

## **19 Policies and Plans**

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

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

The proposed scheme also supports regional transport policy objectives as part of a wider strategy to assist in providing enhanced connectivity to deliver prosperity and connect communities across the region.

The assessment has identified areas of potential non-compliance with some aspects of planning policy, largely due to the large scale and nature of the proposed scheme, as well as the wording of policies not being directly relevant to an infrastructure project.

For example, in relation to landscape and visual, and to cultural and natural heritage policies, it is clear that the proposed scheme will result in impacts, which raises potential policy conflicts. However, these impacts should be viewed in the context of the presence of the existing A9, where the principle of a major trunk road has long been established, and the ongoing design considerations.

Similarly, in relation to the amount of material required to construct and operate the proposed scheme, it should be noted that equivalent scale roads infrastructure projects throughout Scotland and the UK that have a similar impact have been approved on the basis of the suggested mitigation and the acceptance that essential road infrastructure schemes of this scale would normally require a significant amount of materials to construct.

The design of the proposed scheme has been refined through the DMRB process, and mitigation measures are proposed to address potential impacts identified in the specialist assessment chapters of this ES (i.e. Chapters 8–18). The design and environmental mitigation commitments reduce potential short and long term impacts of the proposed scheme where a potential policy conflict has been identified.

The areas potential of non-compliance should also be balanced against the overarching benefits of the proposed scheme, such as improving connectivity, enhancing safety for all users, and promoting social and regional economic opportunities.

### **19.1 Introduction**

- 19.1.1 This chapter presents the DMRB Stage 3 assessment of the proposed scheme in the context of relevant planning policies. This includes a review of national, regional and local planning policy documents, and consideration of potential policy conflicts or compliance with the proposed scheme.
- 19.1.2 This chapter is supported by Appendix A19.1 (Planning Policy Context for Environmental Assessment), which summarises the key planning policies that are relevant to the assessment of impacts discussed in Chapters 8 - 18, and Appendix A19.2 (Assessment of Development Plan Policy Compliance), which provides a detailed assessment of development plan policy compliance as summarised in Section 19.4 of this chapter.

#### **Scottish Planning System**

- 19.1.3 The 'Town and Country Planning (Scotland) Act 1997' ['the 1997 Act'] (as amended by the Planning etc. (Scotland) Act 2006) ['the 2006 Act'] provides the framework for land use planning and the development of planning policy in Scotland. The 2006 Act is an enabling Act. Its purpose is to amend existing planning legislation and provide a mechanism for the delivery of a modernised planning system.
- 19.1.4 A key feature of the 2006 Act is the statutory role and application of the National Planning Framework (NPF). The National Planning Framework 3 (NPF3) contains a statement of priorities and a strategy for the long term spatial development of Scotland. The approved NPF3 was published by the Scottish Government in June 2014 and identifies national developments including major strategic transport proposals. It also requires Scottish Ministers to include a statement of their reasons for considering a need for such developments.

- 19.1.5 The Scottish Government's role in the planning system also extends to the production of Scottish Planning Policy (SPP), Circulars, Planning Advice Notes (PANs) and approval of strategic planning documents. Each of these policy documents is material to the development of local and regional policy and provides thematic guidance on planning for a broad range of land uses and developments.
- 19.1.6 Under the 1997 Act, each planning authority in Scotland has a responsibility to publish a development plan, the content of which is informed by national policy. The development plan forms the basis on which decisions about development and future land use are made, and incorporates the requirements of national planning policy within a strategic and local framework.
- 19.1.7 As a consequence of amendments to the planning system in the 2006 Act, development plans now comprise of Strategic Development Plans (SDP) (prepared only for the four largest city regions) and a Local Development Plan (LDP) (prepared by each local authority for its area). SDPs set out a vision and context for the long term development of the city regions and deal with cross boundary issues, including transport. For those authorities outside the city regions, the LDPs set out the area's strategic priorities and must be replaced every five years. LDPs are concise, map-based documents focusing on specific proposals for a time horizon of a minimum of ten years (where they are also covered by an SDP) or 20 years (outwith SDP areas). To enable the LDP to remain concise, they are accompanied by a suite of supplementary guidance which will provide detailed policy and advice.
- 19.1.8 The development plan is material to decisions about development and future land uses, including major infrastructure works such as this proposed scheme. The proposed scheme is located within the Perth & Kinross Council (PKC) administrative area. PKC is one of the authorities within the TAYplan city region (TAYplan is the Strategic Planning Authority for Dundee, Angus, Perth and North Fife). The relevant Development Plan documents are listed in Table 19.1 below.
- 19.1.9 As indicated in Table 19.1, the adopted PKC LDP is currently under review. A new Proposed Local Development Plan 2 (PKC LDP 2) has been issued and completed its statutory consultation stage. Although this is not adopted, and the policies are largely reflective of the existing LDP, material consideration has been given to this emerging plan in this chapter.

**Table 19.1: Development Plan Document**

Document	Title	Status
Strategic Development Plan	TAYplan Strategic Development Plan (2016-36)	Approved October 2017
Local Development Plan	Perth & Kinross Local Development Plan (PKC LDP)	Adopted February 2014
Local Development Plan	Perth and Kinross Local Development Plan 2: Proposed Plan 2018 - 2023 (PKC LDP 2)	Proposed for adoption mid 2018

## **19.2 Approach and Methods**

- 19.2.1 DMRB Volume 11, Section 3, Part 12 'Impact of Road schemes on Policies and Plans' (henceforth referred to as DMRB 'Policies and Plans') sets out the approach to assessing the compliance of the proposed scheme with planning policy from national to local levels.
- 19.2.2 Plans and policies are reviewed in the context of each of the topic chapters of this DMRB Stage 3 Assessment (Chapters 8-18). As noted in Chapter 6 (Overview of Assessment Process), and in accordance with the Environmental Scoping Report issued to statutory consultees, policies and plans are considered within a single chapter of this ES (rather than in the individual technical chapters as is proposed by IAN125/15).
- 19.2.3 Policies relevant to each topic chapter are presented in Appendix A19.1 (Planning Policy Context for Environmental Assessment). As many of the policies are relevant to more than one topic chapter, the assessment of compliance of the proposed scheme is provided in Appendix A19.2 (Assessment of Development Plan Policy Compliance), with reference made to the relevant topic chapters. A summary of the compliance of the proposed scheme with key policies is provided in this chapter. The methodology used for this DMRB Stage 3 Assessment has involved the following:

- describing the existing and, where appropriate, emerging planning policy guidance framework as applicable to the proposed scheme;
- describing the existing, and where appropriate, emerging development plan framework as applicable to the proposed scheme;
- assessing the likely impacts of the proposed scheme on the achievement of the objectives and policies identified; and
- reporting the likely conflicts or compliance of the proposed scheme on key strategic and local planning policy objectives.

19.2.4 It should be noted that some of the policy guidance documents referenced in DMRB 'Policies and Plans' are now outdated and not referred to in this chapter.

### **19.3 Summary of Plans and Policies**

#### **National Guidance**

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

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

19.3.2 The STPR (Final Report) supports the delivery of strategic outcomes identified in the previous iterations of the National Transport Strategy (2006) and National Planning Framework 2 (2010), both of which have been superseded – see 19.3.14 and 19.3.16 accordingly. The outcomes of the STPR are structured on a tiered approach to investment. Maintaining safe, efficient and effective links on strategic corridors, including the A9, is seen as one of the key challenges of the STPR.

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

- *'to reduce journey time and increase opportunities to travel between Inverness and Perth (and hence onwards to the Central Belt);*
- *to improve the operational effectiveness of the A9 as it approaches Perth and Inverness;*
- *to address issues of driver frustration relating to inconsistent road standard, with attention to reducing accident severity; and*
- *to promote journey time reductions, particularly by public transport, between the Central Belt and Inverness primarily to allow business to achieve an effective working day when travelling between these centres.'* (STPR, 2009, p.143).

#### Scotland's Cities: Delivering for Scotland (Scottish Government, 2011)

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

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

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

- 19.3.5 Transport Scotland's Vision for Active Travel sets out an approach to Scotland's communities which are shaped around people with walking or cycling as the most popular choice for shorter everyday journeys.
- 19.3.6 In regards to infrastructure, The Transport Scotland vision seeks to ensure:
- 'Comprehensive active travel networks are available for walking and cycling... Nationally, walking and cycling networks (comprising the National Cycle Network, Long Distance Routes (LDRs), regional routes, core paths and local cycle networks) link settlements, places of interest and public transport hubs.'* (p.07)

Fitting Landscapes: Securing More Sustainable Landscapes (Transport Scotland, 2014)

- 19.3.7 Transport Scotland has produced 'Fitting Landscapes' guidance which has the overarching vision to:
- 'promote the more sustainable design, implementation, maintenance and management of the transport estate and ensure that the landscapes we create and manage are of high quality, well integrated, bio-diverse, adaptable and deliver a meaningful contribution to national sustainability targets.'* (p. 12)
- 19.3.8 The guidance has been incorporated into the landscape and visual assessments of the proposed scheme as reported in Chapter 13 (Landscape) and Chapter 14 (Visual) of this ES.

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

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

Scotland's Economic Strategy (Scottish Government, 2015)

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

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

- 19.3.14 The National Transport Strategy (NTS) is a refresh to the previous 2006 NTS that considers Scotland's transport needs and outlines the long term strategy to meet the aims derived from 'Scotland's Transport Future' (2004). The following three key strategic outcomes have been retained within the NTS to achieve this:
- *'improve journey times and connections, to tackle congestion and the lack of integration and connections in transport;*
  - *reduce emissions, to tackle climate change, air quality and health improvement; and*
  - *improve quality, accessibility, and affordability, to give choice of public transport, better quality services and value for money, or alternative to the car.'* (p.2)
- 19.3.15 The NTS also reaffirms (p.21) the Scottish Ministers' commitment to investing in the A9 dualling between Perth and Inverness by 2025. The Scottish Government is undertaking a review of the National Transport Strategy (NTS) and when published the new transport strategy will set out the vision for transport over the next 20 years. The NTS Review engagement and consultation will take place over the next couple of years with a view to publishing the new strategy in summer 2019

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

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

19.3.21 The National Long Distance Cycling and Walking Network is a national development identified within NPF3 which has direct relevance to the study area for the proposed scheme.

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

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

**Table 19.2: Scottish Planning Policy**

Subject	SPP Paragraph	Summary
Introductory Sections	Paragraph 1 - 23	The introductory sections of the SPP set out a brief statement on the purpose of planning and detail the core principles that should underpin the modernised planning system. SPP states that successful operation of the planning system will only be achieved if all those involved commit themselves to engaging as constructively as possible in development planning and development management, so that the planning system contributes effectively to increasing sustainable economic growth.
Sustainability	Paragraph 24 - 35	The SPP's central purpose is to focus government and public services on creating a more successful country through increasing sustainable economic growth. This can be achieved through the planning system by supporting economically, environmentally and socially sustainable places and responding to economic issues, challenges and opportunities. SPP states that policies and decisions should be guided by a number of key principles and a presumption in favour of development that contributes to sustainable development. These include: <ul style="list-style-type: none"> <li>• supporting delivery of infrastructure;</li> <li>• supporting climate change mitigation and adaptation including taking account of flood risk activity;</li> <li>• protecting, enhancing and promoting access to cultural heritage, including the historic environment;</li> <li>• protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; and</li> <li>• avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.</li> </ul>
Placemaking	Paragraph 36 - 57	Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. Planning should take every opportunity to create high quality places by taking a design-led approach through the joint consideration of the relationships between higher quality places. Placemaking is supported through, amongst others, optimising the use of existing resources, using land within or adjacent to settlements for a mix of uses, developing brownfield land and locating development where investment in growth or improvement would have most benefit.
Promoting Rural Development	Paragraph 74 - 83	NPF 3 sets out a vision for a vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. To aid the delivery of this the planning system should: <ul style="list-style-type: none"> <li>• promote a pattern of development in rural and island areas that is appropriate to the character of the particular rural area and the challenges it faces;</li> <li>• encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and</li> <li>• support an integrated approach to coastal planning.</li> </ul> In relation to prime agricultural land, or land of lesser quality that is locally important, development should not be considered except where it is essential as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available.
Supporting Business and Employment	Paragraph 92 - 108	The planning system should continue the need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

Subject	SPP Paragraph	Summary
		Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.
Valuing the Historic Environment	Paragraph 135 - 151	SPP recognises that the historic environment is a key cultural and economic asset and that planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places. SPP states that planning authorities should safeguard designated and non-designated historic environments including individual assets such as scheduled monuments and archaeological resources; related settings and the wider cultural landscape. The Scottish Historic Environment Policy (now superseded by Historic Environment Scotland's Policy Statement) and the Managing Change in the Historic Environment guidance note series, both published by Historic Scotland (now Historic Environment Scotland), should also be taken into account for development.
A Low Carbon Place	Paragraph 152 - 174	The need to ensure that terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. Renewable energy also presents a significant opportunity for development, investment and growth of the supply chain, including both infrastructure technology and materials..
Planning for Zero Waste	Paragraph 175 - 192	NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment. To aid the delivery of this, the planning system should seek to conduct the following: <ul style="list-style-type: none"> <li>• promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;</li> <li>• 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;</li> <li>• support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and</li> <li>• help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.</li> </ul>
Valuing the Natural Environment	Paragraph 193 - 218	Advises that planning authorities should conserve and enhance international, national and locally designated sites and protected species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities. Plans should address potential effects of development on the natural environment and provide for opportunities to enhance green infrastructure and authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur.
Flood Risk and Drainage	Paragraph 254 - 268	Sets out a precautionary approach to flood risk from all sources by safeguarding flood storage and conveying capacity. Planning authorities are required to take into account probability of flooding and associated risks when determining planning applications and preparing development plans, and developers should take flood risk into account prior to committing to development.
Promoting Sustainable Transport and Active Travel	Paragraph 269 - 291	Sets out the planning policy on sustainable transport to optimise the use of existing infrastructure and reduce the need to travel by providing safe and convenient opportunities for walking, cycling and travel by public transport. Development plans and development management decisions should also take account of the implications of development proposals on traffic, patterns of travel and road safety.

Planning Advice Notes and Circulars

19.3.23 Planning Advice Notes (PANs) support SPP and provide advice on good practice. A summary of PANs of relevance to the Scheme is provided in Table 19.3.

**Table 19.3: Relevant Planning Advice Notes**

PAN	Title	Description
PAN 33	Development of Contaminated Land (2016)	Provides advice on the implications of the contaminated land regime for the planning system; and the development of, and approach to, contaminated land in development plans. It also contains guidance on the determination of planning applications when the site is, or may be, contaminated.
PAN 51	Planning, Environmental Protection and Regulation (Revised 2006)	Supports the existing policy on the role of the planning system in relation to the environmental protection regimes. This PAN also summarises the statutory responsibilities of the environmental protection bodies, as well as informing these bodies about the planning system.
PAN 60	Planning for Natural Heritage (2000)	Provides advice on how development and the planning system can contribute to the conservation, enhancement, enjoyment and understanding of Scotland's natural environment and encourages developers and planning authorities to be positive and creative in addressing natural heritage issues. It complements the SPP, with examples of good planning practice in relation to natural heritage drawn from across Scotland highlighted in a number of case studies.
PAN 61	Planning and Sustainable Urban Drainage Systems (2001)	Provides good practice advice for planners and the development industry on the implementation of Sustainable Urban Drainage Systems (SuDS) (now referred to as Sustainable Drainage Systems in latest guidance) to aid the introduction of more sustainable developments.
PAN 65	Planning and Open Space (2008)	Provides advice on the role of the planning system in protecting and enhancing existing open spaces and providing high quality new spaces. The advice relates to open space in settlements: villages, towns and major urban areas.
PAN 75	Planning for Transport (2005)	Aims to create greater awareness of how linkages between planning and transport can be managed. It highlights the roles of different bodies and professions in the process and points to other sources of information on the overlap of the two sectors.
PAN 78	Inclusive Design (2006)	Supports the Government's aim of promoting more equality in the areas where we live and work. The PAN aims to explain the importance of inclusive design, identify the nature of the problems experienced in designing inclusive environments and describe the legislative context. It also outlines the roles of the different stakeholders in delivering inclusive design and identifies the particular challenges of applying inclusive design to the historic environment.
PAN 79	Water and Drainage (2006)	Clarifies the role of the planning authority in setting the direction of development to inform the planning and delivery of new water infrastructure in a coordinated way. It explains the roles of Scottish Water and the Scottish Environment Protection Agency and encourages joint working in order to ensure a common understanding of capacity constraints and agreement on the means of their removal. It advises on the appropriateness of private schemes and the handling of Scottish Water developments.
PAN 3/2010	Community Engagement (2010)	The PAN provides advice to communities on how they can get involved and advice to planning authorities and developers on ways of effectively engaging with communities on planning matters. It advocates the use of ten National Standards for the delivery of effective community engagement in land use plan, providing detailed advice on each standard as follows: Involvement; Support; Planning; Methods; Working Together; Sharing Information; Working with Others; Improvement; Feedback; and Monitoring and Evaluation.
PAN 1/2011	Planning and Noise (2011)	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.
PAN2/2011	Planning and Archaeology (2011)	This PAN accompanies SPP, SHEP and the Managing Change in the Historic Environment Guidance Notes, which together set out the Scottish Ministers' policies for planning and the historic environment. It is intended to inform the day-to-day work of a range of local authority advisory services and other organisations that have a role in the handling of archaeological matters within the planning process.
PAN1/2013 (Rev.1)	Environmental Impact Assessment (2017)	Updated guidance to reflect 2017 regulations. This replaces PAN: 58 and contain advice on the integration of EIA procedures into the overall development management process.

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



**Table 19.4: Relevant Planning Circulars**

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

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

**Table 19.5: Other relevant guidance**

Title	Description
Historic Environment Scotland Policy Statement (2016)	The policy statement replaces the Scottish Historic Environment Policy (SHEP) for operational matters.  The HESPS sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Environment Scotland and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment.  This policy statement is used by authorities to make decisions on planning applications and has the same authority as the Scottish Planning Policy series and other relevant Ministerial policy documents, and is a material document in the statutory planning, EIA and Strategic Environmental Assessment (SEA) processes.
Managing Change in the Historic Environment (2016)	The series explains how to apply the policies contained in the Scottish Historic Environment Policy (2011) and the Scottish Planning Policy (2014).
Scotland's Zero Waste Plan (Scottish Government 2010)	Sets out the Scottish Government's vision for a zero waste society. This vision describes a Scotland where all waste is seen as a resource; waste is minimised; valuable resources are not disposed of in landfills, and most waste is sorted, leaving only limited amounts to be treated.
Planning and Waste Management Advice (Scottish Government 2015)	Complements NPF3, SPP and Scotland's Zero Waste Plan. A low carbon place and 'circular economy' are alternatives to the 'make, use, dispose' culture which means re-using products and materials continually and growing a low carbon economy.
Our Place in Time - The Historic Environment Strategy for Scotland (Scottish Government 2014)	Scotland's first ever Historic Environment Strategy is a high level framework which sets out a 10-year vision for the historic environment. The key outcome is to ensure that the cultural, social, environmental and economic value of Scotland's historic environment continues to make a strong contribution to the wellbeing of the nation and its people. It was developed collaboratively and identified the need for strategic priorities to help align and prioritise sector activity towards a common goal.
Online Planning Advice for Flooding. (Scottish Government 2015)	Provides background information, best practice advice and the Technical Handbooks published by the Scottish Building Standards Agency that provide guidance for the Building (Scotland) Regulations 2004. This Advice Note focuses on the responsibilities of local authorities and developers in ensuring that future built development is not located in areas with a significant risk of flooding, including functional flood plains.

## **Regional and Local Planning Policy**

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

- 19.3.26 TAYplan is the Strategic Planning Authority for the Dundee, Perth, Angus and North Fife area. The SDP was recently approved, largely reflecting the overall themes and vision set out in the 2012 plan.
- 19.3.27 The new vision for the SDP is that:
- 'By 2036, the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit and where businesses choose to invest and create jobs.'* (TAYplan, 2017. p.4.)
- 19.3.28 In support of this vision, the key outcomes of the SDP are to create an area that is:
- *'more people are healthier;*
  - *through sustainable economic growth the region's image will be enhanced;*
  - *we live, work and play in better quality environments;*
  - *we live within Earth's environmental limits.'*
- 19.3.29 The previous SDP (2012) describes the existing A9 as a 'Key Regional Movement Corridor' between Edinburgh and Inverness with the current SDP identifying the A9 Dualling: Perth to Inverness as a 'Transformational Project' (p.2).
- 19.3.30 Ten thematic policies are covered within the SDP as follows:
- Policy 1 – Location Priorities.
  - Policy 2 – Shaping better quality places.
  - Policy 3 – A First Choice for Investment.
  - Policy 4 – Homes.
  - Policy 5 – Town Centres First.
  - Policy 6 – Developer Contributions.
  - Policy 7 – Energy, Waste and Resources.
  - Policy 8 – Green Networks.
  - Policy 9 – Managing TAYplan's Assets.
  - Policy 10 – Connecting People, Places and Markets.

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

- 19.3.31 The PKC LDP was adopted by PKC on 3 February 2014. It provides local context and a spatial strategy to the overarching vision set out in the SDP, with a LDP Vision Statement of:
- '...a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth'. (PKC LDP, 2014. paragraph 2.21)*
- 19.3.32 The core objectives of the PKC LDP centre upon improving the distinctiveness of the towns, villages and neighbourhoods whilst preserving cultural and natural heritage. In terms of natural heritage, the PKC LDP is particularly focused on the conservation and enhancement of habitats, green networks and protected species. Growth is therefore encouraged where it is undertaken sensitively and is in keeping with the environment whilst providing enough dynamism to keep communities viable and prosperous. Improvements to the existing transport infrastructure are also promoted in the PKC LDP to support such growth. The PKC LDP promotes the delivery of infrastructure in creating well served public and private investment opportunities appropriate to the area's needs.

Perth & Kinross draft Local Development Plan 2 (PKC LDP 2) (PKC, 2018)

- 19.3.33 As noted above in 19.1.7, the planning system requires a revision of development plan policies in order to retain a current and update awareness of local needs, priorities and circumstances. The next LDP for PKC, when formally adopted, will supersede the PKC LDP and become the main local land use planning document until 2023.
- 19.3.34 The new LDP, PKC LDP 2, is progressing through the statutory development plan scheme process. PKC LDP 2 is currently at the Proposed Plan stage, and on the 2<sup>nd</sup> February 2018, PKC closed the latest Period for Representation on this draft. PKC will now consider all representations to the Proposed Plan and decide whether or not to make modifications to it, prior to submission to Scottish Ministers later this year for final review and formal adoption.
- 19.3.35 In terms of this DMRB Stage 3 Assessment, while PKC LDP 2 is not formally adopted, it is a material consideration to this assessment. As such, in order to demonstrate a full awareness of local policies that influence the decision making process, a review has been undertaken of the Proposed PKC LDP2. The review finds that the Proposed Plan largely reflects the current PKC LDP in its overarching vision and objectives, as well as the aims and content of individual policies.
- 19.3.36 The Proposed PKC LDP 2 policies have been included in Appendix 19.2 (Assessment of Development Plan Policy Compliance) to fully assess compliance. However, as it is not adopted policy, the Assessment of Compliance in Section 19.4 below will primarily focus on the currently adopted PKC LDP for the purpose of this chapter summary.

**Regional and Local Transport Strategy**

- 19.3.37 The relevant Regional Transport Strategies are described in Table 19.6. There is no Local Transport Strategy applicable to this Project.

**Table 19.6: Transport Strategies**

Document	Title	Published
Regional Strategy	TACTRAN Regional Transport Strategy Refresh 2015-2036	Approved July 2015

TACTRAN Regional Transport Strategy Refresh 2015 - 2036 (TACTRAN, 2015)

- 19.3.38 TACTRAN has the responsibility for the development and the delivery of the regional transport strategy for the region. The RTS Refresh updates policies and proposals from the 2008 Plan, and now identifies 31 Strategic Actions which are aimed at supporting regional economic prosperity; connecting our communities and being socially inclusive; and promoting environmental sustainability and improved health and wellbeing. The horizon of 2036 aligns with the second TAYplan Strategic Development Plan covering much of the Tactran region.

**19.4 Assessment of Compliance**

- 19.4.1 An assessment of compliance of the proposed scheme against national, regional and local policies is provided below, with a detailed assessment of local and regional development plan policies being undertaken in Appendix 19.2 (Assessment of Development Plan Policy Compliance).
- 19.4.2 This section provides a summary of the compliance assessment, with particular reference to key policy themes.

**The Proposed Scheme: Key Policy Principles**

National Policy

- 19.4.3 As noted above in Section 19.3, both SPP and NPF3 focus on achieving four outcomes:
  - a low carbon place;

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

19.4.4 The proposed scheme, as part of the A9 Dualling Programme, is a commitment of the Scottish Ministers established through the STPR and referenced in national policy and plans including NPF3 and the Infrastructure Investment Plan. It will contribute to the overall objectives of reducing journey times, improving operational effectiveness and increasing safety, which in turn is consistent with national policy in NPF3 and SPP seeking to improve connectivity between places and support sustainable economic growth.

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

#### Placemaking

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

#### Economy

19.4.7 A key role for the planning framework is to support business and employment. This is particularly relevant as there are no local policies within the development plan which relate to potential impacts on business viability. In this regard, SPP Paragraph 93 states that planning system should, '*promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets.*' (SPP, 2014. p.24).

#### Ancient Woodland and Woodland Removal

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

19.4.9 SPP (Paragraph 218) goes on to state that '*The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits.*' (SPP, 2014. p.49).

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

19.4.11 This national policy position should be taken into consideration for woodland removal associated with the proposed scheme given that it has been identified as having demonstrable public benefits at a national and regional level. This will be considered along with local woodland policies below, as summarised in paragraph 19.4.50.

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

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

Local Policy - Perth & Kinross Council

- 19.4.13 The proposed scheme broadly supports the LDP approach within the Highland Perthshire Spatial Strategy, which lists the upgrade of the A9 as the only infrastructure project.
- 19.4.14 As a result, the principle of the proposed scheme is compliant with all relevant national, regional and local policy.

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

- 19.4.15 Key policy themes of relevance to this topic include the safeguarding of existing land uses or proposed development for economic, residential, tourism and leisure, or community purposes; and protection of prime agricultural land. TAYplan Policy 9 (Managing TAYplan's assets) and PKC LDP policies CF3 (Social and Community Facilities), ED4 (Caravan Sites, Chalets and Timeshare Developments), RD1 (Residential Areas) and NE2 (Forestry Woodland and Trees), are all relevant, in addition to the provisions of SPP on promoting sustainable economic growth and promoting rural development.
- 19.4.16 The proposed scheme's impacts on these assets are assessed in Chapter 8 (People and Communities - Community and Private Assets) of this Environmental Statement (ES), and a detailed assessment of all relevant policies can be found in Appendix A19.2 (Assessment of Development Plan Policy Compliance).
- 19.4.17 As a result of permanent land-take, significant residual impacts will occur on one individual property (Guay Farmhouse) and on one group of residential properties (Croft Croy properties). The impacts related to Guay Farmhouse involve the partial loss of garden and parking area and the alteration of the Wing, resulting in a potential Substantial impact. There are no conflicts to residential policies relating to these assets as Policy RD1 only seeks to protect the amenity of designated residential areas rather than single properties, which these are not. However, the compliance of the proposed scheme against impacts on Guay Farmhouse, as a heritage asset, is considered in Chapter 15 (Cultural Heritage) and 19.4.71 of this chapter.
- 19.4.18 PKC LDP Policy CF3 concerns developments that have the potential to result in the loss or change of land or buildings presently used for community purposes, and seeks to ensure that this land is safeguarded, while policies ED4 and NE2 focus on safeguarding land for Caravan sites, Chalets and Timeshare Developments and protect existing trees and woodland respectively.
- 19.4.19 In terms of community facilities, there is expected to be land-take from the car park of Dowally Church, which will result in a Moderate impact during construction and Slight/Moderate during operation. As a means of mitigation, a replacement and permanent new car park will be provided as part of the proposed scheme design to reduce disruption, therefore no significant impact is anticipated during operation. The replacement church car park also acts as a bus turning facility for new local bus service provision between Ballinluig and Dowally utilising the Dowally to Kindallachan Side Road. A local bus stop is also provided south of Kindallachan. Additionally, two bus stops are included as part of the proposed scheme on the mainline, one on the northbound carriageway north of Dowally Farm and one on the southbound carriageway south of Guay. These will replace two bus stops located in the vicinity of Kindallachan. As a result, a beneficial impact is assessed for pedestrians from Dowally with a negative significant impact for Kindallachan pedestrians, with an increased journey. Although the proposed scheme would affect the availability of this community facility and conflict with Policy CF3 (a), the provision of replacement mainline bus stops and local bus stops on the Dowally to Kindallachan Side Road will constitute a suitable alternative facility, in accordance with criteria C of the policy.

- 19.4.20 In relation to safeguarding other existing land uses, the proposed scheme is expected to result in access impacts to one caravan park (Dowally Chalet and Caravan Park) and six commercial properties. However, it is expected that the change in access arrangements will have no significant impact on future business viability. Therefore, it does not conflict with the aims of Policy ED4. Furthermore, the proposed scheme is not expected to result in land-take from any LDP land allocated for development or from any prime agricultural land, whilst land-take from extant planning application is not expected to be significant or have the potential to affect development.
- 19.4.21 It is noted in Chapter 8 (People and Communities - Community and Private Assets) that Significant residual impacts have been identified on two agricultural, forestry and sporting interests (Dalmarnock Fishing Beat and Dowally, Guay and Haugh of Tullimet Farms: Robert Laird). This is as a result of permanent land-take, loss of boundary features, disruption to field drainage system and disturbance to sporting activity.
- 19.4.22 With the proposed scheme in place, and taking into account mitigation measures, residual impacts of Substantial significance are anticipated at Dowally, Guay and Haugh of Tullimet Farms: Robert laird, and residual impacts of Substantial significance at Dalmarnock Fishing Beat.
- 19.4.23 In regards to the latter, the assessment concludes that while the scale of operations will be affected by the proposed scheme, it is expected that the overall viability of the farm will not be significantly impacted. In relation to Dalmarnock Fishing Beat, it has not been possible to further mitigate the substantial impacts on access to the recreational asset.
- 19.4.24 In both of the above interests, Chapter 8 (People and Communities - Community and Private Assets) identifies options to mitigate losses through action taken by the landowners.
- 19.4.25 In terms of policy compliance, there are no local planning policies which consider these business types. As such, cognisance is made to national guidance. A key role for the planning framework is to support business and employment. SPP Paragraph 93 states that planning system should '*promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets.*' (SPP, 2014. p.28).
- 19.4.26 In summary, while there is no conflict with local policies, given the detrimental impact upon business interests, the proposed scheme does not comply with national guidance in this topic. The impacts, however, should be balanced against the potential for them to be mitigated and the benefits of the proposed scheme in delivering wider sustainable economic growth.

### **ES Chapter 9: People and Communities – All Travellers**

- 19.4.27 Key policy themes of relevance to this topic include the provision and promotion of access for all road users, including Non-Motorised Users (NMUs) (pedestrians, cyclists and equestrians), and the improvement of access and rights of way. Key policies associated with this are TAYplan Policy 2 (Shaping Better Quality Places), PKC LDP Policy PM1 (Placemaking), Policy TA1 (Transport Standards and Accessibility Requirements) and Policy CF2 (Public Access), in addition to the provisions of SPP on promoting sustainable economic growth, and promoting rural development.
- 19.4.28 TAYplan Policy 2 seeks a consistent integration of transport and land use be applied across projects in the region, including the use of a “design-led” principle. Policy CF2 (Public Access) sets out to retain existing paths whilst enhancing their amenity. Where this is not possible, alternative access should be provided that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats. Policy TA1(B) also requires that proposals should be well served by, and easily accessible to, all modes of transport. In particular, the sustainable modes of walking, cycling and public transport should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available. Finally, Policy PM1 seeks holistic themes to promote sustainable development, provide services in appropriate locations, and to enhance environmental quality in the Perth & Kinross area.
- 19.4.29 With regards to the TAYplan’s strategic approach to Shaping Better Quality Places (Policy 2), the proposed scheme complies with this policy by including grade separated crossing within its design,

with provision for pedestrians, cyclists and road users, which will improve facilities for all users of the road. Chapter 9 (People and Communities - All Travellers) identifies a number of paths within the study area (including a National (NCR) and Regional Cycle Route (RCR), Core Paths, Local Paths and a Right of Way).

- 19.4.30 In respect of Policy CF2 (Public Access), Chapter 9 of this ES concludes that the proposed scheme would result in some potential increased journey times or re-routing. However, there will be no loss of public access rights or the existing path network. Moderate adverse impacts will remain for one NMU route due to increased journey length and decreased amenity value and severance of an informal crossing point. Despite this, given policy CF2 seeks to safeguard the loss of any existing routes, it would not be expected to unreasonably affect public access. With the identification of mitigation in Chapter 9, it would be considered that, by maintaining the existing path network, the proposed scheme would broadly accord with the aspirations of policy.
- 19.4.31 In regards to Policy TA1A (Existing Infrastructure), Chapter 9 reinforces the intended aim of the proposed scheme to improve the existing A9 Corridor by improving safety, reducing congestion and therefore easing driver stress. Therefore, as the proposed scheme retains and improves the facilities of the A9, it is compliant with component A of the policy. Furthermore, as the proposed scheme's design maintains existing use whilst providing safer access across the A9 for NMUs, and whilst there will be a relocation of bus stops on the main alignment from Kindallachan to between Dowally and Guay there would be enhancement of local bus service provision to the settlements of Dowally, Guay and Kindallachan through provision of bus stops on the Dowally to Kindallachan Side Road. Therefore, it is considered that this would facilitate improved public transport services, providing connections for the communities of Dowally, Guay, and Kindallachan with Ballinluig and Pitlochry. This would not, therefore, create a detrimental effect on the capacity or frequency of the public transport network as per the requirements set out in TA1B, therefore demonstrating an overall compliance with Policy TA1.
- 19.4.32 The proposed scheme fulfils the criteria set out in PM1 as it assigns appropriate alternative measures to NMUs that will be affected by the proposed scheme during operation. Access will not be restricted as a result of the scheme and will therefore not affect the placemaking aims of the policy.
- 19.4.33 In summary, given that no significant permanent impacts will occur on any existing pathways, unacceptably impact NMUs or other policy themes identified above, it is considered that the proposed scheme complies with policy in this respect.

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

- 19.4.34 Key policy themes of relevance to this topic include: protection of the water environment, maintaining geodiversity, suitability of use, and remediation of contaminated land. PKC LDP Policies EP1A (Climate Change, Carbon Reduction and Sustainable Construction) and EP12 (Contaminated Land) are relevant to the proposed scheme.
- 19.4.35 PKC LDP Policy EP1 seeks to ensure sustainable construction principles are employed in new developments, which will contribute to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions. Importantly, the policy reflects the Council's aim to ensure the protection of carbon rich soils and peatlands, which act as valuable carbon stores.
- 19.4.36 In relation to geology, soils, contaminated land and groundwater, PKC LDP Policy EP12 (Contaminated Land) seeks to ensure that when contaminated land is identified, appropriate assessments and effective remedial action is undertaken to control and limit the release of contaminant to the surrounding environment.
- 19.4.37 Twenty-three potentially contaminated land sources are identified in Chapter 10, with mitigation measures required to reduce direct/indirect impacts. After mitigation, the residual impacts on receptors due to contaminated land are expected to be of Low significance during construction and Very Low significance during operation.

- 19.4.38 In relation to maintaining geodiversity, Chapter 10 identifies that peat deposits are not to be encountered during construction of the proposed scheme, therefore recording an overall Neutral significance during both construction and operation phases and fulfilling criteria set out in Policy EP1.
- 19.4.39 No significant impacts have been identified on minerals or carbon sinks as a result of the proposed scheme.
- 19.4.40 With the above taken into account, it is considered that the proposed scheme would accord with all relevant policy in this regard.

### **ES Chapter 11: Road Drainage and the Water Environment**

- 19.4.41 Key policy themes of relevance to this topic include water quality and resources, flood risk, and drainage. Main policies of relevance are PKC LDP Policies EP2 (New Development and Flooding) and EP3 (Water Environmental and Drainage). In addition, the provisions of SPP on Sustainability and Managing Flood Risk and Drainage are relevant.
- 19.4.42 Related to road drainage and the water environment, Policy EP2 sets out a general presumption against proposals for built development in areas where there is a significant probability of flooding. The section of Policy EP3 which is of most relevance to the proposed scheme is criterion C, which requires all new developments to employ SuDs measures.
- 19.4.43 Planning authorities are required to take into account the probability of flooding and associated risks when determining planning applications and preparing development plans, and developers should take flood risk into account prior to committing to development. PKC LDP Policy EP2 (New Development and Flooding) and Policy EP3 (Water Environmental and Drainage) both state that a Flood Risk Assessment (FRA) will be required where proposals border medium to high risk flood areas (1:200). It also requires that a proposal should not compromise the objectives of the EU Water Framework Directive.
- 19.4.44 Chapter 11 (Road Drainage and the Water Environment) identifies that the proposed scheme is partially located within 1 in 200-year medium to high risk flood zones, which SPP states would generally not be suitable for development in undeveloped and sparsely developed areas unless a location is essential for operational reasons, including transport infrastructure. This area comprises a variety of uses, predominantly farmland. Some properties are located within the flood plain, but the Proposed Scheme is expected to have a negligible impact upon these. As the project is of strategic importance as a trunk road, includes mitigation measures, and largely develops on the existing A9 footprint, the proposed scheme is assessed as being in accordance with policy under this criterion.
- 19.4.45 As noted in the SPP, a FRA is required where the development may be at 'medium to high risk' of flooding. The FRA undertaken for the proposed scheme is included as Appendix A11.3 (Flood Risk Assessment) with the key findings summarised in Chapter 11 of this ES. Whilst both beneficial and residual impacts are reported in the chapter, it concludes that the proposed scheme, with the implementation of mitigation measures during construction, would result in non-significant residual impacts on the majority of receptors.
- 19.4.46 A residual impact of Moderate significance to the River Tay (WF06) is assessed due to areas of agricultural land within the Tay floodplain being predicted to experience an increase in flood depth. As these areas are within existing floodplain and do not affect residential properties or infrastructure, it is considered appropriate that the increased flood depth be accepted given that mitigation measures to prevent this increase would be disproportionate. A residual impact of Moderate significance is predicted for receptor WF37 (Minor watercourse). This is due to both the long-term chronic impacts of sediment-bound pollutants and the impact from soluble pollutants. There are predicted residual impacts of Large significance to the Sloggan Burn and to WF50 (Minor watercourse). However, appropriate mitigation measures, including the building of a flood wall to protect the listed Guay farmhouse, have been proposed to reduce potential impacts.
- 19.4.47 In addition to the mitigation measures set out in Chapter 11, there has been significant environmental input to the design process to help inform the most sustainable design and drainage solution for the proposed scheme. The Scottish Environment Protection Agency (SEPA) has also



been consulted at various stages to review the proposals and agree aspects such as the number of treatment levels required. Therefore, the proposed scheme is considered to accord with policies and advice relating to water quality protection, flood risk, and sustainable drainage design.

- 19.4.48 The chapter concludes that the residual impacts arising from both construction and operational phases would, with appropriate mitigation in place, create no significant impacts on water quality for any of the proposed scheme. The construction mitigation includes aspects such as a sediment management plan; details for storage of machinery and material outside the floodplain; and, adherence to guidance such as the Pollution Prevention Guidelines. Operational mitigation includes the use of Sustainable Drainage Systems, compensatory flood storage, scour protection, and erosion monitoring to protect affected watercourses. The inclusion of compensatory flood storage contributes to the enhancement of flood storage capacity within the area which aligns with the policy principles of SPP (Paragraph 255).
- 19.4.49 In consideration of the above, the proposed scheme is in broad compliance with policy guidance in this regard.

### **ES Chapter 12: Ecology and Nature Conservation**

- 19.4.50 Key policy themes of relevance to this topic include the protection, conservation and enhancement of the natural environment; protection of the quality and integrity of designated sites of importance from international to local level; and conservation of habitats and species. Policies of relevance include TAYplan Policy 9 (Managing TAYplan's Assets) and PKC LDP policies NE1 (Environment and Conservation Policies), NE2 (Forestry, Woodland and Trees) and NE3 (Biodiversity). In addition, the provisions of SPP on Sustainability and Valuing the Natural Environment are relevant.
- 19.4.51 The PKC NE policies seek to ensure that resources are used and managed in a sustainable way, with Policy NE1 (Environment and Conservation Policies) specifically requiring the protection of conservation sites and national and local designated sites. Additionally, Policy NE3 (Biodiversity) promotes the protection and enhancement of all wildlife and wildlife habitats.
- 19.4.52 Policy NE2 (Forestry, Woodland and Trees) states that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. As noted below (19.4.58), there will be a residual impact relating to the loss of Ancient Woodland (AWI).
- 19.4.53 Details of the assessment of the potential impacts of the proposed scheme on terrestrial and freshwater species, habitats and ecosystems are found in Chapter 12 (Ecology and Nature Conservation), and a detailed policy assessment found in Appendix A19.2 (Assessment of Development Plan Policy Compliance).
- 19.4.54 The proposed scheme has been assessed for impacts on the following designations identified in the study area: two internationally designated Natura 2000 site (The River Tay Special Area of Conservation (SAC) and Shingle Islands SAC), one nationally designated Sites of Special Scientific Interest (SSSI) (Shingle Islands SSSI), areas of designated AWI, and locally designated Native Woodland Survey of Scotland (NWSS).
- 19.4.55 Chapter 12 notes that, with the inclusion of identified Standard Mitigation Commitments (SMC) and best practices, the residual impacts to the SACs during both construction and operation phases will not be significant.
- 19.4.56 There is potential for positive impacts as a result of the proposed scheme. For example, the water quality of road surface run-off is expected to be improved compared with that from the existing A9, due to the provision of SuDS. In addition, increased permeability of the proposed scheme compared with that from the existing A9 is expected for species including badger and otter, through provision of crossing structures.
- 19.4.57 Prior to the application of mitigation, potential significant impacts on ecological features were identified during the construction and operation phases of the proposed scheme. Where avoidance of impacts has not been possible, mitigation to reduce adverse impacts has been proposed. During

operation, compensatory planting, habitat creation, mammal fencing and provision of crossing structures have been proposed to mitigate impacts.

- 19.4.58 In terms of PKC LDP Policy NE1, which seeks to ensure that resources are used and managed in a sustainable way, there are no significant long-term impacts on nearly all of these designated features. The exception is that a significant residual impact from the operation phase is anticipated from the loss of habitat designated as part of the AWI. Compensation planting, although proposed, will not fully mitigate for the permanent loss of biodiversity. As the habitat matures, the residual impact will reduce, and woodland corridors will grow to connect currently fragmented areas. Under the criteria of local policies, however, the loss of this woodland would be deemed as being non-compliant given the overall loss of the integrity of the AWI.
- 19.4.59 Species and habitats, including European Protected Species, have been assessed. The assessment concludes that there are no significant long-term residual impacts on any protected species, other important habitats (including woodland), species listed in Annexes I, II and V of Directive 92/43/EEC on the conservation of natural habitats and wild flora and fauna (Habitat Directive), UK and Local Biodiversity Action Plans, or the Scottish Biodiversity List. This follows the successful implementation of proposed mitigation measures, including compensatory planting where woodland is removed, this is considered to be compliant with the aims of PKC LDP Policy NE3.
- 19.4.60 It should be noted, as referred to in in paragraph 19.4.5, material consideration should be given to SPP in the decision-making process, which gives weight to the demonstrable public benefits brought about by the proposed scheme in consideration of overall compliance.
- 19.4.61 In conclusion, the review of the residual impacts on ecology and nature conservation undertaken demonstrates compliance with general habitat policy. Mitigation measures will enable the proposed scheme to reduce the impacts resulting from the loss of woodland. The exception to this, as noted, is the impact on the AWI which, while according with SPP, does not comply with policy at a local level. However, as noted in SPP, material consideration should be given to the demonstrable public benefits that are created as a result of the proposed scheme.

### **ES Chapter 13 and 14: Landscape and Visual**

- 19.4.62 Key policy themes of relevance to this topic are to conserve and protect the landscape character and special qualities and ensure that the proposed scheme does not adversely impact the setting and character of the surrounding area. The chapters are considered together due to the policies being relevant to both. The primary policies associated with these topics are PKC LDP Policies PM1 (Placemaking) and ER6 (Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes). In addition, the provisions of SPP on Placemaking are relevant.
- 19.4.63 In relation to landscape and visual in respect to PKC LDP Policy PM1 (Placemaking), developments are assessed in respect of the extent that they impact on the landscape; how they demonstrate sensitive siting and high quality design in keeping with local character; and impact on individual and community residential amenity. PKC LDP Policy ER6 (Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes) seeks to safeguard and maintain the landscape qualities and requires that consideration is given to criteria on siting and design, existing patterns of development and landscape character and capacity.
- 19.4.64 Chapter 13 (Landscape) of the ES includes mitigation to avoid or reduce potential impacts on landscape and visual aspects of the environment, and, where possible, provide a positive contribution to the visual quality of place. In relation to preservation of local distinctiveness, a number of landscape and other designations fall within the study area, including; The River Tay (Dunkeld) National Scenic Area (NSA) and the Strath Tay Special Landscape Area (SLA) which incorporates Strath Tay: Mid Glen Local Landscape Character Areas (LLCA) and Strath Tay: Lower Glen LLCA.
- 19.4.65 The assessment concludes that the impacts of the proposed scheme on the LLCAs, as a result of widening, are expected to be significant during year opening. In the '15 years after opening' scenario, i.e. when identified mitigation such as planting has become fully established, the impacts

for the Strath Tay: Mid Glen LLCA are predicted to reduce to Moderate, and to Slight significance for Strath Tay: Lower Glen LLCA.

- 19.4.66 Whilst there is a general acceptance that, given the existing road network, the 'online' design of the proposed scheme would seek to limit the impact on the wider landscape character area, the retention of a significant impact on a Local Landscape Character Area would result in failure to fully accord with this criteria of policy.
- 19.4.67 Chapter 14 (Visual) identifies mitigation measures used to reduce the visual impacts and how to integrate the proposed scheme with the surrounding landscape. These include embedded mitigation measures, grading out of embankment and cutting slopes to blend with existing landforms, steepening of slopes and introduction of retaining walls to minimise woodland loss, and new planting to screen the proposed scheme and help further integrate it with the surrounding landscape. 15 years after the implementation of these measures, there are predicted to be reduced impacts, with only 12 built receptors and 10 outdoor receptors still affected. Considering the scale and nature of the proposed scheme, these mitigation measures are considered to enable the design and appearance to integrate and complement the surroundings, therefore complying with policies PM1 and ER6.
- 19.4.68 It is considered that, due to the scale and nature of development, the proposed scheme has the potential to conflict with the aims of Placemaking policies, which seek to assess proposals to the extent in which they are compatible with landscape character. However, this must be balanced against the existence of a current road and its relationship to the landscape and the overall need for the scheme. Consideration should be given to the STPR (Jacobs, Faber Maunsell, Grant Thornton and Tribal Consulting, 2009) and DMRB Stage 2 Scheme Assessment Report (Jacobs, 2016) studies. The STPR concluded that no reasonable alternatives exist and the Stage 2 Report selected the preferred option with consideration of collective impacts, including those related to landscape and visual. As such, the design has sought to maintain a predominantly online design and noted that the mitigation identified will lessen the impact in time. It is therefore considered that the proposed scheme does, as far as possible, contribute to managing the future landscape.

### **ES Chapter 15: Cultural Heritage**

- 19.4.69 Policies of relevance to this topic seek to minimise adverse effects on historic and cultural assets (including Scheduled Monuments, Listed Buildings, Conservation Areas and Gardens and Designed Landscapes). The primary policies associated with this are TAYplan Policies 9 (Managing TAYplan's Assets) and PKC LDP Policies HE1 (Scheduled Monuments and Non-Designated Archaeology) and HE2 (Listed Buildings). In addition, the provisions of SPP on Sustainability and Valuing the Historic Environment are relevant, as well as Historic Environment Scotland Policy Statement (HESPS).
- 19.4.70 In relation to local policies regarding cultural heritage, PKC LDP Policy HE1 presumes against developments that would adversely affect the integrity of a Scheduled Monument and its setting, as well as seeking to protect areas or sites of known archaeological interest and their settings. Policy HE2 is in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use.
- 19.4.71 TAYplan Policy 9 (part C) seeks to safeguard the integrity of natural and historical assets. The Policy states that "*Local Development Plans should set out the factors which will be taken into account in development management*". As such, Policies HE1 and HE2 remain the most relevant local policies on this matter.
- 19.4.72 In terms of Scheduled Monuments and compliance with Policy HE1, Chapter 15 finds that the proposed scheme will result in a significant and permanent impact to Kindallachan, Cairn (Asset 221) and Kindallachan, standing stone (Asset 225), both Scheduled Monuments. While archaeological excavation will create a permanent record of the assets, it would not mitigate for loss or impact on setting. Therefore, the residual impact on these assets have been assessed to remain as Large and Moderate (respectively).
- 19.4.73 As noted in Chapter 15, a Scheduled Monument Consent (SMC) would be required for works involving these assets. It should also be noted that Policy HE1A does provision for adverse impacts

in 'exceptional circumstances'. The delivery of a nationally important infrastructure project and a proposed design which addresses road safety concerns potentially qualify as 'exceptional circumstances', making the proposed scheme compliant with HE1A. However, it will be a requirement of the SMC to demonstrate that the test criteria set out in HESPS have been met through the application submission.

- 19.4.74 In relation to Listed Buildings and compliance with Policy HE2, Chapter 15 (Cultural Heritage) finds that, prior to mitigation, there would be significant potential impact during construction on four historic buildings, comprising Guay Farmhouse (Asset 216), Dowally Bridge (Asset 212), Westhaugh of Tulliemet; Possible Military Bridge (Asset 781) and Cuil-an-Duin Retaining Wall (Asset 782).
- 19.4.75 After mitigation, the significance of residual impacts on Assets 212, 781 and 782 have been assessed to be Neutral. However, Significant impacts are expected on the B listed building, Guay Farmhouse (Asset 216) as the construction of the Dowally-Kindallachan Side Road will require the removal of a portion of the farmyard and a portion of the Wing.
- 19.4.76 To mitigate the alteration to the Wing of Guay Farmhouse (Asset 216, a Category B Listed Building), the gable end is proposed to be re-constructed using recycled original masonry in a style reflecting the surviving wing, and the external stair support wall and steps will be taken down and rebuilt to provide access to the first floor via an existing opening. Other works will be undertaken to maintain the property and secure its longer term viability as a residential dwelling.
- 19.4.77 As noted in Chapter 15, Listed Building Consent (LBC) would be required for works involving this asset. Any future application for the suggested mitigation solution will consider the appropriateness of this, including the long term viability of the asset and material considerations. However, as Policy HE2 does not provision for adverse impacts, even in 'exceptional circumstances', the proposed scheme is deemed to be non-compliant with the wording of the policy at this stage.

#### **ES Chapter 16: Air Quality**

- 19.4.78 Key policy themes of relevance include maintaining and improving air quality (including designated Air Quality Management Areas), and protection of residential amenity. Key policies associated with this are PKC LDP Policy EP1 (Climate Change, Carbon Reduction and Sustainable Construction) and EP11 (Air Quality Management Areas).
- 19.4.79 PKC LDP Policy EP1 seeks to ensure that any proposals that may result in significant pollution, including air quality, would only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant. This must show how the pollution can be appropriately avoided and, if necessary mitigated, in reflection of sustainable construction principles. Policy EP11 seeks to restrict developments that adversely affect air quality in designated Air Quality Management Areas. However, this is not relevant to the proposed scheme as there are no Air Quality Management Areas that would be affected by the proposed scheme.
- 19.4.80 Air quality modelling has been undertaken to assess the impacts of the proposed scheme on ambient air quality concentrations and the overall emissions from road traffic. The results are set out in Chapter 16 (Air Quality). While this policy is not directly relevant to road projects and is aimed at new buildings, it is relevant to note that the chapter does assess regional emissions, including hydrocarbons and carbon dioxide. The local air quality assessment concludes that the proposed scheme would result in an increase in air pollutant concentrations of a medium magnitude for some properties along the existing A9. Overall however, in terms of policy, there are no significant effects on local air quality or regional emissions as a result of the proposed scheme, so there are no compliance issues with relevant policies in this regard.

#### **ES Chapter 17: Noise and Vibration**

- 19.4.81 Key policy themes of relevance include reducing development-related impacts on the local environment, especially the impacts on noise sensitive land uses. The key policy associated with this is PKC LDP Policy EP8 (Noise Pollution).

- 19.4.82 PKC LDP Policy EP8 presumes against the siting of developments which will generate high levels of noise which will negatively impact sensitive receptors.
- 19.4.83 After mitigation has been implemented it is considered that residual operational noise in the short-term will impact 50 Noise Sensitive Receptors (NSR), including 46 dwellings, with this reducing in the long-term to 4 NSR (3 dwellings), which will experience a Slight/Moderate adverse impact once mitigation has been embedded. Despite this impact, the predicted noise levels are less than 59.5dB which is considered the industry standard for schemes of this nature.
- 19.4.84 Chapter 17 (Noise and Vibration) of this ES concludes that, due to the nature of the construction process of the proposed scheme, it is predicted to cause temporary adverse noise and vibration impacts for a number of sensitive receptors. However, in regards to Policy EP8 (Noise Pollution), while it is considered that short-term noise impacts would occur as a result of the construction process, the worst affected areas would be appropriately mitigated by the contractor as part of the Construction Environmental Management Plan (CEMP) using the best practice methods, as set out in Chapter 17 (Noise and Vibration).
- 19.4.85 As such, it is considered that the levels of noise impact identified are appropriate for a development of this scale and nature, and compliant with policy.

#### **ES Chapter 18: Materials**

- 19.4.86 Key policy themes of relevance to this topic include new developments being designed and constructed with greater efficiency, and a sustainable approach to the handling of materials and resources. Key policies associated with this are TAYplan Policy 2 (Shaping Better Quality Places) and PKC LDP Policy ER4 (Minerals and Other Extractive Activities – Supply). In addition, the provisions of SPP on Sustainability are relevant.
- 19.4.87 Component D (Efficient resource consumption) of TAYplan Policy 2 seeks to deliver better quality development and places which respond to climate change by incorporating waste management solutions and high resource efficiency into development.
- 19.4.88 Details of the assessment of the potential impacts and effects associated with the use and consumption of material resources and the production and management of waste during construction of the proposed scheme are found in Chapter 18 (Materials), and a detailed policy assessment found in Appendix A19.2 (Assessment of Development Plan Policy Compliance).
- 19.4.89 Chapter 18 finds that, by applying key material and waste management principles such as the waste management hierarchy, the effects on natural resources and need for permanent disposal of wastes will be reduced. In particular, this will be achieved by re-using existing soils and infrastructure, taking into consideration the environmental impacts of products during their procurement. Additionally, the waste assessment undertaken predicts that the residual impact on high sensitivity waste management facilities is considered to be Neutral/Slight, which is not considered significant.
- 19.4.90 Chapter 18 notes that, despite mitigation, there is likely to be a moderate residual impact in regard to the carbon footprint of the proposed scheme due to the amount of material resources required for construction and operation. However, it is recognised that the proposed scheme will have a carbon use (carbon footprint) and resource usage proportionate to the scale of the development.
- 19.4.91 DMRB guidance (draft HD212/11: Supplementary Guidance for Users of DMRB Volume 11 Environmental Assessment Highways Agency 2011) references an example with a Major impact and how mitigation measures have been put in place to compensate for the impacts. It should be noted that there have been a number of equivalent-scale roads infrastructure projects throughout Scotland and the UK that have a similar impact in terms of materials. These schemes have been approved on the basis of the suggested mitigation and the acceptance that strategic road infrastructure schemes of this scale would normally require a significant amount of materials to construct. The proposed scheme therefore complies with policy in this regard.

## **19.5 Conclusion**

- 19.5.1 The principle of development of the proposed scheme is supported in planning policy, with the Scottish Government's commitment to the proposed scheme and wider improvements to the A9 outlined in the National Planning Framework 3 and various other national policy guidance documents.
- 19.5.2 The proposed scheme also supports regional transport policy objectives as part of a wider strategy to assist in providing enhanced connectivity to deliver prosperity and connect communities across the region.
- 19.5.3 The design of the proposed scheme has been refined through the DMRB process, and mitigation measures are proposed to address potential impacts identified in the assessment chapters of this ES (Chapters 8–18). The design and environmental mitigation commitments reduce potential short and long term impacts of the proposed scheme where a potential policy conflict has been identified.
- 19.5.4 It has been assessed that there are potential areas of non-compliance against local policy in relation to community and private assets, cultural and natural heritage, and landscape and visual. These are largely due to the large scale and nature of the proposed scheme, as well as the wording of policies not being directly relevant to a scheme of this nature.
- 19.5.5 The areas potential of local non-compliance should also be balanced against overarching national policy, ongoing discussions with statutory consultees, and the benefits of the proposed scheme, such as improving connectivity, enhancing safety for all users, and promoting social and regional economic opportunities.

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