

Appendix 19.1

Assessment of Development Plan Policy Compliance

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1 Introduction

1.1 Assessment of Development Plan Policy Compliance

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

Table 1: Assessment of Compliance of the Proposed Scheme

Policy	Relevant ES Chapter(s)	Compliance with Policy	Summary
Cairngorms National Park Local Development Plan (CNPLDP) (2015)			
Policy 2 Supporting Economic Growth	Chapter 8 (Community and Private Assets) Chapter 9 (Effects on all Travellers)	√ √	<p>Policy 2 of the CNPLDP states that proposals which support or extend the economy, or enhance the range and quality of economic opportunities or facilities, will be considered favourably where 'It supports the vitality and viability of the local economy of the Park'.</p> <p>In line with this policy the Proposed Scheme would ensure that economic development was supported through the provision of efficient infrastructure.</p> <p>The key objectives of the Proposed Scheme, as part of the wider A9 dualling programme, are centred upon the following:</p> <ul style="list-style-type: none"> • Economic growth • Improved connectivity between all of Scotland's cities • Improved road safety and a reduction in driver stress • Improved journey times • Improved access to tourist and recreation sites • Improved links to pedestrian, cycling and public transport facilities • Environmental relief and reduced severance for some communities

Policy 3 Sustainable Design	Chapter 8 (Community and Private Assets)	√	<p>Policy 3 of the CNPLDP ensures, where possible, that development within the Local Plan area is carried out in a way that is in keeping with the goal of sustainable development. This includes ensuring that new development should meet local needs and enhance access to employment, facilities, services and goods. The Policy requires schemes to demonstrate how the proposal has been designed sustainably.</p> <p>Mitigation measures specific to each environmental discipline ensures compliance with this policy such as:</p> <ul style="list-style-type: none"> • Protecting public and amenity open space where possible (Chapter 8) • Maintaining access and easing of connectivity to the Core Path network (Chapter 9) • Provision of natural bed material in watercourse crossings to enable more natural river morphology processes to establish, benefitting wider biodiversity (Chapter 12) • Replacement and enhancement of woodland planting in keeping with the surroundings and the National Park context (Chapters 12 and 13) • Provision of noise barriers, where possible to protect amenity (Chapter 17) • Minimisation of waste (Chapter 18) <p>The Proposed Scheme supports the economic, social and environmental objectives of Policy 3 in most respects. The exception to this is in relation to adverse noise impacts experienced by some dwellings where the installation of noise barriers is not feasible.</p>
	Chapter 9 (Effects on all Travellers)	√	
	Chapter 12 (Ecology and Nature Conservation)	√	
	Chapter 13 (Landscape)	√	
	Chapter 14 (Visual)	√	
	Chapter 17 (Noise and Vibration)	X	
	Chapter 18 (Materials)	√	

<p>Policy 4 Natural Heritage</p>	<p>Chapter 10 (Geology, Soils and Groundwater)</p> <p>Chapter 12 (Ecology and Nature Conservation)</p> <p>Chapter 13 (Landscape)</p> <p>Chapter 14 (Visual)</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>Policy 4 seeks to conserve and enhance the special habitats and species of the Cairngorms, including international and national designations (including the National Park designation), important natural and earth heritage sites, protected species and biodiversity. This policy states that any proposed development where there is evidence to indicate that a habitat or species may be present on or adjacent to the site, comprehensive surveys and mitigation measures are to be submitted to avoid or reduce any potential impacts.</p> <p>Mitigation measures included to minimise impacts on the Natural Heritage of the Park include:</p> <ul style="list-style-type: none"> • Exclusion zones and minimising disturbance of soil profiles and landform for local-scale works in vicinity of Lochan an Tairbh, together with appropriate working practices to avoid damage to water quality and sediments (Chapter 10) • Provision of new rock exposures in areas of road widening or cutting (Chapter 10) • Opportunities to create and/ or improve the extent and quality of habitats to improve biodiversity (Chapter 12) • Minimising the extent and duration of works within designated sites and notable habitats (Chapter 12) • Provision of exclusion zones around sensitive habitats, including watercourses and active bird nests (Chapter 12) • Replacement tree planting to fit in with existing landscape (Chapter 13) • Earthwork reprofiling to reflect existing form and gradients (Chapter 13)
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<p>Policy 5 Landscape</p>	<p>Chapter 13 (Landscape) Chapter 14 (Visual)</p>	<p>√ √</p>	<p>Policy 5 states that there will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park. The Policy goes on to state that development which does not complement and enhance the landscape character of the Park will be permitted only where:</p> <ul style="list-style-type: none"> a) Any significant adverse impacts are clearly outweighed by social or economic benefits of national importance; and b) All adverse effects on the setting have been minimised and mitigated. <p>Mitigation measures described in Chapters 13 and 14 ensure that impacts on the National Park are minimised in line with this policy, these include:</p> <ul style="list-style-type: none"> • Replacement and enhanced woodland planting • Replanting of lost vegetation including dry heath, acid grassland and wet grassland • Earthwork re-profiling and slope design to reflect existing form an gradient <p>There are some remaining significant adverse impacts resulting from the Proposed Scheme, however, inline with Policy 5 these are outweighed by the benefits of national importance associated with the A9 Dualling.</p>
<p>Policy 8 Sport and Recreation</p>	<p>Chapter 8 (Community and Private Assets) Chapter 9 (Effects on all Travellers)</p>	<p>√ √</p>	<p>Policy 8 encourages new developments, which maintain and maximise opportunities to link into the existing path network, meet identified community needs, demonstrate best practice in terms of sustainable design, and where there are no adverse environmental impacts on the site. The policy also discourages developments which result in the reduction of sport or recreation facilities.</p> <p>As set out in Chapter 8, the development will result in land loss from recreational facilities, however the nature of this loss is not such that there will be a reduction in the facilities available to the community; this ensures compliance with this policy in this respect.</p> <p>Chapter 9 sets out how the development will ensure connections to the Core Path Network will be retained and links replaced where required. The Chapter also outlines that opportunities to link to the network will be enhanced where appropriate.</p>
<p>Policy 9 Cultural Heritage</p>	<p>Chapter 15 (Cultural Heritage)</p>	<p>√</p>	<p>Policy 9 aims to conserve and enhance the cultural heritage of the National Park. The policy states that where a development would result in a significant adverse impact on a Listed Building and Landscapes, the proposal must demonstrate that the effect is clearly outweighed by social and economic benefits and minimise and mitigate any adverse effects on the asset or its setting. 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.</p> <p>The Proposed Scheme is compliant with this policy as 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.</p>

<p>Policy 10 Resources</p>	<p>Chapter 10 (Geology, Soils and Groundwater)</p> <p>Chapter 11 (Road Drainage and the Water Environment)</p> <p>Chapter 18 (Materials)</p>	<p>√</p> <p>√</p> <p>√</p>	<p>To accord with Policy 10, new development proposals must consider water resources, flooding, connections to sewage, water management and minimisation, minerals, carbon sinks and stores, contaminated land and landfills.</p> <p>Chapter 11 establishes that there will be no deterioration in water quality as a result of the Proposed Scheme in line with this policy.</p> <p>In terms of flood risk, an FRA has been undertaken which outlines that increased flows will be attenuated and treated by the incorporation of SuDS ensuring the risk of flooding is not increased.</p> <p>With regards private water supplies, Chapter 10 notes that several supplies and/ or their associated networks may be impacted directly or indirectly by construction of the Proposed Scheme. However, mitigation measures (including protection, monitoring, diversion, replacement or decommissioning) ensure residual impacts are Neutral.</p> <p>Chapter 18 sets out that the Proposed Scheme will contribute to the Scottish Government’s Zero Waste Plan target, in line with this policy.</p> <p>There is historical and current evidence of local rock, sand and gravel extraction, and potential future extraction of similar resources cannot be discounted. Due to the relatively widespread occurrence of these deposits (low sensitivity), the impact of the Proposed Scheme is considered to be minor (and therefore compliant with policy) on any current or future viable extraction of workable mineral reserves.</p> <p>The policy seeks to minimise impacts on soils, peat and associated vegetation. Mitigation measures such as a Soil Management Plan and an Outline Peat Management Plan ensure compliance with this element of the policy.</p> <p>Several potential sources of contamination have been identified in the study area, with the potential for impacts associated with these assessed in Chapter 10. This identifies very low to moderate risks during construction or operation, with appropriate mitigation measures to include completion of a full risk assessment, appropriate health and safety measures, watching briefs, and additional investigation and consultation, where necessary. The residual impacts in relation to this are assessed as Very Low to Low significance during construction and operation, respectively, and it is therefore considered that this aspect is compliant with the relevant policies.</p>
<p>Cairngorms National Park Authority (CNPA) Supplementary Planning Guidance</p>			
<p>Policy 2 Supporting Economic Growth (Non-Statutory Guidance)</p>	<p>Chapter 8 (Community and Private Assets)</p> <p>Chapter 9 (Effect on all Travellers)</p>	<p>√</p> <p>√</p>	<p>The non-statutory guidance relating to Policy 2 states that developments which promote and enhance the social, economic and environmental wellbeing of people in the locality of the National Park will be supported.</p> <p>Compliance is per Policy 2 of the CNPLDP above.</p>

Policy 3 Sustainable Design (Non-Statutory Guidance)	Chapter 8 (Community and Private Assets) Chapter 9 (Effect on all Travellers) Chapter 12 (Ecology and Nature Conservation) Chapter 13 (Landscape) Chapter 14 (Visual) Chapter 17 (Noise and Vibration) Chapter 18 (Materials)	√ √ √ √ √ √ √	The non-statutory guidance for Policy 3 seeks to ensure, where possible, that the Proposed Scheme is carried out in a manner in keeping with the goal of sustainable development. It states that all development must adopt a sustainable approach to design in order to minimise long-term damage to the natural environmental and support social and economic fabric of the National Park. Compliance is per Policy 3 of the CNPLDP above.
Policy 4 Natural Heritage (Supplementary Guidance)	Chapter 10 (Geology, Soils and Groundwater) Chapter 12 (Ecology and Nature Conservation) Chapter 13 (Landscape) Chapter 14 (Visual)	√ √ √ √	The supplementary guidance of Policy 4 states that development will not be supported where there would be damage to the Natural Heritage of the area. Compliance is per Policy 4 of the CNPLDP above.
Policy 5 Landscape (Non-Statutory Guidance)	Chapter 13 (Landscape) Chapter 14 (Visual)	√ √	The non-statutory guidance of Policy 5 states that development proposals will be assessed on four key considerations which include; <ul style="list-style-type: none"> • complementing and enhancing the landscape character and special qualities, • having no negative impact on the experience of the wild land, • demonstrating social or economic benefits of national importance if the development has a significant adverse effect, • if there is likely to be a significant adverse effect it must be demonstrated how those effects are minimised through appropriate mitigation. Compliance is per Policy 5 of the CNPLDP above.
Policy 8 Sport and Recreation (Non-Statutory Guidance)	Chapter 8 (Community and Private Assets) Chapter 9 (Effects on all Travellers)	√	The non-statutory guidance relating to Policy 8 supports new development that is designed and located to ensure that existing and potential public access routes are protected and utilise appropriate opportunities to promote walking and cycling. Compliance is per Policy 8 of the CNPLDP above.
Policy 9 Cultural Heritage (Non-Statutory Guidance)	Chapter 15 (Cultural Heritage)	√	This non-statutory planning guidance gives further information on policy requirements and information required on cultural heritage assets in order to meet the requirements of Policy 9 of the CNPLDP. This guidance clarifies that the key to preserving the cultural heritage of the National Park is managing change in an appropriate way. Compliance is per Policy 9 of the CNPLDP above

Policy 10 Resources (Non-Statutory Guidance)	Chapter 10 (Geology, Soils and Groundwater) Chapter 11 (Road Drainage and the Water Environment) Chapter 18 (Materials)	√	This non-statutory guidance provides further details of the requirements of Policy 10 and the information required by CNPA from developers to demonstrate this compliance. Compliance is per Policy 10 of the CNPLDP above.
Cairngorms National Park Partnership Plan 2017-2022			
Priority 1 Landscape Scale Collaboration	Chapter 12 (Ecology and Nature Conservation) Chapter 13 (Landscape) Chapter 14 (Visual)	√ √ √	The Partnership Plan aims to support woodland expansion targets, peatland restoration targets, river restoration and wetland enhancement and designated site targets. Mitigation measures included in Chapters 10, 12, 13 and 14 ensure that the aims of this priority are not compromised through the Proposed Scheme.
Priority 2 Deer Management	Chapter 8 (Community and Private Assets) Chapter 12 (Ecology and Nature Conservation)	√ √ √	Priority 3 seeks to reduce deer impacts by maintaining lower deer numbers within the Park while maintaining a sport stalking resource. Based on the SNH National Deer Vehicle Collision (DVC) data, the Proposed Scheme includes the appropriate sizing of dual-use structures to provide safe crossing opportunities for deer. On this basis, no significant change to seasonal deer migration is expected to occur. Given that reinstatement/ habitat restoration areas are sympathetic to the existing landscape character and habitat baseline, ongoing sustainable deer management in the locality will not be significantly changed by the Proposed Scheme.
Priority 3 Moorland Management	Chapter 8 (Community and Private Assets) Chapter 10 (Geology, Soils and Groundwater) Chapter 12 (Ecology and Nature Conservation)	√ √ √	Priority 3 aims to deliver good moorland management, increase raptor populations and contribute to woodland, peatland and designated site targets. Mitigation measures included in Chapters 8, 10, 12, 13 and 14 ensure that the aims of this priority are supported.
Priority 4 Visitor Infrastructure and Information	Chapter 8 (Community and Private Assets) Chapter 9 (Effects on All Travellers)	√ √	Priority 4 encourages the enhancement of quality of visitor infrastructure and maintaining a high quality off-road network. Additionally, it specifically seeks to prevent issues from potential impacts on the visitor experience of dualling the A9. Mitigation measures described in Chapter 9 demonstrate that there will be no significant adverse impacts on visitor experience of the Park following the dualling in accordance with this priority.
Priority 5 Active Cairngorms	Chapter 9 (Effects on All Travellers)	√	Issue 5 encourages the support of the Active Cairngorms Partnership and outdoor physical activity. This is supported through the maintenance and improvement of NMU connections achieved through mitigation measures described within Chapter 9.
Priority 9 Economic Development	Chapter 8 (Community and Private Assets) Chapter 9 (Effects on All Travellers)	√ √	Priority 9 includes the aims to maximise opportunities for business, communities and visitors from the A9 Dualling project. Chapter 9 demonstrates that NMU links for visitors are not compromised by the dualling project with some enhancements provided.