planning applications, and taking into account implications of development for water, air and soil quality also apply.
- 19.4.28 '*PAN 33: Development of Contaminated Land (2000)*' provides national level guidance on potential contamination, advising on the approach to development on potentially contaminated land within the planning system and remediation of this before development is brought to use.
- 19.4.29 Key local policy themes of relevance to geology, soils and groundwater include maintaining geodiversity, the protection of soils and peat, protection of the water environment (including groundwater, groundwater dependent terrestrial ecosystems (GWDTE) and private water supplies (PWS)), suitability of use and remediation of contamination. The main policies related to these aspects are CNPLDP Policy 4 (Natural Heritage) and Policy 10 (Resources).
- 19.4.30 CNPLDP Policy 4 (Natural Heritage) states that developments must consider potential impacts and supply sufficient information on natural, cultural and earth heritage resources, including site designations, landforms and geodiversity, soils and carbon. It states that development should ensure no net loss of natural heritage value, identify opportunities to enhance the natural heritage, and manage and maintain natural heritage value where necessary. CNPLDP Policy 10 (Resources) highlights principles specifically for water resources, minerals, carbon sinks and stores (particularly carbon-rich soils and peatland) and potential contaminated land – with the need to protect, avoid and/ or minimise effects on these and associated receptors. In compliance with these policies, unacceptable disturbance of peat will not be permitted unless it

is shown that the effects of this are clearly outweighed by social, environmental or economic benefits arising from the development proposals or where there is no alternative.

- 19.4.31 CNPLDP Policy 4 (Natural Heritage) also emphasises that development proposals will be assessed taking into account the level of importance and type of heritage features, as well as the importance of geological/ geodiversity interest areas in the wider landscape. Features of local, regional or international importance in relation to geology include Sites of Special Scientific Interest (SSSI) and Geological Conservation Review (GCR) sites of national interest, together with Local Geodiversity Sites (LGS) or Regionally Important Geological Sites (RIGS).
- 19.4.32 In accordance with the relevant CNPLDP policies, **Chapter 10** provides an assessment of the potential impacts of the Proposed Scheme and identifies the level of importance and type of geological/ geodiversity features in the study area. The features identified include Lochan an Tairbh (a regionally important, but non-designated geodiversity feature) and rock exposures. Direct and indirect potential impacts in relation to these have been identified – with mitigation and compensation proposed to include appropriate construction practices, exclusion zones and sensitive design of new soil and rock cuttings.
- 19.4.33 In relation to soils and peat, the Proposed Scheme has the potential to impact on soils of conservation value and areas of locally good condition peatland habitat, with associated peaty soils, shallow peat and deep peat. In compliance with the CNPLDP policies, an Outline Peat Management Plan has been prepared, which describes that unnecessary disturbance has been minimised as far as is practicable during design development, and presents mitigation measures to further minimise construction or operational effects. It also identifies potential re-uses within the permanent and temporary works boundaries, which will enable excavated peaty soils and peat to be re-used in environmentally beneficial and suitable ways, and which may also carry consequential habitat benefits.
- 19.4.34 The quality of the water environment could be at risk from any pollution incident associated with the Proposed Scheme. To ensure compliance with the relevant policies, **Chapter 10** concludes that there may be impacts upon certain PWS, but that protection, monitoring, diversion, replacement or decommissioning are appropriate solutions. Mitigation to address impacts on groundwater and GWDTE, includes additional ground investigation and detailed assessment, adherence to SEPA Pollution Prevention Guidelines (SEPA, 2016), groundwater management and monitoring during construction, appropriate road construction and drainage during operation and habitat re-instatement, restoration and creation proposals.
- 19.4.35 Several potential sources of contamination have been identified in the study area. However, ground investigation, chemical testing and monitoring information available for these indicate very low to moderate risks during construction or operation, with appropriate mitigation measures including completion of a full risk assessment, appropriate health and safety measures, watching briefs, and additional investigation and consultation, where necessary.
- 19.4.36 Some significant residual impacts are anticipated to remain in relation to groundwater levels and flows in superficial deposits and GWDTE habitats. However, these are expected to be localised and are considered unlikely to represent potential issues at a wider scale. With this and the above taken into account therefore, it is generally considered at this stage, that the Proposed Scheme would accord with all relevant national and local policies related to geology, soils and groundwater.

Road Drainage and the Water Environment

- 19.4.37 The assessment of the potential impacts of the Proposed Scheme on the water environment has been carried out using a catchment-scale approach in line with the approach set out in the NPF3. Recognising that planning plays a key role in reducing the vulnerability of existing and future development to flooding, the Proposed Scheme has progressed through various planning and assessment stages before final approval.
- 19.4.38 SPP provides guidance relating to development and flooding and promotes a precautionary approach to flood risk from all sources. Utilising this approach, impacts on the functional floodplain have been minimised and avoided where possible. Mitigation, such as compensatory storage, has been incorporated within the design to reduce or negate increased flood risk to sensitive receptors. A Flood Risk Assessment (FRA) has also been undertaken adhering to the SPP flood risk framework. Although the rate and volume of road run-off will increase due to the larger road surface area, flows will be attenuated and treated by the incorporation of SuDS ensuring compliance with SPP.
- 19.4.39 *PAN 61 'Planning and Sustainable Urban Drainage Systems'* (2001) describes how the planning system has a central coordinating role in accepting SuDS as a normal part of the development process. The Proposed Scheme addresses sustainable development in terms of surface water drainage in an integrated way dealing with the issues of water quantity, water quality and amenity by employing SuDS. In line with this Planning Advice Note, the Proposed Scheme utilises a number of disciplines and agencies (planners, drainage engineers, landscape architects, ecologists and hydrologists) to achieve the optimum design in compliance with the latest SuDS Manual¹. This involves following development management points set out in this Manual and undertaking a Strategic Flood Risk Assessment (SFRA) to inform the development planning process.
- 19.4.40 The online Planning Advice on Flood Risk provides information on the planning process for flooding and how local authorities and developers should act to mitigate the effects. It reiterates the SPP requirement to have regard to the probability of flooding from all sources i.e. fluvial, pluvial, sewer, groundwater, and coastal. It also promotes an integrated and precautionary approach to flood management outlined in SPP. The Scheme addresses the planning advice by following development management points set out and by undertaking a SFRA to inform the development planning process, and a FRA has been produced to support the Environmental Statement.
- 19.4.41 In accordance with '*PAN 79 (Water and Drainage)*' (2006), the Proposed Scheme addresses this planning advice through consultation with planning authorities, SEPA, and other stakeholders throughout the development process. The provision of SuDS is also incorporated into the design

¹ The Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland (2000) referenced in PAN 61 has been superseded by the new SuDS Manual (CIRIA C753) (2015)

to mimic natural drainage, encouraging infiltration where appropriate and attenuating both hydraulic and pollutant impacts with minimal adverse impact on people and the environment.

- 19.4.42 Policy 10 (1) and Policy 10(2) of the CNPLDP set out policy on the assessment of proposals showing due concern for Water Resources and Flooding. It states that all developments should avoid unacceptable detrimental impacts on the water environment, and be able to demonstrate any impacts (including cumulative) can be adequately mitigated, and that all should be free from significant risk of flooding. These have been considered in **Chapter 11** of the EIA through the processes of watercourse identification, potential impact assessment, proposed mitigation, and residual impact assessment. The Proposed Scheme is not expected to result in the deterioration of the current ecological status of waterbodies and hence is in compliance with Policy 12A (2). Furthermore, the Proposed Scheme complies with Policy 12A (3) by proposing the integration of SuDS.

Ecology and Nature Conservation

- 19.4.43 NPF3 states that Scotland’s environment is “*world-class*” with abundant natural resources, spectacular landscapes and a rich and varied biodiversity. In addition to internationally and nationally important networks of protected sites, the built environment, key infrastructure corridors and greenspaces can support important habitats and contribute to wider ecological networks. On this basis, natural and cultural assets are to be respected, enhanced and used responsibly. Specific measures to promote and enhance biodiversity are set out in the Scottish Government’s 2020 Challenge for Scotland’s Biodiversity, which advocates a landscape approach to biological conservation.
- 19.4.44 The Proposed Scheme minimises unavoidable encroachment into designated sites and natural resources. Ecological permeability through the Proposed Scheme will be improved with the provision of mammal ledges within watercourse crossings, culverts and underbridges to offer regular and safe crossing opportunities for protected species. In addition, natural bed material will be installed in watercourse crossings to promote natural river morphology processes and habitat for aquatic species. The Proposed Scheme is compliant with NPF3 as the above aspects form embedded design mitigation.
- 19.4.45 SPP outlines the national planning priorities of Scottish Minister’s to help regulate the sustainable use of natural resources through the planning system. Priority features include international and national designated sites, ancient woodland and protected species. SPP also highlights the biodiversity duty placed on planning authorities, and all public bodies, to further the conservation of biodiversity, as defined in the Nature Conservation (Scotland) Act 2004.
- 19.4.46 A Habitats Regulations Appraisal (HRA) has been completed to demonstrate the Proposed Scheme, with mitigation, will not have an adverse effect on site integrity of any international designated site. Potential impacts on national designated sites and protected species have also been considered with relevant mitigation identified through the Environmental Impact Assessment (EIA) process to avoid significant residual effects (see **Chapter 12, Volume 1**). Unavoidable loss of ancient woodland will occur; and receptor sites for compensation tree-planting and translocation of topsoil have been identified using the ancient woodland inventory (AWI). CNPA, SEPA and SNH have been regularly consulted throughout the iterative design and assessment process; therefore, the Proposed Scheme is compliant with SPP.
- 19.4.47 The Scottish Biodiversity List (SBL) identifies habitats and species of principal conservation importance, and is a key aspect of the Scottish Government’s 2020 Challenge for Scotland’s Biodiversity. As part of a planning authority’s biodiversity duty, SBL features are a material consideration to the determination of planning applications. Potential impacts on SBL habitats

and species have been considered with relevant mitigation identified through the EIA process to avoid significant residual effects (see **Chapter 12, Volume 1**); therefore, the Proposed Scheme is compliant with the SBL.

- 19.4.48 The CNPLDP (within Policy 4) provides regional planning guidance that aims to conserve and enhance the unique range and quality of natural heritage in the Cairngorms National Park. Priority features include internationally, nationally, regionally and locally important sites; as well as protected species and biodiversity. In addition, CNPA completed a habitat-based review to highlighted non-protected priority species that are not included within the current Nature Action Plan but still important within the geographic context of the Proposed Scheme.
- 19.4.49 The HRA concluded that the Proposed Scheme will not have an adverse effect on site integrity of any internationally important sites. Potential impacts on other important sites, protected species and wider biodiversity have been considered with relevant mitigation identified through the EIA process to avoid significant residual effects (see **Chapter 12, Volume 1**); therefore, the Proposed Scheme is compliant with the CNPLDP and Nature Action Plan.

Landscape and Visual

- 19.4.50 Although Landscape and Visual assessments were conducted in isolation (Chapter 13 and 14) their policy considerations are so intrinsically linked that in order to avoid consistent repetition they can be grouped in this instance.
- 19.4.51 NPF3 identifies Scotland’s landscapes as “spectacular”, contributing to quality of life, national identity and the visitor economy. Specifically highlighting the importance of the wildest landscapes, NPF3 states that “wild land is a nationally important asset”. The proposed scheme complies with NPF3, however there is likely to be Moderate/Slight short term effects upon the overall sense of wildness during construction, though long term the effects will be Slight/Negligible.
- 19.4.52 The National Long Distance cycling and walking network is identified in the NPF3 which aims to provide a tourism resource by making best use of existing infrastructure, closing gaps in the network and upgrading routes. DMRB Type A Lay-bys are situated close to popular NMU routes to enable appreciation of the high quality views of the surrounding landscapes by visitors.
- 19.4.53 Paragraphs 24 – 35 of SPP promote sustainable development with the intention to enable development “in the right place rather than at any cost”. It makes particular reference to protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment. Paragraph 193 – 218 of SPP states that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape character; with a key requirement to protect and enhance ancient semi-natural woodland, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value. Paragraph 219 – 233 of SSP states that the planning system should ensure that green infrastructure should be considered an integral element of places from the outset of the planning process and development should prevent fragmentation and provide for easy and safe access to and within green infrastructure. Within Project 9 some existing woodland belts will be affected, including some areas of Ancient or Ancient Semi-natural Woodland. Through the Proposed Scheme there will be replacement and enhancement planting along the road to mitigate woodland loss, increase woodland connectivity and provide improved quality woodland.
- 19.4.54 PAN 60 provides advice on how developments can contribute to the “conservation, enhancement, enjoyment and understanding” of Scotland’s natural environment. PAN 60 seeks

a positive and creative approach in addressing natural heritage issues and makes particular reference to maintaining and enhancing landscape character. The assessment has identified several local landscape character areas along the Proposed Scheme, although in some areas there are anticipated to be more significant effects on these landscapes, the Scheme proposes a sensitive design of rock cuts, cascades and vegetation to enhance the existing character along the A9 corridor.

- 19.4.55 ‘PAN 75 (Planning for Transport)’ (2005) provides advice for local planning authorities and developers on their policy development, proposal assessment and project delivery. PAN 75 also states that the design and layout of all new roadside facilities should respect the character and nature of the surrounding urban fabric. Local landscape character areas have been identified, which has influenced the location of DMRB Type A Lay-bys, ensuring that the best opportunity to experience the surrounding high quality landscape is provided. The Proposed Scheme is therefore considered to comply with PAN 75.
- 19.4.56 The Proposed Scheme addresses Scottish Natural Heritage (SNH) guidance in terms of their ‘Commissioned Report 293’ (2005). This report looks at the many benefits of view protection and improvement detailing how the landscape of Scotland is one of its greatest and most bankable assets, but notes that little is done to manage views of the scenery. This report recommends that View Corridor Management Plans (VCMPs) are produced as a practical aid to consultation, prioritisation and implementation of the objectives of VCMPs. Key aspects of the Proposed Scheme have been designed through consultation with CNPA regarding visual effects and the view from the road.
- 19.4.57 Various elements have been aligned to maximise the visual experience of travellers including; naturalistic slopes in key locations, integrating the roadside planting into the wider landscape, minimising roadside infrastructure clutter and siting key lay-bys to take advantage of magnificent views of natural splendour. Many elements of the objectives behind VCMPs are covered within the DMRB Stage 3 assessment through Chapters 9, 13 and 14 with specific reference to the following: Route Character; Visual Envelope; Scenic Quality; Local Landscape Character Assessments; and views while travelling to and from stopping places. The Environmental Mitigation Design also integrates recreational access; biodiversity; animal welfare (route permeability improvements); and cultural heritage setting and interpretation.
- 19.4.58 In terms of the ‘Historic Environment Scotland Policy Statement’, within Project 9 there is an undesignated designed landscape which surrounds Balavil House. This has been acknowledged within Chapters 13, 14 and 15, and effects upon this property and surrounding landscape have been noted. The Proposed Scheme therefore complies with outlined principles.
- 19.4.59 ‘Scottish Forestry Strategy’ (2006) outlines strategic priorities for forestry including management, planting and environmental stewardship. It is supported by ‘The role of Scotland’s National Forest Estate and strategic directions’, which sets out the key commitments and actions for 2013-2016. Additionally, ‘The right tree in the right place: Planning for forestry and woodlands’ (2010) provides guidance to planning authorities on preparing new forestry and woodland strategies to guide woodland expansion. The Proposed Scheme and associated mitigation planting takes into account these strategies.
- 19.4.60 SNH ‘Landscape Policy Framework’ (2005) provides a policy framework for SNH’s landscape aim to “safeguard and enhance the distinct identity, the diverse character and the special qualities of Scotland’s landscapes as a whole, so as to ensure tomorrow’s landscapes contribute positively to people’s environment and are at least as attractive and valued as they are today”. The Proposed Scheme therefore complies with this policy as it conserves the Special Qualities of the CNP relevant to Project 9.

- 19.4.61 The Proposed Scheme conforms to the Fitting Landscapes policy aims, notably Aims 1 and 2, by preserving and, where possible, enhancing high value local landscape features and characteristics through the design of grade separated split carriageways and its sensitively curvaceous horizontal and vertical alignment, design of smooth-edged embankments with gradients integrated into adjacent landform, cascades and roadside vegetation. This policy sets out principles that have been used through the design process of the environmentally led Proposed Scheme.
- 19.4.62 The Proposed Scheme conforms to the policies set out in the CNPLDP (particularly Policy 3, 4, 5 and 9). Adverse effects identified on the landscape are addressed through mitigation to ensure there are no significant long term effects, with the exception of Insh Marsh LLCA and Ralia LLCA. In these locations there will be some long term effects due to their sensitive landscape designations including a SSSI and areas of Ancient or Ancient Semi-natural Woodland. However, in line with the requirements of the policy these have been minimised and mitigated against where possible. In respect of the remaining significant adverse effects, these are outweighed by the social and economic benefits of the Proposed Scheme, thereby conforming to Policy 5.
- 19.4.63 Mitigation to reduce the landscape and visual effects of the Proposed Scheme includes:
- Design of cutting and embankment slopes adjoining the mainline to reflect local landform features
 - Designing rock cuts to appear natural
 - Improving the aesthetics and local integration of structures, junctions and access tracks
 - Shaping SuDS basins, compensatory storage areas and water courses to blend into surrounding topography and to appear naturalistic
 - Mitigating the effects on the setting of cultural heritage assets through earthworks and planting
 - Replacement or compensation of woodland lost to the footprint of the proposed scheme, including Ancient or Ancient Semi-natural Woodland, to mitigate changes to landscape character
 - Introduction of new woodland to screen adverse effects of the Proposed Scheme from sensitive receptors where necessary
- 19.4.64 For full details of landscape and visual mitigation, please refer to Chapter 13: Landscape (Section 5, Mitigation) and Chapter 14: Visual (Section 5, Mitigation).
- 19.4.65 ‘Cairngorms Nature Action Plan’ (2013-2018) identifies key actions to be undertaken over five years. A number of actions are identified to expand and enhance woodland areas within the park. The Proposed Scheme is partially compliant with the ‘Cairngorms Nature Action Plan’. Planting areas used to mitigate potential effects will be of higher value than existing areas of woodland identified throughout the assessment, with the exception of areas of Ancient Woodland.
- 19.4.66 The Tourism Development Framework for Scotland (TDF): role of the planning system in delivering the Visitor Economy has been prepared to assist and promote growth in Scotland’s visitor economy to 2020 and states that tourist potential should consider opportunities to incorporate vistas in route design and stopping places along the route to take advantage of scenic views. The Proposed Scheme therefore complies with this policy, which, by careful consideration of lay-by locations, enhances visitor experience and connection with the landscape through scenic vistas and opportunities for NMU connections.

19.4.67 The 'Forest and Woodland Framework' (2008) details 'Forests of the Cairngorms' and provides policy basis for the management of forests and woodland in the CNP. It identifies seven strategic objectives and local priorities to mitigate against climate change, develop a sustainable timber resource, aid forestry business development, foster community development, promote access and health, improve environmental quality and benefit woodland biodiversity. The Proposed Scheme is partially compliant with this framework policy. Areas of woodland have been identified within the study area and if any vegetation is to be lost there will be replacement planting where suitable. Access to outdoor areas, including woodland, is also maintained through the Proposed Scheme, with safer access to routes via underpass crossings along the A9.

Cultural Heritage

19.4.68 NPF3 provides a framework for Scotland's long term development and sets out the Scottish Government's development priorities. Paragraph 4.6 of NPF3 states that "*The historic environment is an integral part of our well-being and cultural identity*". One of the planning outcomes outlined from NPF3 is to help to protect and enhance Scotland's cultural assets. This has been considered in Chapter 15 of the EIA through cultural heritage asset identification, embedded mitigation and avoidance during design and through potential impact assessment, proposed mitigation, and residual impact assessment. The Proposed Scheme is compliant with NPF3 as each cultural heritage asset with a predicted impact will have mitigation designed to lessen the impact and opportunities to enhance the assets have been considered and outlined.

19.4.69 SPP contains statements of the Scottish Government's policy on nationally important land use and other planning matters. Paragraphs 135-151 of the SPP outline the policies for the Historic Environment, which includes the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape). Planning authorities are advised to protect and preserve heritage assets. Paragraphs 141-142 states that Listed Buildings should be protected by any work which would adversely affect the building or its setting. Paragraph 145 states that a proposed development which would have an adverse effect on a Scheduled Monument or its setting would only be permitted in exceptional circumstances. Paragraphs 150-151 state that archaeological sites and monuments should be preserved in situ wherever possible. Where preservation in situ is not possible, the developer should undertake appropriate investigations and recording. It also states that non-designated historic assets and areas of historical interest should be protected and preserved in situ where feasible. The Proposed Scheme is predicted to impact on the settings of two Scheduled Monuments but their impacts will be reduced by design and by mitigation measures. The Proposed Scheme is predicted to impact on the settings of three Listed Buildings but the impacts will be reduced by design and remaining impacts will be lessened by mitigation and therefore is compliant with paragraphs 141-142. All archaeological sites and monuments are to be preserved in situ where possible. All the Proposed Scheme is compliant with paragraphs 150-151 as, where preservation in situ is not possible, all impacted archaeological sites and monuments will be preserved by record.

19.4.70 The Historic Environment Scotland Policy Statement is a material consideration in the Scottish planning system and replaces the Scottish Historic Environment Policy (SHEP). One of the policies key principles is that there should be presumption in favour of preservation of individual historic assets and 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 while managing the historic environment in a sustainable way. Conservation of the historic environment should include recording where continued preservation is not possible on an asset and ensure that all records are retained in readily accessible archives. This has been considered in Chapter 15 of the EIA through cultural heritage

asset identification, assessment of its significance or value with attempts to conserve assets and the wider historic landscape during the design process. The Proposed Scheme is compliant with this policy as all cultural heritage assets with predicted impacts will be recorded and preserved by record with suitable mitigation.

- 19.4.71 The Scottish Government provide a range of Circulars and Planning Advice Notes (PAN) which contain guidance on policy implementation and provide advice and information on technical planning matters. PAN 2/2011: Planning and Archaeology (Scottish Government, 2011) outlines the requirement to protect archaeological remains and their setting during the planning process and states that the protection should be proportionate to the value of the archaeological remains and to the developments. This has been considered in Chapter 15 of the EIA through cultural heritage asset identification, assessment of its value with attempts to conserve assets during the design process, proportionate to the value of the asset. The Proposed Scheme is compliant with this policy as all cultural heritage assets with predicted impacts will be recorded and preserved by record with suitable mitigation.
- 19.4.72 The CNPLDP sets policies and proposals for development and use of land within the National Park. One of its aims is to conserve and enhance the natural and cultural heritage of the area. Policy 9 (Cultural Heritage) is relevant to cultural heritage.
- 19.4.73 Policy 9 (Cultural Heritage) states that where a development results in a significant adverse impact on a Scheduled Monument, Listed Building or Inventory Gardens, Landscapes and battlefields, the proposal must demonstrate that the effect is clearly outweighed by social and economic benefits and minimise and mitigate any adverse effects on the asset or its setting. It also requires that development affecting a cultural heritage asset of local or wider significance will protect or conserve and enhance the feature and its setting or take reasonable measures to avoid, minimise and mitigate any adverse effects. Appropriate provision must be made for recording and publication in advance of development. This has been considered in Chapter 15 of the EIA through cultural heritage asset identification and assessment of their value with attempts to conserve assets during the design process, proportionate to the value of the asset. The Proposed Scheme is compliant with this policy as all impacts on the settings of Scheduled Monuments and Listed Buildings will be reduced by design and mitigation and all undesignated cultural heritage assets with predicted impacts will be recorded and preserved by record with suitable mitigation.

Air Quality

- 19.4.74 The NPF3 provides a statutory framework for Scotland's spatial development and sets out a long-term vision with a focus on supporting sustainable economic growth and the transition to a low carbon economy. The strategy as a whole aims to reduce greenhouse gas (GHG) emissions and facilitate adaptation to climate change.
- 19.4.75 The Scottish Government published a draft Climate Change Plan, the third report on proposals and policies (RPP3) for meeting Scotland's annual greenhouse gas emissions targets, as required by the 'Climate Change (Scotland) Act 2009'. This report states that the Scottish Government has committed to a new Climate Change Bill that will set a more testing target for 2020. It also states that "*technological change will be transformational, significantly reducing emissions, despite economic and population growth.*" The draft plan sets out policy outcomes along with policies, policy development milestones and proposals that contribute to the delivery of the policy outcomes.

- 19.4.76 Paragraph 29 of the SPP states that *“policies and decisions should be guided by the following principles:*
- *Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality”.*
- 19.4.77 SPP requires that where developments may lead to significant adverse effects on features of national importance such as SSSIs, the effects must be clearly outweighed by social or economic benefits of national importance.
- 19.4.78 In terms of CNPLDP, air quality does not fall under their responsibility and as such no mention is made in relation to air quality policies within this LDP. However, Policy 3 does require the protection of amenity enjoyed by neighbours to development.
- 19.4.79 In terms of local air quality, the level of impact at the representative receptors are within the AQS objectives for NO₂, PM₁₀ and PM_{2.5} and no significant air quality impacts are expected to result from the Proposed Scheme. Therefore, there is no conflict with the relevant section of SPP.
- 19.4.80 In relation to ecological designated sites, no significant air quality impacts are expected on any designated sites. No conflict is therefore expected between the Proposed Scheme and the relevant section of SPP in this regard.
- 19.4.81 With regard to regional air quality the Proposed Scheme is expected to lead to an increase in emissions of NO_x, PM₁₀ and CO₂ in both the Opening and Design Years. This results in an increase in greenhouse gas emissions; however, measures are being implemented at a national level to offset such growth from transport emissions. There is therefore not expected to be any conflicts with SPP or draft Climate Change Plan in relation to increases in greenhouse gas emissions in this case.

Noise and Vibration

- 19.4.82 Point 6.8 of NPF3 requires that the appropriate level of environmental assessment and public consultation is conducted for any national development, to demonstrate that all efforts have been made to mitigate any environmental impacts associated with the Proposed Scheme to an acceptable level at the consenting stage.
- 19.4.83 PAN 1/2011 Planning and Noise aims to advise on the role of the planning system to control and limit the adverse effects of noise. Paragraph 2 states *“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.”*
- 19.4.84 Technical Advice Note: Assessment of Noise states that an assessment should provide a full understanding of the existing acoustic environment together with the nature of the development, together with the process that should be followed in order to assess the impacts. In this instance the methodology is to identify the noise sensitive receptors, assign levels of sensitivity, undertake a quantitative assessment, which will consider existing noise levels against potential changes due to the project, classify the magnitude of those impacts, undertake a qualitative assessment and assign descriptors to the impacts based upon perception, and consider the overall level of significance.

- 19.4.85 Policy 3 of the CNPLDP requires development to be designed to protect the amenity enjoyed by neighbours to development.
- 19.4.86 A quantitative noise assessment of the Proposed Scheme is presented in Chapter 17, the assessment identifies some increases in noise levels, and some decreases, at sensitive receptors. The magnitude of change for some receptors is sufficient that noise mitigation has been recommended in some places in the form of noise barriers. There are some locations away from the A9 where the magnitude of increase in road traffic noise is sufficient to consider noise mitigation due to increases in traffic flows and speeds. However, the implementation of noise barriers is not considered feasible due to the nature of the B-roads and individual access requirements to the receptors. This mitigation ensures that the requirements of the above policies are met, where feasible, where they relate to effects on amenity. This does result in some conflicts with Policy 3 of the CNPLDP where the installation of noise barriers is not feasible as set out in Chapter 17.

Materials

- 19.4.87 The use and consumption of material resources and the production and management of waste are subject to a complex framework of legislative and policy instruments at the European, National and Local level.
- 19.4.88 The key national and local planning policy themes of relevance to this topic include new developments being designed and constructed to:
- facilitate reduced resource consumption and lowering of GHG emissions (NPF3 Paragraph 2.7)
 - minimise the unnecessary use of primary materials and promote efficient use of secondary materials (Paragraph 176 of the SPP)
 - reduce waste, facilitate its management and promote resource recovery (SPP Paragraph 29) through applying the waste hierarchy of prevention, reuse, recycling, recovery and disposal (SPP Paragraph 176)
 - making sustainable use of resources, including the minimisation of waste (CNPLDP Policy 3)
 - ensuring the minimisation of waste from the construction of the development as defined in a site waste management plan or statement (CNPLDP Policy 10)
 - support achievement of Scotland’s zero waste targets: recycling 70% of all waste and sending no more than 5% of Scotland’s annual waste arisings to landfill by 2025 (SPP Paragraph 176)
- 19.4.89 **Chapter 18** sets out the embedded mitigation measures, that have been adopted as part of the evolution of the design, and the essential or desirable mitigation and enhancement measures envisaged to prevent, reduce and offset any significant adverse effects from the consumption of materials and the generation and management of waste associated with the construction of the Proposed Scheme.
- 19.4.90 Additional required mitigation measures have also been identified through a review of current legislation, policy and best practice guidance. Such measures will support the delivery of the A9 Sustainability Strategy objective of “*optimising resource efficiency across the life of the A9 Dualling Programme, with particular regard to geographical scale and project alignment*” through:

- Complying with all relevant legislation, policy and plans pertaining to the use of material resources and the management of waste
- Designing for resource efficient construction in order to make the best use of materials and minimise embodied carbon emissions
- Responsibly sourcing construction materials and products; and investigating alternatives to the use of primary aggregates
- Designing out Waste and facilitating the prevention, reuse, recycling and recovery of construction, demolition and excavation waste through the implementation of a site waste management plan; including setting resource efficiency requirements into the procurement process for the principal contractor that support the delivery of the Scottish Government’s ZWP Plan Targets

19.4.91 The Proposed Scheme is therefore considered compliant, with both national and local planning policy, on account of the robust project environmental management process that has been followed and the adoption of the committed design and construction mitigation measures described above. There are a range of additional legislation, policy, plans and guidance which relate to **Chapter 18** within this assessment.

19.5 Summary of Potential Effects and Proposed Scheme Compliance

19.5.1 As previously confirmed, this DMRB Stage 3 EIA has been undertaken in line with the guidance set out in DMRB Volume 11, Section 3, Part 12 ‘*Impact of Road Schemes upon Policies and Plans*’. The assessment demonstrates that there is limited conflict with policies and plans in relation to the Proposed Scheme, with the only conflict identified in relation to noise mitigation and where the installation of noise barriers is not feasible at certain locations. This is in conflict with Policy 3 of the Cairngorm National Park Local Development Plan. This is addressed within 19.4.86 of this Chapter. In terms of potential impacts on protected resources such as ecological features and also physical infrastructures, such as heritage assets, a range of appropriate additional specific and general mitigation will be incorporated into both the construction and operational phases of the Proposed Scheme. A schedule of committed mitigation measures can be found in **Chapter 21**. These mitigation measures will be location specific to ensure compliance with a range of relevant policies.

19.6 References

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