

# 19 Policies and Plans

## 19.1 Introduction

- 19.1.1 This chapter presents the ‘*Design Manual for Roads and Bridges*’ (DMRB) Stage 3 Environmental Impact Assessment (EIA) of the potential impacts of the Proposed Scheme for Project 7 (Glen Garry to Dalwhinnie) on the Central Section of the A9 Dualling Programme in terms of planning policy. The chapter provides an overview of the relevant national, regional and local policy documents including development allocations and a summary of specific policies and objectives relevant to the Proposed Scheme as a whole. The chapter also presents an assessment of the Proposed Scheme in terms of compliance with policies and plans.
- 19.1.2 It has been agreed with Transport Scotland, and applied across the A9 Dualling Programme, that within this DMRB Stage 3 EIA Environmental Statement (ES) report all relevant policy/ plan details will be collated within one standalone chapter. This allows for a comprehensive assessment of the many plans and policies; which cut across different disciplines and are relevant to a range of topics.
- 19.1.3 This chapter is supported by **Appendix 19.1** and **Appendix 19.2**, contained in **Volume 2**, which provide a compliance summary split by each relevant policy and each specific chapter of this ES.

## 19.2 Approach and Methods

### Scope and Guidance

- 19.2.2 A detailed assessment has been undertaken in line with the guidance set out in DMRB Volume 11, Section 3, Part 12 ‘*Impact of Road Schemes upon Policies and Plans*’. It should be noted that Interim Advice Note (IAN) 125/15 proposes the assessment of policies and plans is undertaken within each environmental parameter, but as agreed this is not considered appropriate for this Scheme given the scale, complexity and interrelationship of policy objectives across different parameters. Therefore a single policies and plans chapter has been prepared and will accord with the guidance in DMRB.
- 19.2.3 The various chapters of this Stage 3 Assessment focus on protection or, wherever relevant, enhancement of the environmental resources identified throughout the EIA process. There are, however, additional policies of relevance that also include the economic and social impacts that a scheme of this nature could have on the wider community.
- 19.2.4 Due to its overarching nature, this chapter is therefore structured differently to the other disciplines in that it presents an overview of relevant policy guidance, and undertakes an assessment of the likely impact of the Proposed Scheme on applicable policies and plans. The view of the Cairngorms National Park Authority (CNPA), as the authority responsible for preparing the Local Development Plan, were sought via an issue of a draft copy of this ES and an invite to comment. The Highland Council and Perth and Kinross Council were also provided with a draft copy of the ES and invited to comment on any issues. No concerns were raised with regard to the content of this ES Chapter, nor were any concerns raised regarding conflicts with the aims of assessed planning policies.
- 19.2.5 Thus, the DMRB Stage 3 Assessment presented in this chapter comprises:

- 19.2.6 A review of national, regional and local adopted and emerging planning policies
- 19.2.7 An assessment of the likely impact of the Proposed Scheme on the policy objectives listed in the schedule
- 19.2.8 A review of the effects of the required mitigation proposals on any identified potential conflicts with policies and plans
- 19.2.9 The objective of the assessment is to determine the impact of the Proposed Scheme on the achievement of national, regional, and local policy objectives.

#### Study Area

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

#### Baseline Data Sources

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

## 19.3 Plan and Policy Overview

- 19.3.1 This section sets out the planning policy documents that are of particular relevance to the Proposed Scheme.
- 19.3.2 In addition, an analysis of relevant land use allocations and the precise locations of planned developments adjacent to or within the vicinity of the Proposed Scheme was also completed. This is set out in **Chapter 8**.

#### National Planning Policies and Guidance

- 19.3.3 The framework for land use planning and development of planning policy across Scotland is the *'Town and Country Planning (Scotland) Act 1997'* (as amended by the Planning etc. (Scotland) Act 2006). The *'Planning etc. (Scotland) Act 2006'* is an enabling Act, and its purpose is to amend existing planning legislation and provide a mechanism for the delivery of a modernised planning system.
- 19.3.4 Overarching planning policies for Scotland are contained within the *'National Planning Framework 3'* (NPF3) and *'Scottish Planning Policy'* (SPP), these documents share the following vision for the planning system in Scotland:  
  
*"We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which represents the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world".*
- 19.3.5 This vision is also reflected within the *'Government Economic Strategy'* (March 2015), which sets out the government's role to increase sustainable economic growth through six strategic priorities. The priorities focus on making connections across Scotland to ensure it is well

connected to accelerate recovery, drive sustainable economic growth and develop a more resilient and adaptable economy. As part of this the Scottish Government published an ‘Infrastructure Investment Plan’ (IIP) (December 2015) which announced the overall intention to dual the road network between all Scotland’s cities by 2030 (this includes the A9 by 2025). As well as the IIP, the Strategic Transport Projects Review (STPR) also supports the Government Economic Strategy and sets out the Government’s transport investment priorities until 2032 (completing the A9 by 2025 is one of the proposals mentioned).

### *National Planning Framework 3 (NPF3)*

- 19.3.6 NPF3 is Scotland’s third national planning framework, and was revised and published in June 2014. NPF3 sets out the Government’s priorities, in terms of development, over the next 20 to 30 years. It is a spatial expression of the ‘Government Economic Strategy’ and the Government’s plans for development and investment in infrastructure.
- 19.3.7 Section 2 of NPF3 outlines the importance of creating high quality, diverse and sustainable places that promote well-being and attract investment.
- 19.3.8 NPF3 paragraph 2.7 states that:
- “Great places support vibrant, empowered communities, and attract and retain a skilled workforce. Emerging technologies for renewable energy and improved digital connectivity are changing our understanding of what constitutes a sustainable community. We must ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions”.*
- 19.3.9 Section 3 of NPF3 highlights the target of reducing greenhouse gas (GHG) emissions by 80% by 2050 and outlines how this can be achieved. Paragraph 1.2 states that the vision for Scotland is “a low carbon place”. It also states “we have seized the opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore. Our built environment is more energy efficient and produces less waste and we have largely decarbonised our travel”.
- 19.3.10 Section 4 outlines the importance of respecting, enhancing and responsibly using natural and cultural assets. Paragraph 4.2 recognises that Scotland’s principal asset is its land, with peatlands being an important habitat for wildlife and very significant carbon store. The paragraph goes on to recognise that mineral resources support the construction and energy sectors and that woodlands and forestry are an economic resource as well as an environmental asset.
- 19.3.11 Paragraph 4.4 acknowledges that Scotland’s landscapes are spectacular and contribute to quality of life, national identity and the visitor economy. The paragraph aims to protect the wildest landscapes, whilst recognising that closer to settlements landscapes have an important role to play in sustaining local distinctiveness and cultural identity and in supporting health and wellbeing.
- 19.3.12 Paragraph 4.5 of NPF3 recognises that biodiversity in Scotland is rich and varied and that geodiversity underpins landscapes and provides important ecosystem services.
- 19.3.13 The value of the historic environment to well-being and cultural identity is acknowledged in paragraph 4.6.
- 19.3.14 The importance of a national long distance walking and cycling network to link key outdoor tourism locations across the country is outlined in paragraph 4.28.

- 19.3.15 NPF3 pays specific attention to Scotland’s two National Parks, including the Cairngorms, and states that it wants to see positive planning and innovation to continue to strengthen communities, encourage investment, support tourism, deliver affordable rural housing and encourage high quality placemaking and visitor experiences. NPF3 also recognises the planned improvements to the A9 as part of ensuring the success of the Cairngorms National Park (CNP).
- 19.3.16 Paragraph 5.1 recognises that Scotland’s location and its unique geography mean that connections within the country (and with the rest of the world) are crucial.
- 19.3.17 Paragraph 5.3 recognises that the road network is extensive but requires maintenance and in some cases upgrading to provide sufficient capacity, reduce congestion and address safety issues. Paragraph 5.20 acknowledges that the road network has an essential role to play in connecting cities by car, public transport and active travel. Paragraph 5.32 highlights the importance of the dualling of the A9 to increase business accessibility across the rural north, increase business confidence and support investment throughout the region.
- 19.3.18 In terms of lay-bys and landscape design, the National Long Distance cycling and walking network is identified in the NPF3 which aims to provide a tourism resource by making best use of existing infrastructure, closing gaps in the network and upgrading routes. The provision of lay-bys alongside the A9 with access to this network would assist in opening up accessibility for non-motorised users (NMUs).

*Scottish Planning Policy (SPP) 2014*

- 19.3.19 SPP was revised in June 2014 and sets out national planning policies, which reflect Scottish Ministers’ priorities for the operation of the planning system and for the development and use of land.
- 19.3.20 SPP is a statement of Scottish Government policy but is non-statutory. The policy guides the development of local and regional planning policies and is a material consideration in the determination of planning applications.
- 19.3.21 The opening sections of SPP outline the following four key outcomes which should be achieved to support the vision for the planning system in Scotland:
- *“A successful, sustainable place*
  - *A low carbon place*
  - *A natural, resilient place*
  - *A more connected place”*
- 19.3.22 The introductory paragraphs further emphasise that planning should take a positive approach in order to enable high quality development, and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.
- 19.3.23 SPP introduces a presumption in favour of development that contributes to sustainable development. At paragraph 28 it states, *“the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost”*. This then follows onto paragraph 29 which provides principles for guidance on decisions. These principles include:
- *“Giving due weight to net economic benefit*

- *Responding to economic issues, challenges and opportunities, as outlined in local economic strategies*
- *Supporting good design and the six qualities of successful places*
- *Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities Supporting delivery of accessible housing, business, retailing and leisure development*
- *Supporting delivery of infrastructure, for example transport, education, energy, digital and water*
- *Supporting climate change mitigation and adaptation including taking account of flood risk*
- *Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation*
- *Having regards to the principles for sustainable land use set out in the Land Use Strategy*
- *Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment*
- *Reducing waste, facilitating its management and promoting resource recovery*
- *Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality”*

19.3.24 Paragraph 75 of SPP outlines that the key aims of the planning system with regard to rural development include *“encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality”*.

19.3.25 Paragraph 80 of SPP aims to restrict development on prime agricultural land or land of a lesser quality that is locally important, except where it is essential.

19.3.26 Paragraph 84 of SPP recognises that National Parks are designated under the National Parks (Scotland) Act 2000 because they are of national importance for their natural and cultural heritage. The four aims of national parks are outlined to be:

- *“Conserve and enhance the national and cultural heritage of the area*
- *Promote sustainable use of the natural resources of the area*
- *Promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public*
- *Promote sustainable economic and social development of the area’s communities”*

19.3.27 Paragraph 93 of SPP highlights its support for business and employment and states that the planning system should:

- *“Promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets*
- *Allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities*
- *Give due weight to net economic benefit of proposed development”*

- 19.3.28 Paragraph 141 and 142 of the SPP includes policy on listed buildings stating that *“a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest”*. Paragraph 142 goes on to state that development may be acceptable where there is clear evidence that the proposals clearly show that it is the only means of preventing the loss of the asset and securing its long-term future.
- 19.3.29 Paragraph 145 of the SPP relates to scheduled monuments and states *“where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development”*.
- 19.3.30 Paragraphs 150 and 151 of the SPP include policy on archaeology and other historic environment assets. Paragraph 150 states:  
*“Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible’ where in situ preservation is not possible, planning authorities should, through the use of condition or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording”*.
- 19.3.31 Paragraph 151 of the SPP follows to state that there is a wide range of non-designated historic assets and areas of historical interest which do not have statutory protection but are an important part of Scotland’s heritage and planning authorities should protect and preserve these resources as far as possible. These resources include historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads.
- 19.3.32 Paragraph 176 of the SPP includes policy on planning for zero waste in order to:
- *“Promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials*
  - *Support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing*
  - *Support achievement of Scotland’s zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland’s annual waste arisings to landfill by 2025*
  - *Help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal”*
- 19.3.33 Additionally, paragraphs 178 and 179 emphasise that plans should promote the waste hierarchy and resource efficiency. Furthermore, Paragraph 180 states:  
*“Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting*

*facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate”*

- 19.3.34 Paragraph 194 of SPP relates to valuing the natural environment and states that the planning system should:
- *“Facilitate positive change while maintaining and enhancing distinctive landscape character*
  - *Conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities*
  - *Promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way*
  - *Seek to protect soils from damage such as erosion or compaction*
  - *Protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value*
  - *Seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats*
  - *Support opportunities for enjoying and learning about the natural environment”*
- 19.3.35 SPP considers the importance of green infrastructure and states within paragraph 221 that the planning system should:
- *“Consider green infrastructure as an integral element of places from the outset of the planning process*
  - *Assess current and future needs and opportunities for green infrastructure to provide multiple benefits*
  - *Facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation*
  - *Provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003”*
- 19.3.36 Paragraph 255 of SPP discusses the principles of flood risk and drainage stating that the planning system should promote:
- *“A precautionary approach to flood risk from all sources, including coastal, water course (fluvial), surface water (pluvial), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change.*

- *Flood avoidance; by safeguarding flood storage and conveying capacity, and locating development away from functional floodplains and medium to high risk areas.*
- *Flood reduction: assessing flood risk, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible.*
- *Avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impenetrable surface.”*

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

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

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

19.3.39 In addition, SPP’s paragraph 270 includes information on promoting sustainable transport and active travel and emphasises the importance of:

- *“Optimising the use of existing infrastructure*
- *Reducing the need to travel*
- *Providing safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport*
- *Enabling the integration of transport modes*
- *Facilitating freight movement by rail or water”*

*Fitting Landscapes: Securing more sustainable landscapes (March 2014)*

19.3.40 This document details Transport Scotland’s landscaping policy for their transport corridors and provides guidance on its implementation. *‘Fitting Landscapes’* sets an agenda, helping to address

the challenges of delivering and managing a transport network that contributes to national policy targets, supports the natural heritage resources and ensures a ‘best fit’ with the local landscape character.

19.3.41 The vision of this document is to, *“promote the more sustainable design, implementation, maintenance and management of the transport estate and ensure that the landscapes we create and manage are of high quality, well integrated, bio-diverse, adaptable and deliver a meaningful contribution to national sustainability targets”*.

19.3.42 Additionally, ‘Fitting Landscapes’ includes four ‘aims’ which are:

- Ensure high quality of design and place
- Enhance and protect natural heritage
- Use resources wisely
- Build in adaptability to change

#### Planning Advice Notes, Circulars and Online Guidance

19.3.43 The Scottish Government provides Planning Advice Notes (PANs) which contains information on good planning practice in a range of different subjects and should be taken into account when considering development proposals. The Scottish Government also produces Circulars which contain guidance on policy implementation through legislative or procedural change. The PANs and Circulars considered relevant to this assessment comprise:

- ‘PAN 33 (*Development of Contaminated Land*)’ (2000) provides advice on the implications of the contaminated land regime for the planning system. It advises on: the development of contaminated land; the approach to contaminated land in development plans; and the determination of planning applications when the site is or may be contaminated.
- ‘PAN 51 (*Planning, Environmental Protection and Regulation*)’ (Revised 2006) supports the 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. The environmental protection regimes referred to in this PAN are: pollution, prevention and control; protection of the water environment; drinking water quality – public and private water supplies (PWS); contaminated land; radioactive substances; statutory nuisance including noise; litter; light; local air quality management; and environmental noise.
- ‘PAN 1/2013 (*Environmental Impact Assessment*)’ (2013) concerns EIAs undertaken within the Planning EIA regime, as required by ‘*The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017*’ (‘the EIA Regulations’). Furthermore this PAN explains the role of individual planning authorities and that of the consultation bodies in EIA, as well as providing advice on how the EIA regime can be integrated into the development management process.
- ‘PAN 60 (*Planning for Natural Heritage*)’ (2000) (Paragraph 47 updated 2009) provides advice on how development and the planning system can contribute to the conservation, enhancement, enjoyment and understanding of Scotland’s natural environment. In addition, it encourages developers to positively and creatively address natural heritage issues.

- *'PAN 61 (Planning and Sustainable Urban Drainage Systems)'* (2001) provides developers and the planning system with good practice guidance, complementing the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland. This PAN ensures that planners work together with a number of disciplines and agencies to ensure that SUDS are accepted as an integral part of the planning system and ensures that developments are sustainable.
- *'PAN 65 (Planning and Open Space)'* (2008) supports the SPP 11 Open Space and Physical Activity (now superseded by SPP 2014), and provides advice on the role of the planning system in protecting, enhancing and creating new open spaces. This PAN also gives advice on good practice for providing; maintaining and managing open spaces as well as giving guidance on how local authorities can prepare open space strategies.
- *'PAN 68 (Design Statements)'* (2003) seeks to ensure local authorities and applicants are aware of the role of design statements in the planning system. This PAN provides guidance on how design statements should be prepared and presented, and information on what a design statement is, why it is a useful tool and when it is required.
- *'PAN 75 (Planning for Transport)'* (2005) provides advice for local planning authorities and developers on their policy development, proposal assessment and project delivery. PAN 75 also states that the design and layout of all new roadside facilities should respect the character and nature of the surrounding urban fabric. This PAN accompanies SPP17 Planning for Transport, and aims to increase the understanding of the relationship between planning and transport, and how these can be managed. Annex F of PAN 75 has regard to Roadside Services and states that *"all facilities are to be provided primarily to meet the reasonable needs to travellers and the scale of provision should be consistent with these needs"*.
- *'PAN 78 (Inclusive Design)'* (2006) provides guidance for the planning system and different stakeholders on how to design for the wider user group. Within this PAN the nature of the issues in designing inclusive environments is outlined, however, the importance of inclusive design is also stressed.
- *'PAN 79 (Water and Drainage)'* (2006) provides good practice guidance for the planning system on the provision of water and drainage and clarifies the role of the planning authority in establishing a development pattern to ensure the delivery of infrastructure and planning in a coordinated way. In addition, this PAN explains the role of Scottish Water and the Scottish Environmental Protection Agency (SEPA) within the planning system on water and drainage issues. Furthermore, it encourages partnership working to ensure a common understanding of capacity constraints and agreement on the means to accommodate new development.
- *'PAN 3/2010 (Community Engagement)'* (2010) sets out the guidance for Councils and other public bodies to engage with and consult communities on planning matters. This PAN is supported by Visioning Outcomes in Community Engagement (VOiCE) and Planning Aid for Scotland's Scottish Planning equals Effective Engagement and Delivery (SP=EED). It adopts ten National Standards and details on how these standards should be used in the planning system. These are as follows: involvement; support; planning; methods; working together; sharing Information; working with others; improvement; feedback; and monitoring and evaluation.
- *'PAN 1/2011 (Planning and Noise)'* (2011) was published in March 2011 and provides advice on the role of the planning system in helping to prevent and limit the adverse

effects of noise. This PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. Furthermore, it stresses the acceptable locations for potentially noisy developments and adopts a pragmatic approach to the location of new development within the vicinity of existing noise generating uses. This is to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth.

- *'PAN 2/2011 (Planning and Archaeology)'* (2011) is used in conjunction with SPP and the *'Managing Change in the Historic Environment Guidance Notes'*, which together outline the policies for planning and the historic environment. This PAN advises planning authorities and other relevant stakeholders in the handling of archaeological matters in the planning process.
- *'Historic Environment Scotland Policy Statement'* (June 2016) is a material consideration in the statutory planning, EIA and Strategic Environmental Assessment (SEA) processes. This policy statement sets out the principles under which Historic Environment Scotland (HES) operates and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment.
- *'Guidance Note Series, Managing Change in the Historic Environment'*, sets out guidance on how to apply SHEP (2011) and SPP (2010). The key aims of the series are to identify the main issues that can arise in conflicting situations and provide advice, understandable to all, on how to best deal with these issues.
- *'Circular 18/1987 (Development Involving Agricultural Land)'* (1987) highlights important issues to be addressed in relation to development on agricultural land. This includes mitigation of impacts related to land take, severance and disruption of farm infrastructure and the protection of prime agricultural land.
- *'Circular 1/2017 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations'* (2017) provides guidance on the EIA regulations.
- *'Planning and Waste Management Advice'* ([www.gov.scot/Resource/0048/00481407.pdf](http://www.gov.scot/Resource/0048/00481407.pdf)). This document works in conjunction with the NPF3, SPP and Scotland's Zero Waste Plan (ZWP). It explains that an alternative to the "make, use, dispose" culture is a "circular economy" and a low carbon place. This document, therefore, provides guidance on development management and planning.
- *Planning Advice on Flood Risk* (<http://www.gov.scot/Resource/0047/00479774.pdf>). This document provides information on the planning process for flooding and how local authorities and developers should act to mitigate the effects.

#### Other National Policies

19.3.44 The following additional national policies relating to specific environmental topics are considered further in **section 19-20**.

- Lets get Scotland Walking – The National Walking Strategy (Scottish Government, 2014)
- Trunk Road Cycling Initiative (Scottish Government, 1996)
- Scotlands 2020 Challenge for Biodiversity (Scottish Government, 2013)
- The Scottish Forestry Strategy (Scottish Government, 2006)

- The Role of Scotland’s National Forest and Strategic Directions (Forestry Commission Scotland, 2013)
- The right tree in the right place: Planning for forestry and woodlands (Forestry Commission Scotland, 2010)
- Landscape Policy Framework (SNH, 2005)

#### National and Regional Strategies

##### *Scotland’s National Transport Strategy (NTS) (2006)*

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

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

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

##### *Highlands and Islands Regional Transport Strategy (2008)*

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

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

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

- *“Active travel*
- *Aviation and the air network*
- *Community and health passenger transport*
- *Congestion and urban issues*

- *Freight transport*
- *Locally significant network and maintenance of the area's roads*
- *Mainstream passenger transport*
- *Ports, ferries and waterway transport*
- *Cost of transport and travel*

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

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

**Local Planning Policy**

- 19.3.54 The Proposed Scheme falls fully within the CNP. The National Park has its own LDP which guides development within the park. It is acknowledged that the A9 in this section falls within both The Highland Council (THC) and Perth & Kinross Council (P&KC) areas; however, as the Proposed Scheme falls fully within the National Park the adopted planning policies for the THC and P&KC area are not applicable to the Proposed Scheme.

*Cairngorms National Park Local Development Plan (2015)*

- 19.3.55 *'Cairngorms National Park Local Development Plan'* (CNPLDP) sets out the vision for the CNP which is, *"an outstanding National Park, enjoyed and valued by everyone, where nature and people thrive together"*.
- 19.3.56 Policy 2 of the LDP relates to the importance of supporting economic growth. Section 3 of this policy regards *"other economic development"* and states that proposals which support or extend

the economy, or enhance the range and quality of economic opportunities or facilities, will be considered favourably where:

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

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

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

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

*International designations*

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

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

*National designations*

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

- *“It will not adversely affect the integrity of the area or the qualities for which it has been designated.*

- *Any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of commensurate or greater importance than those that are adversely affected”*

*Other important natural and earth heritage sites and interests*

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

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

*Species*

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

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

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

- *“Undertaking the development will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit*
- *There is no other satisfactory solution*
- *The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”*

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

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

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

*Other Biodiversity*

- 19.3.66 Developments will not be permitted if they negatively affect species found in Annexes 11 or V of the European Commission (EC) Habitats Directive or Annex 1 of the EC Birds Directive, unless:
- *“There is no other satisfactory solution*
  - *The development will not be detrimental to the maintenance of the species concerned at a favourable conservation status in the natural range”*
- 19.3.67 Development will not be permitted if it negatively impacts species found in the Cairngorms Nature Action Plan (CNAP), UK Biodiversity Action Plan, Birds of Conservation Concerns (red and amber), or by Scottish Ministers through the Scottish Biodiversity List (SBL), including any cumulative impact, unless:
- *“The developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species*
  - *Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimized where harm is unavoidable; and appropriate compensatory and/or management measures are provided; and new habitats of commensurate or greater nature conservation value are created as appropriate to the site”*
- 19.3.68 Policy 5 of the LDP relates to landscape and introduces a presumption against any development that does not conserve and enhance the landscape character and special qualities of the CNP, including wildness, and in particular, the setting of the proposed development.
- 19.3.69 Policy 8 considers safeguarding sport and recreation facilities and states that developments which result in a reduction of these facilities will only be supported where:
- *“The development is ancillary to the principal use of the site as sport and recreation facilities*
  - *The development would not affect the use of the site as a sport and recreation facility*
  - *In the reduction of public access rights, or loss of the existing path network including loss of access to inland water, an appropriate or improved alternative access solution can be secured*
  - *A compensatory site of at least equal size and quality is created which is convenient to users, or an existing facility is upgraded to maintain and improve the overall capacity in the area*
  - *An audit demonstrates the development will not result in the loss of provision of services used by the affected community, and that no alternative site is available”*
- 19.3.70 Policy 9 of the LDP considers the importance of conserving cultural heritage in the CNP. This includes internationally significant listed buildings, archaeological remains, historic gardens and landscapes, important architectural and historic landscapes and ancient routes through the park.
- National designations*
- 19.3.71 Developments impacting on a scheduled monument, listed building and inventory gardens, landscapes and battlefields should:

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

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

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

#### *Conservation Areas*

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

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

#### *Other Cultural Local Heritage*

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

19.3.75 Policy 10 of the LDP relates to protecting resources, reducing consumption and aiding communities to live a low carbon life. This includes: helping developments minimise adverse impacts and encourage developments to improve the environment; preserve existing resources; and protect public health.

19.3.76 In relation to water resources, the LDP states that all development should:

- *“Minimise the use of treated and abstracted water*
- *Treat surface water and foul water discharge separately and in accordance with SUDS manual criteria C697*
- *Have no significant adverse impact on existing or private water supplies or wastewater treatment services*
- *Not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status*
- *Not result in the deterioration of water resources used for amenity or recreation*
- *Avoid unacceptable detrimental impacts on the water environment. Development should demonstrate any impacts (including cumulative) can be adequately mitigated. Existing and potential impacts up and downstream of the development, particularly in respect of potential flooding, should be addressed”*

19.3.77 The LDP considers measures for mitigating flooding and states that all development should:

- *“Be free from significant risk of flooding*

- *Not increase the risk of flooding elsewhere*
- *Not add to the area of land that requires flood prevention measures*
- *Not affect the ability of the functional floodplain to store or move flood waters”*

19.3.78 In relation to the minimisation and management of waste, the LDP states that all development should:

- *“Safeguard existing strategic waste management facilities and all sites required to fulfil the requirements of the Zero Waste Plan*
- *Ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement”*

19.3.79 A development that affects a mineral reserve should protect any viable future extraction unless:

- *“There is no alternative site*
- *The development is considered to deliver the aims of the Park in a way which outweighs its value as a mineral resource*
- *The opportunity has been provided for extraction of the mineral resource prior to development commencing”*

19.3.80 The exploitation of mineral reserves will be protected, however, where this is not possible development will only be considered favourable where:

- *“The developer can demonstrate the market within the Cairngorms National Park where the mineral will be used to provide other social or economic benefits*
- *There are no adverse environmental impacts*
- *The material furthers conservation or restoration of the distinctive landscape character and built environment of the Park*
- *Full restoration details are incorporated as part of the proposal*
- *No suitable and reasonable alternatives to the material are available”*

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

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

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

- *“Assessments are undertaken to identify actual and potential impacts, on-site and off-site, of all stages of development proposals on the risks to human health and also to the Park’s biodiversity, geodiversity, hydrology and other special qualities.*
- *In the event of significant risk, investigations and assessments including site specific risk assessments are submitted with planning applications to identify actual or potential significant risks to human health and safety associated with the current condition of the*

*site, and how contaminants currently interact with the surrounding ecosystem and the Park's special qualities.*

- *Effective remedial action, including control and limitations of the release of contaminant to the surrounding environment, is taken to ensure that the site is made suitable for the development proposal use and potential reuse by other development, and that there are no significant detrimental effects on the Park's special qualities on or off-site."*

#### *CNPA Supplementary Planning Guidance*

19.3.83 The Cairngorms National Park Authority (CNPA) have provided a range of statutory and non-statutory guidance, which supports the LDP, which was published in 2015. The following guidance documents provide further information and detail on how to comply with the relevant LDP policies:

- *'Policy 1: New Housing Development Non-statutory Guidance'*
- *'Policy 2: Supporting Economic Growth Non-statutory Guidance'*
- *'Policy 3: Sustainable Design Non-statutory Guidance'*
- *'Policy 4: Natural Heritage Supplementary Guidance'*
- *'Policy 5: Landscape Non-statutory Guidance'*
- *'Policy 7: Renewable Energy Supplementary Guidance'*
- *'Policy 8: Sport and Recreation Non-statutory Guidance'*
- *'Policy 9: Cultural Heritage Non-statutory Guidance'*
- *'Policy 10: Resources Non-statutory Guidance'*
- *'Policy 11: Developer Contributions Supplementary Guidance'*

#### *Cairngorms National Park Partnership Plan 2017-2022*

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

19.3.85 The NPPP is a 5 year plan which:

- sets out the vision and overarching strategy for managing the Park
- guides the work of all public bodies and other partners to deliver the aims of the Park
- provides the strategic context for the Local Development Plan
- sets out the regional land use framework for the Park
- provides the strategic context for managing the Park as a sustainable tourism destination
- shows how the Park will contribute to the Scottish Government's core purpose and national outcomes

19.3.86 The plan contains nine priorities which have evolved from a period of extensive public consultation: the 'Big 9'. These are:

1. Supporting Landscape Scale Collaboration
2. Deer Management
3. Moorland Management
4. Visitor Infrastructure and Information
5. Active Cairngorms
6. Learning and Inclusion
7. Housing
8. Community Capacity and Empowerment
9. Economic Development

- 19.3.87 With regard to Priority 4: Visitor Infrastructure and Information the, NPPP recognises that the dualling of the A9 will bring opportunities and challenges over the next decade and that it is important to maximise the benefits both during construction and operation.
- 19.3.88 In consideration of Priority 5: Active Cairngorms, the NPPP also recognises that the dualling of the A9 provides the opportunity to improve access infrastructure and promotion to encourage more active travel both by residents and visitors.
- 19.3.89 Policy 3.2 aims to assist with achieving Priority 9: Economic Development, and states that sensitively designed improvements to the A9 will be supported as an integral part of enhancing the connectivity of the Highlands.

#### Other National Policies

- 19.3.90 The following additional local policies relating to specific environmental topics, are considered further in **section 19-20**.
- The Forests of the Cairngorms - Forest and Woodland Framework (CNPA, 2008)
  - A9 Dualling: Perth to Inverness Sustainability Strategy (Transport Scotland, 2016)

## 19.4 Compliance with Policies and Plans

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

#### Community Consultation

- 19.4.2 Community consultation and landowner liaison has been key to the development of the scheme and to the environmental assessment process. A range of measures have been used to engage the community and have included consultation events that are outlined in **Chapter 7**.
- 19.4.3 Accordingly, the Proposed Scheme is considered compliant with the requirements of PAN 3/2010 '*Community Engagement*'.

### Principle of Development

- 19.4.4 The aim of the Proposed Scheme, as part of the wider Dualling Programme to the A9 between Perth and Inverness, is to provide and promote the following benefits and opportunities:
- Economic growth
  - Improved connectivity between all of Scotland's cities
  - Improved road safety and a reduction in driver stress
  - Improved journey times
  - Improved access to tourist and recreation sites
  - Improved links to pedestrian, cycling and public transport facilities
  - Environmental relief and reduced severance for some communities
- 19.4.5 The principle of development of the Proposed Scheme, therefore, is generally supported in national, regional and local planning policy. The Government's commitment to the Proposed Scheme and wider improvements to the A9 is outlined in the NPF3. The Proposed Scheme also supports national and regional transport policy objectives as part of a wider strategy to assist in providing enhanced connectivity to deliver prosperity and connect communities across the region.
- 19.4.6 Furthermore in relation to local policy, the Proposed Scheme follows CNPLDP's Policy 2 which relates to supporting economic growth.
- 19.4.7 Planning policy recognises the need for dualling the A9. As this Proposed Scheme is part of this dualling programme, it is considered that the Proposed Scheme is supported in principle by national, regional and local policy.
- 19.4.8 The following sections summarise the assessment of compliance of the Proposed Scheme against national, regional and local policy objectives relating to each specialist topic.

#### *People and Communities: Community and Private Assets*

- 19.4.9 Consideration of the Proposed Scheme's potential impacts on community and private assets has been conducted in accordance with the objectives set out in SPP, predominantly these objectives centre on endorsing the sustainable use of both natural and built resources. However, on account of the Proposed Scheme's limited impact on community and private assets, the proposals are considered to be broadly in line with the relevant criterion. Specifically these objectives included:
- Support sustainable economic growth and regeneration
  - Make efficient use of existing capabilities of land, buildings and infrastructure
  - Support delivery of infrastructure
  - Improve health and wellbeing by offering opportunities for social interaction and physical activity including sport and recreation
  - Protect, enhance and promote access to natural and cultural heritage including green infrastructure, landscape and the historic environment
  - Protect the amenity of new and existing development

- 19.4.10 SPP also recognises the following aims for the National Park:
- Conserve and enhance the natural and cultural heritage of the area
  - Promote sustainable use of the natural resources of the area
  - Promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public
  - Promote sustainable economic and social development of the area's communities
- 19.4.11 National guidance is also contained within policy document NPF3, which seeks to achieve *“positive planning and innovation and will continue to strengthen communities, encourage investment, support tourism, deliver affordable rural housing and encourage high quality place-making and visitor experiences”*. Further national guidance of relevance to community and private assets has also been provided in the form of *‘PAN 65 Planning & Open Space’* (2008), and *‘Circular 18/1987’* (as amended by 29/1988 and 25/1994) *‘Development Involving Agricultural Land’*. Nevertheless, the Proposed Scheme is considered policy compliant in this instance on account of the fact that NPF3 supports the dualling of the A9 between Perth and Inverness, expecting this to provide a step change in accessibility across the rural north, increase business confidence and support investment throughout the region.
- 19.4.12 In a more regional/ local context, policies relevant to community and private assets have been identified within the CNPLDP. Policy 2 relates to the facilitation of sustainable economic growth and introduces three criteria that seek to protect sites and buildings currently in, or last used for, economic employment purposes. Policy 8 looks to protect existing sport and recreation facilities. This policy outlines a range of criteria which must be complied with in circumstances which would result in the re-development of or reduction in existing facilities. The Proposed Scheme does not introduce any conflicts with these policies through losses of economic or community assets and is therefore considered to be compliant with CNPLP policies 2 and 8 in terms of Community and Private Assets.
- 19.4.13 With regards to the Proposed Scheme's policy compliance to other CNPLP policies, it should be recognised that any potential impacts on noise, air quality, and heritage, and landscape and visual impacts, have been assessed within the relevant chapter. This assessment process has ensured that appropriate safeguards and mitigation will be implemented where necessary.
- People and Communities: Effects on All Travellers*
- 19.4.14 At a National level, the NPF3 sets the context for development planning in Scotland and provides a framework for the spatial development of Scotland as a whole. Paragraph 5.5 of the NPF3 states that the Scottish Government *“want to significantly increase levels of everyday cycling and walking”*. Paragraph 5.20 states that *“the road network has an essential role to play in connecting cities by car, public transport and active travel”*. The National Long Distance cycling and walking network is identified within the NPF3 which includes aims to upgrade routes and utilise existing infrastructure. With regard to effects on all travellers, the Proposed Scheme complies with the policies set out within NPF3 by maintaining the National Cycle Network (NCN) 7 throughout Project 7 whilst creating safer links with underpass crossings between this and other non-motorised user (NMU) routes across the A9. The provision of lay-bys alongside the A9 with access to this network would also assist in opening up accessibility for NMUs.
- 19.4.15 Also at a National level, the SPP is a statement of Scottish Government policy with a purpose *“to set out national planning policies which reflect Scottish Ministers' priorities for operation of the*

*planning system and for the development and use of land*". The SPP considers the issues of promoting sustainable transport and active travel. In particular, Paragraph 288 of the SPP states that *"Buildings and facilities should be accessible by foot and bicycle and have appropriate operational and servicing access for large vehicles. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible"*. Paragraph 290 states that *"development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact"*. The Proposed Scheme complies with this policy as the NCN7 is retained throughout the Scheme with additional NMU connections and Type A lay-bys providing improved connectivity throughout.

- 19.4.16 Paragraph 111 of Scotland's NTS states that managing demand on the network has a vital role to play in ensuring more reliable journey times and reducing congestion. The NTS strategy also aims to promote cycling and walking as sustainable forms of transport especially for short journeys. **Chapter 9** shows a beneficial impact on driver stress which takes into consideration journey speeds and number of vehicles, therefore the Proposed Scheme complies with this policy.
- 19.4.17 'PAN 75 (Planning for Transport)' (2005) provides advice for local planning authorities and developers on their policy development, proposal assessment and project delivery. Annex F of PAN 75 has regard to Roadside Services and states that "all facilities are to be provided primarily to meet the reasonable needs to travellers and the scale of provision should be consistent with these needs". The Proposed Scheme complies with this offering Type A lay-bys with a 4m segregation strip which provides safe stopping places for NMUs which offer viewpoints for enjoyment of the surrounding landscape.
- 19.4.18 The Tourism and Development Framework for Scotland (TDF) aims to encourage the development of scenic tourist routes, recognising the importance of landscape, scenery and natural environment, and its accessibility to visitors. With respect to All Travellers, the Proposed Scheme is compliant with the inclusion of Type A lay-bys and corresponding NMU links providing opportunities for access and enjoyment to the surrounding NMU network.
- 19.4.19 The RTS sets out aspirations in relation to **Chapter 9** including; *"Improve the reliability of journey times"* and *"Improving accessibility and the attractiveness of public transport, walking and cycling"*. The Proposed Scheme partially complies with these aims; the inclusion of type A lay-bys increases accessibility to the network of NMU routes around the Proposed Scheme and offers safe rest areas for vehicle travellers in scenic locations to encourage enjoyment of the surrounding landscape.
- 19.4.20 *'Let's Get Scotland Walking: The National Walking Strategy'* (2014) sets out a strategy with the following purpose; *"to realise the vision of a Scotland where places are well designed for walking, an increased number of people enjoy the outdoors and more people walk as part of their everyday journeys"*. Aims of the strategy relevant to effects on all travellers includes; creating a culture of walking, better walking environments throughout Scotland and ensuring easy, convenient independent mobility for all. The Proposed Scheme complies with this policy as all new and improved NMU routes will be designed to relevant design standards, as well as creating improved connections for NMU routes with safer crossing points and additional footpath links.
- 19.4.21 The Trunk Road Cycling Initiative, established in 1996, has as its basis support for the NCN as well as promoting road safety for cyclists around the interface of the NCN with trunk roads. There is a requirement to fully consider the effect on cyclists of all new trunk road schemes and within improvements of existing trunk roads. The impact on the NCN7 throughout construction and operation has been considered and this continuous route will be maintained. Type A lay-bys and safe underpass crossings will improve access in and around the NCN7.

- 19.4.22 The *'Fitting Landscapes – Securing More Sustainable Landscapes (2014)'* policy document *"provides the Scottish Government's policy statement addressing the landscape design and management of our transport corridors"*. Section 8 of the policy considers the issue of conserving and creating key views. It states that *"Transport corridors can direct or screen views, create vistas and inform how we read and perceive the landscape. Understanding the value of views and designing to create and retain views and vistas is important in place-setting and the experience of travel"*. The Proposed Scheme looks to retain high quality views already experienced from the existing road corridor such as the distinctive landscape of Drumochter Pass and views looking over Dalnaspidal towards Loch Garry. Views will on the whole remain unchanged from existing, however where specific infrastructure may impact on those views, such as around the proposed Balsporran/ Drumochter Lodge Junction, an appropriate level of secondary mitigation will aim to enhance these areas. The Proposed Scheme has incorporated three Type A lay-bys providing further opportunities for NMUs and vehicle travellers to view and explore the surrounding high quality landscape.
- 19.4.23 The Long Term Vision detailed within the CNPLDP includes *"people enjoying the park through outstanding visitor and learning experiences"* and *"New development well connected to Core Paths and other off-road routes"*. Policies of particular relevance to effects on all travellers includes; Policy 2 (Supporting Economic Growth), Policy 3 (Sustainable Design), and Policy 8 (Sport and Recreation). A key aim of Policy 8 is to *"Maintain and maximise all opportunities to link into the existing path network"*. The Proposed Scheme complies with the policies set out above in relation to effects on all travellers through safe crossing points and additional estate and NMU links increasing connectivity throughout Project 7.
- 19.4.24 There are no significant residual impacts arising from the Proposed Scheme in relation to effects on all travellers and it generally complies with the national, regional and local policies set out above.
- Geology, Soils and Groundwater*
- 19.4.25 In a national context, aspects of the NPF3 and SPP related to geology, soils and groundwater include recognition that Scotland's land is among its principal assets, with peatland representing important habitat for wildlife and very significant carbon store. Aspects including promoting sustainable development, tackling climate change, encouraging planning authorities to take the probability of flooding, including groundwater, and the risks involved into account when preparing development plans and determining planning applications, and taking into account implications of development for water, air and soil quality also apply.
- 19.4.26 *'PAN 33: Development of Contaminated Land (2000)'* provides national level guidance on potential contamination, advising on the approach to development on potentially contaminated land within the planning system and remediation of this before development is brought to use.
- 19.4.27 Key local policy themes of relevance to geology, soils and groundwater include protection of soils and peat, protection of the water environment (including groundwater, potential groundwater dependent terrestrial ecosystems (GWDTE) and PWS), maintaining geodiversity, suitability of use and remediation of contamination. The main policies related to these aspects are CNPLDP Policy 4 (Natural Heritage) and Policy 10 (Resources).
- 19.4.28 CNPLDP Policy 4 (Natural Heritage) states that developments must consider potential impacts and supply sufficient information on natural, cultural and earth heritage resources, including site designations, landforms and geodiversity, soils and carbon. It states that development should ensure no net loss of natural heritage value, identify opportunities to enhance the natural

heritage, and manage and maintain natural heritage value where necessary. CNPLDP Policy 10 (Resources) highlights principles specifically for water resources, minerals, carbon sinks and stores (particularly carbon-rich soils and peatland) and potential contaminated land – with the need to protect, avoid and/ or minimise effects on these and associated receptors. In compliance with these policies, unacceptable disturbance of peat will not be permitted unless it is shown that the effects of this are clearly outweighed by social, environmental or economic benefits arising from the development proposals or where there is no alternative.

- 19.4.29 CNPLDP Policy 4 (Natural Heritage) also emphasises that development proposals will be assessed taking into account the level of importance and type of heritage features, as well as the importance of geological/ geodiversity interest areas in the wider landscape which represent an integral component of the scenery and heritage of the area. Features of local, regional or international importance in relation to geology include SSSIs and GCR sites of national interest for their geology, together with Local Geodiversity Sites (LGS) or Regionally Important Geological Sites (RIGS).
- 19.4.30 In accordance with the relevant CNPLDP policies, **Chapter 10** provides an assessment of the potential impacts of the Proposed Scheme and identifies the level of importance and type of geological/ geodiversity features located within the study area. The features identified include the Allt Dubhaig GCR site, candidate LGS sites of the Drumochter Hummocky Moraines and Drumochter debris cones, the alluvial fan deposits at Allt Coire Chuirn, a pollen record site in the Pass of Drumochter and existing rock exposures. Direct and/ or indirect potential impacts in relation to the Allt Dubhaig GCR, Drumochter Hummocky Moraines, Allt Coire Chuirn alluvial fan, pollen record site and rock exposures have been identified – with mitigation measures proposed to include appropriate construction practices, sensitive design of soil and rock cuttings, watercourse crossing structure considerations, specialist supervision/ logging during construction and floated track/ piling construction techniques. Where possible, opportunities for enhanced access or visibility of select features are also highlighted.
- 19.4.31 In relation to soils and peatland, the Proposed Scheme has been identified as having the potential to impact on soils of conservation value within the CNP and several areas of locally good condition peatland habitat, with associated peaty soils, shallow peat and deep peat. In compliance with the CNPLDP policies, an Outline Peat Management Plan has been prepared for the Proposed Scheme which demonstrates how unnecessary disturbance has been minimised as far as is practicable during design development, and presents mitigation measures to further minimise construction or operational effects. It also identifies potential peat re-use areas within or at the margins of the permanent and temporary works boundaries, which will enable excavated peaty soils and peat to be re-used in an environmentally beneficial and suitable way and which may then carry consequential habitat restoration or creation benefits. Combined with other proposals for re-use and ecological mitigation works, these proposals may enable the excavated peat to retain its integrity and carbon as far as practicable.
- 19.4.32 The quality of the water environment (including groundwater, GWDTE and PWS), could be at risk from any pollution incident associated with the Proposed Scheme. To ensure compliance with the relevant policies, **Chapter 10** concludes that the Proposed Scheme may impact upon certain PWS, but that design measures, monitoring and diversion/ replacement are appropriate solutions. Mitigation is also included to address potential impacts on groundwater and GWDTE, including additional ground investigation and detailed assessment, adherence to SEPA Pollution Prevention Guidelines (SEPA, 2016), groundwater management and monitoring during construction (which will likely be subject to condition by SEPA), and appropriate road drainage/ run-off treatment during operation.

- 19.4.33 The assessment in **Chapter 10** concluded that there are some potential sources of contamination in the study area. Ground investigation, chemical testing and monitoring information available for these indicate low to moderate risks during construction or operation, with appropriate mitigation measures including completion of a full risk assessment, the establishment of appropriate health and safety measures, watching briefs, and additional investigation and consultation, where necessary.
- 19.4.34 With the above taken into account, it is considered that the Proposed Scheme and proposed mitigation would generally accord with all relevant national and local policy on these matters related to geology, soil and groundwater considerations.

#### *Road Drainage and the Water Environment*

- 19.4.35 SPP provides guidance relating to development and flooding and promotes a precautionary approach to flood risk from all sources, particularly paragraph 256 of the SPP. Utilising this approach, impacts on the functional floodplain have been minimised and avoided where possible. Mitigation, such as compensatory storage, has been incorporated within the design to reduce or negate increased flood risk to sensitive receptors. A Flood Risk Assessment (FRA) has also been undertaken adhering to the SSP flood risk framework. Although the rate and volume of road run-off will increase due to the larger road surface area, flows will be attenuated and treated by the incorporation of Sustainable Drainage Systems (SuDS) ensuring compliance with SPP.
- 19.4.36 The assessment of the potential impacts of the Proposed Scheme on the water environment has been carried out using a catchment-scale approach in line with the approach set out in the NPF3. Recognising that planning plays a key role in reducing the vulnerability of existing and future development to flooding, the Proposed Scheme is progressing through various planning and assessment stages before final approval.
- 19.4.37 PAN 61 describes how the planning system has a central co-ordinating role in getting SuDS accepted as a normal part of the development process and detailing how developers should act to mitigate the effects of all possible flooding sources. In line with this PAN, the Proposed Scheme utilises a number of disciplines and agencies (developers, planners, drainage engineers, architects, landscape architects, ecologists and hydrologists) to achieve the optimum design in compliance with the latest SuDS Manual<sup>1</sup>. This involves following development management points set out in this Manual and undertaking a Strategic Flood Risk Assessment (SFRA) to inform the development planning process. Additionally, a FRA will be produced to support the ES.
- 19.4.38 In accordance with '*PAN 79 (Water and Drainage) (2006)*', the Proposed Scheme addresses this planning advice through consultation with planning authorities, Scottish Water, SEPA, potentially affected landowners and other stakeholders throughout the development process.

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<sup>1</sup> Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland (2000) has been superseded by the new SuDS Manual (CIRIA C753) (2015)

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

19.4.40 Policy (10) 1 of the LDP states that all developments should avoid unacceptable detrimental impacts on the water environment, be able to demonstrate any impacts (including cumulative) can be adequately mitigated, and that all should be free from significant risk of flooding. These factors have been considered during the EIA process.

#### *Ecology and Nature Conservation*

19.4.41 NPF3 states that Scotland’s environment is world-class with abundant natural resources, spectacular landscapes and a rich and varied biodiversity. In addition to internationally and nationally important networks of protected sites, the built environment, key infrastructure corridors and greenspaces can support important habitats and contribute to wider ecological networks. On this basis, natural and cultural assets are to be respected, enhanced and used responsibly. Specific measures to promote and enhance biodiversity are set out in the Scottish Government’s ‘2020 Challenge for Scotland’s Biodiversity’, which advocates a landscape approach to biological conservation.

19.4.42 The Proposed Scheme minimises unavoidable encroachment into protected sites and natural resources. Ecological permeability through the Proposed Scheme will be improved with the provision of mammal ledges within watercourse crossings to offer regular and safe crossing opportunities for protected species. In addition, natural bed material will be installed in watercourse crossings to promote natural river morphology processes and habitat for aquatic species. The Proposed Scheme is compliant with NPF3 as the above aspects form embedded design mitigation.

19.4.43 SPP outlines the national planning priorities of Scottish Minister’s to help regulate the sustainable use of natural resources through the planning system. Priority features include international and national designated sites, ancient woodland and protected species. SPP also highlights the biodiversity duty placed on planning authorities, and all public bodies, to further the conservation of biodiversity, as defined in the Nature Conservation (Scotland) Act 2004.

19.4.44 A Habitats Regulations Appraisal (HRA) has been completed to demonstrate that the Proposed Scheme, with mitigation, will not have an adverse effect on site integrity of any international designated site. Potential impacts on national designated sites and protected species have also been considered with relevant mitigation identified through the environmental impact assessment (EIA) process to avoid significant residual effects (see **Chapter 12**). No ancient woodland will be affected by the Proposed Scheme. CNPA, SEPA and SNH have been regularly consulted throughout the iterative design and assessment process; therefore, the Proposed Scheme is compliant with SPP.

19.4.45 The SBL identifies habitats and species of principal conservation importance, and is a key aspect of the Scottish Government’s 2020 Challenge for Scotland’s Biodiversity. As part of a planning authority’s biodiversity duty, SBL features are a material consideration to the determination of planning applications. Potential impacts on SBL habitats and species have been considered with

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

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

#### *Landscape and Visual*

- 19.4.48 Although Landscape and Visual assessments were conducted in isolation (**Chapter 13 and 14**) their policy considerations are so intrinsically linked that in order to avoid consistent repetition they can be grouped in this instance.
- 19.4.49 NPF3 identifies Scotland's landscapes as "*spectacular*", contributing to quality of life, national identity and the visitor economy. Specifically highlighting the importance of the wildest landscapes – "*wild land is a nationally important asset*". The Proposed Scheme complies with NPF3; there will be **Slight** short term effects upon the overall sense of wildness during the construction of the dualling, in the long term there will be **Negligible** impact upon this. The National Long Distance cycling and walking network is identified in the NPF3 which aims to provide a tourism resource by making best use of existing infrastructure, closing gaps in the network and upgrading routes. The inclusion of Type A lay-bys are situated close to popular NMU routes and to appreciate the high quality views of the surrounding landscapes.
- 19.4.50 Paragraph 24 – 35 of SPP promotes sustainable development with the intention to enable development "*in the right place rather than at any cost*". It makes particular reference to protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment. Paragraph 193 – 218 of SPP states that the planning system should facilitate positive change while maintaining and enhancing distinctive landscape character; with a key requirement to protect and enhance ancient semi-natural woodland, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value. Paragraph 219 – 233 of SSP states that the planning system should ensure that green infrastructure should be considered an integral element of places from the outset of the planning process and development should prevent fragmentation and provide for easy and safe access to and within green infrastructure. The Proposed Scheme complies with guidance set out above in SPP. Although there is no Ancient Woodland in Project 7 some existing woodland belts will be affected, through the Proposed Scheme there will be replacement and enhancement planting along the road to increase woodland connectivity and provide improved quality woodland.
- 19.4.51 PAN 60 provides advice on how developments can contribute to the "*conservation, enhancement, enjoyment and understanding*" of Scotland's natural environment. PAN 60 seeks a positive and creative approach in addressing natural heritage issues and makes particular reference to maintaining and enhancing landscape character. The assessment has identified

several local landscape character areas along the Proposed Scheme, although in some areas there are anticipated to be more significant effects on these landscapes, the Scheme proposes a sensitive design of rock cuts, cascades and vegetation to enhance the existing character along the A9 corridor.

- 19.4.52 PAN 65 provides advice on the protection and enhancement of existing open spaces and providing high quality new spaces. Lay-bys and parking are provided by the Proposed Scheme, with direct links to the re-aligned NMU (NCN7) and existing core paths throughout the project area, which enhance access to views and the Highland landscape for leisure purposes. Adverse effects on existing open spaces resulting from the Proposed Scheme are **Negligible**. The Proposed Scheme is therefore considered to comply with PAN 65.
- 19.4.53 ‘PAN 75 (Planning for Transport)’ (2005) provides advice for local planning authorities and developers on their policy development, proposal assessment and project delivery. PAN 75 also states that the design and layout of all new roadside facilities should respect the character and nature of the surrounding urban fabric. As stated above in **sub-section 19.4.49** local landscape character areas have been identified, which has influenced the location of Type A lay-bys to ensure the best opportunity to experience the surrounding high quality landscape is provided. The Proposed Scheme is therefore considered to comply with PAN 75. The Proposed Scheme addresses Scottish Natural Heritage (SNH) guidance in terms of their ‘*Commissioned Report 293*’ (2005). This report looks at the many benefits of view protection and improvement detailing how the landscape of Scotland is one of its greatest and most bankable assets, but notes that little is done to manage views of the scenery. This report recommends that View Corridor Management Plans (VCMPs) are produced as a practical aid to consultation, prioritisation and implementation of the objectives of VCMPs. Key aspects of the Proposed Scheme have been designed through consultation with CNPA regarding visual effects and the view from the road. Various elements have been aligned to maximise the visual experience of travellers including; naturalistic slopes in key locations, integrating the roadside planting into the wider landscape, minimising roadside infrastructure clutter and siting key lay-bys to take advantage of magnificent views of natural splendour. Many elements of the objectives behind VCMPs are covered within the DMRB Stage 3 assessment through **Chapters 9, 13 and 14** with specific reference to the following: Route Character; Visual Envelope; Scenic Quality; Local Landscape Character Assessments; and views while travelling and from stopping places. The Environmental Mitigation Design also integrates recreational access; biodiversity; animal welfare (route permeability improvements); and cultural heritage setting and interpretation.
- 19.4.54 In terms of the ‘*Historic Environment Scotland Policy Statement*’, within Project 7 there is one undesignated designed landscape located at Drumochter Lodge. This has been acknowledged within **Chapters 13, 14 and 15**, and effects upon this property have been noted. The Proposed Scheme complies with outlined principles.
- 19.4.55 ‘*Scottish Forestry Strategy*’ (2006) outlines strategic priorities for forestry including management, planting and environmental stewardship. It is supported by ‘*The role of Scotland’s National Forest Estate and strategic directions*’, which sets out the key commitments and actions for 2013-2016. Additionally, ‘*The right tree in the right place: Planning for forestry and woodlands*’ (2010) provides guidance to planning authorities on preparing new forestry and woodland strategies to guide woodland expansion. The Proposed Scheme and associated mitigation planting takes into account these strategies.
- 19.4.56 SNH ‘*Landscape Policy Framework*’ (2005) provides a policy framework for SNH’s landscape aim to “safeguard and enhance the distinct identity, the diverse character and the special qualities of Scotland’s landscapes as a whole, so as to ensure tomorrow’s landscapes contribute positively to

*people's environment and are at least as attractive and valued as they are today".* The Proposed Scheme complies with this policy as it conserves the Special Qualities of the CNP relevant to Project 7.

- 19.4.57 The Proposed Scheme conforms to the Fitting Landscapes policy aims, notably Aim 1 and 2, by preserving and, where possible, enhancing high value local landscape features and characteristics through the design of grade separated split carriageways and its sensitively curvaceous horizontal and vertical alignment, design of smooth-edged embankments with gradients integrated into adjacent landform, cascades and roadside vegetation. This policy sets out principles that have been used through the design process of the proposed Project 7 environmentally led scheme.
- 19.4.58 The Proposed Scheme conforms to the policies set out in the CNPLDP (particularly Policy 3, 4, 5 and 9) as any adverse effects identified on the landscape are addressed through mitigation to ensure there are no significant long term effects.
- 19.4.59 In terms of the CNAP, a number of actions are identified to expand and enhance woodland areas within the park. The Proposed Scheme is partially compliant with the CNAP. Planting areas to mitigate will be of higher value than existing areas of woodland identified through the assessment.
- 19.4.60 The Tourism Development Framework for Scotland (TDF): role of the planning system in delivering the Visitor Economy (the Framework) has been prepared to assist and promote growth in Scotland's visitor economy to 2020 and states that tourist potential should consider opportunities to incorporate vistas in route design and stopping places along the route to take advantage of scenic views. It is considered that the Proposed Scheme complies with this this policy which careful consideration of lay-by locations to enhance visitor experience and connection with the landscape through scenic vistas and visitors and opportunities for NMU connections.
- 19.4.61 The *'Forest and Woodland Framework'* (2008) details *'Forests of the Cairngorms'* and provides policy basis for the management of forests and woodland in the CNP. It identifies seven strategic objectives and local priorities to mitigate against climate change, develop a sustainable timber resource, aid forestry business development, foster community development, promote access and health, improve environmental quality and benefit woodland biodiversity. The Proposed Scheme is partially compliant with this framework policy. Areas of woodland have been identified within the study area and if any vegetation is to be lost there will be replacement planting where suitable. Access to outdoor areas, including woodland, is also maintained through the Proposed Scheme, with safer access to routes via underpass crossings along the A9 policies set out above.

#### *Cultural Heritage*

- 19.4.62 Paragraphs 135-151 of SPP advises Planning Authorities to protect and preserve heritage assets. As outlined above, Paragraphs 141-142 state that Listed Buildings should be protected from any work which would adversely affect it or its setting. Paragraph 145 states that a proposed development which would have an adverse effect on a Scheduled Monument or its setting would only be permitted in exceptional circumstances. Paragraphs 150-151 state that archaeological sites and monuments should be preserved in situ wherever possible. Where preservation in situ is not possible, the developer should undertake appropriate investigations and recording. It also states that non-designated historic assets and areas of historical interest should be protected and preserved in situ where feasible. The Proposed Scheme is not predicted to impact on any Listed Buildings and Scheduled Monuments or their settings and so is compliant with Paragraphs 141,

142 and 145. The Proposed Scheme considered paragraphs 150-151 and all archaeological sites and monuments were preserved in situ where possible. The Proposed Scheme is compliant with paragraphs 150-151 as all impacted cultural heritage assets will be preserved by record.

- 19.4.63 One of the planning outcomes outlined from NPF3, paragraph 4.6, is to help to protect and enhance Scotland’s cultural assets. This has been considered in **Chapter 15** of the EIA through cultural heritage asset identification, embedded mitigation and avoidance during design and through potential impact assessment, proposed mitigation, and residual impact assessment. The Proposed Scheme is compliant with NPF3 as each cultural heritage asset with a predicted impact will be preserved by record.
- 19.4.64 ‘*Historic Environment Scotland Policy Statement*’, PAN 2/2011 and Policy 9 of the CNPLDP have been considered in **Chapter 15** of the EIA through cultural heritage asset identification, assessment of its significance or value with attempts to conserve assets during the design process. The Proposed Scheme is compliant with this policy as all cultural heritage assets with predicted impacts will be recorded and preserved by record with suitable mitigation.

#### *Air Quality*

- 19.4.65 The NPF3 provides a statutory framework for Scotland’s spatial development and sets out a long-term vision with a focus on supporting sustainable economic growth and the transition to a low carbon economy. The strategy as a whole aims to reduce GHG emissions and facilitate adaptation to climate change.
- 19.4.66 Paragraph 29 of the SPP states, “*that policies and decisions should be guided by the following principles:*”
- *Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality”*
- 19.4.67 In relation to CNPLDP, air quality does not fall under their responsibility and as such no mention is made in relation to air quality policies within this LDP.
- 19.4.68 In terms of local air quality the level of impact at the representative receptors are within the Air Quality Strategy (AQS) objectives for Nitrogen Dioxide and Particulate Matter 10 and no significant air quality impacts are expected to result from any of the route options. Therefore there is no conflict with the relevant section of SPP.
- 19.4.69 In relation to ecological designated sites, no significant air quality impacts are expected on any designated sites. No conflict is therefore expected with the relevant section of SPP.
- 19.4.70 With regard to regional air quality all mainline and junction options are expected to lead to an increase in emissions of Nitrogen Oxides, Particulate Matter 10 and Carbon Dioxide in both the Opening and Design Years. This results in an increase in GHG emissions; however, measures are being implemented at a national level to offset such growth from transport emissions. There is therefore not expected to be any conflicts with SPP or draft Climate Change Plan in relation to increases in GHG emissions in this case.

#### *Noise and Vibration*

- 19.4.71 In accordance with national guidance regarding Noise and Vibration, Point 6.8 of NPF3 requires that the appropriate level of environmental assessment and public consultation is conducted for any national development. This is to demonstrate that all efforts have been made to mitigate

any environmental impacts associated with the Proposed Scheme to an acceptable level at the consenting stage.

- 19.4.72 Further national clarification is provided in SPP which promotes the reduction of emissions from transport sources. A transport assessment should be conducted where a change of use or new development may result in a significant increase in traffic flow. The Proposed Scheme is considered compliant with SPP policy as two of the schemes key objectives are; improving traffic flows, and reducing driver stress as opposed to increasing vehicle numbers.
- 19.4.73 *'PAN1/2011 (Planning and Noise)'* was published in March 2011. Its aim is to advise on the role of the planning system to control and limit adverse effects of noise. Paragraph 2 of the 'Introduction' section of the document makes the emphasis of the document clear:
- "The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It promotes the appropriate location of new potentially noisy development, and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth"*
- 19.4.74 The document then goes on to explain how development control and development management might be employed to achieve these aims, as well as large-scale master planning.
- 19.4.75 The *'Technical Advice Note (TAN): Assessment of Noise'* states that the assessment should provide a full understanding of the existing acoustic environment together with the nature of the development with the process that should be followed in order to assess the impacts. In this instance, the methodology is to identify the noise sensitive receptors, assign levels of sensitivity, undertake a quantitative assessment, which will consider existing noise levels against potential changes due to the project, classify the magnitude of those impacts, undertake a qualitative assessment and assign descriptors to the impacts based upon perception, and consider the overall level of significance.
- 19.4.76 As previously mentioned the CNPLDP concerns itself primarily with residential and economic development, and the protection of the landscape and the ecology in the area; as a result there is little in the way of policy relating to the proposed works on the A9, or potential pollution impacts (such as noise) from proposed developments. Therefore, the Proposed Scheme is considered compliant with local policy on account of the robust project environmental management process that has been followed.
- 19.4.77 A qualitative assessment is presented in **Chapter 17**, and therefore the aims of the SPP and NPF3 have been complied with. The assessment identifies some increases in noise levels, and some decreases, at sensitive receptors. The magnitude of change for residential receptors does not exceed **Minor Adverse**. **Minor Adverse** magnitude is considered a **Slight Adverse** Significance, which is not considered adverse enough for the consideration of mitigation when considered with the guidance contained in the TAN.

#### *Materials*

- 19.4.78 The use and consumption of material resources and the production and management of waste are subject to a complex framework of legislative and policy instruments at the European, National and Local level.
- 19.4.79 The key national and local planning policy themes of relevance to this topic include new developments being designed and constructed to:

- facilitate reduced resource consumption and lowering of GHG emissions (NPF3 Paragraph 2.7)
- minimise the unnecessary use of primary materials and promote efficient use of secondary materials (Paragraph 176 of the SPP)
- reduce waste, facilitate its management and promote resource recovery (SPP Paragraph 29) through applying the waste hierarchy of prevention, reuse, recycling, recovery and disposal (SPP Paragraph 176)
- ensuring the minimisation of waste from the construction of the development as defined in a site waste management plan or statement (CNPLDP Policy 10)
- support achievement of Scotland’s zero waste targets: recycling 70% of all waste and sending no more than 5% of Scotland’s annual waste arisings to landfill by 2025 (SPP Paragraph 176)

19.4.80 **Chapter 18** sets out the embedded mitigation measures, that have been adopted as part of the evolution of the design, and the essential or desirable mitigation and enhancement measures envisaged to prevent, reduce and offset any significant adverse effects from the consumption of materials and the generation and management of waste associated with the construction of the Proposed Scheme.

19.4.81 Additional required mitigation measures have also been identified through a review of current legislation, policy and best practice guidance. Such measures will support the delivery of the A9 Sustainability Strategy objective of *“optimising resource efficiency across the life of the A9 Dualling Programme, with particular regard to geographical scale and project alignment”* through:

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

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

## 19.5 Summary of Compliance

- 19.5.1 As previously confirmed, this DMRB Stage 3 EIA has been undertaken in line with the guidance set out in DMRB Volume 11, Section 3, Part 12 '*Impact of Road Schemes upon Policies and Plans*'. Specifically, the above assessment illustrates that there is limited conflict with policies and plans in relation to the Proposed Scheme. The presence of partial non-compliance with policies and strategies should be balanced against the overarching benefits of the Proposed Scheme, such as: improving connectivity, enhancing safety and promoting social and regional economic opportunities. The realisation of these benefits are supported by national and local planning policies. In terms of potential impacts on protected resources, such as ecological features and also physical infrastructure, such as heritage assets, a range of appropriate additional specific and general mitigation will be incorporated into both the construction and operational phases of the Proposed Scheme. A schedule of committed mitigation measures can be found in **Chapter 21**. These mitigation measures will be location specific to ensure compliance with a range of relevant policies.

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