

Appendix A19.2: Assessment of Development Plan Policy Compliance

1 Introduction

- 1.1.1 The key policies and relevant criteria that may affect the development of the proposed scheme are listed below. Policies marked with 'X' are of particular relevance as there may be non-compliance issues. Policies that are marked with a tick '✓' indicate that it is considered that the proposed scheme is generally compliant.
- 1.1.2 As can be seen in Figure 19.1, the proposed scheme is primarily located within the Cairngorms National Park Authority (CNPA) area, including the two main junctions. Table 1 provides an assessment of the proposed scheme against policies from the development plan for the CNPA. For the remaining extents of the proposed scheme which are located within the Perth & Kinross Council (PKC) area, a targeted assessment against relevant development plan documents for that area are shown in Table 2.

Table 1: Assessment of Policy Compliance for CNPA

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
Cairngorms National Park Local Development Plan (CNPLDP) (2015)			
Policy 2 – Supporting Economic Growth	Chapter 8 (People and Communities - Community and Private Assets)	✓	<p>The policy seeks to ensure that there is no adverse impact on neighbouring properties or centres unless there is a demonstrable social community need for the proposal.</p> <p>Chapter 8 (People and Communities - Community and Private Assets) assesses the potential impacts of the proposed scheme on community and private assets, including land use. The study area contains the following land uses: residential; commercial and industrial land; community facilities and land; land allocated for development; planning applications and land supporting agriculture; forestry; and sporting activity. The main settlements in the study area are Killiecrankie, Blair Atholl, Bruar and Struan/Calvine.</p> <p>With regard to retail, commercial and other economic development, Chapter 8 finds that impacts of the proposed scheme predominantly result from permanent land-take of agricultural land interests, commercial/industrial businesses and residential properties. Indirect impacts include changes in access to/from the proposed scheme, community severance, impacts on agricultural, forestry and sporting operations, and impacts on farm and commercial business viability.</p> <p>The chapter concludes that there are no significant impacts expected on commercial or industrial properties that are located within the Cairngorms region.</p> <p>With regard to the final part of Policy 2, relating to the demonstrable need for the proposal, this has been established at a national level through policy documents such as the Strategic Transport Projects Review (STPR); Scotland's Cities: Delivering for Scotland; Infrastructure Investment Plan (IIP); Scotland's Economic Strategy; National Transport Strategy (NTS); and the National Planning Framework (NPF). These documents set out the need for the proposed scheme and the benefits that it will bring. This represents a demonstrable social and community need for the proposal, which should be balanced against the impacts identified.</p> <p>As a result, it is considered that the proposed scheme would comply with the aspirations of this strategic policy.</p>
Policy 3 – Sustainable Design	<p>Chapter 8 (People and Communities - Community and Private Assets)</p> <p>Chapter 9 (People and Communities - All Travellers)</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>✓</p>	<p>Policy 3 sets out aims to ensure that developments deliver high standards of design, and ensure a sense of place. While the policy does not appear to be aimed at large road schemes, the aims of the policies are relevant to the consideration of the proposed scheme.</p> <p>An assessment of the compliance of the proposed scheme against the policy sub heading 'Design Statement' and the relevant criteria is as follows:</p> <p>Criterion A seeks to minimise the effect of development on climate change. Chapter 18 (Materials) addresses the potential environmental impacts associated with the use of material resources and the management of waste during the construction of the proposed scheme. The detailed materials assessment undertaken in the chapter indicates that the carbon emissions for the proposed scheme will be between 90,800 and 104,400 tonnes of carbon dioxide equivalent (CO₂e) (including 15% contingency). The impact magnitude of this is considered to be major. While this is an unavoidable impact and a result of a development of this nature, this would fail to accord with Criterion A of Policy 3.</p> <p>Criterion B requires developments to have a sympathetic awareness of the traditional pattern and character of the surrounding area.</p>

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	Chapter 15 (Cultural Heritage)	✓	In compliance with this criterion, and in cognisance of CNPLDP Policy 9, Chapter 15 (Cultural Heritage) has assessed the proposed scheme for impacts on cultural heritage, which has duly influenced the detailed design and appropriate mitigation.
	Chapter 16 (Air Quality)	✓	Mitigation items, including archaeological recording, historic buildings recording and landscape planting, are identified in the chapter. The remaining impact on the Killiecrankie Battlefield is noted below in regard to Policy 9. However, Policy 3 seeks development which is sympathetic to existing patterns and character and, given the proposed scheme follows a broadly 'on-line' option, this will provide the least impact on the heritage asset. This represents a sympathetic approach to delivering a nationally important scheme, and one which would accord with Criterion B of Policy 3.
	Chapter 17 (Noise and Vibration)	X	
	Chapter 18 (Materials)	X	<p>Criterion C seeks to ensure that materials and landscaping would be used that complement the setting of the development. The assessment in Chapter 13 (Landscape) and Chapter 14 (Visual) sets out a series of mitigation measures for during both construction and operation stages that would provide screening of views; enhance experience; and reinforce the character of the existing landscape. The impact of the proposed scheme on the wider landscape and designations is considered below in Policy 5. However, in relation to localised impacts, mitigation identified in the chapter includes planting which would include the use of mixed, broadleaf and coniferous woodland, scrub woodland, riparian planting and grassed areas. Woodland planting is proposed in areas where the surrounding landscape is more wooded and where integration, replacement, restoration or screening is required. Planting mitigation measures are proposed to improve the fit of the proposed scheme within the surrounding landscape and would reduce the impact of the proposed scheme over time as vegetation establishes.</p> <p>Furthermore, mitigation measures to integrate the road into the landscape include careful alignment and grading out of cuttings and embankments in order to reflect the local topography and enable the land, where appropriate, to be returned to agricultural use. This would enable the proposed scheme to compliment the setting of development, with cognisance that the existing A9 currently intersects the natural landscape. This is in broad accordance with Criterion C, albeit some significant effects will be retained.</p> <p>In relation to Criterion D, which supports the sustainable use of resources, Chapter 18 (Materials) has identified that the types of materials likely to be required for construction are common to all major road development. The approximate quantities of materials required to be brought to the site for the proposed scheme are listed in the chapter, with indicative assumptions regarding potential sources of waste, movement, transport and processing (including recycling/ recovery) of wastes, and, if required, their disposal at licensed off-site facilities. Consideration of these aspects ensures that the proposed scheme meets the aim of Criterion D.</p> <p>Criterion E of the policy seeks to ensure that provision is made for a sustainable approach to waste management. This policy is considered to be primarily intended for building developments, and not essential infrastructure like the proposed scheme. As is noted in Chapter 18 (Materials), the approach is managed and impacts reduced through the development and application of several plans addressing different aspects of construction site management, such as a Construction Environmental Management Plan (CEMP), Site Waste Management Plan (SWMP) and Materials Management Strategy. These ensure a sustainable approach is taken to waste management and the resulting assessment of generation and management of waste predicted is not considered to be significant. As such, the proposed scheme is considered to be compliant with Criterion E.</p> <p>Criterion F promotes the use of sustainable transport methods. An assessment of potential impacts on Non-Motorised Users (NMUs) is provided in Chapter 9 (People and Communities - All Travellers). The proposed scheme would maintain access and crossing points for pedestrians, cyclists and equestrians with some required re-routing in place. Furthermore, with the proposed scheme in place, significant beneficial impacts for NMUs have also been identified as a result of the provision of a new NMU crossing of the River Garry at Pitaldonich. Detailed mitigation identified at this DMRB Stage 3 includes mitigation embedded within the design such</p>

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			<p>as underpasses and the provision of footpaths and cycle paths to reduce impacts on NMUs as well as specific mitigation measures such signage and planting to further reduce impacts. The resulting scheme design maintains existing use, while providing safer access across the A9 for NMUs within the study area. This is considered to be in compliance with Criterion F.</p> <p>Criterion G states that development proposals should add or improve existing open space. As is stated in Chapter 8 (People and Communities - Community and Private Assets), open space is assessed in the chapter as part of community land, where it is found that no potential impacts are expected on community land for the proposed scheme. Therefore, this would be compliant with Criterion G.</p> <p>Criterion H seeks to ensure that all developments be consistent with the Core Paths Plan. There are a total of 18 core paths in the study area. Impacts during construction to core and other paths would include rerouting paths and increasing journey times. The overall design is broadly compliant with Criterion H as it takes account of the needs of NMUs (e.g. pedestrians and cyclists). The assessment in Chapter 9 (People and Communities - All Travellers) concludes that, during operation, no significant impacts would remain on designated core paths with the exception of path 117 which will be rerouted via the Allt Bhaic underpass, resulting in an increased journey length with an impact of Moderate significance, however this would not prevent any use of existing paths.</p> <p>Criterion I seeks to protect neighbouring amenity from disturbance of development. In terms of Air Quality, a total of 32 sensitive receptors and a further six statutory designated sites are located within 200m of the proposed scheme. The assessment in Chapter 16 (Air Quality) concludes that the effects as a result of the construction phase would, in accordance with Air Quality Management guidance, require mitigation measures to address High Risk sites to cover aspects such as dust management for demolition, construction and trackout. In regards to operational impacts, it has been concluded that there are no significant local air quality impacts at human exposure locations in compliance with policy.</p> <p>Chapter 17 (Noise and Vibration) presents an assessment of the potential construction and operational impacts that the proposed scheme may have on noise and vibration at sensitive receptors. After mitigation has been implemented it is considered that, for residual operational noise impacts in the short-term, at ground floor level there will be 65 Noise Sensitive Receptors (NSR) (55 dwellings and 10 other) predicted to have a significance of impact of Slight/Moderate Adverse or worse. Of these, 10 NSR were considered to be Significant as the absolute noise level ($L_{A10,18h}$ 59.5dB). The results of the residual operational noise impact assessment in the long-term indicate that this will reduce to two dwellings with a significant impact.</p> <p>In terms of compliance with Criterion I, whilst the majority of impacts are associated with the construction phase, it is considered that no long term disturbance will occur to neighbouring amenity, while the local air quality assessment indicates that the proposed scheme would result no significant local air quality impacts at human exposure locations and/or ecosystems/designated sites.</p> <p>There is not considered to be a significant effect on local air quality or regional emissions as a result of the proposed scheme. However, given the residual impact of noise, despite the large reduction from the short-term impacts, the remaining presence will result in a conflict with Criterion I.</p> <p>In compliance with Criteria J, Chapter 9 (People and Communities - All Travellers) includes all details of potential impacts on access that are known. Provision for off-street parking which as identified in policy is not applicable to this type of proposal.</p>

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			<p>As stated in response to Policy 4 (Natural Heritage) below, a series of potential mitigation measures are identified to protect and enhance the ecological interests affected by the project, in compliance with criteria K. It is noted in Chapter 12 (Ecology and Nature Conservation) that the majority of non-significant impacts summarised as Negligible and Minor would be mitigated through best working practice (e.g. mitigation of potential pollution impacts through adherence to standard best practice and guidelines, such as the Scottish Environment Protection Agency (SEPA) Pollution Prevention Guidelines (PPGs) (SEPA 2003)). During operation, compensatory planting, habitat creation, mammal fencing and provision of crossing structures have been proposed to mitigate impacts, further biodiversity and promote ecological interest, in line with Criterion K.</p> <p>In summary, the proposed scheme broadly complies with the aims of all of the criteria from Policy 3, with the exception of the partial conflict with Criteria A and I.</p>
<p>Policy 4 – Natural Heritage</p>	<p>Chapter 10 (Geology, Soils, Contaminated Land and Groundwater)</p> <p>Chapter 12 (Ecology and Nature Conservation)</p> <p>Chapter 13 (Landscape)</p>	<p>✓</p> <p>X</p> <p>X</p>	<p>Policy 4: Natural Heritage seeks to ensure the protection and enhancement of the natural environment for future generations.</p> <p>Part 1 of the policy seeks to ensure that no significant effects occur on international and national designations. Three internationally designated Natura 2000 sites are identified within the study area; the River Tay Special Area of Conservation (SAC), Tulach Hill and Glen Fender Meadows SAC and Cairngorms Massif Special Protection Area (SPA). Without mitigation, the proposed scheme would all have a direct impact on the Natura 2000 sites. The potential effects which may have an impact on the SAC include change and permanent loss of habitat, disturbance to qualifying species, and increased water run-off volumes from the carriage widening which could lead to decreased water quality. Chapter 12 (Ecology and Nature Conservation) notes that, with the inclusion of identified mitigation and best practice, the residual impacts to the SAC during both construction and operation phases would be reduced to non-significant. Chapter 10 (Geology, Soils, Contaminated Land and Groundwater) identifies that, in respect of the Tulach Hill and Glen Fender Meadows SAC, only the northern margin area will be affected by the proposed scheme, and impacts are predicted to be slight.</p> <p>Part 2 of the policy refers to National Designations. There are three ecological and one geological (Glen Garry) Sites of Special Scientific Interest (SSSI) identified within the study area.</p> <p>No impacts are predicted on two of the SSSIs (Pass of Killiecrankie and Tulach Hill SSSI) while the impacts for the proposed scheme (without mitigation) on the remaining Aldclune and Invervack Meadows SSSI are expected to be of major significance due to the permanent reduction in extent of habitat and potential for fragmentation or reduction in fish passage. Mitigation has been identified in Chapter 12 (Ecology and Nature Conservation) which it is considered will reduce the impact on the designations to non-significant in compliance with the aims of the policy. Chapter 10 (Geology, Soils, Contaminated Land and Groundwater) notes that, in addition to the Glen Garry SSSI, Tulach Hill SSSI also identifies some geological receptors. In respect of the impacts, after mitigation, the residual impacts are expected to be of low significance, which would accord with the policy's aims to avoid detrimental impacts.</p> <p>In relation to the Cairngorms designation as a National Park, it is considered that the footprint of the project, within the CNPLDP boundary, would create unavoidable physical impacts on the qualities of the Cairngorms National Park, (as identified in Chapter 13: Landscape). Other national landscape designations are the Loch Tummel National Scenic Area (NSA), the Ben Vrackie Special Landscape Area (SLA), Wild Land Areas (WLA) and the Blair Castle Garden and Designed Landscape (GDL). Chapter 13 (Landscape) proposes mitigation measures to achieve design objectives (see Appendix A13.6), which are reflective of the aims of those set out in Transport Scotland's "Fitting Landscapes", these are intended to integrate the road into the landscape, including the grading-out of cuttings and embankments and planting. This process will enable the scheme to integrate into the existing landscape when planting has become established and contributes to screening. Due to the nature of the proposed scheme, the impact on the</p>

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			<p>natural landscape is unavoidable. As such, it would be considered that this aspect would not meet the criteria to fully comply with policy.</p> <p>However, any decision should be balanced against the consideration that an existing road already intersects this landscape and the design for the dualling broadly follows an online route. As such, it is considered that, through the process of design and mitigation development, reasonable steps have been taken to reduce additional impact on the integrity of the area.</p> <p>In relation to Part 3 of the policy, which refers to other important habitats and species, Chapter 12 (Ecology and Nature Conservation) identifies land designated in the Ancient Woodland Inventory, and other native woodland within the survey area for the project. Where avoidance of habitats (including AWI, woodland and important habitats for protected species (see Part 4 below)) has not been achievable through the iterative design process, mechanisms for landscape scale mitigation have been designed to compensate for this loss. Compensatory planting will be locally appropriate, using native and characteristic species mixes, and the use of a woodland connectivity tool to identify the best areas to plant in order to maintain ecological connectivity and minimise fragmentation. Policy 4 states (Section 3 (b)) that permission would only be granted where significant adverse effects were mitigated through provision of features of “<i>commensurate or greater importance to those that are lost</i>”. As noted in Chapter 12, candidate sites for compensatory woodland planting have been identified to cover the extent of any AWI loss. Furthermore, an Ancient Woodland-specific Habitat Management Plan will be provided to ensure appropriate growth during the operation of the proposed scheme.</p> <p>The importance and significance of AWI loss is recognised and it is acknowledged above that it would not completely mitigate for the loss of AWI. Therefore, despite all reasonable steps being undertaken to compensate for AWI loss, given the remaining adverse effects it is considered that this aspect would conflict with this criteria of Policy 4.</p> <p>However, at national policy level it is noted in SPP (2014) (Paragraph 218), “<i>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.</i>”</p> <p>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 “<i>enhancing sustainable economic growth or rural/community development; and supporting Scotland as a tourist destination;</i>” (p.7).</p> <p>Given Paragraph 218 of SPP goes on to note, “<i>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.</i>” It would be considered that the while the proposed Scheme does not comply directly with Policy 4, it does accord with planning policy on this matter at a National level on account of the scheme’s national importance.</p> <p>In relation to Part 4, which concerns protected species, potential impacts have been assessed in Chapter 12 (Ecology and Nature Conservation). As with previous aspects of this policy, the project will improve public safety (criterion a) and is considered a necessity with no suitable alternative, in compliance with point 4 b). Furthermore, where significant ecological impacts are identified, a series of mitigation measures (as listed above) can be introduced to reduce these impacts, including the introduction of noise and management plans and a CEMP. In the event that significant ecological impacts are unable to be sufficiently mitigated through the</p>

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			<p>application of best practice and the mitigation measures discussed above, consideration of compensatory mitigation to off-set potential impacts is required. This may involve the creation of new ecologically important habitats at specific locations, not necessarily within the location of the potential impact. The assessment in Chapter 12 concludes that, with these mitigation measures in place, the proposed scheme is generally mitigated, and therefore policy compliant.</p> <p>In compliance Part 5 of the policy, the assessments in Chapter 12 have been carried out in-line with requirements for species identified in the listed guidance, including the Cairngorms Nature Action Plan (CNAP) and, in accordance with b) of the second section of the Part, the strategic need for the project would outweigh the potential impacts to other biodiversity.</p> <p>In compliance with Part 6 of the policy, a comprehensive ecological study has been undertaken and is reported in Chapter 12 (Ecology and Nature Conservation).</p>
Policy 5 – Landscape	Chapter 13 (Landscape)	X	<p>Policy 5 presumes against any development that does not conserve and enhance the landscape character and special qualities of the National Park, in itself a nationally designated landscape, and where adverse effects occur on (a) landscape and (b) setting.</p> <p>As noted in Chapter 13 (Landscape), the methodology adopted and design objectives (see Appendix A13.6) for the proposed scheme are reflective of the aims of those set out in Transport Scotland’s “Fitting Landscapes”, which seek to:</p> <ul style="list-style-type: none"> • ensure high quality of design and place; • enhance and protect natural heritage; • use resources wisely; and • build in adaptability to change. <p>Chapter 13 states that a number of local landscape areas and other designations fall within the study area, including; Pass of Killiecrankie LLCA, the Glen Garry: Lower Glen LLCA, the Glen Garry: Mid Glen LLCA and the Glen Garry: Upper Glen LLCA, all of which are predominantly rural landscapes. Impacts upon the landscape were assessed in Chapter 13 (Landscape) for both the winter year of opening (when all the mitigation elements would be in place, but the mitigation planting is not fully effective) and during the summer 15 years after opening (when mitigation planting has become established and contributes to screening and integration of the scheme into the landscape).</p> <p>It is concluded that the impacts of the proposed scheme will result in significant effects on the special qualities for which these designations are recognised during the year opening and, while the impacts would reduce to “not significant” for the Pass of Killiecrankie, the Glen Garry: Mid Glen and the Glen Garry: Upper Glen LLCAs, they would however remain significant (Moderate impact) for the Glen Garry: Lower Glen LLCA.</p> <p>While the impacts identified will be seen as significant, consideration should be given to the existing influences on the landscape quality by the existing A9, which will reduce the proposed scheme’s impact on the tranquil setting.</p> <p>Overall, the decision making process should take a balanced view of impacts and have cognisance that where the design may create greater visual impacts, it will beneficially improve the impact on other natural environment designations. In addition, Policy 5 (a) highlights the need to balance any adverse effects against nationally 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 policies, a principal</p>

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			policy in SPP which should be applied to all development (SPP, 2014. p.3)
Policy 8 – Sport and Recreation	Chapter 8 (People and Communities - Community and Private Assets) Chapter 9 (People and Communities - All Travellers)	X ✓	<p>Section 3 of the policy seeks to protect sport and recreation facilities from developments. Chapter 8 (People and Communities - Community and Private Assets) identifies the loss of approximately 180ha of agricultural (143ha), forestry (37ha) and sporting (less than 1ha) land interests within the study area. It is noted in the Chapter 8 (People and Communities – Community and Private Assets) that sporting areas specifically associated with land at House of Urrard would be subject to land take, which would result in a Moderate/Substantial impact upon shooting and stalking. CNPLDP Policy 8 states that compliance with policy would only be met if developments which result in the reduction of sporting facilities do not negatively affect the viability of the interest or are suitably mitigated against. While no mitigation has been specifically identified for this sporting activity, there are broader mitigation measures identified in the chapter which contribute to the reduction of the impact of the proposed scheme. However, at this stage it would still be considered that the proposed scheme is non-compliant with the aims of the policy to safeguard sporting interests.</p> <p>It should also be noted that, in relation to criteria d of the policy (“a compensatory site of at least equal size and quality is created which is convenient to users, or an existing facility is upgraded to maintain and improve the overall capacity in the area”), while the option of compensatory land would not be available, any land take required for the proposed scheme will be subject of a Compulsory Purchase Order (CPO). Transport Scotland’s “Guidance on the Compulsory Purchase Process and Compensation” provides information on compensation. All appropriate compensation would be determined in this instance based on the viability of the land as per the District Valuer’s assessment. While this would not meet the environmental aspect of compensation it does demonstrate the use of appropriate financial compensation to attribute to any loss of land.</p> <p>While 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 proposed mitigation, as identified in Chapter 9 (People and Communities - All Travellers), it would be considered that, by maintaining the existing path network, the proposed scheme would accord with criterion C of this policy. As noted previously in DMRB Stage 2, the only potential non-compliance would have been the proposed severance of Path 108 (a non-designated Local Path) as a result of the proposed scheme. However, the path will be fully reinstated upon completion of construction and has been attributed a Negligible/Slight residual impact. As such, it would be considered no permanent impacts would occur to access to recreational facilities in compliance with the policy.</p> <p>In summary the proposed scheme would broadly comply with the aims of the policy however the requirement to take land associated with sporting activities would result in non-compliance.</p>
Policy 9 – Cultural Heritage	Chapter 15 (Cultural Heritage)	X	<p>The policy seeks to conserve and enhance the cultural heritage of the Cairngorms National Park. It plays a key role in ensuring all development makes an appropriate contribution to the conservation and enhancement of cultural heritage to minimise adverse effects on cultural assets. This has been assessed in Chapter 15 (Cultural Heritage).</p> <p>A desk-based survey has identified a total of 150 cultural heritage assets that have been considered as part of the baseline assessment in Chapter 15 (65 archaeological remains, 109 historic buildings and 16 historic landscape types). These assets include eight Scheduled Monuments, three Category A Listed Buildings, 48 Category B Listed Buildings, 20 Category C Listed Buildings, one Conservation Area (Blair Atholl Conservation Area) and one Historic Battlefield (Killiecrankie Battlefield).</p> <p>In terms of the wider impact on the National Park, while the impact is unavoidable, there is a consideration that the level of impacts identified in the chapters should be considered with regard to the need for the proposal which has been established at a national level through policy documents such as the STPR; Scotland’s Cities: Delivering for Scotland; IIP; Scotland’s Economic Strategy;</p>

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			<p>NTS; and the NPF. These documents set out the need for the proposed scheme and the benefits that it will bring. This represents a need for the proposal which should be balanced against the impacts identified below.</p> <p>An assessment of the compliance of the proposed route under the sub headings of the policy is as follows.</p> <p><u>National Designations:</u> Changes as a result the widening of the existing carriageway will introduce slight changes in topography, impacting the National Park. In addition, the proposed scheme will result in impact on a further two national designations, Killiecrankie Battlefield (HLT23) and Blair Castle GDL (HLT21). After the proposed mitigation, including archaeological recording (Mitigation Item CH3), identified in Chapter 15 (Cultural Heritage) no residual impacts are expected to remain on the HLT21 cultural asset, in compliance with policy.</p> <p>In regards to the impacts on Killiecrankie Battlefield, despite the existing A9 already severing the battlefield, the proposed scheme will increase the prominence of the road and strengthen this severance. It is determined in Chapter 15 (Cultural Heritage) that mitigation would not fully prevent this impact on the special qualities & key landscape characteristics of the site. As such, the proposed scheme would fail to comply with the policy's aspirations to conserve and enhance a national designation.</p> <p>The assessment in Chapter 15 finds that there are no significant impacts predicted on the Category A listed buildings, during construction or operation, which is in accordance with policy.</p> <p><u>Conservation Areas:</u> There is one Conservation Area identified in the study area, Blair Atholl Conservation Area (Asset 402). However, no impacts are expected to occur as a result of the proposed scheme.</p> <p><u>Other local cultural heritage:</u> Policy 9 determines "Other local cultural heritage" assets to include "sites, features or use of land of local or wider or cultural historic significance". In addition to those effects assessed in Chapter 15, a further 98 cultural heritage assets were identified during construction and/or operation of the proposed scheme, with no significant impacts occurring. In compliance with Policy.</p> <p><u>Enabling Development:</u> The project is not an enabling development under the terms of this policy.</p> <p><u>Furthering our Knowledge:</u> As noted in Chapter 15 (Cultural Heritage), a series of mitigation items have been developed to avoid or reduce impacts on Archaeological Remains (Mitigation Item CH1), Historic Buildings (Mitigation Item CH2) and Historic Landscapes (Mitigation Item CH3). The identification of appropriate mitigation has been carried out in accordance with DMRB guidance (DMRB Vol. 10, Section 6 Part 1, HA 75/01 (Highways Agency et al. 2001) taking cognisance of relevant heritage guidance which would demonstrate appropriate provision in advance of development.</p> <p><u>Demolition:</u> No listed buildings are proposed to be demolished.</p>

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			<p>In summary, the majority of policy criteria are met and considered compliant. However, given the impact on the battlefield, the proposed scheme would not fully comply with Policy 9.</p>
<p>Policy 10 – Resources</p>	<p>Chapter 10 (Geology, Soils, Contaminated Land 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>This policy has eight aspects aimed at reducing consumption and protecting resources: water resources, flooding, connection to sewerage, waste minimisation, minerals, carbon sinks and stores, contaminated land and landfill. The proposed scheme is assessed against each of these below.</p> <p>Water Resources:</p> <p>The assessment in Chapter 11 (Road Drainage and the Water Environment) notes that within the 500m study area of the proposed scheme, there are 89 water features, which range from large water features (three) with European-level designations to minor straightened road and field drains, which provide only a functional drainage benefit. The chapter concludes that the residual impacts arising from both construction and operational phases would, with appropriate mitigation in place, create no significant impacts on water quality for any of the proposed scheme during construction or operation. This mitigation including aspects such as: a sediment management plan; details for storage of machinery and material outside the floodplain; and, adherence to guidance such as the Pollution Prevention Guidelines,</p> <p>The proposed scheme includes outfalls that discharge routine road run-off to receiving water features. In Scotland, Sustainable Drainage Systems (SuDS) are a legal requirement under the Controlled Activities Regulations (CAR) 2011 (as amended); a minimum of two levels of SuDS will be included for all mainline outfalls, where possible, in agreement with SEPA and Scottish Natural Heritage (SNH). As such mitigation during the operational phase would include use of SuDS to protect receiving water features to fully demonstrate compliance with policy.</p> <p>With regards to private water supplies (PWS), Chapter 10 (Geology, Soils, Contaminated Land and Groundwater) notes that five PWS have been identified as being potentially impacted by the proposed scheme and the residual impact has been assessed as Neutral, taking account of the proposed mitigating measures during construction and operation. It is considered that this aspect is compliant with policy.</p> <p>Flooding:</p> <p>To ensure the project has a greater resilience to effects of climate change, in accordance with this policy; Scottish Planning Policy (SPP); and DMRB Guidance, Chapter 11 (Road Drainage and the Water Environment) provides an assessment of the potential for flood risk from the proposed scheme and proposes mitigation, including reducing surface runoff and the implementation of SuDS.</p> <p>For the proposed scheme, a general approach to flood prevention has been adopted. This includes the provision of compensatory flood storage in the event where floodplains are lost or connectivity is reduced. While the majority of impacts arising from the operation of the proposed scheme would be 'Neutral' (i.e. neither significant adverse nor significant beneficial), some minor adverse residual impacts have been identified for operation of the scheme.</p> <p>The chapter concludes that, with the proposed mitigation measures, the majority of potential impacts during operation would be reduced to Neutral or Slight significance. However, a residual impact of a Very Large significance would remain on the River Garry (lower reach), and Large and Moderate significance residual impacts would remain for a small number of watercourses for hydrology and flood risk, primarily due to a loss of floodplain storage. A residual impact of Moderate significance is also reported for fluvial geomorphology for the River Garry (lower reach) due to the cumulative impacts of eight outfalls and two bridge structures. Impacts</p>

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			<p>on fluvial geomorphology would be localised and are likely to stabilise within the first decade of operation.</p> <p>The Chapter advises that discussions with the Scottish Environment Protection Agency (SEPA) would be necessary during the development of the detailed design and Controlled Activities Regulations (CAR) authorisation to mitigate residual impacts as far as practicable.</p> <p>SPP states that a precautionary approach should be adopted to all areas susceptible to flood risk and, as stated in Paragraph 263, Medium to High Risk (1:200 years) flood areas generally are not suitable for development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, including transport infrastructure. As the project is of strategic importance as a trunk road and develops on an existing route it would be deemed to accord with policy under this criterion.</p> <p>Connection to sewerage: This aspect is not applicable to the proposed scheme.</p> <p>Waste minimisation: Criterion 4 of the policy states all developments should a) seek to fulfil requirements of the Zero Waste Plan, and b) ensure the minimisation of waste from the construction. To comply with this, the assessment in Chapter 18 (Materials) focuses on the potential construction impacts arising from the transport, storage and use of material resources within the construction site, and the production, movement, transport, processing and disposals of wastes. The assessment of the proposed scheme has been carried out, in accordance with this policy, against current legislation and regulations, including Scotland's 'Zero Waste Plan'.</p> <p>The unavoidable need for material resources for this scale of project; measures to minimise materials use; maximise re-use and recycling of wastes; and ensuring all materials and wastes are handled according to the regulatory requirements, the overall residual impacts in terms of waste are anticipated to be Neutral/Slight which is not considered significant in the context of the EIA regulations.</p> <p>In line with criteria b), impacts will be managed and reduced through the development and application of several plans addressing different aspects of construction site management such as a CEMP, SWMP and Materials Management Strategy.</p> <p>Minerals Chapter 10 (Geology, Soils, Contaminated Land and Groundwater) determines that the area is not affected by historical coal mining. However, there is some evidence that limestone, sand and gravel mineral extraction from both bedrock and drift deposits have occurred previously within the study area, and there exists the potential for future exploitation of these resources. The chapter concludes that, due to the relatively widespread occurrence of these deposits (Low sensitivity), the impact of the construction is considered to be Negligible (and therefore compliant with policy) to any future viable extraction of workable mineral reserves.</p> <p>Carbon Sinks and Stores Criterion 6 seeks to minimise impacts on soils, peat and any associated vegetation. As noted in Chapter 10 (Geology, Soils, Contaminated Land and Groundwater), no peat deposits are recorded on the British Geological Survey (BGS) maps within the study area. Furthermore, in regards to carbon stores, no peat bogs or peaty top soils were identified within the assessment area. As such, there is not expected to be any impact of the proposed scheme on carbon sinks and stores.</p>

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
			<p>Contaminated Land</p> <p>The potential for impacts on contaminated land is assessed in Chapter 10 (Geology, Soils, Contaminated Land and Groundwater), and interaction with potentially contaminated land is identified. There are 93 potentially contaminated land sources within the study area (including conservative estimation that historical quarries and pits have been subsequently infilled with potentially contaminative material). A number of potential contaminated land issues were identified, which require mitigation measures during construction. The residual impacts on contaminated land are expected to be of Low to Very Low significance.</p>

Table 2: Assessment of Policy Compliance for Perth & Kinross Council

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
TAYplan Strategic Development Plan (SDP) (2017)			
Policy 1 – Location Priorities	Chapter 19 (Policy and Plans)	✓	This policy shapes the locational priorities for all development in the SDP area, prioritising development in existing settlements and on previously used land. It is not directly applicable to this project, which is for a strategic road improvement established at a national level through documents such as the STPR; Scotland's Cities: Delivering for Scotland; IIP; Scotland's Economic Strategy; NTS; and the NPF.
Policy 2 – Shaping Better Quality Places	Chapter 9 (People and Communities – All Travellers)	✓	<p>This policy provides direction on maintaining and improving the quality of places and the environment. Comments under each of the themes of the policy of relevance to the proposed scheme are as follows.</p> <p>a) Place-led: This aspect of the policy is not directly applicable to the proposed scheme, and is more relevant to layout and design of new buildings. However, as demonstrated in this compliance assessment, the consideration of (and impact on) natural and historic assets has been prevalent throughout the DMRB process and influenced the chosen design. It would therefore be considered that this accords with the need to have a place-led development.</p> <p>b) Active and healthy by design: One of the key objectives of the project is to improve the safety of the existing A9. This includes providing grade separated crossings, with provision for pedestrians, cyclists and road users which would improve facilities for all users of the road. Chapter 9 (People and Communities - All Travellers) identifies a total of 41 paths within the study area (comprising of one National Cycle Route (NCR), 18 Core Paths, 20 Local Paths and four Rights of Way) that span both Perth & Kinross administrative area and the Cairngorms National Park that would potentially have impacts relating to journey length and amenity value.</p> <p>With the proposed scheme in place, and taking into account mitigation measures proposed, Chapter 9 finds that Moderate significant residual impacts are anticipated due to an increase in journey length for users of Paths 116a and 117 at CP10 and Path 135 at CP17. Moderate significant residual impacts are anticipated as a result of a reduction in journey length and decrease in amenity value for users of Path 124 (including CP12).</p> <p>Moderate significant beneficial impacts for NMUs 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. It is therefore considered that, given impacts are not considered to “affect unreasonably” public access, the proposed scheme broadly complies with policy in this respect.</p>
	Chapter 11 (Road Drainage and the Water Environment)	✓	
	Chapter 18 (Materials)	✓	

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
			<p>Furthermore, the proposed scheme provides safer crossing points for NMUs, and also maintains existing routes with predominantly negligible change or improved journey times, in line with the recommendations of the SEA, and in accordance with policy.</p> <p>c) Resilient and future-ready: In accordance with this policy (criterion iii), SPP and DMRB Guidance, Chapter 11 (Road Drainage and the Water Environment) provides an assessment of the potential for flood risk from the proposed scheme and proposes mitigation, including reducing surface runoff and the implementation of SuDS.</p> <p>For the proposed scheme, a general approach to flood prevention has been adopted. This includes the provision of compensatory flood storage in the event where floodplains are lost or connectivity is reduced. While the majority of impacts arising from the operation of the proposed scheme would be 'Neutral' (i.e. neither significant adverse nor significant beneficial), some adverse residual impacts have been identified for the operation of the scheme on the River Garry and due to the loss of flood storage. However, as the project is of strategic importance as a trunk road and develops on an existing route, it would be deemed to accord with policy under this criterion.</p> <p>d) Efficient resource consumption: The proposed scheme is for a strategic road improvement, where much of this aspect of the policy is not applicable. However, in relation to carbon emissions, and in line with DMRB guidance HD212/11 (The Highways Agency et al. (unpublished 2012)), DMRB Volume 11, Section 3, Part 6 HD 212/11 "Materials" Draft, 2015), Chapter 18 (Materials) has undertaken a calculation of embodied carbon associated with those materials known to be required for the construction of the proposed scheme using Transport Scotland's Carbon Management System Road Infrastructure Projects Tool. The detailed materials assessment undertaken in the chapter indicates that the carbon emissions from the proposed scheme will be in the region of 90,800 tonnes to 104,400 tonnes (including 15% contingency) of carbon dioxide equivalent (CO₂e). The impact magnitude is considered to be major, albeit this is an unavoidable impact in a development of this nature.</p> <p>While the impact is major and unavoidable, the assessment undertaken in the Chapter 18 (with the provision of mitigation to appropriately manage resources) demonstrates broad accordance with the policy's aim to ensure resource efficiency is incorporated within developments.</p> <p>Chapter 18 (Materials) has been produced in accordance with relevant International and National legislation, regulations and guidance – including Scotland's Zero Waste Plan. The risk of accidents and impacts occurring will be managed and reduced through the development and implementation of several plans addressing different aspects of construction site management, such as a CEMP, SWMP and Materials Management Strategy.</p>
Policy 9 – Managing TAYplan's assets	Chapter 8 (People and Communities - Community and Private Assets) Chapter 12 (Ecology and Nature Conservation)	✓ ✓	<p>This is a strategic policy which seeks to manage assets and protect finite resources. Comments under each of the themes of the policy are provided below.</p> <p>a) Finite Resources No prime agricultural land or land safeguarded for minerals importance is located within the study area (see Chapter 8: People and Communities - Community and Private Assets).</p>

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
	Chapter 15 (Cultural Heritage)	a	<p>b) Protecting Natura 2000 sites</p> <p>Three internationally designated Natura 2000 sites are identified within the study area: the River Tay Special Area of Conservation (SAC), Tulach Hill and Glen Fender Meadows SAC, and Cairngorms Massif Special Protection Area (SPA). Without mitigation, the proposed scheme would have a direct impact on all the Natura 2000 sites. The potential effects which may have an impact on the SAC include change and permanent loss of habitat; disturbance to qualifying species; and increased water run-off volumes from the carriage widening, which could lead to decreased water quality. Chapter 12 (Ecology and Nature Conservation) notes that, with the inclusion of identified mitigation and best practice, the residual impacts to the SAC during both construction and operation phases would be reduced to non-significant. Chapter 10 (Geology, Soils, Contaminated Land and Groundwater) identifies that, in respect of the Tulach Hill and Glen Fender Meadows SAC, only the northern margin area will be affected by the proposed scheme, and impacts are predicted to be slight.</p> <p>c) Safeguarding the integrity of natural and historic assets</p> <p>The proposed route would have a direct impact on one internationally designated Natura 2000 site within the Perth and Kinross area, the River Tay SAC. Without mitigation, the potential effects which may have an impact on the SAC include change and permanent loss of habitat; disturbance to qualifying species; and increased water run-off volumes from the carriage widening which could lead to decreased water quality. Chapter 12 (Ecology and Nature Conservation) notes that, with the inclusion of identified mitigation and best practice, the residual impacts to the SAC during both construction and operation phases would be reduced to non-significant.</p> <p>As identified in Chapter 15 (Cultural Heritage), after identified mitigation has been implemented, no significant impacts are expected to occur during construction or operation on any cultural heritage assets located within the unitary area covered by TAYplan. The exception is in regards to the impacts on Killiecrankie Battlefield. Despite the existing A9 already severing the battlefield, the proposed scheme will increase the prominence of the road and strengthen this severance. It is determined in Chapter 15 (Cultural Heritage) that mitigation would not fully prevent this impact on the special qualities & key landscape characteristics of the site. As such, the proposed scheme would fail to comply with the policy's aspirations to conserve and enhance a national designation.</p> <p>d) Safeguarding the qualities of unspoiled coast</p> <p>Given the location of the A9, this aspect of the policy is not relevant.</p>
Perth & Kinross Council Local Development Plan (2014)			
Policy PM1 – Placemaking	Chapter 9 (People and Communities - All Travellers)	✓	To ensure the sustainable development of Perth and Kinross, the Placemaking policy requires the provision of services in appropriate locations and to ensure that new development safeguards and enhances environmental quality.
	Chapter 13 (Landscape)	✗	In relation to Policy PM1A, which seeks that development makes a positive contribution to the quality of the natural and built environment, it is noted that the proposed scheme will avoid significant landscape and visual effects, with mitigation identified in Chapter 13 (Landscape) and Chapter 14 (Visual). The proposed scheme will predominantly be situated within the online footprint of the existing A9 corridor, thereby reducing the extent of change to the surrounding environment through design.
	Chapter 14 (Visual)	✓	In regards to Placemaking criteria set out in Policy PM1B:

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
			<p>a) Creating a sense of identity through the structure of streets is not applicable to this project, which is for strategic road infrastructure improvements.</p> <p>b) In regards to the consideration of the topography and landscape, Chapter 13 (Landscape) assesses any potential changes as a result of the proposed scheme on the overall pattern of the landscape elements, which together define the landscape character and local regional distinctiveness.</p> <p>The impact of the proposed scheme on Local Landscape Character Areas (LLCAs) has been assessed and, in areas where the assessment found that significant direct residual impacts would occur, all reasonable steps have been taken to mitigate and ensure a positive contribution is made to the visual quality of place. There are four LLCAs directly relevant: the Glen Garry: Lower Glen LLCA, the Glen Garry: Mid Glen LLCA and the Glen Garry: Upper Glen LLCA, and Pass of Killiecrankie LLCA. In addition, the proposed scheme would have an impact on landscape features within the Loch Tummel NSA and the Ben Vrackie SLA and the Cairngorms National Park.</p> <p>It is concluded that the impacts of the proposed scheme will result in significant effects on the special qualities for which these designations are recognised during the year opening and, while the impacts would reduce to “not significant” once mitigation has embedded for the Pass of Killiecrankie; the Glen Garry: Mid Glen; and the Glen Garry: Upper Glen LLCAs, they would remain significant (Moderate impact) for the Glen Garry: Lower Glen LLCA.</p> <p>c) As noted in Chapter 13 (Landscape) and Chapter 14 (Visual) mitigation measures to integrate the road into the landscape include careful alignment and grading out of cuttings and embankments to reflect the local topography and enable the land, where appropriate, to be returned to agriculture would enable the proposed scheme to compliment the setting of development, with cognisance that the existing A9 currently intersects the landscape. It is considered that this will enable the design and appearance to integrate and complement the surroundings.</p> <p>d) In relation to building line, this is not applicable to a road scheme.</p> <p>e) As set out in Chapter 9 (People and Communities – All Travellers), alternative routes will be provided as appropriate mitigation measures for NMUs using paths affected by the proposed scheme during operation.</p> <p>f) Not applicable to this proposal.</p> <p>g) Not applicable to this proposal.</p> <p>h) Not applicable to this proposal.</p> <p>Policy PM1C is in relation to housing developments and is not applicable to this project.</p> <p>In summary, the proposed scheme meets all policy criteria applicable to a development of this nature.</p>

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
Policy PM2 – Design Statements	n/a	N/A	This policy refers to the requirements for design statements to accompany applications where design sensitivity is considered a potential issue. As the area of Perth and Kinross involved in the assessment area does not feature any sensitive receptors (such as residential, commercial and industrial property), this will not be required.
Policy PM 3 – Infrastructure Contributions	n/a	N/A	The project is for improvements to the strategic road network which does not give rise to the increased need for public services, facilities or infrastructure.
Policy ED1 – Employment and Mixed Use Areas	Chapter 8 (People and Communities - Community and Private Assets)	✓	Policy ED1A seeks to retain employment provisions in designated areas. Business areas are identified within the Blair Atholl settlement zone however the proposed scheme would not affect land designated for Employment and Mixed Uses. Therefore, it would be considered compliant with policy.
Policy ED3 – Rural Business and Diversification	Chapter 8 (People and Communities - Community and Private Assets)	X	<p>Policy ED3 seeks to retain employment provisions in designated areas. Significant impacts have been assessed in Chapter 8 (People and Communities – Community and Private Assets) on two agricultural, forestry and sporting land interests (Pitaldonich Farm and Balnastuartach Farm) as a result of permanent land-take, loss of boundary features, disruption to field drainage system and disturbance to sporting activity within PKC. Due to the impact on Balnastuartach Farm it is expected that the viability of the business would be significantly affected with an adverse impact on likely future farm business viability.</p> <p>While it is acknowledged that the proposed scheme will improve the road network to support business traffic, in compliance with Criteria E of the policy, given the potential impact to an existing business (Criteria C) it cannot be considered to fully comply with policy.</p>
Policy ED5 – Major Tourism Resorts	Chapter 8 (People and Communities - Community and Private Assets) Chapter 13 (Landscape) Chapter 14 (Visual)	N/A N/A N/A	There are no major tourism resorts identified within the Perth and Kinross section of the study area and, as such, this policy is not applicable.
Policy RD1 – Residential Areas	Chapter 8 (People and Communities - Community and Private Assets)	N/A	<p>Policy RD1 seeks to protect residential amenity and ensure that development within 'Residential Areas' are compatible with the amenity and character of the area.</p> <p>As there are no designated residential areas located within the PKC area of the proposed scheme, this policy is not considered applicable to the policy assessment.</p>
Policy TA1 – Transport Standards and Accessibility Requirements	Chapter 9 (People and Communities - All Travellers)	✓	<p>Policy TA1 sets out a transport and accessibility framework for Perth and Kinross which has been developed in line with SPP and the Regional Transport Strategy.</p> <p>Policy TA1A (Existing Infrastructure) states that encouragement will be given to the retention and improvement of existing infrastructure. The project is for the improvement of the existing A9 corridor and it is assessed that all proposed scheme is compliant with this policy.</p> <p>Furthermore, in regards to requirements for cycling and walking, it is considered that the design, including the identification of embedded mitigation, fully demonstrates the proposed scheme's consideration and promotion of cycling and walking.</p>
Policy CF1 – Open Space Retention and Provision	Chapter 8 (People and Communities - Community and Private Assets)	N/A	Policy CF1 ensures the retention and provision of open space and recreation. There are no designated areas of open space within the part of the study area in Perth and Kinross and this policy is not applicable.

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
Policy CF2 – Public Access	Chapter 9 (People and Communities - All Travellers)	✓	<p>Policy CF2 seeks to ensure that no adverse impacts would occur to the integrity of any public access routes. As stated in Chapter 9 (People and Communities - All Travellers), a total of 41 paths within the study area have been identified (comprising one NCR, 18 Core Paths, 20 Local Paths and four Rights of Way). These span both Perth and Kinross administrative area and the Cairngorms National Park, and would potentially have impacts relating to journey length and amenity value.</p> <p>Chapter 9 (People and Communities – All Travellers) finds that, generally, journey lengths are not significantly affected with the proposed scheme in place, with the exception of two locations for which Moderate significance adverse impacts are predicted as a consequence of increased journey length. However, as this would maintain access for pedestrians, cyclists and equestrians, the impacts are not considered to “affect unreasonably” public access in compliance with the aims of the policy.</p>
Policy CF3 – Social and Community Facilities	Chapter 8 (People and Communities - Community and Private Assets)	N/A	As noted above in CNPLDP ‘Supporting Economic Growth’, residential; commercial and industrial property; community facilities; and community land receptors are considered to be of a high significance in this assessment. There are no social or community facilities affected, and therefore the policy is not considered applicable.
Policy HE1 – Scheduled Monuments and Non-Designated Archaeology	Chapter 15 (Cultural Heritage)	✓	<p>Policy HE1A (Scheduled Monuments) presumes against developments that would adversely affect the integrity of a Scheduled Monument and its setting. Five of the eight identified Scheduled Monuments in the study area are located within PKC authority.</p> <p>In compliance with policy protecting Scheduled Monuments (Policy HE1A) and Non-Designated Archaeology (Policy HE1B), after mitigation identified in Chapter 15 (Cultural Heritage), no significant construction or operation impacts on archaeological remains are predicted.</p>
Policy HE2 – Listed Buildings	Chapter 15 (Cultural Heritage)	✓	Policy seeks to ensure that the retention and management of listed buildings should not be adversely affected by development. Chapter 15 (Cultural Heritage) notes that only one category B-listed building has the potential to be impacted by the proposed scheme, however it is noted that listed building in question (Lime Kiln at Essangal – Asset 369) is located in the CNPA and therefore outwith the area covered by PKCLDP. As such, no listed buildings within the PKC area are impacted by the proposed scheme, in compliance with policy.
Policy HE3 – Conservation Areas	Chapter 15 (Cultural Heritage)	✓	The aim of Policy HE3A is to ensure that development within a conservation area must preserve or enhance its character or appearance. As noted in Chapter 15 (Cultural Heritage) one Conservation Area (Blair Atholl - Asset 402) has been identified within the study area. As this is located within CNPA it is not considered applicable to PKCLDP. As such, no conservation areas within PKC will be affected by the proposed scheme.
Policy HE4 – Gardens and Designed Landscapes	Chapter 15 (Cultural Heritage)	✓	Policy HE4 seeks to protect the character, quality and integrity of current Inventory of GDLs. Of the two GDLs identified in the study area, part of Blair Castle GDL (HLT21), which is intersected by the existing A9, is located within PKC. As noted in Chapter 15 (Cultural Heritage), while the construction phase would introduce temporary noise and visual intrusion, it is considered that this would not impact on the majority of historic landscape elements that contribute to the value of the GDL, assessing the significance of impact to be minor. As such, it is considered that the lack of impact on the character of the GDL would result in the proposed scheme being compliant with Policy HE3.
Policy HE5 – Protection, Promotion and Interpretation of Historic Battlefields	Chapter 15 (Cultural Heritage)	X	<p>Policy HE5 will seek to protect those battlefields listed on the Inventory of Historic Battlefields in accordance with national guidance set out in SPP (Paragraph 149). Chapter 15 (Cultural Heritage) identifies one battlefield, Killiecrankie Battlefield (HLT 23), that is partially located in PKC.</p> <p>Whilst the impacts on the Killiecrankie Battlefield (HLT 23) are 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</p>

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
			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.
Policy NE1 – Environment and Conservation Policies	Chapter 12 (Ecology and Nature Conservation)	X	<p>The Perth and Kinross Natural Environment (NE) policies seek to ensure that resources are used and managed in a sustainable way. Chapter 12 (Ecology and Nature Conservation) identifies 36 ecological features that could potentially be impacted by the proposed scheme, including four statutory designated sites, AWI sites, and aquatic and terrestrial species and habitats.</p> <p><u>Policy NE1A: International Nature Conservation Sites</u></p> <p>The proposed scheme would have a direct impact on three internationally designated Natura 2000 sites; the River Tay SAC, the Tulach Hill and Glen Fender Meadows SAC and Cairngorms Massif SPA. The potential effects which may have an impact on the SAC include pollution of the habitat such as reduced water quality and temporary alteration of the SAC habitat. Furthermore, the River Tay SAC may potentially also be impacted by disturbance to qualifying species and fragmentation of their habitats, temporary de-watering and reduced water quality and increased deposition. While these effects are temporary, it is considered that no significant residual impacts will occur on these internationally designated sites in compliance with policy.</p> <p><u>Policy NE1B (National Designations)</u></p> <p>Within the study area there are four nationally designated sites; Tulach Hill SSSI, Aldclune & Invervack Meadows SSSI, Pass of Killiecrankie SSSI and Struan Wood SSSI as well as areas of designated AWI. While loss of habitat on SSSIs is expected to be mitigated and not result in a significant impact, there will be loss of AWI that will not be mitigated fully through compensatory planting, although in the long term this impact is expected to reduce as woodland corridors grow and connect. Continued engagement throughout the design process has been undertaken with SNH and other stakeholders to ensure that best practice has been undertaken in this approach. However, given the adverse effect on the integrity of the area, it is considered that the proposed scheme would not comply with this criterion of policy.</p> <p><u>NE1C (Local Designations)</u></p> <p>In relation to local designations there would be some loss of woodland registered on the Native Woodland Survey of Scotland (NWSS), which could impact habitat species. However, the residual impacts are not considered to be significant.</p> <p>Overall, Policy NE1 seeks to ensure the protection of designated sites. While effective mitigation will prevent any adverse impacts to the majority of designated sites, the loss of AWI results in the proposed scheme conflicting with policy NE1B.</p>
Policy NE2 – Forestry, Woodland and Trees	<p>Chapter 8 (People and Communities - Community and Private Assets)</p> <p>Chapter 12 (Ecology and Nature Conservation)</p>	<p>✓</p> <p>✓</p>	<p>Policy NE2A seeks to protect existing trees and woodland. It is noted in Chapter 8 (People and Communities - Community and Private Assets) that there is proposed forestry land-take for the proposed scheme, including some ancient and native woodland loss.</p> <p>a) In relation to Criterion A, which seeks to ensure woodland maximises benefits for communities and the environment, potential mitigation, including compensatory planting where there is loss of existing woodland, is proposed.</p> <p>b) and d) In terms of the protection of trees and woodland that are designated for their high natural, historic or cultural value, no Tree Preservation Orders have been identified within the assessment area.</p> <p>In regards to areas of AWI and non-designated woodland loss, as can be seen above in Policy NE1B, Chapter 12 (Ecology and Nature Conservation) states that impacts on woodland as a result of the proposed scheme are expected to be of major significance due to the reduction of available habitat to species.</p>

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
			<p>c) Refers to the expansion of woodland cover, and in this regard mitigation is will include compensatory planting.</p> <p>e) The project is not located within a Conservation Area; therefore Criteria E is not applicable.</p> <p>f) Criterion F of Policy NE2A is relevant to this project as it seeks to ensure that, in advance of major developments, there is an establishment of new woodland. As stated above in Chapters 12 (Ecology and Nature Conservation) and 13 (Landscape) and above in Policy NE1B, appropriate mitigation including the retention of existing trees and vegetation wherever possible and incorporation and translocation of soils and/or other features associated with ancient woodland would be implemented.</p> <p>It is considered that, with mitigation, there would be a broad compliance with policy in this respect.</p> <p>Policy NE2B relates to the methods of tree surveys and is not applicable to this project.</p> <p>In summary, the proposed scheme meets all policy criteria applicable to a development of this nature.</p>
Policy NE3 – Biodiversity	Chapter 12 (Ecology and Nature Conservation)	✓	<p>Policy NE3 seeks to protect and enhance all wildlife and wildlife habitats. In accordance with criteria C) of the policy, Chapter 12 (Ecology and Nature Conservation) identifies the potential impact significance and also considers mitigation aimed to alleviate potential impacts on biodiversity, in accordance with the Scottish Biodiversity Strategy and its component 2020 Challenge for Scotland's Biodiversity (Scottish Government, 2013).</p> <p>In terms of European Protected Species, based on the DMRB Stage 3 studies there is not expected to be any significant impact on any species listed in Annex IV of the Habitats Directive (Directive 92/43/EEC), in full compliance with policy.</p>
Policy NE4 – Green Infrastructure	Chapter 12 (Ecology and Nature Conservation) Chapter 13 (Landscape)	✓ ✓	<p>Policy NE4 seeks to ensure that all new development contributes to the creation, protection and management of green infrastructure. Chapter 12 (Ecology and Nature Conservation) details a series of mitigation measures that could be implemented to reduce or compensate for habitat and species loss, including the implementation of best working practices during the construction phase of the proposed scheme. During operation, compensatory planting, habitat creation, mammal fencing and provision of crossing structures have been proposed to mitigate impacts.</p> <p>As such the proposed scheme is considered compliant with Policy NE3.</p>
Policy NE5 – Green Belt	Chapter 8 (People and Communities - Community and Private Assets) Chapter 12 (Ecology and Nature Conservation)	N/A N/A	<p>Green Belt land identified within the Local Development Plan is not located within the study area. As such, assessment of compliance against this policy is not required.</p>
Policy ER4 – Minerals and Other Extractive Activities - Supply	Chapter 18 (Materials)	✓	<p>In seeking greater efficiency in the use of primary mineral resources and minimising the production of waste, Chapter 18 (Materials) sets out the principles and objectives of the proposed scheme. Included within this are:</p> <ul style="list-style-type: none"> the minimisation of raw materials through use of appropriate recycled materials that meet safety and durability performance requirements; the use long-life performance materials to improve durability and reduce whole life cost carbon; to use locally sourced materials and suppliers, to reduce material transport emissions and to support local businesses, where feasible; and to assess the effect of recycled material specifications to determine the associated carbon impact and maintain flexibility to select the option that provides the optimal balance between embodied and transportation carbon effects.

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
			<p>The assessment in Chapter 18 concludes that with the proposed scheme in place, and taking into account mitigation measures as described in Section 18.5 (Mitigation), the overall residual impacts in terms of waste are anticipated to be Neutral/Slight, which is not considered significant in the context of the EIA regulations.</p> <p>In terms of policy compliance, the unavoidable need for material resources for a project of this nature, together with the use of measures to minimise materials use; maximise re-use and recycling of wastes; and ensure all materials and wastes are handled according to the regulatory requirements; would result in the proposed scheme being in accordance with Policy ER4(C).</p>
Policy ER5 – Prime Agricultural Land	Chapter 8 (People and Communities - Community and Private Assets)	N/A	Policy ER5 seeks to protect prime agricultural land (classes 1, 2 and 3.1). No prime agricultural land is located with the study area and therefore the policy is not applicable.
Policy ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes	Chapter 13 (Landscape) Chapter 14 (Visual)	✓ ✓	<p>Policy ER6 aims to manage the future landscape quality of the area. The policy seeks to manage development and land use change to ensure that they accord with the aim to maintain and enhance the landscape quality of the local area.</p> <p>In summary, the methodology adopted and design objectives (see Appendix A13.6) for the proposed scheme are reflective of the aims set out in Transport Scotland's "Fitting Landscapes", which seeks to:</p> <ul style="list-style-type: none"> • ensure high quality of design and place; • enhance and protect natural heritage; • use resources wisely; and • build in adaptability to change. <p>In addition, as the proposed scheme broadly follows the online route of the existing A9 in respect of land use change, the impact to the tranquillity is relatively limited. However, to continue the comprehensive assessment carried out in DMRB Stage 2, the proposed scheme has been assessed against the following criteria:</p> <p>a) In relation to preservation of local distinctiveness, a number of local landscape areas and other designations fall within the study area, including; Pass of Killiecrankie LLCA, the Glen Garry: Lower Glen LLCA, the Glen Garry: Mid Glen LLCA and the Glen Garry; Upper Glen LLCA, all of which are predominantly rural landscapes. Impacts upon the landscape were assessed in Chapter 13 (Landscape) for both the winter year of opening (when all the mitigation elements would be in place, but the mitigation planting is not fully effective) and during the summer 15 years after opening (when mitigation planting has become established and contributes to screening and integration of the scheme into the landscape).</p> <p>It is concluded that the impacts of the proposed scheme will result in significant effects on the special qualities for which these designations are recognised during the year opening and, while the impacts would reduce to "not significant" for the Pass of Killiecrankie, the Glen Garry: Mid Glen and the Glen Garry: Upper Glen LLCAs, they would however remain significant (Moderate impact) for the Glen Garry: Lower Glen LLCA. While these impacts will be significant, consideration should be given to the existing influences on the landscape quality by the existing A9.</p> <p>b) In relation to the safeguarding of views, viewpoints and landmarks, it is considered that the influence of the existing A9 would generally limit the impact of the proposed scheme on built and outdoor receptors. As such, they would be unlikely to result in</p>

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
			<p>significant effects. The majority of significant impacts identified will be concentrated around the proposed junctions and, whilst these will be subject of mitigation, there will remain some significant impacts on views. Despite these remaining impacts, it has been assessed that they are not considered to unacceptably affect any safeguarded views, viewpoints or landmarks. As such, the proposed scheme is considered to be broadly compliant with criterion b.</p> <p>Criteria c) and d) seek to retain the relative tranquillity and wildness of the area's landscapes. The proposed scheme largely follows the online path of the existing A9 which has an existing influence on landscape character and features. As such, the proposed scheme does not conflict with criterion c and d.</p> <p>e) In relation to the provision of landscape mitigation and enhancement, both Chapter 13 (Landscape) and Chapter 14 (Visual) set out potential mitigation measures during construction and operation that would provide screening of views and reinforce the character of the existing landscape. The specific approach to mitigation includes replanting and screening. As noted above, this planting will not become established when the proposed scheme opens however it will gradually enable the proposed scheme to lessen its impact.</p> <p>f) Mitigation measures identified for the proposed scheme include general landscaping, new/replacement planting, replacement bunding, and grading out of embankments to minimise potential impacts on the landscape.</p> <p>g) In relation to the conservation of the experience of the night sky, mitigation measures including the avoidance of night-time working where possible and, where necessary, specific lighting used to minimise light pollution or glare will be implemented during the construction phase.</p> <p>Considering the above aspects of policy, it is recognised that the nature of the proposed scheme would create unavoidable impacts on the distinctive characteristics and features of the local landscape. However, being cognisant that the design is predominantly online, and that reasonable mitigation has been identified to lessen the impact in time; it is considered that the proposed scheme does appropriately manage future landscape change, in compliance with Policy ER6.</p>
<p>Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction</p>	<p>Chapter 10 (Geology, Soils, Contaminated Land and Groundwater)</p> <p>Chapter 16 (Air Quality)</p>	<p>✓</p> <p>✓</p>	<p>Policy EP1 seeks to ensure sustainable construction principles are employed in new developments which will contribute to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions. This policy is not directly relevant to road projects and is aimed at new buildings, but it is relevant to note that Chapter 16 (Air Quality) does assess regional emissions, including hydrocarbons and carbon dioxide, as a result of the proposed scheme. The conclusion was that there are no significant local air quality impacts at either human exposure locations or ecosystems/designated sites. A regional emissions assessment was undertaken for the year of opening (2026) and the design year (2041). The regional assessment predicted that emissions of NOx, NO2, PM and CO2 will increase with the proposed scheme but these are not considered to be significant.</p> <p>As noted in Chapter 10 (Geology, Soils, Contaminated Land and Groundwater), historical peat was identified in one borehole during the baseline survey work. However, it is considered that no loss peat is expected to occur as a result of the proposed scheme.</p>
<p>Policy EP2 – New Development and Flooding</p>	<p>Chapter 11 (Road Drainage and the Water Environment)</p>	<p>✓</p>	<p>Policy EP2 sets out a general presumption against proposals for built development in areas where there is a significant probability of flooding.</p> <p>To ensure the project has a greater resilience to effects of climate change, in accordance with this policy, SPP and DMRB Guidance, Chapter 11 (Road Drainage and the Water Environment) provides an assessment of the potential for flood risk from the proposed</p>

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
			<p>scheme and proposed mitigation, including reducing surface runoff and the implementation of SuDS.</p> <p>For the proposed scheme, a general approach to flood prevention has been adopted. This includes the provision of compensatory flood storage in the event where floodplains are lost or connectivity is reduced. While the majority of impacts arising from the operation of the proposed scheme would be 'Neutral' (i.e. neither significant adverse nor significant beneficial), some minor adverse residual impacts have been identified for operation of the scheme on the River Garry and due to the loss of flood storage. However, as the project is of strategic importance as a trunk road and develops on an existing route it would be deemed to accord with the aims of policy.) it is considered that the proposed scheme broadly accords with the aims of Policy EP2.</p> <p>As noted, SPP states that a precautionary approach should be adopted to all areas susceptible to flood risk and, as stated in Paragraph 263, Medium to High Risk (1:200 years) flood areas generally are not suitable for development in undeveloped and sparsely developed areas unless a location is essential for operational reasons, including transport infrastructure. As the project is of strategic importance as a trunk road and develops on an existing route, it is deemed to accord with Policy EP2.</p>
Policy EP3 – Water Environment and Drainage	Chapter 11 (Road Drainage and the Water Environment)	✓	This policy sets out the requirement to employ SuDS measures. The proposed scheme includes outfalls that discharge routine road run-off to receiving water features. In Scotland, SuDS are a legal requirement under the CAR 2011 (as amended). A minimum of two levels of SuDS are included for the proposed scheme, where possible, in agreement with SEPA and SNH. As such, it is expected to comply with Policy EP3.
Policy EP4 – Health and Safety Consultation Zones	n/a	N/A	Within the designated Pipeline Consultation Zones the Council will seek and take full account of the advice from the Health and Safety Executive. As the project is not located within the designated zone, this policy is not applicable.
Policy EP5 – Nuisance from Artificial Light and Light Pollution	n/a	✓	Artificial lighting will be required on two underpasses on the proposed scheme. The lighting for these underpasses will be compliant with regulation standards for a project of this nature and is not considered to have a detrimental effect on any sensitive receptors in both the natural and built environment. It is considered that this is compliant with Policy EP5.
Policy EP6 – Lunan Valley Catchment Area	Chapter 11 (Road Drainage and the Water Environment)	✓	Data provided by PKC has indicated that the Lunan Valley Catchment Area is not located within the assessment area of the project and as such is not of consideration to this compliance assessment.
Policy EP7 – Drainage within the Loch Leven Catchment Area	Chapter 11 (Road Drainage and the Water Environment)	✓	As above.
Policy EP8 – Noise Pollution	Chapter 17 (Noise and Vibration)	X	<p>Policy EP8 presumes against the siting of developments which will generate high levels of noise which will negatively impact sensitive receptors. Chapter 17 (Noise and Vibration) compiled noise modelling for all sensitive receptors within the defined study area, including dwellings.</p> <p>After mitigation has been implemented it is assessed that, for residual operational noise impacts in the short-term at ground floor level, there will be 65 Noise Sensitive Receptors (NSR) (55 dwellings and 10 other) predicted to have a significance of impact of Slight/Moderate Adverse or worse. Of these, 10 NSRs were considered to be Significant as the absolute noise level (L_{A10,18h} 59.5dB).</p>

Policy	Relevant Environmental Assessment Chapter(s)	Proposed scheme	Summary
			<p>The results of the residual operational noise impact assessment in the long-term indicate that this will reduce to two dwellings with a significant impact.</p> <p>Despite this significant reduction, due to the nature of the scheme and increase in traffic, impacts that will occur to the amenity of neighbours would not fully be mitigated. As a result, given the aim of the policy to protect sensitive receptors, the proposed scheme would not comply with Policy EP8.</p>
Policy EP9 – Waste Management Infrastructure	n/a	✓	Policy relates to the siting and development of energy and waste/resource management infrastructure therefore is not applicable to this project.
Policy EP10 – Management of Inert and Construction Waste	n/a	✓	Policy relates to planning applications for the recycling and processing of inert and construction waste therefore is not applicable to this project.
Policy EP11 – Air Quality Management Areas	Chapter 16 (Air Quality)	✓	There are no designated Air Quality Management Areas that would be affected by the proposed scheme.
Policy EP12 – Contaminated Land	Chapter 10 (Geology, Soils, Contaminated Land and Groundwater)	✓	<p>Policy EP12 seeks to ensure that development on contaminated land is appropriate in terms of remediation measures and use of the land. The potential for impacts on human health and water environment as a result of interaction with contaminated land is identified and assessed in Chapter 10 (Geology, Soils, Contaminated Land and Groundwater).</p> <p>Eighty-nine potentially contaminated land sources have been identified (including made ground; backfilled quarries/pits; railway; storage tanks; a former rifle range and an active quarry). A number of potential contaminated land issues were identified, which would require mitigation measures during construction. The residual impacts on contaminated land are expected to be of Low to Very Low significance. The proposed scheme is compliant with this policy.</p>
Policy EP15 – Development Within the River Tay Catchment Area	Chapter 12 (Ecology and Nature Conservation)	N/A	<p>This policy seeks to protect and enhance the nature conservation interests within the River Tay Catchment area. The policy lists criteria that should be applied to development proposals at a number of specific locations, as can be seen in Appendix A19.1.</p> <p>As the project is not located within one of the specified locations the policy is not applicable to this assessment.</p>

2 References

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Perth & Kinross Council (2014). Perth & Kinross Council Local Development Plan.

Scottish Government (2013). 2020 Challenge for Scotland's Biodiversity - A Strategy for the conservation and enhancement of biodiversity in Scotland.

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TAYplan (2017). TAYplan Strategic Development Plan 2016 – 2036.

Jacobs (2016a) (*on behalf of Transport Scotland*). A9 Dualling Programme: Pitagowan to Glen Garry – DMRB Stage 2 Scheme Assessment Report

Jacobs (2016b) (*on behalf of Transport Scotland*). A9 Dualling Programme: Killiecrankie to Pitagowan – DMRB Stage 2 Scheme Assessment Report