

A18.2 Assessment of Development Plan Policy Compliance

Table 1, Table 2 and Table 3 list the key policies in relation to Highland-wide Local Development Plan, Inner Moray Firth Local Development Plan and The Moray Council Local Development Plan, respectively, which may affect the development of the proposed Scheme. Policies that are marked with 'X' are of particular relevance as there may be non-compliance issues. Policies that are marked with a tick '✓' are generally compliant. Those ES chapters that are relevant to individual policies are cross-referenced.

Table 1: Assessment of Policy Compliance (Highland-wide Local Development Plan)

Policy	Relevant Environmental Assessment Chapter(s)	Compliance	Summary
Highland-wide Local Development Plan (2012)			
Policy 9 - A96 Corridor - Phasing and Infrastructure	Chapter 2 (Need for the Scheme) Chapter 18 (Policies and Plans)	✓ ✓	The Council's strategy is that the majority of the City's growth in the medium and long term (2016 to 2031) should be directed to the corridor between Inverness and Nairn. Prior to this there is an earlier period of development (2011 to 2016) and Policy 9 seeks to ensure that development in this early period will only be supported subject to the provision of interim infrastructure improvements as set out in the Plan. Improvements to the A96 are identified in the HwLDP A96 Corridor Strategy Map and it is therefore considered that the proposed Scheme is fundamental to delivering this policy. Furthermore, as noted in Chapter 15 (People and Communities: Community and Private Assets), a number of key developments in this corridor are constrained until the improvements to the A96 are alleviated.
Policy 12 - Stratton	Chapter 15 (People and Communities: Community and Private Assets)	✓	As noted in Policy 9, a number of key developments along the A96 Corridor Strategy are constrained from development until appropriate infrastructure, including the proposed Scheme, are implemented. While policies 12, 13 and 19 are related to specific developments along the corridor it can be considered that the proposed Scheme would enable these developments to be delivered and, as such, it is in accordance with the policy. Furthermore, the approved Planning in Principle permissions for these developments (Policy 12 and 13) are conditioned to safeguard the land required for the dualling of the A96 (refer to Chapter 15: People and Communities – Community and Private Assets).
Policy 13 - Tornagrain			
Policy 18 - Nairn South	Chapter 15 (People and Communities: Community and Private Assets)	✓	Policy 18 sets out the general approach to land allocated in the HwLDP at Nairn South for mixed-use development. The policy sets out a series of constraints that are required to be alleviated that developers must consider in order deliver the proposals. There is also provision within this policy that requires contribution towards the development of the A96 and recognises the importance of the proposed Scheme in diverting traffic away from the centre of Nairn. While the policy is targeted to developers of mixed use proposals the proposed Scheme does contribute to the wider strategic improvement of the network and is key to alleviating some of the identified constraints.
Policy 19 - Smaller Settlements in the A96	Chapter 15 (People and Communities: Community and	✓	Refer to Policies 12 and 13.

Policy	Relevant Environmental Assessment Chapter(s)	Compliance	Summary
Corridor	Private Assets)		
Policy 28 - Sustainable Design	Chapter 2 (Need for the Scheme)	✓	<p>Policy 28 (Sustainable Design) sets out The Highland Council's requirements for all developments to be designed in the context of sustainable development and climate change. In regard to sustainable development, developments should demonstrate how they promote and enhance social, economic and environmental wellbeing. Developments are assessed on how they comply with the following criteria:</p> <ol style="list-style-type: none"> are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity); are accessible by public transport, cycling and walking as well as car; maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat; are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance; make use of brownfield sites, existing buildings and recycled materials; demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan); impact on individual and community residential amenity; impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links; impact on the following resources, including pollution and discharges, particularly within designated areas: <ul style="list-style-type: none"> habitats freshwater systems species marine systems landscape cultural heritage scenery air quality; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials; promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime; accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and contribute to the economic and social development of the community. <p>Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments. Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if</p>
	Chapter 7 (Air Quality)	✓	
	Chapter 8 (Noise and Vibration)	✓	
	Chapter 9 (Landscape)	✓	
	Chapter 10 (Visual Impact)	✓	
	Chapter 11 (Habitats and Biodiversity)	✓	
	Chapter 12 (Geology, Soils, Contaminated Land and Groundwater)	✓	
	Chapter 13 (Road Drainage and the Water Environment)	✓	
	Chapter 14 (Cultural Heritage)	✓	
	Chapter 15 (People and Communities: Community and Private Assets)	✓	
	Chapter 16 (People and	✓	

Policy	Relevant Environmental Assessment Chapter(s)	Compliance	Summary
	Communities: Effects on All Travellers) Chapter 17 (Materials) Chapter 18 (Policies and Plans)	✓ ✓	there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated. A DMRB Stage 3 Environmental Impact Assessment has been undertaken to identify the significant impacts and where required appropriate mitigation has been proposed. If significant impacts remain following mitigation, the strategic benefits of the proposed Scheme as outlined in Chapter 2 (Need for the Proposed Scheme) are taken into account and compliance with Policy 28 is expected.
Policy 29 - Design Quality and Place-Making	Chapter 9 (Landscape)	X	Policy 29 (Design Quality and Place Making) seeks to ensure that new developments are designed to make a positive contribution to the architectural and visual quality of the place in which they are located with sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts. The policy is derived from The Scottish Government's Designing Streets (2010) and Designing Places (2010) policy statements.
	Chapter 10 (Visual Impact)	X	Chapter 9 (Landscape) assesses any potential changes as a result of the proposed Scheme on the overall pattern of the landscape elements, which together define the landscape character and local regional distinctiveness. The impact of the proposed Scheme on Local Landscape Character Areas (LLCA) has been assessed and in areas where the assessment found that significant direct residual impacts would occur all reasonable steps have been taken to mitigate and ensure a positive contribution is made to the visual quality of place. There are four LLCAs with a significant residual impact (Auldearn Forested Rolling Farmland LLCA, River Nairn Corridor LLCA, Enclosed Forest Edge Farmland LLCA and Culloden Estate Farmlands LLCA).
	Chapter 14 (Cultural Heritage)	✓	Policy 29 also seeks that developments have regard to the historic pattern of development and landscapes. As noted in Chapter 14 (Cultural Heritage) a total of 210 archaeological remains, 69 historic buildings, and 19 historic landscape types were identified within the study area, with impacts expected to occur on the setting of one Historic Landscape Type (HLT25: Auldearn Battlefield) and one Scheduled Monument (Asset 85: Isle View Ring Cairn). While the individual impacts on these assets are significant, as it is not removing the assets it is considered that the historic landscape would retain its coherence and therefore these impacts would not alter the understanding of the historic pattern of development.
	Chapter 16 (People and Communities: Effects on All Travellers)	✓	In compliance with the local distinctiveness of the layouts aspect of the policy, Chapter 16 (Peoples and Communities – Effects on All Travellers) considers the impacts on Non-Motorised Users (NMUs) as a result of the proposed Scheme. While current NMU routes are restricted between communities, the proposed NMU facilities would include a new shared use path between Inverness and Nairn, as well as providing safe crossings of the trunk road. They would also permanently enhance links between communities and improve access to outdoor areas providing greater links and sense of place making.
Policy 30 - Physical Constraints	Chapter 9 (Landscape)	✓	Policy 30 (Physical Constraints) seeks to ensure that developers consider physical constraints, as set out in the 'Physical Constraints Supplementary Guidance', and where relevant demonstrate compatibility with the constraint or outline appropriate mitigation.

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	Chapter 11 (Habitats and Biodiversity)	✓	Through the DMRB assessment process, consideration and assessment of the impact has been undertaken for the following physical constraints, as listed in the Supplementary Guidance: water bodies, areas of floods risk (Chapter 13 Road Drainage and the Water Environment); private water supplies (PWS), active quarries, mineral reserves and contaminated land (Chapter 12: Geology, Soils, Contaminated Land and Groundwater), woodlands (Chapter 11: Habitats and Biodiversity, Chapter 9: Landscape and Chapter 16: People and Communities – Community and Private Assets) and rights of way (Chapter 16: People and Communities: Effects on All Travellers). Furthermore, in the case of safeguarding designated airport areas, an iterative process of consultation has been undertaken with the Highland and Islands Airport Authority to develop an appropriate design that would comply with the Civil Aviation Authorities Standards.
	Chapter 12 (Geology, Soils, Contaminated Land and Groundwater)	✓	
	Chapter 13 (Road Drainage and the Water Environment)	✓	
	Chapter 16 (People and Communities: Effects on All Travellers)	✓	
Policy 34 - Settlement Development Areas	Chapter 15 (People and Communities: Community and Private Assets)	✓	Settlement Development Areas (SDA) are defined in the HwLDP as areas in and around certain existing settlements, being the preferred areas for most types of development, including housing. The areas are identified within future area local development plans, of which the IMFLDP is pertinent to the proposed Scheme. Although impacts on the SDAs identified in the IMFLDP have not been directly assessed, the impact of the proposed Scheme on individual land assets (e.g. residential, commercial and industrial, development land (including planning applications) and agriculture and forestry land) within these areas is included within Chapter 15 (People and Communities: Community and Private Assets). This concludes that despite some land-take from existing residential and commercial and industrial properties, land-take from designated development land is expected in some instances to have a Beneficial impact as a result of the proposed Scheme due to its role in alleviating existing infrastructure constraints. The Policy also refers to the need to be compliant with Policy 28 (Sustainable Design) and Policy 57 (Natural, Built and Cultural Heritage) (see relevant sections of table)
Policy 36 – Development in the Wider Countryside	Chapter 9 (Landscape)	X	As the route of the proposed Scheme traverses both urban and rural land, including land outwith SDAs, Policy 36 (Development in the Wider Countryside) is of relevance to the assessment. Policy 36 (Development in the Wider Countryside) sets out that development proposals in the countryside will be assessed according to the extent to which they: <ol style="list-style-type: none"> 1. are acceptable in terms of siting and design; 2. are sympathetic to existing patterns of development in the area;
	Chapter 10 (Visual)	X	

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	Chapter 13 (Road Drainage and the Water Environment)	✓	<p>3. are compatible with landscape character and capacity;</p> <p>4. avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics;</p> <p>5. avoid, where possible, the loss of locally important croft land; and</p> <p>6. would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.</p>
	Chapter 15 (People and Communities: Community and Private Assets)	✓	<p>The policy also sets out that in considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in Fragile Areas (as defined by Highlands and Islands Enterprise) in maintaining their population and services by helping to re-populate communities and strengthen services.</p> <p>In relation to the compatibility with the landscape (Criteria 1 to 4), Chapter 9 (Landscape) concludes that four LLCA (Culloden Estate Farmland, Enclosed Forest Edge Farmland, River Nairn Corridor and Auldearn Forested Rolling Farmland) are expected to have significant residual impacts. While appropriate mitigation has been identified for the impacts there may still remain a conflict with the existing landscape pattern.</p> <p>In terms of addressing drainage constraints (Criteria 6), as noted in Chapter 13 (Road Drainage and the Water Environment), the proposed Scheme has been designed in accordance with DMRB guidance and would provide an adequate drainage solution through the provision of a Sustainable Drainage System (SUDS).</p> <p>In relation to supporting rural communities, Chapter 15 (People and Communities: Community and Private Assets) reviews potential impacts upon community land and community facilities and community severance. There are no significant impacts on community land or facilities and although there are some instances where there are significant impacts in relation to community severance, these are in relation to journey distance only and the proposed Scheme maintains access to all current facilities and services within the local communities.</p>
Policy 41 - Business and Industrial Land	Chapter 15 (People and Communities: Community and Private Assets)	✓	<p>Policy 41 (Business and Industrial Land) seeks to promote business and industrial sites/locations as indicated on the Proposals Map and those listed in the policy. Of relevance to the proposed Scheme the policy lists Inverness East, Inverness Airport Business Park and Nairn South as key sites. The Council will safeguard each site from other competing uses.</p> <p>As noted in Chapter 15 (People and Communities: Community and Private Assets), the proposed Scheme would result in the loss of some commercial and industrial land, including Inverness East (which includes LA02, LA03, LA04 and LA07 development sites) and Inverness Airport Business Park (LA12), both of which are listed in the policy as strategic business and industrial sites. However, for all but LA07 (Mixed Use (Milton of Culloden)), Chapter 15 concludes that these development land allocations would have a Neutral or Mixed impact. In relation to the Mixed impacts; although there is land-take the relevant local plans highlight the importance of the dualling of the A96 in alleviating transport constraints to development and note the provision to safeguard land for the trunk road improvements. LA07 is expected to have an Adverse impact. However, in respect of this policy the IMFLDP highlights that land should be safeguarded for the trunk road improvements and it is acknowledged that the site would need to provide for the dualling of the A96.</p>

Policy	Relevant Environmental Assessment Chapter(s)	Compliance	Summary
Policy 43 - Tourism	Chapter 15 (People and Communities: Community and Private Assets) Chapter 16 (People and Communities: Effects on All Travellers)	✓ ✓	<p>Policy 43 seeks to promote responsible tourist facilities, taking cognisance of impacts on natural, built and cultural heritage features.</p> <p>The policy is not directly applicable to the proposed Scheme. However, as noted in Chapter 15 (People and Communities: Community and Private Assets) the A96 provides access between Inverness and Aberdeen and acts as a conduit for travellers allowing access to tourist facilities along its route and in the surrounding area. In this context, the proposed Scheme broadly complies with the policy aim to grow the tourism industry in the Scottish Highlands.</p> <p>The 'National Long Distance Cycling and Walking Network' is a national development identified within NPF3 which has direct relevance to the study area for the proposed Scheme. The network will link key outdoor tourism locations across the country and is considered a tourism asset in its own right. Chapter 16 (People and Communities: Effects on All Travellers) highlights that National Cycle Network 1 (NCN1) is maintained in the design of the proposed Scheme and as such by safeguarding this asset the proposed Scheme would further comply with this policy.</p>
Policy 51 - Trees and Development	Chapter 9 (Landscape) Chapter 11 (Habitats and Biodiversity)	✓ ✓	<p>Policy 51 (Trees and Development) seeks the protection of existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. The Highland Council will seek to secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development.</p> <p>Chapter 9 (Landscape) sets out that during construction, where possible, existing features such as trees would be used to screen the proposed Scheme from sensitive visual receptors. Furthermore, mitigation proposals relating to existing and new planting during operation would seek to retain trees and vegetation, wherever possible, and incorporate planting proposals, particularly in areas designated as ancient woodland, in compliance with the compensatory aspect of the policy.</p> <p>Chapter 11 (Habitats and Biodiversity) includes mitigation related to new woodland planting, the management of retained woodland and the development of a woodland Habitat Management Plan.</p>
Policy 52 - Principle of Development in Woodland	Chapter 9 (Landscape)	✓	<p>Policy 52 (Principle of Development in Woodland) requires applicants to demonstrate the need to develop a wooded site and that the woodland site has capacity to accommodate any scheme. There is a strong presumption in favour of protecting woodland resources and development resulting in their loss will only be supported where they offer clear and significant public benefit. Compensatory planting will usually be required where woodland will be removed.</p>
	Chapter 10 (Visual Impact)	✓	<p>Chapter 11 (Habitats and Biodiversity) and Chapter 15 (People and Communities: Community and Private Assets) state that loss of some woodland (including AWI)/forestry land would be required as part of the proposed Scheme. However, this loss should be balanced against the overarching need for the proposed Scheme and the significant socio-economic interests.</p>

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	Chapter 11 (Habitats and Biodiversity)	✓	The provision of alternative or compensatory measures has been considered as a key element of mitigation for the proposed Scheme.
	Chapter 15 (People and Communities: Community and Private Assets)	✓	Chapter 11 (Habitats and Biodiversity) includes mitigation related to the compensatory aspects of the policy including new woodland planting, the management of retained woodland and the development of a woodland Habitat Management Plan. Chapter 9 (Landscape) sets out mitigation proposals related to the compensatory aspects of the policy. These include the retention of trees and vegetation, wherever possible, and incorporation of planting proposals, particularly in areas designated as ancient woodland, in compliance with the compensatory aspect of the policy. Chapter 15 (People and Communities: Community and Private Assets) also outlines a number of mitigation measures that are applicable to development in woodland.
Policy 54 - Mineral Wastes	Chapter 12 (Geology, Soils, Contaminated Land and Groundwater)	✓	Policy 54 (Minerals Waste) seeks to ensure that an appropriate approach is adopted in developments to encourage the minimisation and positive re-use/recycling of mineral, construction and demolition wastes.
	Chapter 17 (Materials)	✓	Chapter 17 (Materials) sets out the general approach to the handling of materials and waste for the proposed Scheme; this includes an adherence to the waste hierarchy in compliance with policy. Furthermore, implementation of a CEMP and a Site Waste Management Plan (SWMP) have been identified as mitigation items and would be implemented during the construction phase in accordance with the policy.
Policy 55 - Peat and Soils	Chapter 12 (Geology, Soils, Contaminated Land and Groundwater)	✓	Policy 55 (Peat and Soils) seeks to ensure that proposals do not unnecessarily disturb, degrade or erode 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. Where development on peat is clearly demonstrated to be unavoidable then The Council may ask for a peatland management plan to be submitted which clearly demonstrates how impacts have been minimised and mitigated. Chapter 12 (Geology Soils, Contaminated Land and Groundwater) identifies three grouped extensive areas of peat to the north of the Kildrummie Kames SSSI. Mitigation including reuse and the development of a Peat Management Plan has been proposed. Furthermore, any peat excavation, storage, and any off-site removal required would be undertaken in accordance with 'Development on Peatland: Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and the Minimisation of Waste' (Scottish Renewables and SEPA 2012) and would comply with relevant waste management practices under The Waste Management Licensing (Scotland) Regulations 2011 (Scottish Government, 2011).
Policy 56 - Travel	Chapter 16 (People and Communities: Effects on All Travellers)	✓	Policy 56 (Travel) provides direction for developments that will involve travel generation. While the policy is not directly applicable to the proposed Scheme, the main objectives of the policy are to ensure that the considerations of Non-Motorised Users are accounted for. Chapter 16 (People and Communities: Effects on All Travellers) notes that currently NMUs are limited in how they move around the existing A96 corridor between Inverness and Auldearn, with provision largely restricted to footpaths between communities. There is currently a limited amount of NMU provision along the trunk road, whilst crossings of

Policy	Relevant Environmental Assessment Chapter(s)	Compliance	Summary
			the trunk road are uncontrolled and at-grade. NMU provisions as part of the proposed Scheme would include a new shared use path between Inverness and Nairn as well as providing safe crossings of the trunk road. The provisions would also permanently enhance links between communities and improve access to outdoor areas. Chapter 16 concludes that the proposed Scheme has achieved the programme objectives set out in the Strategic Environmental Assessment (SEA) as it reduces driver stress, facilitates safe and active travel, integrates public transport facilities and improves access to the wider strategic network as well as employment areas and services.
Policy 57 - Natural, Built and Cultural Heritage	Chapter 2 (Need for the Scheme)	✓	<p>Policy 57 (Natural, Built and Cultural Heritage) sets out that all 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 setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:</p> <ul style="list-style-type: none"> For locally or regionally important features – allow developments if it can be demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource (i.e. impacts should be appropriately mitigated). For nationally important feature - if a significant impact is identified and cannot be mitigated then the impacts should be shown to be outweighed by social or economic benefits. For features of international importance - if a significant impact is identified developments will be subject to appropriate assessment. <p>Chapter 9 (Landscape) considers the impacts on landscape designations as set out in Appendix 2 to the HwLDP. The assessment concludes that there are no impacts on national or local landscape designations in relation to the proposed Scheme and therefore there is no conflict with policy.</p> <p>Chapter 11 (Habitats and Biodiversity) and Chapter 12 (Geology, Soils, Contaminated Land and Groundwater) assess construction and operational impacts on relevant ecological and geological features (including one internationally designated site (Inner Moray Firth SPA) and four nationally designated sites (Loch Flemington SPA, Longman and Castle Stuart Bays SSSI, Kildrummie Kames (geological) SSSI and areas of River Nain Woodland East (listed on the AWI)). In compliance with the aims of the policy no significant residual long-term impacts are expected on any of these designated features.</p> <p>Chapter 14 (Cultural Heritage) identifies 210 Archaeological Remains, 69 Historic Buildings and 19 Historic Landscapes within the study area. With mitigation the majority of these assets would not have significant residual impacts. However, a Moderate residual impact during operation is predicted on the Isle View Ring Cairn Scheduled Monument and Historic Landscape Type 25 (Auldearn Battlefield). These are both considered features of national importance. However, as the proposed Scheme has social and economic benefits of national importance (as supported by national policies and plans), compliance with the policy is expected.</p>
	Chapter 7 (Air Quality)	✓	
	Chapter 9 (Landscape)	✓	
	Chapter 10 (Visual Impact)	✓	
	Chapter 11 (Habitats and Biodiversity) Chapter 12 (Geology, Soils, Contaminated Land and Groundwater)	✓ ✓	
	Chapter 14 (Cultural Heritage) Chapter 18 (Policies and Plans)	✓ ✓	
Policy 58 - Protected Species	Chapter 11 (Habitats and Biodiversity)	✓	Policies 58 (Protected Species) , 59 (Other Important Species) and 60 (Other Important Habitats) aim to ensure that species, including European Protected Species (EPS) and habitats, are appropriately managed and safeguarded from

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Policy 59 - Other Important Species	Chapter 11 (Habitats and Biodiversity)	✓	<p>new developments.</p> <p>Chapter 11 (Habitats and Biodiversity) considers there are no significant long-term residual impacts on any protected species, important habitats or species listed in Annexes I, II and V of the EC Habitats Directive following successful implementation of proposed mitigation measures. The assessment of habitats and species has identified a number of EPS (e.g. Slender Naiad, Otters and Bats) and any impacts on these have been appropriately mitigated in consultation with Scottish Natural Heritage (SNH), SEPA and other relevant stakeholders. In addition, a Species Protection Plan would be prepared for the EPS by the contractor as part of the Construction Environmental Management Plan (CEMP).</p> <p>Policy 58 specifically mentions avoiding adverse disturbance, including cumulatively, to badgers and badger setts. Chapter 11 has found that a positive residual impact is predicted as a result of the greater safe permeability of the proposed Scheme to badgers with reduced rates of mortality once constructed.</p>
Policy 60- Other Important Habitats	Chapter 11 (Habitats and Biodiversity)	✓	
Policy 61 - Landscape	Chapter 9 (Landscape)	X	<p>Policy 61 (landscape) requires new developments to 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 Highland Council encourages applicants to include measures to enhance the landscape characteristics of the area, particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place.</p> <p>Chapter 9 (Landscape) identifies Local Landscape Character Areas (LLCAs) that are relevant to the proposed Scheme. The assessment concludes that, after mitigation, a Moderate/Substantial impact would remain on one LLCA (River Nairn Corridor), with three Moderate impacts (Enclosed Forest Edge Farmland, Culloden Estate Farmlands and Auldearn Forested Rolling Farmland). While these are not designated sites it is considered an unavoidable impact on the character of the area due to the nature of this type of development on the landscape character.</p>
	Chapter 10 (Visual Impact)	X	
Policy 62 - Geodiversity	Chapter 12 (Geology, Soils, Contaminated Land and Groundwater)	✓	<p>Policy 62 (Geodiversity) seeks to ensure that any development proposals include measures to protect and enhance geodiversity interests on international, national and regional/local importance.</p> <p>Chapter 12 (Geology, Soils, Contaminated Land and Groundwater) notes that the Kildrummie Kames SSSI affords statutory protection to an assemblage of landforms which are collectively known as the Kildrummie Kames (also known as Flemington Kames). The SSSI has been assessed in Chapter 12 and it is considered that no mitigation is required for the superficial and solid geology, thereby safeguarding the geodiversity integrity of the SSSI.</p>
Policy 63 - Water Environment	Chapter 13 (Road Drainage and the Water Environment)	✓	<p>Policy 63 (Water Environment) states that the council will support proposals for development that do not compromise the objectives of the Water Framework Directive (WFD) (2000/60/EC).</p> <p>Chapter 13 (Road Drainage and the Water Environment) concludes that with operational mitigation there would be no significant impacts on the water environment in compliance with the objectives of WFD and policy.</p>
Policy 64 - Flood Risk	Chapter 13 (Road Drainage and the Water Environment)	✓	<p>Policy 64 (Flood Risk) outlines a general presumption against proposals for built development in areas susceptible to flooding. As set out in the SPP (Scottish Government 2014), a Flood Risk Assessment (FRA) is required to support a planning application where the development may be at 'medium to high risk' area of flooding. An FRA has been undertaken for the proposed Scheme and is included as Appendix A13.2 (Flood Risk Assessment).</p>

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			Chapter 13 (Road Drainage and the Water Environment) concludes that the majority of impacts in relation to flood risk are insignificant, with the mitigation at three SWFs requiring further detailed design; however the modelling undertaken in support of the FRA demonstrates that it can provide for the appropriate management of flood risk.
Policy 65 - Waste Water Treatment	Chapter 13 (Road Drainage and the Water Environment)	✓	Policy 65 (Waste Water Treatment) seeks to ensure that developments, specifically dwellings, are appropriately connected to the public sewage systems, or have appropriate alternatives in place. Although not directly applicable to the proposed Scheme, it should be noted that the impact of sewage as a result of the proposed Scheme has been assessed in Chapter 13 (Road Drainage and the Water Environment) which notes sewage from site facilities would be disposed of appropriately either to a foul sewer (with the sewerage providers permission of Scottish Water) or appropriately treated and discharged.
Policy 66 - Surface Water Drainage	Chapter 13 (Road Drainage and the Water Environment)	✓	Policy 66 (Surface Water Drainage) sets out the requirement for all proposed developments to be drained by SUDS. In compliance with the policy, Chapter 13 (Road Drainage and the Water Environment) sets out that SUDS have been included in the proposed Scheme and designed in accordance with appropriate guidance. Furthermore, in compliance with the requirements of the policy, regular maintenance of SUDS has been identified as mitigation.
Policy 72 - Pollution	Chapter 7 (Air Quality)	✓	Policy 72 (Pollution) states that proposals that may result in significant pollution (e.g. air, noise, water and light) will only be approved where a detailed assessment has been undertaken which also provides details of appropriate mitigation. Major developments are expected to follow the approach set out in the Council's Guidance Note 'Construction Environmental Management Process for Large Scale Projects'. In compliance with guidance set out in Policy 72, the DMRB assessment process has determined any significant pollution as a result of the proposed Scheme and identified mitigation to reduce the significance of these impacts. Chapter 7 (Air Quality) states that the local air quality assessment indicates that the proposed Scheme would result in a reduction in air pollutant concentrations at a number of properties within Nairn and along the existing A96, whilst there are increases closer to the proposed A96 dual carriageway. Overall more properties receive an improvement in air quality than those which experience a worsening and there is not considered to be a significant effect on local air quality. Chapter 8 (Noise and Vibration) presents an assessment of the potential construction and operational impacts that the proposed Scheme may have on noise and vibration at sensitive receptors. As noted in Chapter 8, predominantly as a result of the proposed Scheme bypassing Nairn, there would be a reduction in noise nuisance on sensitive receptors currently affected by traffic noise from the existing A96. This is primarily the result of moving traffic onto the new bypass and therefore reducing the overall volume of traffic through Nairn on the existing A96. While it is considered that short-term noise impacts would occur as a result of the construction process, the worst affected areas would be appropriately mitigated by the contractor as part of the (CEMP).
	Chapter 8 (Noise and Vibration)	✓	
	Chapter 12 (Geology, Soils, Contaminated Land and Groundwater)	✓	

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	Chapter 13 (Road Drainage and the Water Environment)	✓	<p>Chapter 12 (Geology, Soils, Contaminated Land and Groundwater) concludes that there are no significant impacts on PWS and that mitigation (as outlined within Chapter 13: Road Drainage and the Water Environment) would be included to address potential pollution of groundwater sources, including adherence to SEPA Pollution Prevention Guidelines (PPGs) during construction, and appropriate road drainage and runoff treatment during operation.</p> <p>Chapter 13 (Road Drainage and the Water Environment) concludes that following the implementation of mitigation measures through the CEMP, residual impacts on water quality during construction may lead to some short-term significant impacts. However due to the adoption and implementation of appropriate mitigation measures, no significant residual impacts would occur during operation.</p> <p>Chapter 17 (Materials) notes that a CEMP would be implemented by the contractor in compliance with the Council's guidance Note 'Construction Environmental Management Process for Large Scale Projects'.</p>
	Chapter 17 (Materials)	✓	
Policy 73 - Air Quality	Chapter 7 (Air Quality)	✓	<p>Policy 73 (Air Quality) seeks to ensure that any development proposals which, individually or cumulatively, may adversely affect the air quality in an area be appropriately accompanied by a relevant assessment of impacts.</p> <p>In compliance with Policy 73 (Air Quality), as the proposed Scheme has the potential to adversely affect the air quality in an area to a level which could cause harm to sensitive receptors, a detailed air quality assessment has been undertaken to establish the potential effects.</p> <p>Chapter 7 (Air Quality) concludes that while some dust impacts may occur at sensitive receptors during the construction phase, the local air quality assessment indicates that during operation the proposed Scheme would result in a reduction in air pollutant concentrations at a number of properties within Nairn and along the existing A96. The assessment concludes that there is not considered to be a significant effect on local air quality as a result of the proposed Scheme.</p>
Policy 74 - Green Networks	Chapter 11 (Habitats and Biodiversity)	✓	<p>Green Networks are identified in the HWLDP as being areas that should be protected and enhanced. The supplementary guidance on the green network identifies areas within the authority that have been assessed as green networks and are of value to the community. While the proposed Scheme is not located directly within an area of designated Green Networks, the assessment in Chapter 11 (Habitats and Biodiversity) has taken consideration of the Council's supplementary guidance and sought to implement the principles of good practice from the policy throughout the proposed Scheme in order to safeguard and enhance wildlife corridors.</p>
Policy 75 - Open Space	Chapter 15 (People and Communities: Community and Private Assets)	✓	<p>The Council's long-term aim for open space provision is for open spaces that improve the quality of life for visitors and residents. All sites identified in The Highland Council's Audit of Greenspace will be safeguarded unless:</p> <ul style="list-style-type: none"> • it can be suitably 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. <p>Chapter 15 (People and Communities: Community and Private Assets) outlines that the proposed Scheme would result in land-take of small parcels of greenspace identified in the The Highland Council's Audit of Greenspace. However, in compliance with the Policy, the development of the proposed Scheme would significantly contribute to the spatial</p>

Policy	Relevant Environmental Assessment Chapter(s)	Compliance	Summary
			growth strategy for the region.
Policy 76 - Playing Fields and Sports Pitches	Chapter 15 (People and Communities: Community and Private Assets)	✓	<p>Policy 76 (Playing Fields and Sports Pitches) states that playing fields and sport pitches will be safeguard by from development and should not be developed, except where it can be clearly demonstrated (inter alia) that there is an excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.</p> <p>Playing fields and sports pitches are included within the assessment of community land in Chapter 15 (People and Communities: Community and Private Assets). As no impacts are expected on community land as a result of the proposed Scheme, compliance with Policy 76 is expected.</p>
Policy 77 - Public Access	Chapter 16 (People and Communities: Effects on All Travellers)	✓	<p>Policy 77 (Public Access) seeks to ensure that any developments that significantly affect access to any routes included in a Core Paths Plans, will retain existing paths and their amenity and ensure that alternative access is provided that is no less attractive, safe and convenient for public use, and does not damage or disturb species or habitats.</p> <p>As noted in Chapter 16 (People and Communities: Effects on All Travellers) the proposed Scheme would directly cross nine designated core paths and six aspirational core paths. The current network for NMUs does not provide for any designated crossing points. In compliance with the policy the proposed Scheme would provide an enhanced network for NMU usage, including provision of a new shared use path between Inverness and Nairn, as well as providing safe crossing points across the trunk road.</p>
Policy 78 - Long Distance Routes	Chapter 16 (People and Communities: Effects on All Travellers)	✓	<p>Policy 78 (Long Distance Routes) seeks to safeguard and enhance designated long distance routes as identified in Figure 11 (Pg. 138) of the HWLDP. Of relevance to the proposed Scheme is the National Cycle Network (NCN).</p> <p>As noted in Chapter 16 (People and Communities: Effects on All Travellers), the NCN1 is located within the study area and is safeguarded within the design. It is also stated in Chapter 16 that NMU provision for the proposed Scheme would include a shared use path with a traffic free connection between Inverness and Nairn. It is considered that the new shared use path facility would be utilised for more long distance journeys, ultimately improving the continuity of journeys within the study area.</p>

Table 2: Assessment of Policy Compliance (Inner Moray Firth Local Development Plan)

Policy	Relevant Environmental Assessment Chapter(s)	Scheme Compliance	Summary
Inner Moray Firth Local Development Plan (2015)			
Policy 1 - Promoting and Protecting City and Town Centres	Chapter 2 (Need for the Scheme) Chapter 15 (People and Communities: Community and Private Assets) Chapter 18 (Policies and Plans)	✓ ✓ ✓	<p>Policy 1 seeks to ensure that any proposed developments will not negatively affect the vitality and viability of any centres listed within Section 4 of the Policy. Policy 1 recognises at paragraph 2.14 that <i>'the provision of infrastructure is fundamental to the delivery of development and to create communities served by an appropriate level of services and facilities.'</i> In addition, it goes on to say at paragraph 2.19 about the need to encourage a further shift to more sustainable forms of travel.</p> <p>In regard to the proposed Scheme, the settlements of relevance are Tier 1 (Inverness City Centre), Tier 2 (West Seafield Retail Park and Nairn Town Centre) and Tier 3 (Culloden and Tornagain).</p> <p>As noted in Chapter 15 (People and Communities: Community and Private Assets), the proposed Scheme is fundamental in the overarching master planning process of Tornagain New Town to alleviate constraints associated with the new town's development. Therefore the proposed Scheme would be considered a Beneficial impact.</p> <p>Furthermore, as noted in Chapter 2 (Need for the Scheme), the dualling of the A96 is recognised in national policy for the economic and connectivity benefits it will bring to Inverness and the main growth areas along the A96 corridor.</p>
Policy 2 - Delivering Development	Chapter 15 (People and Communities: Community and Private Assets)	✓	<p>Policy 2 (Delivering Development) is focused on ensuring that development land identified through the IMFLDP is delivered in a strategic manner which takes cognisance of infrastructure, service and facilities. Although not specifically relevant, it would be considered that the proposed Scheme would broadly accord with the aims of the policy as, see Chapter 15 (People and Communities: Community and Private Assets), the dualling of the A96 would alleviate some of the existing constraints identified in the LDP and enable development.</p>
Policy 4 - Water and Waste Water Infrastructure in the Inverness to Nairn Growth Area	Chapter 11 (Habitats and Biodiversity) Chapter 13 (Road Drainage and the Water Environment)	✓ ✓	<p>Policy 4 refers back to Policy 65 of the HwLDP and states that all allocated developments in the Inverness to Nairn Corridor will be required to connect to the public sewer. Improvements to the strategic waste water infrastructure in the area will be required in order to accommodate the level of development supported in this plan. Such improvements must ensure that there will be no adverse effect on the integrity of the bottlenose dolphin qualifying interest of the Moray Firth Special Area of Conservation in terms of the level of waste water treatment, either alone or in combination with other plans or projects. .</p> <p>As noted in Chapter 11 (Habitats and Biodiversity) the proposed Scheme would not have create any adverse effects of the integrity of the Special Areas of Conservations listed in the policy.</p> <p>Chapter 13 (Road Drainage and the Water Environment) notes sewage from site facilities would be disposed of appropriately either to a foul sewer (with the permission of Scottish Water) or appropriately treated and discharged.</p>
Policy 5 - Development Within the Water Catchment of Loch Flemington	Chapter 11 (Habitats and Biodiversity)	✓	<p>Chapter 11 (Habitats and Biodiversity) concludes that no impacts are predicted during construction or operational phases of the proposed Scheme for Loch Flemington which is compliant with the guiding principles and objectives for the policy.</p>

Table 3: Assessment of Policy Compliance (Moray Local Development Plan)

Policy (applicable to land in study area east of Scheme only)	Relevant Environmental Assessment Chapter(s)	Scheme Compliance	Summary
The Moray Local Development Plan (2015)			
PP1 – Sustainable Economic Growth	Chapter 2 (Need for the Scheme) Chapter 18 (Policies and Plans)	✓ ✓	The policy sets out that development proposals which align the Moray Economic Strategy and contribute towards sustainable economic growth will be supported. Whilst no development would take place within the Moray Council area, the phasing of the wider A96 dualling requires the proposed Scheme to be permitted so the next phase within the Moray Council area can be taken forward. Chapter 2 (Need for the Scheme) and Chapter 18 (Policies and Plans) set out the legislative background that fully supports the proposed Scheme and the economic aspirations that its development would help to secure for the area.
PP3 – Placemaking	Chapter 9 (Landscape) Chapter 16 (People and Communities: Effects on All Travellers)	✓ ✓	This policy is relevant to all residential and commercial developments, primarily in urban environments, and therefore it is not directly applicable to this proposed Scheme. As can be seen in Figure 16.1 the proposed Scheme would not directly impact any designated NMU pathways within The Moray area. Furthermore, in terms of landscape and visual, as is noted in Chapter 9 (Landscape) and can be seen in Figure 9.1a, Hardmuir Forest Edge Farmland LLCA covers the area of the proposed Scheme which crosses the local authority boundary into the Moray Council. Chapter 9 notes that the significance of change as a result of the proposed Scheme would be slight, and therefore it is expected to accord with Policy PP3.
Policy ER2 – Development in Woodlands	Chapter 9 (Landscape) Chapter 10 (Visual Impact)	✓ ✓	Policy ER2 seeks to ensure that any loss of woodland will not adversely affect amenity, landscape, biodiversity economic or recreational value of the woodland or prejudice the management of the forest. No impact on woodland within The Moray Council's authority is expected as a result of the proposed Scheme. Furthermore, it is prudent to consider the visual impact that the road may have from the nearby woodland. Chapter 10 (Visual Impact) does not identify any significant visual impacts near the Moray Council area in relation to woodland.
Policy ER5 – Agriculture	Chapter 15 (People and Communities: Community and Private Assets)	✓	Policy ER5 aims to support the agricultural sector by presuming against irreversible development on prime agricultural land. No development is proposed as part of the proposed Scheme within the Moray Council area and therefore no prime agricultural land in this area is expected to be impacted.
Policy T1 – Transport Infrastructure Improvements	Chapter 2 (Need for the Scheme) Chapter 18 (Policies and Plans)	✓ ✓	Policy T1 promotes the improvements of roads; priority roads indicated in the LDP include the A96 Aberdeen to Inverness Trunk Road. It should be noted that in the justification for the policy it comments that ' <i>The Scottish Government has announced the dualling of the A9 and A96 by 2030. Moray Council welcomes this announcement and will collaborate with Transport Scotland and others to ensure the early delivery of key sections of the A96 trunk road within Moray.</i> '