

18 Policies and Plans

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

The principle of development, and the aims and objectives of the proposed scheme are compliant with national planning policy in the National Planning Framework 3, Scottish Planning Policy and various other guidance.

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

This assessment finds that the location and design of the proposed scheme is largely compliant with relevant planning policies. However, it has identified some areas of potential non-compliance with policy relating to the protection of cultural heritage assets and Landscape and Visual impacts to receptors. This is primarily due to the scale and nature of the proposed scheme and its proximity to nearby receptors.

However, 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 Environmental Impact Assessment Report (EIAR) (i.e. Chapters 7-17). The design and environmental impact mitigation commitments reduce potential short and long-term impacts of the proposed scheme where a potential policy conflict has been identified.

The areas of potential non-compliance should also be balanced against the overarching benefits of the proposed scheme, such as alleviating traffic pressure on the trunk road network contributing to The Highland Council's Development Plan strategy for development east of the A9, and to complement the benefits arising from the dualling of the A96, improving safety and maximising active travel and public transport opportunities.

18.1 Introduction

- 18.1.1 This chapter presents the planning policy assessment of the proposed scheme for the DMRB Stage 3 Environmental Impact Assessment (EIA). This includes a review of national and local planning policy documents, and consideration of the extent to which the proposed scheme complies with policy and guidance.
- 18.1.2 This chapter is supported by Appendix A18.1 (Planning Policy Context for Environmental Assessment), which summarises the key planning policies that are relevant to the assessment of impacts discussed in Chapters 7-17, and Appendix A18.2 (Assessment of Development Plan Policy Compliance), which provides a detailed assessment of development plan policy compliance as summarised in Section 18.4 of this chapter.

Scottish Planning System

- 18.1.3 The Town and Country Planning (Scotland) Act 1997 ('the 1997 Act'), together with amendments to the Planning etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019, (collectively described here as 'the Planning Acts') provide the framework for land use planning and the development of planning policy in Scotland. The Planning (Scotland) Act 2019 was granted Royal Assent in July 2019, however at the time of writing this chapter, transitional guidance and secondary regulations have yet to be published. The statutory plans which are in place were prepared under the previous legislation.
- 18.1.4 A key feature of the Planning Acts is the statutory role and application of the National Planning Framework. The National Planning Framework 3 (NPF3) (Scottish Government 2014a) 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 highlights that the transport proposals would strengthen connections between cities, sustain lifeline rural links and reduce congestion to support productivity.
- 18.1.5 The Scottish Government's influence on the planning system also extends to the production of Scottish Planning Policy (SPP) (Scottish Government 2014b), Circulars, and Planning Advice Notes (PANs). These are material to the development of policy and provide guidance on planning for a broad range of land uses and developments.

- 18.1.6 Each planning authority in Scotland has a responsibility to publish a Local Development Plan (LDP), the content of which is informed by national policy. The LDP forms the basis on which decisions about development and future land and future land use are made.
- 18.1.7 The LDP is material to decisions about development and future land uses. The proposed scheme is located within The Highland Council administrative area. The Highland Council has prepared an area-wide LDP, The Highland-wide Local Development Plan (HwLDP) (The Highland Council 2012), which provides strategic objectives and policies for the whole administrative area. In addition, further Area LDPs are also provided for different parts of the administrative area. The Inner Moray Firth Local Development Plan (IMFLDP) (The Highland Council 2015a) is of relevance for the proposed scheme. The relevant LDP documents are listed in Table 18.1.
- 18.1.8 The HwLDP is currently in the process of being updated, and a Main Issues Report (MIR) (The Highland Council 2015b) was published for consultation in September 2015. The MIR is not adopted policy, however it does describe The Highland Council's preferred approach for the next LDP.
- 18.1.9 The IMFLDP proposed preparation of a masterplan to ensure a design-led approach is taken to the delivery of future development at Inverness East. This document, The Inverness East Development Brief, was adopted as supplementary guidance in June 2018. Further information is provided in paragraph 18.3.33.

Table 18-1: Development Plan Documents

Document	Title	Status
Local Development Plan	Highland wide Local Development Plan (HwLDP) (The Highland Council 2012)	Approved 2012
Local Development Plan	Proposed HwLDP2 – Main Issues Report (The Highland Council 2015b)	Published for consultation September 2015
Area Local Development Plan	Inner Moray Firth Local Development Plan (IMFLDP) (The Highland Council 2015a)	Adopted July 2015
Inverness East Development Brief	Inverness East Development Brief (The Highland Council 2018)	Adopted June 2018

18.2 Approach and Methods

- 18.2.1 DMRB Volume 11, Section 3, Part 12, Impact of Road schemes on Policies and Plans (Highways Agency, Scottish Government, Welsh Assembly Government and The Department for Regional Development Northern Ireland 1994) (henceforth referred to as DMRB 'Policies and Plans') set out the approach to assessing the compliance of the proposed scheme with planning policy from national to local levels.
- 18.2.2 Plans and policies are reviewed in the context of each of the topic chapters of this DMRB Stage 3 EIA (Chapters 7-17). As noted in Chapter 5 (Overview of Assessment Process), policies and plans are considered within a single chapter of this EIAR (rather than in the individual technical chapters as is proposed by IAN125/15 Environmental Assessment Update (Highways England 2015) (hereafter IAN125/15)). Relevant legislation and policy which is specific to the technical field is described in the individual topic chapters.

- 18.2.4 Policies relevant to each topic chapter are presented in Appendix A18.1 (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 A18.2 (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;
 - describing the existing, and where appropriate; emerging development plan framework;
 - 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 planning policy objectives.
- 18.2.5 It should be noted that some of the policy guidance documents referenced in DMRB Policies and Plans are now out-dated and not referred to in this chapter.

18.3 Summary of Policies and Plans

National Guidance

- 18.3.1 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) (Jacobs, Faber Maunsell, Grant Thornton and Tribal Consulting 2009)

- 18.3.2 STPR was undertaken to support the delivery of the three strategic outcomes identified in the National Transport Strategy (NTS) (Scottish Executive 2006a) (now superseded, please refer to paragraph 18.3.13). Maintaining safe, efficient and effective links on strategic corridors was one of the key challenges of the STPR.
- 18.3.3 The STPR sets out 29 investment priorities within an investment hierarchy over the period to 2032. Intervention 18 (Upgrade A96 to Dual Carriageway between Inverness and Nairn) was recommended which included wider improvements including a link between A96 and A9 in order to reduce accident and severity rates as well as improve connectivity between Inverness and communities to the east. In relation to the proposed scheme, the STPR states:

'...The link between the A9 and the A96 would reduce congestion by allowing traffic between the A9 and A96 to avoid local traffic congestion at Raigmore Interchange' (Jacobs et al 2009, p.108).

- 18.3.4 The review categorised the strategic transport network into 20 corridors, four urban networks (Glasgow, Edinburgh, Dundee and Aberdeen) and two strategic nodes (Perth and Inverness). Effective transport was identified as being key to support the delivery of the Scotland's Economic Strategy (paragraph 18.3.11 of this chapter). The review concluded that the network was generally performing to a high standard; however, a number of significant areas would require specific attention. These include the following objectives in relation to 'Corridor 4 – Aberdeen to Inverness':
- *'to improve connectivity particularly by public transport between Inverness city centre and the growth area to the east including Inverness Airport;*
 - *to improve journey time and increase opportunities to travel, particularly by public transport, between Aberdeen and Inverness; and*
 - *to reduce the accident rate and severity rate to current national average' (Transport Scotland 2009, p.142).*

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

- 18.3.5 This document sets out how to develop and enhance the most productive resources of our cities. 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' (Scottish Government 2011b, p.19).

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

- 18.3.6 This guidance aims 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' (Transport Scotland 2014, p.12).

- 18.3.7 The guidance has been incorporated into the landscape and visual assessments of the proposed scheme, as reported in Chapter 9 (Landscape) and Chapter 10 (Visual).

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

- 18.3.8 The current Infrastructure Investment Plan (IIP) gives an overview of the Scottish Government's plans for infrastructure investment. The vision 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'* (Scottish Government 2015b, p.1).
- 18.3.9 The IIP is focused on improving connections across, within and to/from Scotland. The IIP commits to completing the *'dualling of the A9 between Perth and Inverness by 2025 and complete the dualling of the road network between Scotland's cities by 2030, including between Inverness and Aberdeen'* (Scottish Government 2015a, p.69). The IIP states that the Scottish Government's strategy is to *'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'* (Scottish Government 2015a, p.69).
- 18.3.10 In relation to the proposed scheme the IIP states that *'The sustainable economic growth of Scotland needs the strategic transport network to be available for workers and employers to access those areas where employment can grow, provide efficient access to markets and ensure inward investment opportunities are captured'* (Scottish Government 2015a, p.108).

Scotland's Economic Strategy (Scottish Government 2015b)

- 18.3.11 The current Economic Strategy was published in 2015. This strategy 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 is based on the principle that investing in infrastructure is key to helping businesses to grow, innovate and create good quality employment opportunities.
- 18.3.12 The strategy acknowledges the importance of Scotland's cities and towns as centres of growth and prosperity. The strategy states that investment – whether in our people, infrastructure, or business, *'is key to driving long-term improvements in competitiveness and in creating opportunities for everyone in society to benefit from these improvements'* (Scottish Government 2015b, p.37).

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

- 18.3.13 The NTS (Scottish Government 2016a) is a refresh to the previous NTS (Scottish Executive 2006a), which considers Scotland's transport needs and outlines the long-term strategy. It sets out the following intended strategic outcomes:

- *'Improve Journey times and connections, to tackle congestion and the lack of integration and connections in transport which impact on high level objectives for economic growth, social, inclusion, integration and safety;*
- *Reduce emissions, to tackle the issues of climate change, air quality and health improvement which impact on high-level objectives for protecting the environment and improving health; and*
- *Improve quality, accessibility, and affordability, giving people a choice of public transport where availability means better quality services and value for money, providing an alternative to the car'* (Scottish Government 2016a, p.2).

18.3.14 A Draft National Transport Strategy 2 (NTS2) has been published for consultation in 2019 which sets out a vision for Scotland's transport system for the next 20 years. The proposed vision states:

'We will have a sustainable, inclusive and accessible transport system, helping deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors' (Transport Scotland 2019, p.5).

There are four priorities associated with the proposed vision, which are:

- *'Promotes equality;*
- *Takes climate action;*
- *Helps our economy prosper; and*
- *Improves our health and wellbeing'* (Transport Scotland 2019, p.5).

Planning Policy

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

18.3.15 The Scottish Government published the third iteration of the NPF in June 2014 (Scottish Government 2014a). The NPF3 is a statutory document and a material consideration in planning decisions.

18.3.16 NPF3 guides Scotland's spatial development over the next 20 to 30 years, setting out strategic development priorities to support the Scottish Government's central purpose – to *'create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth'* (paragraph 1.1). One of the key drivers for the revision has been to emphasise placemaking. It also focusses on the following four outcomes for Scotland:

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

18.3.17 NPF3 describes spatial priorities for change in improving connections. It states 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.' (Scottish Government 2014a, paragraph 5.20).

18.3.18 Inverness and the Inner Moray Firth is identified within the strategy's investment focus for cities. Specifically, the strategy states that *'Inverness is the capital of the Highlands – the fastest growing city in Scotland, serving the whole region and acting as a gateway to the Highlands and Islands'* (Scottish Government 2014a, p.20). Of importance to the proposed scheme, *'the city is expanding to the west, south and, in particular, to the east, with growth along the A96 Corridor to Moray'* (Scottish Government 2014a, p.20). Although the proposed scheme is not specifically mentioned within NPF3, it is considered of strategic importance in the expansion of the city to the east.

- 18.3.19 NPF3 also states that ‘*dualling of the A96 between Inverness and Aberdeen, including bypasses of towns along the route, will provide opportunities to link the energy sectors in the two city regions as well as improving the quality of place within the towns...*’ (Scottish Government 2014a, paragraph 5.32). The proposed scheme will connect to the A96 Dualling Inverness to Nairn (including Nairn bypass) scheme and forms part of the package of strategic transport improvements proposed for this area.
- 18.3.20 NPF3 identifies 14 ‘national developments’ which are considered by Scottish Ministers to be essential to the delivery of the spatial strategy set out in NPF3. One of these national developments is a National Long Distance Cycling and Walking Network, which has direct relevance to the study area for the proposed scheme. The network will link key outdoor tourism locations across the country and is considered a tourism asset in its own right.

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

- 18.3.21 The current SPP was published in June 2014 and accompanies other documents such as Creating Places (Scottish Government 2013b), Designing Streets (Scottish Government 2010a), various Planning Circulars and NPF3 (Scottish Government 2014a) 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 (paragraph 18.3.16). The outcomes are consistent across NPF3 and SPP and focus on creating a place which is sustainable, low carbon, natural, resilient and more connected. The principal and relevant subject policies contained in the consolidated SPP are summarised in Table 18.2.

Table 18.2: Scottish Planning Policy

Subject	SPP Paragraph	Summary
Introductory Sections	Paragraph 1 - 23	The introductory sections of the SPP set out a brief statement on the purpose of planning and detail the core principles that should underpin the modernised planning system. SPP states that successful operation of the planning system will only be achieved if all those involved commit themselves to engaging as constructively as possible in development planning and development management, so that the planning system contributes effectively to increasing sustainable economic growth.
Sustainability	Paragraph 24 – 35	The SPP’s central purpose is to focus government and public services on creating a more successful country through increasing sustainable economic growth. This can be achieved through the planning system by supporting economically, environmentally and socially sustainable places and responding to economic issues, challenges and opportunities. SPP states that policies and decisions should be guided by a number of key principles. These include: <ul style="list-style-type: none"> • supporting delivery of energy infrastructure; • supporting climate change mitigation and adaptation including taking account of flood risk activity; • protecting, enhancing and promoting access to cultural heritage, including the historic environment; • protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; and • avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
Placemaking	Paragraph 36 - 57	Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. Planning should take every opportunity to create high quality places by taking a design-led approach through the joint consideration of the relationships between higher quality places. Placemaking is supported through, amongst others, optimising the use of existing resources, using land within or adjacent to settlements for a mix of uses, developing brownfield land and locating development where investment in growth or improvement would have most benefit.

Subject	SPP Paragraph	Summary
Promoting Rural Development	Paragraph 74 - 83	<p>NPF 3 sets out a vision for 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:</p> <ul style="list-style-type: none"> • promote a pattern of development in rural and island areas that is appropriate to the character of the particular rural area and the challenges it faces; • encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and • support an integrated approach to coastal planning. <p>In relation to prime agricultural land, or land of lesser quality that is locally important, development should not be considered except where it is essential as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available.</p>
Supporting Business and Employment	Paragraph 92 - 108	<p>The planning system should continue the need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.</p> <p>Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.</p>
Enabling Delivery of New Homes	Paragraph 109 - 134	<p>Planning for housing should be undertaken through joint working by housing market partnerships, involving both housing and planning officials within local authorities, and cooperation between authorities where strategic planning responsibilities and/or housing market areas are shared, including national park authorities. Registered social landlords, developers, other specialist interests, and local communities should also be encouraged to engage with housing market partnerships. In rural or island areas where there is no functional housing market area, the development plan should set out the most appropriate approach for the area.</p> <p>The planning system should:</p> <ul style="list-style-type: none"> • identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times; • enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and • have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.
Valuing the Historic Environment	Paragraph 135 - 151	<p>Recognises that the historic environment is a key cultural and economic asset for which planning has an important role to play in maintaining and enhancing distinctive and high-quality, irreplaceable historic places. 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 Government's Scottish Historic Environment Policy (SHEP) and 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.</p>
A Low Carbon Place	Paragraph 152 - 174	<p>The need to ensure that terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities.</p> <p>Renewable energy also presents a significant opportunity for development, investment and growth of the supply chain, including infrastructure.</p>

Subject	SPP Paragraph	Summary
Planning for Zero Waste	Paragraph 175 - 192	<p>NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment. To aid the delivery of this, the planning system should seek to conduct the following:</p> <ul style="list-style-type: none"> • promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials; • support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing; • support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and • help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.
Valuing the Natural Environment	Paragraph 193 - 218	<p>Advises that planning authorities should conserve and enhance international, national and locally designated sites and protected species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities. Plans should address potential effects of development on the natural environment and authorities should apply the precautionary principle where the impacts of a 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.</p>
Flood Risk and Drainage	Paragraph 254- 268	<p>Sets out a precautionary approach to flood risk from all sources by safeguarding flood storage and conveying capacity. Planning authorities are required to take into account probability of flooding and associated risks when determining planning applications and preparing development plans, and developers should take flood risk into account prior to committing to development.</p>
Promoting Sustainable Transport and Active Travel	Paragraph 269-291	<p>Sets out the planning policy on sustainable transport to optimise the use of existing infrastructure and reduce the need to travel by providing safe and convenient opportunities for walking, cycling and travel by public transport. Development plans and development management decisions should also take account of the implications of development proposals on traffic, patterns of travel and road safety.</p>

Planning Advice Notes (PANs) and Circulars

18.3.22 PANs support SPP and provide advice on good practice. A summary of PANs of relevance to the proposed scheme is provided in Table 18.3.

Table 18.3: Relevant Planning Advice Notes

PAN	Title	Description
PAN 33	Development of Contaminated Land (Revised 2000) (Scottish Government 2016b)	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) (Scottish Executive 2006b)	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 (Scottish Executive 2000b)	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 (Scottish Executive 2001)	Provides good practice advice for planners and the development industry on the implementation wet retention basins to aid the introduction of more sustainable developments.
PAN 65	Planning and Open Space (Scottish Government 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 (village, towns and major urban areas).

PAN	Title	Description
PAN 75	Planning for Transport (Scottish Executive 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 (Scottish Executive 2006c)	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 (Scottish Executive 2006d)	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 (SEPA) 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 (Scottish Government 2010b)	The PAN provides advice to communities on how they can get involved and advice to planning authorities and developers on ways of effectively engaging with communities on planning matters. It advocates the use of ten National Standards for the delivery of effective community engagement in land use planning, providing detailed advice on each standard as follows: Involvement; Support; Planning; Methods; Working Together; Sharing Information; Working with Others; Improvement; Feedback; and Monitoring and Evaluation.
PAN 1/2011	Planning and Noise (Scottish Government 2011c)	The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It promotes the appropriate location of new potentially noisy development, and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth.
PAN 2/2011	Planning and Archaeology (Scottish Government 2011d)	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 (Scottish Government 2013) (revised May 2017)	Updated guidance to reflect 2017 regulations. This contains advice on the integration of EIA procedures into the overall development management process.

18.3.23 Table 18.4 contains relevant Planning Circulars which provide statements of Scottish Government policy and guidance on implementation and/or procedural change.

Table 18.4: Relevant Planning Circulars

Circular	Title	Description
18/1987 (as amended by 29/1988 and 25/1994)	Development Involving Agricultural Land (Scottish Executive 1987)	Development of Agricultural Land defines the general policy aim as being to conserve agricultural land in a situation of considerable shortfalls in basic commodities. That policy has been implemented through development plans and development control under the Town and Country Planning (Scotland) Act 1972.
1/2017	The Town and Country Planning (EIA) (Scotland) Regulations 2017	This Circular gives guidance on the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, ("the 2017 Regulations"), as the latest Regulations which transpose the Environmental Impact Assessment or 'EIA' Directive into the Scottish planning system. This Circular supersedes Circulars 1/2011 and 8/2007 Annex E). Following the withdrawal of Annex E of Circular 8/2007, there is no specific guidance for roads projects assessed under the Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017 and so this is the closest equivalent.

18.3.24 An overview of other national planning policy and guidance is provided in Table 18.5.

Table 18.5: Other Relevant Guidance

Title	Description
Historic Environment Policy for Scotland (HEPS) (Historic Environment Scotland 2019)	The policy statement replaces the Historic Environment Scotland Policy (HESPS) (2016) and provides direction on decision-making that affects the historic environment. There are six policies for managing the historic environment, which are: <ol style="list-style-type: none"> 1. Decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance. 2. Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations. 3. Plans, programmes, policies and strategies and the allocation of resources should be approached in a way that protects and promotes the historic environment. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place. 4. Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place. 5. Decisions affecting the historic environment should contribute to the sustainable development of communities and places. 6. Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.
Managing Change in the Historic Environment (Historic Environment Scotland 2010-2019)	The series provides best practice advice to guide changes to the historic environment. The guidance note on Setting is of particular relevance to the proposed scheme, providing advice on how to assess the impact of change on the setting of historic assets.
Our Place in Time - The Historic Environment Strategy for Scotland (Scottish Government 2014c)	Scotland's 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.
Scotland's Zero Waste Plan (Scottish Government 2010c)	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 2015c)	Complements NPF3, SPP and Scotland's Zero Waste Plan. A low carbon place and 'circular economy' are alternatives to the 'make, use, dispose' culture which means re-using products and materials continually and growing a low carbon economy.
Online Planning Advice on Flood Risk (Scottish Government 2015d)	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

18.3.25 The documents which comprise the existing and emerging development plans are listed in Table 18.1 and are described below.

Highland Wide Local Development Plan (HwLDP) (The Highland Council 2012)

18.3.26 The HwLDP sets out the overarching vision statement, spatial strategy and general planning policies for the whole of The Highland Council area. Appendix A18.2 (Assessment of Development Plan Policy Compliance) reports the assessment of the proposed scheme's compliance with the policies of the HwLDP. The HwLDP seeks to diversify the economy of the area. The HwLDP 'Vision and Spatial Strategy' for the Inner Moray Firth area states that by 2030 the area will:

- *'have increased the number of jobs, people and facilities;*
- *have a growing city;*
- *have safeguarded and enhanced its special places;*

- *have made it easy for people and wildlife to move through a green network;*
- *have more efficient forms of travel;*
- *have resolved its infrastructure constraints;*
- *have diversified its economy; and,*
- *be regenerated and renewed’.*

- 18.3.27 Section 5.2.3 of the HwLDP supports a competitive, sustainable and adaptable Highland economy by:
- ‘helping to deliver, in partnership with Transport Scotland and other transport bodies, transport infrastructure improvements across the area in line with the Council’s Local Transport Strategy and the Scottish Government’s Strategic Transport Projects Review’; and*
- ‘providing opportunities which encourage economic development and create new employment across the area focusing on the key sectors of life sciences, energy, tourism, food and drink, higher education, inward investment, financial and business services, creative industries, aquaculture and renewable energy, whilst at the same time improving the strategic infrastructure necessary to allow the economy to grow over the long term’.*

Proposed Highland Wide Local Development Plan 2 Main Issues Report (The Highland Council 2015a)

- 18.3.28 This MIR identifies key development and land use issues facing the area and sets out The Highland Council’s preferred option and reasonable alternatives for guiding future development. It will help shape the content of a Proposed Plan for HwLDP2, which when adopted will replace the existing HwLDP.
- 18.3.29 Section 10 (The A96 Corridor – Phasing and Infrastructure) presents an A96 Corridor Strategy Map and states within the text that the majority of growth of the city (Inverness) during the period 2016-2031 should be directed to the corridor between Inverness and Nairn. It also points out that this is in line with the growth strategy set out in The A96 Growth Corridor Development Framework (The Highland Council, 2007). The Strategy Map indicates the key growth areas along the route, including East Inverness growth area.

Inner Moray Firth Local Development Plan (IMFLDP) (The Highland Council 2015b)

- 18.3.30 The IMFLDP was adopted on 31 July 2015 and provides plans and proposals for delivering development within the Inner Moray Firth Area, in accordance with the Vision of the HwLDP (see paragraph 18.3.27 above). Appendix A18.2 (Assessment of Development Plan Policy Compliance) reports the assessment of the proposed scheme’s compliance with the key proposals of the IMFLDP.

Inverness and Highland City-Region Deal (The Highland Council 2017)

- 18.3.31 The Inverness and Highland City-Region Deal is an important delivery mechanism for the region’s vision to achieve sustainable and inclusive long-term economic growth. Through the deal a formalised commitment was made to provide funding of up to £135m by the Scottish Government, supported by a further £127m from the Highland Council and £53m from the UK government. With regards to the proposed scheme, it is noted in paragraph 40 that:

‘The Inverness and Highland City-Region Deal will support the development of the A9/A96 Inshes to Smithton Link Road which will improve the operation of the network for longer distance and local journeys, providing relief to the A96 east of Inverness and the Raigmore junction.’

- 18.3.32 Paragraph 42 goes on to state that The Highland Council, as part of the City-Region Deal, will provide economic support to enhance the local road network at Inshes to support development in the local area.

Inverness East Development Brief (The Highland Council 2018)

- 18.3.33 The Inverness East Development Brief (IEDB) provides detailed land use requirements for the Inverness East city expansion area. It is based on the allocations and policies set out in the Highland-wide Local Development Plan and the Inner Moray Firth Local Development Plan. The IEDB was adopted in June 2018 as supplementary guidance to the IMFLDP (The Highland Council 2015).
- 18.3.34 In relation to the proposed scheme (referred to as 'East Link'), the IEDB describes the need for collaborative delivery to ensure the sustainable growth of the area, stating in Paragraph 46 that the '*East Link is integral to the pattern of land use within the heart of the Brief area*'.
- 18.3.35 There has been regular engagement with The Highland Council throughout the DMRB Stage 3 Assessment of the proposed scheme to ensure design development has had regard to the masterplan and design principles in the IEDB. Assessment of the impacts of the proposed scheme on development land allocations included in the IEDB is reported in Chapter 15 (People and Communities: Community and Private Assets).

Local and Regional Transport Policies

The Transport Strategy for the Highlands and Islands 2008 to 2021 (HITRANS 2008)

- 18.3.36 The HITRANS (2008) Regional Transport Strategy (RTS) sets out the framework for taking forward transport policy and infrastructure. The RTS outlines the objectives and programme of action to enhance transport in the HITRANS area, which includes delivering the '*Inverness trunk link road to remove through traffic from the city centre and open up development land to the east of the City*' (p.8).
- 18.3.37 The primary objective for the RTS 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*'. (HITRANS 2008, p. 6). Actions and investment to deliver the RTS are focused on a range of themes including the following:
- active travel;
 - congestion and urban issue;
 - locally significant network and maintenance of the area's roads;
 - cost of transport and travel; and
 - environmental impacts.
- 18.3.38 An updated Draft Regional Transport Strategy (HITRANS 2017) was published for consultation in May 2017. The refreshed vision proposed in this document is '*to deliver connectivity across the region which enables sustainable economic growth and helps communities to actively participate in economic and social activities*' (p.5). The delivery plan includes an item for advancement of a programme of investment in key regional and trunk road pinch points, which includes the proposed scheme as a committed project.

18.4 Assessment of Compliance

- 18.4.1 An assessment of compliance of the proposed scheme against national and local planning policies is provided below, with a detailed assessment of local and regional development plan policies being undertaken in Appendix 18.2 (Assessment of Development Plan Policy Compliance).
- 18.4.2 This section provides a summary of the compliance assessment, with particular reference to key policy themes.

The Proposed Scheme: Key Policy Principles

National Policy

- 18.4.3 The proposed scheme would provide improved connectivity of the strategic road network, as part of a wider package of infrastructure improvement priorities identified in NPF3 including the dualling of the A9

from Perth to Inverness and the dualling of the A96 from Inverness to Aberdeen. It would enable more effective use of the road network hierarchy. In addition, the proposed scheme objectives include contributing to The Highland Council's Development Plan aims for development east of the A9, and to complement the benefits arising from the dualling of the A96. Therefore, it is considered consistent with national policy in NPF3 and SPP, which seek to achieve a connected, successful and sustainable place as well as creating a natural place to invest.

Placemaking

- 18.4.4 Placemaking is a principal policy of SPP, which states 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 2014c, p.12). It is recognised that impacts will occur on some environmental receptors due to the scale and nature of the proposed scheme. However, it is considered that the design seeks to balance the objectives of improved transport connections with potential environmental impacts in an appropriate manner.

Economy

- 18.4.5 A key role for the planning framework is to support growth and development. SPP Paragraph 93 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.*' (SPP 2014c, p. 28). It is considered that the proposed scheme is consistent with this principle.

Enabling Delivery of New Homes

- 18.4.6 In accordance with the aim of the Scottish Government to increase the number of homes within Scotland, the proposed scheme will support delivery of planned housing areas by improving access to land east of Inverness. With close collaboration with The Highland Council the proposed scheme enables development on strategic sites identified in the development plan for the Inverness East urban expansion.

Local Policy and Site Allocation

Highland Wide Local Development Plan (HwLDP) (The Highland Council 2012)

- 18.4.7 In principle, the proposed scheme supports the objectives of local policy by promoting more efficient forms of travel, resolving infrastructure constraints, and promoting a regenerated, renewed and diversified economy. It is stated in Section 5.2.3 of the HwLDP that '*the HwLDP will help to deliver, in partnership with Transport Scotland and other transport bodies, transport infrastructure improvements across the area in line with the Council's Local Transport Strategy and the Scottish Government's Strategic Transport Projects Review*'. The delivery of the A9/A96 Inshes to Smithton scheme is consistent with those objectives and will help promote sustainable economic growth in accordance with The Highland Council's spatial strategy.
- 18.4.8 The HwLDP has been supported by supplementary documents including the Inverness, Nairn and A96 Corridor Transport Study (The Highland Council 2010c) which was developed to inform future growth and development decisions. The key developments that are envisaged to take place within the study area include the Inverness Campus site at Beechwood, the development of East Inverness at Stratton (The Highland Council 2012, paragraph 3.5).
- 18.4.9 Chapter 8 (Inner Moray Firth) of the HwLDP sets out the vision for the Inner Moray Firth which seeks to ensure growth of jobs and population, including in the A96 Corridor. It identifies as the need to resolve infrastructure constraints and remove barriers to growth. In addition, an indicative route for the A9/A96 Inshes to Smithton scheme is provided.
- 18.4.10 The principle of the proposed scheme is therefore consistent with the HwLDP.

Inner Moray Firth Local Development Plan (IMFLDP) (The Highland Council 2015a)

- 18.4.11 It is expected that the proposed scheme would support the objectives of IMFLDP policy by contributing to the delivery of sustainable economic growth in the Inner Moray Firth Area. It is stated in Section 3.3 of the IMFLDP that the Inverness to Nairn Growth Area is supported by a strategy which includes 'investing in infrastructure to support growth and improve connectivity, including road improvements to the A96, A9, West Link, East Inverness network and a Nairn bypass'. The delivery of the A9/A96 Inshes to Smithton scheme would contribute to this investment and is considered as an integral component of the spatial development strategy set out in the development plan.

EIAR Chapter 7: Air Quality

- 18.4.12 Policy themes of relevance to this topic include maintaining and improving air quality (including designated Air Quality Management Areas), and protection of residential amenity. The main policies associated with this are HwLDP Policy 28 (Sustainable Design), Policy 72 (Pollution) and Policy 73 (Air Quality).
- 18.4.13 Policy 28 (Sustainable Design) sets out that the Council will assess developments in relation to the extent that they impact on individual and community residential amenity. Policies 72 and 73 require that suitable assessment is undertaken for proposals that may result in significant pollution, including air quality, and that appropriate mitigation is identified.
- 18.4.14 An assessment of the impact of the proposed scheme on air quality has been undertaken, and The Highland Council, as an environmental health authority, has been consulted on the scope and methods. 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 7 (Air Quality). While the policies are not directly relevant to road developments and are aimed at new buildings, it is relevant to note that the chapter does assess regional emissions, including hydrocarbons and carbon dioxide.
- 18.4.15 Chapter 7 (Air Quality) concludes that no significant effects on local air quality or regional emissions are expected as a result of the proposed scheme, and no effects on nearby designated sites, including Longman Stuart Castle Bays Site of Special Scientific Interest (SSSI). It is predicted that 54 receptors will experience a decrease in NO₂, whilst 22 receptors are predicted to experience an increase in NO₂ concentrations.
- 18.4.16 It is concluded that some dust impacts may occur at sensitive receptors during the construction phase due to construction vehicles utilising existing the A9, A96 and smaller B-roads. Mitigation during construction to minimise potential fugitive dust emissions includes adopting best practice measures within a Construction Environmental Management Plan (CEMP), with dust mitigation measures to be agreed between the contractor and The Highland Council. As a result, there would be no significant effects on air quality during the construction phase of the scheme. No mitigation measures are required for the operation of the proposed scheme.
- 18.4.17 Overall, it is assessed that the proposed scheme is compliant with policy objectives on air quality.

EIAR Chapter 8: Noise and Vibration

- 18.4.18 Policy themes of relevance to this topic include the minimisation of impacts from the proposed scheme to the local environment, especially the impacts on noise sensitive land uses and receptors (NSR). The main policies associated with this are HwLDP Policy 28 (Sustainable Design) and Policy 72 (Pollution), the details of which are set out in Appendix A18.2 (Assessment of Development Plan Policy Compliance).
- 18.4.19 As identified in Chapter 8 (Noise and Vibration), there are 2,711 dwellings, and 42 other noise sensitive receptors within the calculation area.
- 18.4.20 During construction, assuming appropriate mitigation measures are employed, it is anticipated that any potential significant adverse impacts associated with construction are unlikely to arise and any would be short-term in nature.

- 18.4.21 During operation, the assessment indicates that Drumossie Cottage, ten dwellings at Castlehill Court, and the Culloden House Care Home (under construction at time of writing) are expected to experience a significant residual noise impact in the short-term. In the long-term, Drumossie Cottage is the only NSR assessed to experience a significant residual impact (Slight/Moderate Adverse). However, the increase in noise levels is attributed to traffic flow changes in the wider road network and not directly from road traffic noise from the proposed scheme.
- 18.4.22 HWLDP Policy 72 requires a detailed noise assessment for proposals which may result in significant noise pollution, which shows how the pollution can be appropriately avoided and if necessary mitigated. The assessment undertaken for the proposed scheme is consistent with this policy.
- 18.4.23 HWLDP Policy 28 requires consideration to be given to impacts on residential amenity. However, it also notes an exception for developments that have *'significant adverse effects...if there is demonstrable over-riding benefit or if satisfactory overall mitigating measures are incorporated*. It is assessed that the objectives of the proposed scheme, as outlined in Chapter 2 (Need for the Scheme), as well as the identification of proposed mitigation in Chapter 8, including the preparation of a CEMP, are consistent with this aspect of policy.

EIAR Chapters 9 and 10: Landscape and Visual

- 18.4.24 Policy themes of relevance to this topic are to conserve and protect the character and special qualities of the landscape, and to ensure that the proposed scheme does not adversely impact the setting and character of the surrounding area. Key policies in the HWLDP associated with these topics are: Policy 28 (Sustainable Design); Policy 29 (Design Quality and Place-making); Policy 30 (Physical Constraints); Policy 51 (Trees and Development); Policy 52 (Principle of Development in Woodland); Policy 57 (Natural, Built and Cultural Heritage); Policy 61 (Landscape); and Policy 74 (Green Networks). Within the IMFLDP, Policy 2 (Delivering Development) is associated with these topics. In addition, the provisions on Placemaking in SPP are relevant.
- 18.4.25 Policy 28 (Sustainable Design) sets out that the Council will assess developments in relation to the extent that they impact on the landscape, demonstrate sensitive siting and high-quality design in keeping with local character and impact on individual and community residential amenity.
- 18.4.26 Chapter 9 (Landscape) reports that the proposed scheme will result in a Moderate/Substantial impact upon the Enclosed Farmed Landscapes Local Landscape Character Area (LLCA) as it would affect the tranquillity and landscape pattern of the area. However, this is expected to reduce to a Moderate impact 15 years after the proposed scheme opens. In addition, a Moderate impact on the Inverness Campus LLCA is expected as a result of associated earthworks, structures and lighting on the edges of the LLCA, however this would reduce to Slight after 15 years of the proposed scheme opening.
- 18.4.27 Chapter 10 (Visual) states that approximately 82 built receptor locations and six outdoor receptor locations would experience significant adverse visual impacts in the winter year opening of the proposed scheme. By the summer, 15 years after the opening of the proposed scheme, mitigation would reduce impacts on views to 38 built receptor locations and two outdoor receptor locations. Moderate impacts are expected for built receptors at Cradlehall Meadows, Ashton Farm Farmhouse, Ashton Farm Cottages and Caulfield Road North in summer 15 years after the proposed scheme opening. Moderate impacts are also expected to the outdoor receptors, Core Path IN08.10 and local path from Inverness Campus access road to Drumrosach Footbridge.
- 18.4.28 Policy 57 (Natural and Cultural Heritage) states that development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its siting. It identifies criteria to be applied based on the designation of the feature as either local/regional, national or international importance. Chapters 9 (Landscape) and 10 (Visual) consider the impacts of the proposed scheme on the designations listed in Appendix 2 for this policy. The assessment for these chapters concludes that there are no impacts on international, national or local landscape designations in relation to the proposed scheme.
- 18.4.29 Policy 61 (Landscape) outlines that new development should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. The proposed scheme will result in a Moderate/Substantial impact on the

Enclosed Farm Landscapes LLCA. However, impacts will be reduced to Moderate, 15 years after the implementation of mitigation, including woodland, tree line/avenue and hedge row planting.

- 18.4.30 Given that there are significant landscape and visual residual impacts to the Enclosed Farmed Landscapes LLCA as well as built and outdoor receptors within the study area, the proposed scheme may have conflict with aspects of Policies 28, 29 and 61, which is expected with an infrastructure scheme of this scale and nature. However, the changing context of the area is also a relevant consideration. As explained in Chapter 9 (Landscape), paragraph 9.3.55, the assessment of landscape impacts is based on existing land use, given the layout and programme of future development in the Inverness East Development Brief (IEDB) is indicative. However, on completion of all phases of expected future development the landscape character in parts of the study area is expected to undergo substantial change, the existing farmland giving way to suburban development. As the IEDB is realised and housing implemented it is considered that the sensitivity of the local landscape to the proposed scheme would be unlikely to be any greater than that of the existing rural landscape. This is due to the urbanising effect of the future development, the proposed scheme being an integral part of the expansion.

EIAR Chapter 11: Ecology and Nature Conservation

- 18.4.31 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. The main local policies of relevance are HwLDP Policy 9 (A96 Corridor – Phasing and Infrastructure), Policy 28 (Sustainable Design), Policy 30 (Physical Constraints), Policy 51 (Trees and Development), Policy 52 (The Principle of Development in Woodland), Policy 57 (Natural, Built and Cultural Heritage), Policy 58 (Protected Species), Policy 59 (Other Important Species), Policy 60 (Other Important Habitats) , Policy 74 (Green Networks) as well as IMFLDP (2015) Policy 4 (Water and Waste Water Infrastructure in the Inverness to Nairn Growth Area). In addition, the provisions of SPP on Sustainability and Valuing the Natural Environment are relevant.
- 18.4.32 Policy 28 (Sustainable Design) states that developments will be assessed on the extent to which they impact on habitats, freshwater systems, species and marine systems. Specific to criteria on impacts to designated areas from pollution and discharges, Chapter 11 does not identify any impacts of significance to the resources listed within the criteria.
- 18.4.33 Policy 51 (Trees and Development) states that the Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. This is further supported by Policy 52 (The Principle of Development in Woodland) which states that the Council will maintain a strong presumption in favour of protecting woodland resources and that development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required. Chapter 11 (Ecology and Nature Conservation) does not identify any Ancient Woodland Inventory (AWI) sites within the study area; however, nine sites on the Native Woodland Survey of Scotland (NWSS) lie partly within the study area. Impacts are identified on woodland that is used by bats and breeding birds throughout the proposed scheme; however, these will be mitigated through woodland retention and ecological planting measures.
- 18.4.34 Policy 57 (Natural, Built and Cultural Heritage) states that development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the features and its setting. It identifies criteria to be applied based on the designation of the feature as either local/regional, national or international importance. These features are set out in Appendix 2 of the HwLDP and in relation to habitats and biodiversity these include Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar Sites, National Nature Reserves, Sites of Special Scientific Interest (SSSI) and woodland on the Ancient Woodland Inventory (AWI). The assessment, set out in Chapter 11, states that the proposed scheme will not result in impacts of significance to any international, national or local landscape designation listed within Appendix 2 of the HwLDP, demonstrating compliance with this policy.
- 18.4.35 HwLDP Policy 58 (Protected Species) safeguards protected species that may be present on-site or may be affected by the proposed scheme. Policy 59 (Other Important Species) and Policy 60 (Other Important Habitats) offer similar protection for other important species and habitats. All policies require

appropriate survey work to be carried out to ensure impacts are managed to address adverse effects on protected species or an area designated of its natural heritage value. During the growth phase of landscape and ecological planting, a negative residual impact on breeding birds and bats is predicted due to the loss and fragmentation of habitat. However, this impact would be temporary in nature and once cover is established no significant residual impacts are predicted.

- 18.4.36 However, the proposed scheme will not result in further impacts of significance to the species listed within Policies 58, 59 and 60. Furthermore, additional mitigation for protected species is proposed within Chapter 11, including the provision of suitable crossing structures as well as otter and badger fencing. Chapter 11 (Ecology and Conservation) also includes mitigation related to new woodland planting, the management of retained woodland and the development of a Woodland Habitat Management Plan. With the above mitigation in place, the proposed scheme complies with policy objectives on ecology and nature conservation.

EIAR Chapter 12: Geology, Soils, Contaminated Land and Groundwater

- 18.4.37 Key policy themes of relevance to this topic include the protection of the water environment (including groundwater and Private Water Supplies (PWS)), maintaining geodiversity and the suitability of use and remediation of contaminated land. The main local policies of relevance to the proposed scheme are HwLDP Policy 30 (Physical Constraints), Policy 55 (Peat and Soils), Policy 57 (Natural, Built and Cultural Heritage) and Policy 72 (Pollution) in addition to the provisions of SPP on Sustainability and Valuing the Natural Environment.
- 18.4.38 In relation to geology, soils, contaminated land and groundwater, Policy 28 (Sustainable Design) states that proposed developments will be assessed on the extent to which they are affected by physical constraints as set out in Policy 30 (Physical Constraints), impact on freshwater systems and impact on non-renewable mineral deposits of potential commercial value.
- 18.4.39 Policy 30 (Physical Constraints) states that developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance (The Highland Council 2013). This guidance highlights the following constraints as being relevant to this topic; PWS, proven mineral reserves, and new, existing or former waste management sites and other contaminated land. Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided. Chapter 12 (Geology, Soils, Contaminated Land and Groundwater) identifies both direct and indirect disturbance of potential pollutant sources during both construction and operation of the proposed scheme. No impacts on PWS are expected. Compliance with Policy 30 is expected as consideration is given to the location of the proposed scheme in relation to physical constraints listed in this policy.
- 18.4.40 The aim of Policy 55 (Peat and Soils) is to ensure the minimisation, management and positive re-use/recycling of minerals and, in the case of peat, should demonstrate avoidance of unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal. No peat has been identified within the study area; however, its excavation cannot be excluded at this stage. With appropriate mitigation measures relating to the excavation, storage or removal of peat (if found), the proposed scheme complies with this policy.
- 18.4.41 There are no designated geological receptors expected to interact directly or indirectly with the proposed scheme, so the proposed scheme is compliant with Policy 57 (Natural, Built and Cultural Heritage).
- 18.4.42 Policy 72 (pollution), seeks to preserve the quality of the environment, including the water environment. During construction and operation of the proposed scheme there is anticipated to be direct disturbance of seven potential contaminated land sources and indirect disturbance of four potential contaminated land sources which have the potential to impact on human receptors. However, with the implementation of mitigation, including further site investigations, no significant impacts are expected.
- 18.4.43 Overall, it is considered that the proposed scheme is compliant with relevant policy on this topic.

EIAR Chapter 13: Road Drainage and the Water Environment

- 18.4.44 Key policy themes of relevance to this topic include water quality and resources, and flood risk and drainage. The main policies of relevance are HwLDP Policy 28 (Sustainable Design), Policy 30 (Physical Constraints), Policy 63 (Water Environment), Policy 64 (Flood Risk), Policy 65 (Waste Water Treatment), Policy 66 (Surface Water Drainage), and Policy 72 (Pollution). In addition, the provisions of SPP on Sustainability and Flood Risk and Drainage are relevant.
- 18.4.45 Policy 30 (Physical Constraints) states that developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance (The Highland Council 2013). Chapter 13 (Road Drainage and the Water Environment) considers the location and impact of the proposed scheme upon the relevant constraints listed in the supplementary guidance, including Flood Risk Areas and PWS. In relation to flood risk areas, Chapter 13 has outlined appropriate mitigation measures and as such compliance with this policy has been considered.
- 18.4.46 Policy 63 (Water Environment) supports proposals for development that do not compromise the objectives of the Water Framework Directive (WFD) (2000/60/EC) and aims to protect and improve Scotland's water environment. Consideration has been given to relevant River Basin Management Plans' objectives for water bodies in Chapter 13 (Road Drainage and the Water Environment) and Appendix A13.6 (Water Framework Directive and River Basin Management Planning). The assessment concludes that if good practice guidance is adhered to, and appropriate mitigation measures are implemented, the proposed scheme design will pose no risk to the degradation of the current quality elements for Cairnlaw Burn (SWF08). As such it is considered that the objectives of the WFD are achieved, and the provisions of Policy 63 are complied with.
- 18.4.47 Policy 64 (Flood Risk) comments that a Flood Risk Assessment or other suitable information which demonstrates compliance with SPP will be required (where proposals border medium to high risk flood areas) and it also requires that a proposal should not compromise the objectives of the EU Water Framework Directive. Chapter 13 (Road Drainage and the Water Environment) indicates that the proposed scheme crosses areas of high flood risk as categorised by SEPA Flood Maps. However, Chapter 13 (Road Drainage and the Water Environment) reports on the Flood Risk Assessment undertaken, and adheres to SPP through the submission of suitable information such as mitigatory measures which in effect contain significant flood risk impacts within the land to be acquired for the proposed scheme, with neutral or beneficial impacts on flood risk on receptors on other land.
- 18.4.48 Policy 65 (Waste Water Treatment) seeks to ensure that developments are appropriately connected to the public sewage systems or have appropriate alternatives in place. Although not directly applicable to the proposed scheme, the impact on potential sewage sources as a result of construction of the proposed scheme has been assessed in Chapter 13 (Road Drainage and the Water Environment). It is stated that impacts upon water quality for all surface water features are expected to be of Slight or Neutral significance following the implementation of proposed mitigation, including the appropriate disposal of sewage from site facilities to a foul sewer or via appropriate treatment and discharge as agreed with SEPA in advance of construction.
- 18.4.49 Policy 66 (Surface Water Drainage) requires developments to be drained by Sustainable Drainage Systems (SuDS) and states that each drainage scheme must include proposals for long-term maintenance. SuDS measures have been included in the proposed scheme and have been designed in accordance with appropriate guidance.
- 18.4.50 Policy 72 (Pollution) states that any proposals that may result in significant pollution, including to water, would only be approved where a detailed assessment report on the levels, character and transmission and receiving the environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated. The policy also notes that '*Major Developments*' and developments that are subject to an Environmental Impact Assessment (EIA) would be expected to follow a robust project environmental management process following the approach set out in the Construction Environmental Management Process for Large Scale Projects Guidance Note (The Highland Council 2010b) or a similar approach. As assessed within Chapter 13, the significance of potential impacts of water quality at both construction and operation phases in terms of pollution impact has been assessed as being Slight or Neutral during both construction and operation of the proposed scheme after the implementation of proposed mitigation.

- 18.4.51 With the above considered, the proposed scheme design and mitigation (including flood mitigation strategy) is expected to comply with policies related to Road Drainage and the Water Environment.

EIAR Chapter 14: Cultural Heritage

- 18.4.52 Key policy themes of relevance to this topic include seeking to minimise adverse effects on historic and cultural assets (including Scheduled Monuments, Listed Buildings, Conservation Areas and Gardens and Designed Landscapes). The main local policies associated with this are HwLDP Policy 28 (Sustainable Design), Policy 29 (Design Quality and Place-Making) and Policy 57 (Natural, Built and Cultural Heritage) which provides criteria that should be applied in regard to features of local/regional, national and international importance. In addition, the provisions of SPP on Sustainability and Valuing the Historic Environment as well as the policies of the HEPS are relevant.
- 18.4.53 Policy 28 (Sustainable Design) states that developments will be assessed on the extent to which they impact on cultural heritage. Furthermore, Policy 57 (Natural Built and Cultural Heritage) states that development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the features and its setting. It identifies criteria to be applied based on the designation of the feature as either local/regional, national or international importance. These features are set out in Appendix 2 of the HwLDP and in relation to cultural heritage these include Scheduled Monuments, category A, B and C(s) Listed Buildings, Historic Gardens and Designed Landscapes, and Sites and Monuments Record Archaeological Sites.
- 18.4.54 Chapter 14 (Cultural Heritage) does not anticipate impacts of significance during construction and operation to historic buildings and historic landscape types. However, in relation to archaeological remains, construction and operation of the proposed scheme will have an impact on the setting of Ashton Farm Cottages Ring Ditch 415m SW and Pit Circles 460m WSW of (hereafter known as the Scheduled Monument; Asset 14) and Stratton Possible Hut Circles 1 (Asset 45) (an undesignated asset). Residual significance of impacts to both assets, after the implementation of mitigation, has been assessed as Moderate. Moderate impacts are also anticipated to eight other high value archaeological remains. Although impacts of significance are anticipated to the setting of archaeological remains, the route option selected for the proposed scheme has been influenced by the location of the Scheduled Monument (Asset 14) in order to avoid direct impacts upon it (which has been discussed with Historic Environment Scotland (HES)). Whilst there are still areas of conflict with policy in terms of impact on setting, the proposed scheme is the most beneficial option possible. Mitigation has been proposed to offset impacts on the Scheduled Monument through measures such as increased interpretation and/or additional research to increase the ability to understand the Scheduled Monument and surrounding prehistoric landscape. It is therefore considered that the proposed scheme is in accordance with the principles of policy 4 of HEPS, which states that if detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.
- 18.4.55 In conclusion, although the proposed scheme largely complies with relevant policies on cultural heritage, there are areas of non-compliance due to the level of impact on the Scheduled Monument. Although mitigation has been proposed, there are Moderate residual adverse impacts on the setting of the Scheduled Monument (Assets 14). While HwLDP Policy 57 allows for development where the impacts are clearly outweighed by social or economic benefits of national importance, and SPP refers to development in exceptional circumstances, prior to any determination by Scottish Ministers on this aspect it is considered there may be conflict with policy.

EIAR Chapter 15: People and Communities – Community and Private Assets

- 18.4.56 Key policy themes of relevance to this topic include the safeguarding of existing and future land uses, for economic, residential, tourism and leisure, or community purposes, and protection of prime agricultural land. The main HwLDP policies associated with this include Policy 7 (Inshes and Raigmore), Policy 10 (Beechwood Campus), Policy 11 (Inverness Retail and Business Park), Policy 12 (Stratton) Policy 28 (Sustainable Design), Policy 34 (Settlement Development Areas), Policy 40 (Retail Development), Policy 41 (Business and Industrial Land) and Policy 75 (Open Space). IMFLDP Policy 1 (Promoting and Protecting City and Town Centres) and Policy 2 (Delivering Development) are also considered to be of relevance, in addition to the provisions of SPP on Sustainability (Promoting Sustainable Economic Growth).

- 18.4.57 Policy 7 (Inshes and Raigmore) seeks to promote a number of guiding principles through a development framework produced for the area. The development brief considers and supports the proposed scheme, where it states that *'the route options must still be a consideration in development proposals'* (The Highland Council 2015c, p.15). Chapter 15 (People and Communities – Community and Private Assets) states that No Significant Impact is assessed on the overall development capacity of the site at Inshes and Raigmore and the proposed scheme is therefore considered compliant with policy.
- 18.4.58 Policies 10 (Beechwood Campus), 11 (Inverness Retail and Business Park) and 12 (Stratton) provide criteria for these development areas including the implementation of appropriate infrastructure. The proposed scheme will result in Beneficial impacts at the Beechwood Campus site as it improves access to the site and is not expected to interfere with the sites proposed use. In relation to Policy 11 (Inverness Retail and Business Park), Chapter 15 (People and Communities: Community and Private Assets) does not anticipate any impacts to the retail and business park. In addition, the Stratton allocation is expected to experience No Significant Impacts as the proposed scheme would not result in further impacts on amenity that have not previously been assessed in relation to the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme. These potential beneficial impacts are also of relevance to IMFLDP Policy 1 (Promoting and Protecting City and Town Centres) which seeks to ensure proposed developments do not negatively affect the vitality and viability of centres within the Inner Moray Firth area.
- 18.4.59 Policy 28 (Sustainable Design) encourages development that will promote and enhance the social and environmental wellbeing of The Highland Council area, with developments being assessed on a number of criteria including the extent to which they impact on non-renewable resources, such as prime agricultural land, and the extent to which they promote well used environments which will enhance community safety and security and contribute to the economic and social development of the community. Chapter 15 (People and Communities: Community and Private Assets) does not specifically assess impacts upon residential amenity, however this is assessed within Chapter 8 (Noise and Vibration), Chapter 9 (Landscape) and Chapter 10 (Visual). Chapter 15 (People and Communities: Community and Private Assets) states that residential groupings at Culloden, Smithton, Stratton Phase 1A Residential Development, Cradlehall and Inshes will experience Slight beneficial impacts in terms of vehicle access. Impacts are expected to prime agricultural land with the proposed scheme requiring 7.95ha of land take within the study area. However, SPP (Scottish Government 2014) allows an exception for development on prime agricultural land where it is required for essential infrastructure and where it is a component of a settlement strategy. Due to the proposed scheme's importance in facilitating the wider Inverness East expansion, which is part of The Highland Council's settlement strategy, and its purpose in providing essential infrastructure for strategic network improvements it is considered compliant with policy.
- 18.4.60 In relation to Policy 40 (Retail Development) and Policy 41 (Business and Industrial Land), Chapter 15 states that there are no impacts of significance expected on Commercial, Business and Industrial properties as a result of the proposed scheme. However, there are potential beneficial impacts expected in relation to vehicle travellers connecting from Inverness Retail Park to the A9 via the proposed scheme as well as vehicle travellers of Cradlehall Business Park, Holmes Care (Group) Limited and Simply UK Cradlehall Care Home, Inverness Campus and Scottish Vet Referrals when connecting to and from the A96 via the proposed scheme.
- 18.4.61 Policy 75 (Open Space) sets out the Council's long term aim for open space provision and states that existing areas of high quality, accessible and fit for purpose open space will be safeguarded from inappropriate development. Furthermore, all sites identified in The Highland Council's Audit of Greenspace (The Highland Council 2010a) will be safeguarded unless it can be demonstrated that the open space is not fit for purpose, substitute provision will be provided meeting the needs of the local area or development of the open space would significantly contribute to the spatial strategy for the area. There are no areas of open space designated within the study area and the proposed scheme is compliant with this policy.
- 18.4.62 IMFLDP Policy 2 (Delivering Development) states that developments identified in Section 4 of the Plan will be supported subject to the provision of necessary supporting infrastructure, services and facilities. The proposed scheme is necessary infrastructure which will support the implementation of planned development at East Inverness and is therefore fully in accordance with this policy.

- 18.4.63 In summary, the proposed scheme accords with relevant development plan policies and supports and enables the delivery of planned development areas, therefore demonstrating overall compliance.

EIAR Chapter 16: People and Communities – All Travellers

- 18.4.64 Key policy themes of relevance to this topic include the provision and promotion of 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 HwLDP Policy 28 (Sustainable Design), Policy 29 (Design Quality and Place-Making), Policy 30 (Physical Constraints), Policy 43 (Tourism), Policy 56 (Travel), Policy 77 (Public Access) and Policy 78 (Long Distance Routes). In addition, IMFLDP Policy 2 (Delivering Development) and the provisions of SPP on Promoting Sustainable Transport and Active Travel are relevant.
- 18.4.65 In relation to the assessment on all travellers, Policy 28 (Sustainable Design) seeks to ensure developments are accessible by public transport, cycling and walking. Policy 77 (Public Access) sets out to retain existing paths whilst enhancing their amenity and notes that where this is not possible that alternative access should be provided that is no less attractive, is safe and convenient for public use and does not damage or disturb species or habitats. Policy 78 (Long Distance Routes) seeks to protect long distance routes and their settings.
- 18.4.66 Chapter 16 (People and Communities – All Travellers) states that during construction and operation there are no significant residual impacts anticipated on public transport. However, disruption to NMU routes is expected during construction. Impacts will be temporary but significant (Moderate to Substantial) for NMUs using Core Path IN08.10, Local Paths 2,3,4 and 5 and NCR1/LP11 due to increased diversion lengths. During operation, after the application of mitigation, Moderate impacts are anticipated for NMUs using IN08.10, Local Path 2 and Local Path 5 as a result of an increase in journey length due to severance and diversion. However, facilities for pedestrians, equestrians and cyclists, are an integral feature of the proposed scheme. The proposed scheme incorporates an NMU shared use facility adjacent to the northbound and southbound carriageway and is assessed as being compliant with Policy 28 (Sustainable Design) in this respect.
- 18.4.67 In relation to Policy 77 (Public Access) compliance with policy is expected as alternative access which is '*safe and convenient for public use*' will be provided, and mitigation measures are proposed to avoid damage or disturbance to species and habitats.
- 18.4.68 Policy 29 (Design Quality and Place Making) seeks to ensure a high quality of design in development within both urban and rural parts of the plan area and the creation of high quality environments in which people can live and work. The impacts of the proposed scheme on the safe and convenient movement of NMUs has been considered within Chapter 16 (People and Communities – All Travellers) and as such it therefore considered compliant with policy.
- 18.4.69 In relation to Policy 78 (Long Distance Routes) and Policy 43 (Tourism) the 'National Long Distance Cycling and Walking Network' is considered a national development identified within NPF3 and is therefore considered a tourism asset. Chapter 16 states that continuity of NCN Route 1 within the study area will be maintained at Caulfield Road North and is therefore considered compliant with policy.
- 18.4.70 In summary, although significant impacts are anticipated to NMU routes during both construction and operation, facilities for pedestrians, equestrians and cyclists are considered an integral feature of the proposed scheme. As such, it is considered that the proposed scheme complies with policy in this respect.

EIAR Chapter 17: Materials

- 18.4.71 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. The key HwLDP policies associated with this are Policy 28 (Sustainable design), Policy 53 (Minerals), Policy 54 (Mineral Wastes) and Policy 72 (Pollution). In addition, the provisions of SPP on Sustainability are relevant.

- 18.4.72 In relation to materials, Policy 28 (Sustainable Design) states that developments which have demonstrated that they have sought to minimise the generation of waste during the construction and operational phases would be supported. This is further supported by Policy 54 (Minerals Wastes) which sets out that the Council will encourage the minimisation and positive re-use/recycling of mineral, construction and demolition wastes. Both policies highlight the importance of addressing waste management and the inclusion of a Waste Management Plan.
- 18.4.73 Chapter 17 (Materials) has considered the requirements of Policy 28 (Sustainable Design) and 54 (Mineral Wastes) by outlining the general approach to the handling of materials and waste which includes an adherence to the waste hierarchy as well as the implementation of a CEMP and a Site Waste Management Plan (SWMP).
- 18.4.74 Chapter 17 (Materials) states that as much of the materials as possible used during construction of the proposed scheme will be sourced locally from nearby quarries thus complying with Policy 53 (Minerals). 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.
- 18.4.75 Considering the above, the proposed scheme complies with policies relevant to Materials due to the commitments to implement management plans such as a CEMP and SWMP, and to source material for construction from local sources where possible.

18.5 Conclusion

- 18.5.1 The design of the proposed scheme has been refined through the DMRB process, and mitigation measures are proposed to address potential impacts identified in the assessment chapters of this EIAR (Chapters 7- 17). The design and environmental mitigation reduces potential short and long-term impacts of the proposed scheme where a potential policy conflict has been identified.
- 18.5.2 The principle of development of the proposed scheme is supported in planning policy, with the Scottish Government's commitment to the proposed scheme as part of wider improvements to the strategic road network outlined in various national policy and guidance documents.
- 18.5.3 The proposed scheme also supports regional transport policy objectives as part of a wider strategy to assist in providing enhanced connectivity to deliver prosperity and connect communities across the region.
- 18.5.4 As detailed in Appendix A18.2 and summarised in Section 18.4 (Assessment of Compliance) of this chapter, there are potential areas of non-compliance in relation to Cultural Heritage, Landscape and Visual impacts. These are largely due to the large scale and nature of the proposed scheme, and its proximity to a Scheduled Monument with an impact on setting.
- 18.5.5 The areas of potential local non-compliance should 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. Consultation with The Highland Council regarding design development of the proposed scheme has sought to ensure that the principles of the Inverness East Area are maintained and further enhanced. As such, the proposed scheme is seen as important in the delivery of plans for the future expansion of the Inverness East area.

18.6 References

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