

19 Policies and Plans

This chapter considers the proposed scheme's compliance with relevant national, regional and local planning policies.

The principle of development of the proposed scheme is supported in planning policy, with the Scottish Government's commitment to it and wider improvements to the A9 outlined in National Planning Framework 3, as well as various other national policy guidance documents.

The proposed scheme also supports 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.

This policy assessment finds the proposed scheme to be compliant with the majority of relevant policies. It has identified areas of potential non-compliance with some aspects of planning policy, primarily due to the scale and nature of the proposed scheme, as well as the wording of policies not being directly relevant to large scale roads projects. The principle of a major trunk road has long been established, and physical changes are unavoidable for a development of this nature.

Potential non-compliance identified relates to landscape and visual change, community and private assets, loss of regionally designated woodland (AWI), and impacts on a nationally designated Historic Battlefield (Killiecrankie).

Potential policy conflicts need to be balanced against other environmental considerations, and in the context of the presence of the existing A9. The areas of potential non-compliance should also be viewed against the overarching benefits of the proposed scheme, such as improving connectivity, enhancing safety for all users, and promoting social and regional economic opportunities. These benefits reflect the spatial strategies set out in Cairngorms National Park and Perth & Kinross Council's respective Local Development Plans.

19.1 Introduction

- 19.1.1 This chapter presents the DMRB Stage 3 assessment of the proposed scheme in the context of relevant planning policies. This includes a review of national, regional and local planning policy and guidance documents, and consideration of potential policy conflicts or compliance with the proposed scheme.
- 19.1.2 This chapter is supported by Appendix A19.1, which summarises the key planning policies that are relevant to the assessment of impacts discussed in Chapters 8-18, and Appendix A19.2 which provides a detailed assessment of development plan policy compliance. This is also summarised in Section 19.4 below.

Scottish Planning System

- 19.1.3 The 'Town and Country Planning (Scotland) Act 1997' ['the 1997 Act'] (as amended by the Planning etc. (Scotland) Act 2006) ['the 2006 Act'] provides the framework for land use planning and the development of planning policy in Scotland. The 2006 Act is an enabling Act. Its purpose is to amend existing planning legislation and provide a mechanism for the delivery of a modernised planning system.
- 19.1.4 A key feature of the 2006 Act is the statutory role and application of the National Planning Framework (NPF). The National Planning Framework 3 (NPF3) contains a statement of priorities and a strategy for the long-term spatial development of Scotland. The approved NPF3 was published by the Scottish Government in June 2014 and identifies national developments including major strategic transport proposals. It also requires Scottish Ministers to include a statement of their reasons for considering a need for such developments.
- 19.1.5 The Scottish Government's influence on the planning system also extends to the production of Scottish Planning Policy (SPP), Circulars, Planning Advice Notes (PANs) and approval of strategic planning documents. Each of these policy documents is material to the development of local and regional policy and provides thematic guidance on planning for a broad range of land uses and developments.

- 19.1.6 Under the 1997 Act, each planning authority in Scotland has a responsibility to publish a development plan, the content of which is informed by national policy. The development plan forms the basis on which decisions about development and future land use are made, and incorporates the requirements of national planning policy within a strategic and local framework.
- 19.1.7 As a consequence of amendments to the planning system in the 2006 Act, development plans now comprise of Strategic Development Plans (SDP) (prepared only for the four largest city regions) and a Local Development Plan (LDP) (prepared by each local authority for its area). SDPs set out a vision and context for the long-term development of the city regions and deal with cross boundary issues, including transport. For those authorities outside the city regions, the LDPs set out the area's strategic priorities and must be replaced every five years. LDPs are concise, map-based documents focusing on specific proposals for a time horizon of a minimum of ten years (where they are also covered by an SDP) or 20 years (outwith SDP areas). To enable the LDP to remain concise, they are accompanied by a suite of supplementary guidance which will provide detailed policy and advice.
- 19.1.8 The proposed scheme is located across two administrative boundaries; The Cairngorms National Park Authority (CNPA) and Perth & Kinross Council (PKC) areas (see Figure 19.1). Planning control involves the CNPA working alongside the five local authorities which operate in the National Park, including PKC. Both CNPA and PKC prepare the LDPs for their administrative areas. Planning applications within the PKC section of the National Park are submitted to PKC initially. CNPA has powers to call-in applications for its determination if it wishes, usually where they are of significance to the aims of the National Park. Assessment of extant planning applications has been included in Chapter 8 (People and Communities – Community and Private Assets).
- 19.1.9 The TAYplan SDP area boundary (TAYplan is the Strategic Planning Authority for Dundee, Angus, Perth and North Fife) includes the section of the proposed scheme located within PKC. The National Park is not within an SDP area. The relevant Development Plan documents are listed in Table 19.1 below.

Table 19.1: Development Plan Document

Document	Title	Status
Strategic Development Plan	TAYplan Strategic Development Plan (2016-36) (PKC section)	Approved October 2017
Local Development Plan	Perth & Kinross Local Development Plan (PKC section)	Adopted February 2014
Local Development Plan	Cairngorms National Park Local Development Plan (CNP LDP) (CNPA section)	Adopted March 2015

19.2 Approach and Methods

- 19.2.1 Plans and policies are reviewed in the context of Chapters 8-18 of this DMRB Stage 3 assessment. As noted in Chapter 6 (Overview of Assessment Process), and in accordance with the Environmental Scoping Report issued to statutory consultees, policies and plans are considered within a single chapter of this ES (rather than in the individual technical chapters as is proposed by DMRB guidance contained in IAN125/15).
- 19.2.2 Policies relevant to each topic chapter are presented in Appendix A19.1. As many of the policies are relevant to more than one topic chapter, the assessment of compliance of the proposed scheme is provided in Appendix A19.2, with reference made to the relevant topic chapters. A summary of the compliance of the proposed scheme with key policies is provided in this chapter.
- 19.2.3 The methodology used for this DMRB Stage 3 assessment has involved the following:
- describing the existing and, where appropriate, emerging planning policy guidance framework as applicable to the proposed scheme;
 - describing the existing, and where appropriate, emerging development plan framework as applicable to the proposed scheme;
 - reviewing the likely impacts of the proposed scheme on the achievement of the objectives and policies identified; and

- reporting the likely conflicts or compliance of the proposed scheme on key strategic and local planning policy objectives.

19.2.4 It should be noted that some of the policy guidance documents referenced in DMRB Volume 11 are now out-dated and not referred to in this chapter.

19.3 Summary of Plans and Policies

National Guidance

19.3.1 A summary of the national policy and government framework documents of relevance to the proposed scheme is provided below.

Strategic Transport Projects Review – Final Report (STPR) (Transport Scotland, 2009)

19.3.2 The STPR (Final Report) supports the delivery of strategic outcomes identified in the previous iterations of the National Transport Strategy (2006) and National Planning Framework 2 (2010), both of which have been superseded – see 19.3.13 and 19.3.15 accordingly. The outcomes of the STPR are structured on a tiered approach to investment. Maintaining safe, efficient and effective links on strategic corridors, including the A9, is seen as one of the key challenges of the STPR.

19.3.3 In terms of future network performance, the review categorises the strategic transport network into 20 corridors, four urban networks (Glasgow, Edinburgh, Dundee and Aberdeen), and two strategic nodes (Perth and Inverness). The review concluded that generally the network was performing to a high standard, however, a number of significant areas would require specific attention. This included ‘Corridor 6 – Inverness to Perth’:

- *‘To reduce journey time and increase opportunities to travel between Inverness and Perth (and hence onwards to the Central Belt);*
- *To improve the operational effectiveness of the A9 as it approaches Perth and Inverness;*
- *To address issues of driver frustration relating to inconsistent road standard, with attention to reducing accident severity; and*
- *To promote journey time reductions, particularly by public transport, between the Central Belt and Inverness primarily to allow business to achieve an effective working day when travelling between these centres.’ (STPR, 2008, p.143).*

Scotland’s Cities: Delivering For Scotland (Scottish Government, 2011)

19.3.4 The Scottish Government’s Scotland’s Cities: Delivering for Scotland sets out how to develop and enhance the most productive resources of our cities. The key to this is the investment in infrastructure to ensure that:

‘Good connectivity within and between cities and their regions is the key to widening the reach of our cities within Scotland... Further reducing journey times between our cities, and particularly between Aberdeen, Inverness and the central Belt will bring additional benefits.’ (p.19)

A Long-Term Vision for Active Travel in Scotland 2030 (Transport Scotland, 2014)

19.3.5 Transport Scotland’s Long-Term Vision for Active Travel sets out an approach to addressing movement in Scotland’s communities, seeking to promote walking and cycling as the most popular choice for shorter everyday journeys. In regards to infrastructure delivery, The Transport Scotland vision seeks to ensure:

‘Comprehensive active travel networks are available for walking and cycling... Nationally, walking and cycling networks (comprising the National Cycle Network, Long Distance Routes (LDRs), regional routes, core paths and local cycle networks) link settlements, places of interest and public transport hubs.’ (p.07)

Fitting Landscapes (Transport Scotland, 2014)

- 19.3.6 Transport Scotland has produced 'Fitting Landscapes' guidance which has the overarching aim 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.'* (p.12)
- 19.3.7 The guidance has been incorporated into the landscape and visual methodology and assessments of the proposed scheme, as reported in Chapter 13 (Landscape) and Chapter 14 (Visual) of this ES. The design objectives for the proposed scheme (see Appendix A13.6) are reflective of the aims set out in 'Fitting Landscapes', which seek to:
- ensure high quality of design and place;
 - enhance and protect natural heritage;
 - use resources wisely; and
 - build in adaptability to change.

Infrastructure Investment Plan (IIP) (Scottish Government, 2015)

- 19.3.8 The current IIP, published in 2015, provides a refresh to the previous 2011 IIP and gives an overview of the Scottish Government's plans for infrastructure investment. The vision for the IIP is to deliver *'sustainable economic growth through increasing competitiveness and tackling inequality, managing the transition to a lower carbon economy, enhancing public services, and supporting employment and opportunity across Scotland.'* (p.1)
- 19.3.9 The IIP is therefore focused on improving connections across, within and to/from Scotland. The IIP refers to the Scottish Government's strategy to completing the dualling of the A9 between Perth and Inverness by 2025.
- 19.3.10 The IIP states that the Scottish Government's targets *'...underline the commitment to connecting Scotland's cities with a high quality transport system that will generate economic growth and will ensure the road network between all Scottish cities is of dual carriageway standard.'* (p.69).

Scotland's Economic Strategy (Scottish Government, 2015)

- 19.3.11 This strategy document states that the purpose of the Scottish Government is to create a more successful country through increasing sustainable economic growth and tackling inequality. The Strategy was initially published in 2007, revised in 2011 in cognisance of the economic downturn, and further updated in 2015. The update focuses on creating a more successful country, through increased competitiveness and sustainability of the Scottish economy. The strategy is based on the principle that investing in infrastructure is key to helping businesses to grow, innovate and create good quality employment opportunities.
- 19.3.12 The strategy acknowledges the importance of Scotland's cities and towns as centres of growth and prosperity. In regards to investment in infrastructure the strategy states that it *'is key to driving long-term improvements in competitiveness and in creating opportunities for everyone in society to benefit from these improvements'* (p.37). The A9 dualling programme is listed in the Economic Strategy as a major project which will help cities, towns and regions to drive growth and compete internationally.

National Transport Strategy (NTS) (Scottish Government, 2016)

- 19.3.13 The current National Transport Strategy (NTS) is a refresh of the previous 2006 NTS which considers Scotland's transport needs and outlines the long-term strategy to meet the aims identified in 'Scotland's Transport Future' (outlined further above). The following three key strategic outcomes have been retained within the NTS to achieve this:
- *'improve journey times and connections, to tackle congestion and the lack of integration and connections in transport which impact on high level objectives for economic growth, social inclusion, integration and safety;*
 - *reduce emissions, to tackle the issues of climate change, air quality and health improvement which impact on high-level objectives for protecting the environment and improving health; and*
 - *improve quality, accessibility, and affordability, giving people a choice of public transport where availability means better quality services and value for money, providing an alternative to the car.'* (p.2)
- 19.3.14 The NTS also reaffirms at page 21 the Scottish Ministers' commitment to investing in the A9 dualling between Perth and Inverness by 2025.

National Planning Framework 3 (NPF3) (Scottish Government, 2014)

- 19.3.15 The Scottish Government published the third iteration of the NPF in June 2014 (Scottish Government, 2014). NPF3 is a statutory document and a material consideration in planning decisions.
- 19.3.16 NPF3 guides Scotland's spatial development over the next 20 to 30 years, setting out strategic development priorities to support the Scottish Government's central purpose to *'create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.'* (paragraph 1.1) One of the key drivers for the revision has been to emphasise place-making. It also focusses on the following four outcomes for Scotland:
- a low carbon place;
 - a natural place to invest;
 - a successful and sustainable place; and
 - a connected place.
- 19.3.17 NPF3 describes spatial priorities for change in improving connections. It states in paragraph 5.20 that:
- 'The road network has an essential role to play in connecting cities by car, public transport and active travel...We will complete dualling of the trunk roads between cities, with dualling of the A9 from Perth to Inverness complete by 2025 and dualling of the A96 from Inverness to Aberdeen by 2030'. (p.55)*
- 19.3.18 NPF3 states that the A9 dualling programme between Perth and Inverness will provide *'a step change in accessibility across the rural north'*, and *'increase business confidence and support investment through the region'* (Scottish Government, 2014. Paragraph 5.32). Paragraph 4.28 of the NPF notes that the improvements will also help enhance access to Scotland's National Parks, strengthening communities, investment and supporting tourism.
- 19.3.19 NPF3 identifies 14 major transport, energy and environmental infrastructure projects that are of national significance to Scotland (called national developments), and which are considered by Scottish Ministers to be essential to the delivery of the spatial strategy set out in NPF3. These are new projects and do not include existing commitments such as the A9 Dualling Programme. They are considered to assist in contributing to the Scottish Government's objective of building a Scotland that is wealthier and fairer; greener; safer and stronger; smarter and healthier.
- 19.3.20 The National Long Distance Cycling and Walking Network is a national development identified within NPF3 which has direct relevance to the study area for the proposed scheme.

Scottish Planning Policy (SPP) (Scottish Government, 2014)

19.3.21 The current SPP was published in June 2014 and accompanies other documents such as Creating Places (Scottish Government, 2013), Designing Streets (Scottish Government, 2010), Planning Circulars and NPF3 as national land use planning guidance in Scotland. It directs the form and content of development plans, and is a material consideration in the assessment of planning applications. SPP sets out the core values and vision of planning set against the same four planning outcomes as NPF3 (above). The outcomes are consistent across the NPF3 and SPP and focus on creating a place which is sustainable, low carbon, natural, resilient and more connected. SPP sets out two principal policies; Sustainability and Placemaking, and then outlines various subject policies. The principal and relevant subject policies contained in the consolidated SPP are summarised below in Table 19.2.

Table 19.2: Scottish Planning Policy

Subject	SPP Paragraph	Summary
Introductory Sections	Paragraph 1 - 23	The introductory sections of the SPP set out a brief statement on the purpose of planning and detail the core principles that should underpin the modernised planning system. SPP states that successful operation of the planning system will only be achieved if all those involved commit themselves to engaging as constructively as possible in development planning and development management, so that the planning system contributes effectively to increasing sustainable economic growth.
Sustainability	Paragraph 24 - 35	The SPP's central purpose is to focus government and public services on creating a more successful country through increasing sustainable economic growth. This can be achieved through the planning system by supporting economically, environmentally and socially sustainable places and responding to economic issues, challenges and opportunities. SPP states that policies and decisions should be guided by a number of key principles. These include: <ul style="list-style-type: none"> • supporting delivery of energy infrastructure; • supporting climate change mitigation and adaptation including taking account of flood risk activity; • protecting, enhancing and promoting access to cultural heritage, including the historic environment; • protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; and • avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
Placemaking	Paragraph 36 - 57	Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. Planning should take every opportunity to create high quality places by taking a design-led approach through the joint consideration of the relationships between higher quality places. Placemaking is supported through, amongst others, optimising the use of existing resources, using land within or adjacent to settlements for a mix of uses, developing brownfield land and locating development where investment in growth or improvement would have most benefit.
Promoting Rural Development	Paragraph 74 - 83	NPF 3 sets out a vision for a vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. To aid the delivery of this the planning system should: <ul style="list-style-type: none"> • promote a pattern of development in rural and island areas that is appropriate to the character of the particular rural area and the challenges it faces; • encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and • support an integrated approach to coastal planning. <p>In relation to prime agricultural land, or land of lesser quality that is locally important, development should not be considered except where it is essential as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available.</p>
National Parks	Paragraph 84 - 86	National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to: <ul style="list-style-type: none"> • 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; and • promote sustainable economic and social development of the area's communities. <p>In relation to these aims, SPP advises the greatest weight should be given to the first aim.</p>

Subject	SPP Paragraph	Summary
Supporting Business and Employment	Paragraph 92 - 108	<p>The planning system should continue the need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.</p> <p>Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.</p>
Valuing the Historic Environment	Paragraph 135 - 151	<p>Recognises that the historic environment is a key cultural and economic asset which planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places. Planning authorities should safeguard designated and non-designated historic environments including individual assets such as scheduled monuments, historic battlefields and archaeological resources; related settings and the wider cultural landscape. The Government's Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance note series, both published by Historic Scotland (now Historic Environment Scotland), should also be taken into account for development.</p>
A Low Carbon Place	Paragraph 152 to 174	<p>The need to ensure that terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities.</p> <p>Renewable energy also presents a significant opportunity for development, investment and growth of the supply chain, including infrastructure.</p>
Planning for Zero Waste	Paragraph 175 to 192	<p>NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment. To aid the delivery of this, the planning system should seek to conduct the following:</p> <ul style="list-style-type: none"> • 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; and • help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.
Valuing the Natural Environment	Paragraph 193 - 218	<p>Advises that planning authorities should conserve and enhance international, national and locally designated sites and protected species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities. Plans should address potential effects of development on the natural environment and authorities should apply the precautionary principle where the impacts of a development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur.</p>
Managing Flood Risk and Drainage	Paragraph 254 - 268	<p>Sets out a precautionary approach to flood risk from all sources by safeguarding flood storage and conveying capacity. Planning authorities are required to take into account probability of flooding and associated risks when determining planning applications and preparing development plans, and developers should take flood risk into account prior to committing to development.</p>
Promoting Sustainable Transport and Active Travel	Paragraph 269 - 291	<p>Sets out the planning policy on sustainable transport to optimise the use of existing infrastructure and reduce the need to travel by providing safe and convenient opportunities for walking, cycling and travel by public transport. Development plans and development management decisions should also take account of the implications of development proposals on traffic, patterns of travel and road safety.</p>

Planning Advice Notes and Circulars

19.3.22 PANs support SPP and provide advice on good practice. A summary of PANs of relevance to the proposed scheme is provided in Table 19.3.

Table 19.3: Relevant Planning Advice Notes

PAN	Title	Description
PAN 33	Development of Contaminated Land (2000)	Provides advice on the implications of the contaminated land regime for the planning system; and the development of, and approach to, contaminated land in development plans. It also contains guidance on the determination of planning applications when the site is, or may be, contaminated.
PAN 51	Planning, Environmental Protection and Regulation (Revised 2006)	Supports the existing policy on the role of the planning system in relation to the environmental protection regimes. This PAN also summarises the statutory responsibilities of the environmental protection bodies, as well as informing these bodies about the planning system.
PAN 60	Planning for Natural Heritage (2000)	Provides advice on how development and the planning system can contribute to the conservation, enhancement, enjoyment and understanding of Scotland's natural environment and encourages developers and planning authorities to be positive and creative in addressing natural heritage issues. It complements the SPP, with examples of good planning practice in relation to natural heritage drawn from across Scotland highlighted in a number of case studies.
PAN 61	Planning and Sustainable Urban Drainage Systems (2001)	Provides good practice advice for planners and the development industry on the implementation of Sustainable Urban Drainage Systems (SuDS) (now referred to as Sustainable Drainage Systems in latest guidance) to aid the introduction of more sustainable developments.
PAN 65	Planning and Open Space (2008)	Provides advice on the role of the planning system in protecting and enhancing existing open spaces and providing high quality new spaces. The advice relates to open space in settlements: villages, towns and major urban areas.
PAN 75	Planning for Transport (2005)	Aims to create greater awareness of how linkages between planning and transport can be managed. It highlights the roles of different bodies and professions in the process and points to other sources of information on the overlap of the two sectors.
PAN 77	Designing Safer Places (Scottish Executive 2006)	This sets out the positive role that planning can make in terms of creating attractive and well managed environments that help to prevent antisocial and criminal behaviour.
PAN 78	Inclusive Design (2006)	Supports the Government's aim of promoting more equality in the areas where we live and work. The PAN aims to explain the importance of inclusive design, identify the nature of the problems experienced in designing inclusive environments and describe the legislative context. It also outlines the roles of the different stakeholders in delivering inclusive design and identifies the particular challenges of applying inclusive design to the historic environment.
PAN 79	Water and Drainage (2006)	Clarifies the role of the planning authority in setting the direction of development to inform the planning and delivery of new water infrastructure in a coordinated way. It explains the roles of Scottish Water and the Scottish Environment Protection Agency and encourages joint working in order to ensure a common understanding of capacity constraints and agreement on the means of their removal. It advises on the appropriateness of private proposed schemes and the handling of Scottish Water developments.
PAN 81	Community Engagement 'Planning with People' (Scottish Government 2007)	Sets out the minimum requirements for consultation and engagement in the planning system. Established through legislation, it provides advice on community engagement in the planning system and is linked to the National Standards for Community Engagement.
PAN 3/2010	Community Engagement	The PAN provides advice to communities on how they can get involved and advice to planning authorities and developers on ways of effectively engaging with communities on planning matters. It advocates the use of ten National Standards for the delivery of effective community engagement in land use planning, providing detailed advice on each standard 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	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.
PAN 2/2011	Planning and Archaeology	This PAN accompanies SPP, SHEP and the Managing Change in the Historic Environment Guidance Notes, which together set out the Scottish Ministers' policies for planning and the historic environment. It is intended to inform the day-to-day work of a range of local authority advisory services and other organisations that have a role in the handling of archaeological matters within the planning process.

PAN	Title	Description
PAN 1/2013 (Revision 1)	Environmental Impact Assessment	Updated guidance to reflect 2017 Regulations. This replaces PAN: 58 and contains advice on the integration of EIA procedures into the overall development management process.

19.3.23 Table 19.4 below contains relevant Planning Circulars which provide statements of Scottish Government policy and guidance on implementation and/or procedural change.

Table 19.4: Relevant Planning Circulars

Circular	Title	Description
18/1987	Development Involving Agricultural Land (amended by 29/1988 and 25/1994) (Scottish Executive 1987)	Defines the general policy aim as being to conserve agricultural land in a situation of considerable shortfalls in basic commodities. That policy has been implemented through development plans and development control under the Town and Country Planning (Scotland) Act 1972.
1/2017	The Town and Country Planning (EIA) (Scotland) Regulations 2017	This Circular gives guidance on the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, ('the 2017 Regulations'), as the latest Regulations which transpose the Environmental Impact Assessment or 'EIA' Directive into the Scottish planning system. This Circular supersedes Circulars 1/2011 and 8/2007 Annex E). Following the withdrawal of Annex E of Circular 8/2007, there is no specific guidance for roads projects assessed under the Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017 and so this is the closest equivalent. It is of relevance for Stage 3 of the DMRB process.
1/2013	Strategic Development Plan Areas	This Circular sets out the boundaries of the four Strategic Development Plan Areas in Scotland. It includes revisions made to the boundaries following from the incorporation of parts of Perth & Kinross Council area to the Cairngorms National Park. Perth & Kinross Council area remains part of the Dundee, Perth Angus and Fife SDP Area. The part of Perth & Kinross Council area now included within the Cairngorms National Park is excluded from the SDPA.

19.3.24 An overview of other national planning policy and guidance is provided in Table 19.5.

Table 19.5: Other relevant guidance

Title	Description
Scotland's Historic Environment Policy - (December 2011)	This document has consolidated the previous SHEP series into one policy document. The SHEP sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Scotland 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. The SHEP complements and has the same authority as the Scottish Planning Policy series and other relevant Ministerial policy documents, and is a material document in the statutory planning, EIA and Strategic Environmental Assessment (SEA) processes.
Managing Change in the Historic Environment (2016)	The series explains how to apply the policies contained in the Scottish Historic Environment Policy (2011) and the Scottish Planning Policy (2014).
Scotland's Zero Waste Plan (Scottish Government 2010)	Sets out the Scottish Government's vision for a zero waste society. This vision describes a Scotland where all waste is seen as a resource; Waste is minimised; valuable resources are not disposed of in landfills, and most waste is sorted, leaving only limited amounts to be treated.
Planning and Waste Management Advice (Scottish Government 2015)	Complements NPF3, SPP and Scotland's Zero Waste Plan. A low carbon place and 'circular economy' are alternatives to the 'make, use, dispose' culture which means re-using products and materials continually and growing a low carbon economy.
Online Planning Advice on Flood Risk (Scottish Government 2015)	PAN 69: Planning and Building Standards Advice on Flooding (Scottish Executive 2004) has been superseded with Online Planning Advice.
Our Place in Time - The Historic Environment Strategy for Scotland (Scottish Government 2014)	Scotland's first ever Historic Environment Strategy is a high level framework which sets out a 10 year vision for the historic environment. The key outcome is to ensure that the cultural, social, environmental and economic value of Scotland's historic environment continues to make a strong contribution to the wellbeing of the nation and its people. It was developed collaboratively and identified the need for strategic priorities to help align and prioritise sector activity towards a common goal.
Online Planning Advice on Planning and Building Standards Advice on	Provides background information, best practice advice and the Technical Handbooks published by the Scottish Building Standards Agency that provide

Title	Description
Flooding. (Scottish Government 2015)	guidance for the Building (Scotland) Regulations 2004. This Advice Note focuses on the responsibilities of local authorities and developers in ensuring that future built development is not located in areas with a significant risk of flooding, including functional flood plains.

Regional and Local Planning Policy

- 19.3.25 As identified in Table 19.1, the relevant regional and local policy documents for the proposed scheme comprise the development plans for both the CNPA and PKC areas. A summary description of each is provided in the following paragraphs.

Cairngorms National Park Authority

Cairngorms National Park Local Development Plan (CNP LDP) (2015)

- 19.3.26 The CNP LDP was formally adopted by CNPA on 27 March 2015. The LDP has replaced the previous Cairngorms National Park Local Plan (2010) and the part of the Perth & Kinross Council Highland Area Local Plan (2000) that falls within the National Park boundary.
- 19.3.27 The LDP provides policies to support the vision and long-term outcomes for the CNPA. These are set out in the Cairngorms National Park Partnership Plan (CNP PP) (see paragraph 19.3.30).
- 19.3.28 The LDP sets out the spatial strategy for development within the National Park. Paragraph 1.21 states:
‘Our vision for the Park builds on the strengths of the area and on its existing infrastructure. The settlements of the Park are linked by a network of roads. The Perth to Inverness rail line and A9 trunk road run around the western and northern edges of the Park, linking areas to the south and north as well as connecting to the A86 and A96 trunk roads. We will focus future activity and growth in these settlements and within the settled valleys and straths of the Park’.
- 19.3.29 An assessment of the compliance of the proposed scheme in relation to the policies in the LDP is provided in Appendix A19.2 (Assessment of Development Plan Policy Compliance), and is summarised in Section 19.4 of this chapter (Assessment of proposed scheme Compliance). Policy 2 (Supporting Economic Growth) is of relevance to the project as a whole and aims to ensure that all development opportunities are supported by ‘fit for purpose’ infrastructure, enabling access to the wider economy both within the National Park as well as connecting to the wider country.

Other Relevant Regional and Local Policies

Cairngorms National Park Partnership Plan 2017– 22 (CNP PP) (2017)

- 19.3.30 The vision for the National Park is to create ‘An outstanding National Park, enjoyed and valued by everyone, where nature and people thrive together.’ (CNP PP, 2017. p.6). The delivery of this is proposed to be achieved through three long-term outcomes:
- *‘Conservation – A Special place for people and nature with natural and cultural heritage enhanced*
 - *Visitor Experience – People enjoying the Park through outstanding visitor and learning experiences*
 - *Rural Development – A sustainable economy supporting thriving businesses and communities.’* (CNP PP, 2017. p.7)
- 19.3.31 These three long-term outcomes are supplemented by indicators, targets, policy priorities and programmes of work that will help achieve the outcomes and partners responsible.
- 19.3.32 The three headline long-term outcomes covered within the CNP PP are supported by nine priorities, in which individual management policies are set. These priorities are:
- Priority 1: Supporting landscape scale collaboration;
 - Priority 2: Deer Management;

- Priority 3: Moorland management;
- Priority 4: Visitor infrastructure and information;
- Priority 5: Active Cairngorms;
- Priority 6: Learning and inclusion;
- Priority 7: Housing;
- Priority 8: Community capacity and empowerment; and
- Priority 9: Economic development.

- 19.3.33 Policy 3.2 states that in order to enable a sustainable pattern of settlement growth, infrastructure and communications, there should be support of *'sensitively designed improvements to the A9 and other trunk roads and main railway line as an integral part of enhancing the connectivity of the Highlands'* (CNP PP, 2017. p.74).
- 19.3.34 In summary, it is considered that the newly approved Cairngorms National Park Partnership Plan (2017-2022) reflects and continues the existing three long-term outcomes set out in the previous CNP PP (2012 – 17).

Perth & Kinross Council

TAYplan Strategic Development Plan (SDP) (TAYplan, 2017)

- 19.3.35 TAYplan is the Strategic Planning Authority for the Dundee, Perth, Angus and North Fife area. The SPD was recently adopted, largely reflecting the overall themes and vision set out in the 2012 plan.
- 19.3.36 The new vision for the SDP is that:
'By 2036, the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit and where businesses choose to invest and create jobs.' (TAYplan, 2017. p.4.)
- 19.3.37 In support of this vision, the key outcomes of the SDP are to create an area that is:
- *'more people are healthier;*
 - *through sustainable economic growth the region's image will be enhanced;*
 - *we live, work and play in better quality environments*
 - *we live within Earth's environmental limits.'*
- 19.3.38 The previous SDP (2012) describes the existing A9 as a 'Key Regional Movement Corridor' between Edinburgh and Inverness with the current SDP identifying the A9 Dualling: Perth to Inverness as a *'Transformational Project'* (p.2).
- 19.3.39 Ten thematic policies are covered within the SDP as follows:
- Policy 1 – Location Priorities.
 - Policy 2 – Shaping better quality places.
 - Policy 3 – A First Choice For Investment.
 - Policy 4 – Homes.
 - Policy 5 – Town Centres First.
 - Policy 6 – Developer Contributions.
 - Policy 7 – Energy, Waste and Resources.
 - Policy 8 – Green Networks.

- Policy 9 – Managing TAYplan’s Assets.
- Policy 10 – Connecting People, Places and Markets.

Perth & Kinross Local Development Plan (PKC LDP) (Perth & Kinross Council, 2014)

19.3.40 The PKC LDP was adopted by PKC on 03 February 2014. It provides local context and a spatial strategy to the overarching vision set out in the SDP, with a Vision Statement of:

‘...a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.’ (PKC LDP, 2014. Paragraph 2.2.1).

19.3.41 The core objectives of the PKC LDP centre on improving the distinctiveness of the towns, villages and neighbourhoods whilst preserving cultural and natural heritage. In terms of natural heritage, the LDP is particularly focused on the conservation and enhancement of habitats, green networks and protected species. Growth is therefore encouraged where it is undertaken sensitively and is in keeping with the environment whilst providing enough dynamism to keep communities viable and prosperous. Improvements to the existing transport infrastructure are also promoted in the PKCLDP to support such growth. The PKC LDP promotes the delivery of infrastructure in creating well served public and private investment opportunities appropriate to the area’s needs.

Regional and Local Transport Strategy

19.3.42 The relevant regional transport strategies are described in Table 19.6. There is no local transport strategy applicable to the area within which the proposed scheme is located.

Table 19.6: Transport Strategies

Document	Title	Published
Regional Strategy	Tayside and Central Scotland Transport Partnership Regional Transport Strategy (TACTRAN RTS) 2008 - 2023	Approved June 2008
Regional Strategy	TACTRAN RTS 2015 – 2036 Refresh (Main Issues Report)	Draft September 2014

TACTRAN Regional Transport Strategy 2008 - 2023 (TACTRAN, 2008)

19.3.43 The TACTRAN has the responsibility for the development and the delivery of the regional transport strategy for the region, (which includes the part of Cairngorms National Park relevant to the project). Its vision is for ‘a transport system, shaped by engagement with its citizens, which helps deliver prosperity and connects communities across the region and beyond...’ (TACTRAN, 2008. p.2.)

19.3.44 The Main Issues Report of the Refreshed TACTRAN RTS draft was published in November 2014. A key change in the strategy is the extension of the timescale from 2008- 2023 to 2015- 2036 in order to align with the TAYplan SDP.

19.4 Assessment of Compliance

19.4.1 An assessment of compliance of the proposed scheme against national, regional and local policies is provided below, with a detailed assessment of local and regional development plan policies being undertaken in Appendix A19.2.

19.4.2 This section provides a summary of the compliance assessment, with particular reference to key policy themes.

The Proposed Scheme: Key Policy Principles

National Policy

19.4.3 As noted above in Section 19.3 (Summary of Plans and Policies), both SPP and NPF3 focus on achieving four outcomes:

- a low carbon place;

- a natural place to invest;
- a successful and sustainable place; and
- a connected place.

19.4.4 The proposed scheme, as part of the A9 dualling programme, is a commitment of the Scottish Government established through the STPR and referenced in various national policies and plans, including NPF3 and the IIP. It will contribute to the overall objectives of reducing journey times; improving operational effectiveness; and increasing safety, which in turn is consistent with national policy in NPF3 and SPP, which seek to improve connectivity between places and support sustainable economic growth.

19.4.5 Given the strategic importance of the proposed scheme at a national level, the proposed scheme's compliance with SPP (as national level policy) should be considered alongside local and regional policies as a material consideration in the decision making process.

19.4.6 SPP is of particular relevance to the proposed scheme in relation to policy aims, most notably in relation to impacts on Placemaking, ancient woodland and woodland removal, and historic battlefields assets:

Placemaking

19.4.7 SPP Paragraph 38 notes Placemaking as a principal policy, stating the importance of taking a 'design-led' approach. Key to effective placemaking is ensuring that development, '*...responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long-term.*' (SPP, 2014. p.12). In this regard, in a development of this nature it is recognised that impacts will occur on some environmental receptors. However, it is considered that the design appropriately seeks to deliver a balanced scheme, with compliance to the four SPP outcomes, listed above in 19.4.3, to provide the most appropriate design-led option.

Ancient Woodland and Woodland Removal

19.4.8 In relation to ancient woodland and woodland removal, SPP (Paragraph 216) states that 'Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development'.

19.4.9 SPP (Paragraph 218) goes on to state that '*The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits.*' (SPP, 2014. p.91).

19.4.10 The Scottish Government's Control of Woodland Removal Policy (Forestry Commission, 2009), goes on to further define 'public benefits' as including those which will contribute significantly to '*enhancing sustainable economic growth or rural/community development; and supporting Scotland as a tourist destination;*' (p.7). SPP (Paragraph 218) goes on to note '*The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.*'

19.4.11 This national policy position should be taken into consideration for woodland removal associated with the proposed scheme given that it has been identified as having demonstrable public benefits at a national and regional level. This will be considered along with local woodland policies below, as summarised in paragraph 19.4.43.

Historic Battlefields

19.4.12 In regards to historic battlefields, SPP states that, '*Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields*' (SPP, 2014. p.35.). In this regard, the key principle of SPP in protecting, enhancing and promoting access to cultural heritage, including the historic

environment will be considered in the assessment of the proposed scheme against CNP LDP Policy 9 and PKC LDP Policy HE5. A summary of overall heritage compliance is provided below in paragraph 19.4.62.

Regional Policy: TAYplan Strategic Development Plan (SDP) (2017)

- 19.4.13 The upgrade of the A9 is included in the previous SDP in 'Proposals for how the region will develop over the 20 years between 2012 and 2032' (TAYplan, 2012. p.7). Furthermore, the current SDP notes the dualling of the A9 as a National project (p.59) and being identified in the accompanying TAYplan Action Programme as being key to the delivery of the aims of the SDP. This reflects the regional support for the proposed scheme in principle.

Local Policy - Cairngorms National Park

- 19.4.14 In principle, the proposed scheme broadly supports the outcomes listed in the CNP LDP, which is derived from the CNP PP, and complies with policy 3.2 of the CNP PP, which supports improvements to the A9 to enhance the connectivity of the Highlands (see paragraph 19.3.28).
- 19.4.15 As indicated in paragraph 1.21 of the CNP LDP, the need for connection and integrated infrastructure is a key enabler to deliver the vision and outcomes listed above in 19.3.32. As stated in Table 19.2, the primary aim of a national park is to conserve the natural and built heritage qualities of the area, and this is reflected in the content of the CNP LDP, which states in paragraph 1.12 that where there is potential conflict between the aims of the National Park, greater weight is given to conserving and enhancing the natural and cultural heritage.
- 19.4.16 Additionally, paragraph 1.21 of the CNP LDP goes on to state the importance of the existing A9 as a corridor for focusing activity and growth. The proposed scheme will support this aim.

Local Policy - Perth & Kinross Council

- 19.4.17 In principle, the proposed scheme broadly supports the approach within the Highland Perthshire Spatial Strategy section of the LDP, which lists the upgrade of the A9 as the only infrastructure project.

Key Policy Principles Conclusion

- 19.4.18 As a result, the principle of the proposed scheme is supported by all relevant national, regional and local policy.

ES Chapter 8: People and Communities – Community and Private Assets

- 19.4.19 Key policy themes of relevance to this topic include the safeguarding of existing land uses or proposed development for economic, residential, tourism and leisure, or community purposes; and protection of prime agricultural land. CNP LDP Policy 2 (Supporting Economic Growth), Policy 3 (Sustainable Design), Policy 8 (Sport and Recreation), and PKC LDP Policy CF3 (Social and Community Facilities) and Policy ED1 (Employment and Mixed Use Areas) are all relevant, in addition to the provisions of SPP on promoting sustainable economic growth, and promoting rural development.
- 19.4.20 Chapter 8 (People and Communities – Community and Private Assets) indicates that the proposed scheme would not result in any significant impacts on community land, community facilities or community severance. Furthermore, there is expected to be no direct land-take from land allocated for development. However, significant residual impacts remain in terms of access to six groupings of residential properties and one industrial property. These impacts predominantly relate to loss of land or re-routing of access. Despite these impacts, there will be no effect on the business viability of the industrial property, or policy conflict.
- 19.4.21 In terms of land-take from agricultural, forestry and sporting land interests, five interests would be subject to permanent land-take as a result of the proposed scheme. In instances where land-take is required, landowners would be compensated financially, in accordance with the District Valuer's assessment.

- 19.4.22 In summary, as noted in Chapter 8 of this ES, the development has sought to avoid impacts on community and private assets and, where unavoidable, mitigation measures have been developed to reduce potential impacts. This broadly accords with relevant local policies to safeguard land uses and, where possible, promote growth. The exception to this would be the requirement for take land associated with sporting activities, which would not accord with the specific aims of CNP LDP Policy 8 in this regard.

ES Chapter 9: People and Communities – All Travellers

- 19.4.23 Key policy themes of relevance to this topic include the provision and promotion of facilities for all road users, including NMUs (pedestrians, cyclists and equestrians), and the improvement of access and rights of way. Key policies associated with this are CNP LDP Policy 3 (Sustainable Design), Policy 8 (Sport and Recreation), and PKC LDP Policy PM1 (Placemaking), Policy TA1 (Transport Standards and Accessibility Requirements) and Policy CF2 (Public Access) are all relevant, in addition to the provisions of SPP on promoting sustainable economic growth, and promoting rural development.
- 19.4.24 CNP LDP Policy 3 (Sustainable Design) seeks to ensure developments include a provision to be accessible by public transport, cycling and walking. Policy CF2 (Public Access) sets out to retain existing paths whilst enhancing their amenity and notes that where this is not possible that alternative access should be provided that is no less attractive, is safe and convenient for public use and does not damage or disturb species or habitats. Policy TA1(B) also requires that proposals should be well served by, and easily accessible to all modes of transport. In particular, the sustainable modes of walking, cycling and public transport should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available.
- 19.4.25 With regards to the TAYplan's strategic approach to Shaping Better Quality Places (Policy 2), the proposed scheme complies with this policy by including grade separated crossings of the A9, with provision for pedestrians, cyclists and equestrians which would improve facilities for all users of the road. Chapter 9 of the ES identifies a total of 41 paths within the study area (comprising of one NCR, 18 Core Paths, 20 Local Paths and four Rights of Way) that span both Perth & Kinross administrative area and the Cairngorms National Park.
- 19.4.26 In respect of Policy CF2 (Public Access) and the reflective CNP LDP Policy 8 (Sport and Recreation), Chapter 9 (People and Communities – All Travellers) of this ES concludes that, although the proposed scheme would result in some potential increased journey times or re-routing, there would be no loss of public access rights, or substantial impact to the existing path network. With the identification of mitigation as identified to maintain the existing path network, it is considered that, by maintaining access and amenity, the proposed scheme would accord with the aspirations of policy.
- 19.4.27 As identified in Chapter 9 (People and Communities – All Travellers), during construction there will be moderate to substantial residual impacts to a number of crossing points and two paths as a result of temporary diversions and/or amenity impacts in the vicinity of construction activities.
- 19.4.28 With the proposed scheme in place, Chapter 9 identifies that residual impacts in relation to public access for non-motorised users (NMUs) have largely been avoided or reduced to low. On two paths there will be significant residual impacts for users, primarily due to an increase in journey length, whilst on one further path there will be a moderate significant beneficial residual impact as a result of a reduction in journey length and increase in amenity value for users.
- 19.4.29 Moderate significant beneficial impacts would result from the provision of the new NMU crossing of the River Garry via the new Pitaldonich Bridge and the new traffic-free segregated routes between Blair Atholl and Bruar.
- 19.4.30 In summary, given the proposed scheme will not permanently cease any existing NMU routes and in addition will create new opportunities to enhance the NMU network, it is considered that the proposed scheme broadly complies with relevant policies in this respect.

ES Chapter 10: Geology, Soils, Contaminated Land and Groundwater

- 19.4.31 Key policy themes of relevance to this topic include: protection of the water environment (including groundwater and private water supplies; PWS), maintaining geodiversity, suitability of use, and remediation of contaminated land. CNP LDP Policy 10 (Resources) and Policy 4 (Natural Heritage) are key policies for the National Park section. PKC LDP Policies EP1A (Climate Change, Carbon Reduction and Sustainable Construction) and EP12 (Contaminated Land) are only relevant to the section that lies within Perth & Kinross local authority area.
- 19.4.32 In relation to geology, soils, contaminated land and groundwater, CNP LDP Policy 10 (Resources) and the equivalent PKC LDP Policy (EP12: Contaminated Land) seek to ensure that when contaminated land is identified, appropriate assessments and effective remedial action is undertaken to control and limit the release of contaminant to the surrounding environment.
- 19.4.33 Chapter 10 of the ES identifies mitigation that may be required depending on the outcome of a risk assessment of the construction works, and notes that after any such mitigation is implemented during construction, the residual impacts on contaminated land will not be significant.
- 19.4.34 In relation to resources specifically, CNP LDP Policy 10 (Resources) is aimed at reducing consumption and protecting resources: water resources, flooding, connection to sewerage, waste minimisation, minerals, carbon sinks and stores, contaminated land and landfill. Chapter 10 of the ES notes that a number of PWS have been identified as being potentially affected by the proposed scheme. However, the residual impact has been assessed as Neutral, taking account of the proposed mitigation measures during construction and operation. No significant impacts have been identified on minerals or carbon sinks as a result of the proposed scheme.
- 19.4.35 Moderate to Moderate/Large residual impacts are expected on groundwater flow within superficial deposits of medium and high sensitivity (glacial deposits/glacial till and alluvium /river terrace deposits). Further, Moderate to Large residual impacts are expected on the hydrogeological component of three ecological Groundwater Dependent Terrestrial Ecosystems (GWDTE) receptors (TN160-162, TN190-193 and ANF02) affected. However, in terms of ecology and nature conservation, the habitat at these three receptor sites is not of high quality, being relatively species poor due to the effects of land drainage and existing road infrastructure and therefore no significant ecological losses are expected to result from these impacts.
- 19.4.36 With the above taken into account, it is generally considered at this stage that the proposed scheme would accord with all relevant policy. In addition, as noted above, consideration has been given to any future potential issues and the management of these should they occur, again in compliance with policy.

ES Chapter 11: Road Drainage and the Water Environment

- 19.4.37 Key policy themes of relevance to this topic include: water quality and resources, flood risk and drainage. Main policies of relevance are CNP LDP Policy 10 (Resources), TAYplan Policy 2 (Shaping Better Quality Places) and PKC LDP Policies EP2 (New Development and Flooding) and EP3 (Water Environmental and Drainage). In addition, the provisions of SPP on Sustainability and Flood Risk and Drainage are relevant.
- 19.4.38 As noted above in Table 19.2, planning authorities are required to take into account the probability of flooding and associated risks when determining planning applications and preparing development plans, and developers should take flood risk into account prior to committing to development. PKC LDP policy EP2 (New Development and Flooding) and PKC LDP policy EP3 (Water Environmental and Drainage) both state that a Flood Risk Assessment (FRA) or other suitable information which demonstrates compliance with SPP will be required where proposals border medium to high risk flood areas (1:200). It also requires that a proposal should not compromise the objectives of the EU Water Framework Directive. A FRA has been undertaken for the proposed scheme and forms a standalone document included as Appendix A11.3 with the key findings summarised in Chapter 11 of this ES.
- 19.4.39 The proposed scheme is partially located within 1 in 200-year medium to high risk flood zone, which SPP states would generally not be suitable for development in undeveloped and sparsely developed

areas, unless a location is essential for operational reasons. One of the 'operational reasons' given in SPP is transport infrastructure. As the project is of strategic importance as a trunk road, includes mitigation measures, and develops on the existing A9 footprint, the proposed scheme would be deemed to accord with policy under this exception.

- 19.4.40 As noted in the SPP, an FRA is required where the development may be at 'medium to high risk' of flooding. The FRA for the proposed scheme concludes that, with proposed mitigation measures, the majority of potential impacts during operation would be avoided or reduced. However, significant residual hydrology and flood risk impacts would remain on the River Garry and a number of smaller watercourses.
- 19.4.41 CNP LDP Policy 10 (Resources) comments that all proposed development must be drained by Sustainable Drainage Systems (hereafter referred to as SuDS) and states that each drainage scheme must include proposals for long-term maintenance. In Scotland, SuDS are a legal requirement under the Controlled Activities Regulations (CAR) 2011 (as amended), and have been developed as part of the DMRB Stage 3 design of the proposed scheme, which is therefore deemed to comply with policy in this regard.
- 19.4.42 Overall, the proposed scheme's importance will enable it to comply with the aims of SPP while it is considered that local policies will be compliant through design and mitigation.

ES Chapter 12: Ecology and Nature Conservation

- 19.4.43 Key policy themes of relevance to ecology and nature conservation include the protection, conservation and enhancement of the natural environment; protection of the quality and integrity of designated sites of importance from international to local level; and conservation of habitats and species. Main policies of relevance are CNP LDP Policy 3 (Sustainable Development) and Policy 4 (Natural Heritage), TAYplan Policy 9 (Managing TAYplan's Assets) and PKC LDP Policies NE1 (Environment and Conservation Policies), NE2 (Forestry, Woodland and Trees) and NE3 (Biodiversity). In addition, the provisions of SPP on Sustainability, Valuing the Natural Environment, and National Parks, are relevant.
- 19.4.44 Prior to the application of mitigation, potential significant impacts on ecological features were identified during the construction and operation phases of the proposed scheme. Where avoidance of impacts has not been possible, mitigation to reduce adverse impacts has been proposed. During operation, compensatory planting, habitat creation, mammal fencing and provision of crossing structures have been proposed to mitigate impacts.
- 19.4.45 As detailed in Chapter 12 of this ES, designated sites within the study area, include:
- 19.4.46 Three internationally designated Natura 2000 sites:
- River Tay Special Area of Conservation (SAC);
 - Tulach Hill and Glen Fender Meadows SAC; and
 - Cairngorms Massif Special Protection Area (SPA).
- 19.4.47 Four nationally designated sites:
- Tulach Hill Site of Special Scientific Interest (SSSI);
 - Aldclune & Invervack Meadows SSSI;
 - Pass of Killiecrankie SSSI; and
 - Struan Wood SSSI.
- 19.4.48 One regionally designated site:
- areas of designated Ancient Woodland (AWI).

- 19.4.49 In compliance with the aims of CNP LDP Policy 4 (Natural Heritage) and PKC LDP Policy NE1 (Environment and Conservation Policies) to protect designated natural heritage assets, the assessment in Chapter 12 finds that there are no significant long-term impacts on any of the international or nationally designated features.
- 19.4.50 A significant residual impact from the operation phase is anticipated from the loss of habitat designated as part of the AWI, and compensatory/replacement planting is not able to fully mitigate for the permanent loss of biodiversity. As the habitat matures, the residual impact will reduce and woodland corridors will grow to connect currently fragmented areas. Under the criteria of local policies, the loss of this woodland would be deemed as being non-compliant given the overall loss of the integrity of the AWI. However, as noted in paragraph 19.4.8, material consideration should be given to SPP in the decision-making process, which gives weight to the demonstrable public benefits brought about by the proposed scheme.
- 19.4.51 Species and habitats, including European protected species, have been assessed in Chapter 12. The assessment concludes that, following implementation of proposed mitigation measures, including compensatory planting where woodland is removed, there are no significant long-term residual impacts on any protected species; other important habitats (including woodland); species listed in Annexes I, II and V of Directive 92/43/EEC; on the conservation of natural habitats and wild flora and fauna (Habitat Directive); UK and Local Biodiversity Action Plans; or the Scottish Biodiversity List. This is considered to be compliant with the aims of PKC Policy NE3 (Biodiversity) and CNP LDP Policy 4 (Natural Heritage).
- 19.4.52 There is potential for positive impacts as a result of the proposed scheme. For example, the water quality of road surface run-off is expected to be improved compared with that from the existing A9 due to the provision of SuDS. In addition, increased permeability for species, including badger and otter, is expected for the proposed scheme compared with the existing A9 through the provision of crossing structures.
- 19.4.53 Policy NE2 (Forestry, Woodland and Trees) states that PKC will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. PKC will secure additional tree/hedge planting within a tree planting or landscape plan to compensate for the removal and to enhance the setting of any new development.
- 19.4.54 In conclusion, review of the residual impacts on ecology and nature conservation demonstrates a compliance with general habitat policy. Mitigation measures would enable the proposed scheme to reduce the impacts resulting from the loss of woodland, in compliance with policy. The exception to this, as noted, is the impact on the AWI which while according with SPP does not meet local policy guidance.

ES Chapter 13: Landscape and Chapter 14: Visual

- 19.4.55 Key policy themes of relevance to this topic are to conserve and protect the landscape character and special qualities, and to ensure that the project does not adversely impact the setting and character of the surrounding area. Both chapters are relevant to the consideration of these points.
- 19.4.56 Key policies associated with these topics are CNP LDP Policies 3 (Sustainable Development), 4 (Natural Heritage) and 5 (Landscape) along with PKC LDP Policies PM1 (Placemaking) and ER6 (Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes). In addition, the provisions of SPP on Placemaking are relevant.
- 19.4.57 In relation to landscape and visual policies, and both CNP LDP Policy 3 (Sustainable Development) and PKC LDP PM1 Policy (Placemaking), developments are assessed in relation to:
- the extent that they impact on the landscape;
 - how they demonstrate sensitive siting and high quality design in keeping with local character;
 - impact on individual and community residential amenity.

- 19.4.58 PKC LDP Policy ER6 (Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes) and the equivalent CNP LDP Policy 5 (Landscape) seek to safeguard and maintain the landscape qualities, ensure that development proposals will be assessed for the extent to which they are acceptable in terms of siting and design, are sympathetic to existing patterns of development in the area, and are compatible with landscape character and capacity.
- 19.4.59 Chapter 13 of the ES includes mitigation to avoid or reduce potential impacts on landscape and visual aspects of the environment and, where possible, provide a positive contribution to the visual quality of place. The proposed scheme will result in some significant residual impacts on the special qualities of Local Landscape Character Areas (LLCAs) during the year of opening when replacement planting has yet to become established. The impacts would reduce to not significant for the Pass of Killiecrankie, the Glen Garry: Mid Glen and the Glen Garry: Upper Glen LLCAs, but would remain significant for the Glen Garry: Lower Glen LLCAs.
- 19.4.60 It is considered that due to the scale and type of development, the proposed scheme would potentially conflict with Placemaking policies in terms of landscape, which seek to assess proposals to the extent in which they are compatible with landscape character. In relation to compliance with Policy ER6, cognisance is given to the previous STPR (Jacobs, Faber Maunsell, Grant Thornton and Tribal Consulting, 2009) and DMRB Stage 2 assessment. The STPR concluded that no reasonable alternatives exist, and the DMRB Stage 2 assessment process identified the preferred option with consideration of collective impacts, including those related to landscape and visual matters. The scheme development has sought to maintain a predominantly online design and noted that the mitigation identified will lessen the impact in time. It is therefore considered that the proposed scheme does contribute to managing the future landscape, in compliance with the overall aspirations of policy in this respect.
- 19.4.61 Overall, the decision-making process should take a balance of impacts and have cognisance for example that where the design may create greater landscape and visual impacts it may reduce the impact on other natural environment designations. In addition, Policy 5(a) highlights the need to balance any adverse effects against national important social and economic factors, which the proposed Scheme would help deliver. This approach of balance across all is considered to accord with wider Placemaking aspirations, a principal policy in SPP (see 19.4.6. above), which should be applied to all development (SPP, 2014. p.3).

ES Chapter 15: Cultural Heritage

- 19.4.62 The key policy theme of relevance to this topic is to seek to minimise adverse effects on historic and cultural assets (including Scheduled Monuments, Listed Buildings, Conservation Areas and Gardens and Designed Landscapes). Key policies associated with this are CNP LDP Policies 3 (Sustainable Design) and 9 (Cultural Heritage). In addition, the provisions of SPP on Sustainability, Valuing the Historic Environment and National Parks are relevant. PKC LDP Policies HE1 (Scheduled Monuments and Non-Designated Archaeology) and HE5 (Protection, Promotion and Interpretation of Historic Battlefields) are of relevance within the Perth & Kinross section.
- 19.4.63 Chapter 15 of the ES indicates that, following implementation of proposed mitigation, no significant impacts are predicted on archaeological remains or historic buildings as a result of the proposed scheme. This would be in compliance with overarching heritage policies (CNP LDP Policy 4 and TAYplan Policy 9), as well as targeted policies (PKC LDP HE1-4).
- 19.4.64 The exception to this would be the impact on Killiecrankie Battlefield and compliance with Historic Battlefields related policies. In this regard, construction impacts at Killiecrankie Battlefield (HLT 23) were identified and expected to be mitigated in part through a series of works in accordance with HES guidance document Managing Change in the Historic Environment: Historic Battlefields (2016). However, during operation, the proposed scheme will increase the prominence of the existing A9 and strengthen existing severance of the battlefield. It is determined in Chapter 15 (Cultural Heritage) that mitigation would not prevent this impact on the special qualities & key landscape characteristics of the site. As such, the proposed scheme would not comply with the policy aspirations to conserve and enhance a national designation.

ES Chapter 16: Air Quality

- 19.4.65 Key policy themes of relevance include maintaining and improving air quality (including designated Air Quality Management Areas), and protection of residential amenity. Key policies associated with this are CNP LDP Policy 3 (Sustainable Design) and PKC LDP Policy EP1 (Climate Change, Carbon Reduction and Sustainable Construction).
- 19.4.66 CNP LDP Policy 3 (Sustainable Design) and PKC LDP Policy EP1 (Climate Change, Carbon Reduction and Sustainable Construction) seek to ensure that any proposals that may result in significant pollution, including air quality, would only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant. This is required to demonstrate how the pollution can be appropriately avoided and if necessary mitigated in reflection of sustainable construction principles.
- 19.4.67 In compliance with Policy 3, air quality modelling and assessment has been undertaken to determine the impacts of the proposed scheme on ambient air quality concentrations and the overall emissions from road traffic. While Policy 3 is not directly relevant to road projects and is aimed at new buildings, it is relevant to note that it does consider regional emissions, including hydrocarbons and carbon dioxide.
- 19.4.68 Chapter 16 of this ES concludes that there is not considered to be a significant effect on local air quality or regional emissions as a result of the proposed scheme, in line with policy in this regard.

ES Chapter 17: Noise and Vibration

- 19.4.69 Key policy themes of relevance include reducing development related impacts on the local environment, especially the impacts on noise sensitive land uses. Key policies associated with this are CNP LDP Policy 3 (Sustainable Design) and PKC LDP Policy EP8 (Noise Pollution).
- 19.4.70 Chapter 17 of this ES concludes that, due to the nature of the construction process of the proposed scheme, there are likely to be temporary adverse noise and vibration impacts for a number of sensitive receptors. However, in regards to Policy EP8 (Noise Pollution), while it is considered that short-term noise impacts would occur as a result of the construction process, potentially significant impacts would be appropriately mitigated by the contractor.
- 19.4.71 The proposed scheme design includes mitigation to reduce potential noise increases at the majority of properties during operation of the proposed scheme, and noise levels at other properties will reduce with the proposed scheme in place. The key policy (Policy EP8) presumes against the siting of development proposals which will generate high levels of noise, or a significant impact, in the locality of existing or proposed noise sensitive land uses. As significant changes to noise levels will remain at some properties along the route, as indicated in Chapter 17 of this ES, the proposed scheme would not fully comply with policy on this matter.

ES Chapter 18: Materials

- 19.4.72 Key policy themes of relevance to this topic include new developments being designed and constructed with greater efficiency and a sustainable approach to the handling of materials and resources. Key policies associated with this are CNP LDP policies 3 (Sustainable Design) and 10 (Resources) and TAYplan Policy 2 (Shaping Better Quality Places) and PKCLDP Policy ER4 (Minerals and Other Extractive Activities – Supply). In addition, the provisions of SPP on sustainability are relevant.
- 19.4.73 Chapter 18 of this ES sets out mitigation to minimise materials use, maximise re-use and recycling of wastes, and ensure all materials and waste are handled according to the regulatory requirements. By applying key material and waste management principles, such as the waste management hierarchy, the effects on natural resources and need for permanent disposal of wastes will be minimised. In particular, this will be achieved by re-using existing soils and infrastructure, taking into consideration the environmental impacts of products during their procurement.

- 19.4.74 Chapter 18 notes that, despite mitigation, there is likely to be a residual impact of Major magnitude in regard to the carbon footprint of the proposed scheme due to the amount of material resources required for construction and operation. However, it is recognised that the proposed scheme will have a carbon use (carbon footprint) and resource usage proportionate to the scale of development. It should also be noted that equivalent scale roads infrastructure projects throughout Scotland and the UK that have a similar impact in terms of materials. These schemes have been approved on the basis of the suggested mitigation and the acceptance that strategic road infrastructure schemes of this scale would normally require a significant amount of materials to construct. The proposed scheme therefore complies with policy aims in this regard.

19.5 Conclusion

- 19.5.1 The design of the proposed scheme has been refined through the DMRB process, and mitigation measures are proposed to address potential impacts identified in the assessment chapters of this ES (Chapters 8–18). The design and environmental mitigation commitments reduce potential short and long-term impacts of the proposed scheme where a potential policy conflict has been identified.
- 19.5.2 The principle of development of the proposed scheme is supported in planning policy, with the Scottish Government's commitment to the proposed scheme and wider improvements to the A9 outlined in the National Planning Framework 3 and various other national policy guidance documents.
- 19.5.3 The proposed scheme also supports 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.
- 19.5.4 As shown in Appendix A19.2, and summarised in Section 19.4 of this chapter, there are potential areas of non-compliance in relation to landscape and visual impacts, community and private assets, noise and materials. These are largely due to the large scale and nature of the proposed scheme, as well as the wording of policies not being directly relevant. Furthermore, the impact on AWI and Killiecrankie Battlefield represent permanent and significant impacts on the regional and natural environmental assets.
- 19.5.5 The areas of potential non-compliance should be viewed against the overarching benefits of the proposed scheme, such as improving connectivity, enhancing safety for all users, and promoting social and regional economic opportunities. These benefits reflect the spatial strategies set out in Cairngorms National Park and Perth & Kinross Council's respective LDPs.

19.6 References

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