

## **8 Policies and Plans**

### **8.1 Introduction**

8.1.1 The Design Manual for Roads and Bridges (DMRB) Stage 2 assessment of the route options in the context of national, regional and local planning policies is summarised in this chapter. This includes a review of national, regional and local planning policy and guidance documents, and consideration of potential policy conflicts or policy compliance resulting from each route option.

8.1.2 This chapter is supported by the following appendices:

- Appendix A8.1 (Planning Policy Context for Environmental Assessment); and
- Appendix A8.2 (Assessment of Development Plan Policy Compliance).

#### **Scottish Planning System**

8.1.3 The Town and Country Planning (Scotland) Act 1997 ('the 1997 Act') (as amended by the Planning etc. (Scotland) Act 2006) ('the 2006 Act') provides the framework for land use planning and the development of planning policy in Scotland. The '2006 Act' is an enabling Act; its purpose is to amend existing planning legislation and provide a mechanism for the delivery of a modernised planning system.

8.1.4 A key feature of the 2006 Act is the statutory role and application of the National Planning Framework (NPF). The National Planning Framework 3 (NPF3) (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.

8.1.5 The Scottish Government's influence on the planning system also extends to the production of: Scottish Planning Policy (SPP); Circulars; Planning Advice Notes (PANs); and approval of strategic planning documents. Each of these policy documents is material to the development of local and regional policy and provides thematic guidance on planning for a broad range of land uses and developments.

8.1.6 Under the 1997 Act, each planning authority in Scotland has a responsibility to publish a development plan, the content of which is informed by national policy. The development plan, in this case the Local Development Plan (LDP) forms the basis on which decisions about development and future land use are made, and incorporates the requirements of national planning policy within a strategic and local framework.

8.1.7 The development plan is material to decisions about development and future land uses, including major infrastructure works such as the Scheme. All of the route options are located within The Highland Council (THC) administrative area. THC has prepared an area wide LDP, The Highland-wide Local Development Plan (HwLDP) (The Highland Council 2012), to set out strategic objectives and policies for the whole administrative area. In addition, further Area LDPs are also prepared for different parts of the administrative area and of relevance to the route options is the Inner Moray Firth Local Development Plan (IMFLDP) (The Highland Council 2015b). The relevant LDP documents are listed in Table 8.1.

**Table 8.1: Development Plan Documents**

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

8.1.8 The HwLDP is currently in the process of being updated, and the Main Issues Report (MIR) (The Highland Council 2015a) for the next version was published for consultation in September 2015. Although the MIR is not adopted policy, it does provide an indication of The Highland Council's proposals for the next LDP, and is a relevant consideration for this assessment.

## 8.2 Approach and Methods

8.2.1 This assessment has been undertaken with reference to DMRB Volume 11, Section 3, Part 12, Impact of Road Schemes on Policies and Plans (Highways Agency, Scottish Executive Development Department, The National Assembly for Wales and The Department of Regional Development Northern Ireland 1994) (hereafter DMRB Policies and Plans) and IAN125/15 'Environmental Assessment Update' (Highways England 2015) (hereafter IAN125/15). IAN125/15 replaced IAN125/09 (Supplementary guidance for users of DMRB Volume 11 'Environmental Assessment') (Highways Agency 2009) in October 2015 and continues to set out a revised structure for the policies and plans assessment in so far that it advises that the reporting of the impact of road schemes on policies and plans is absorbed into each of the topic chapters.

8.2.2 In accordance with IAN125/15, policies and plans were reviewed in the context of the topic chapters (Chapters 9 to 17). Policies and plans relevant to each topic chapter are presented in Appendix A8.1 (Planning Policy Context). However, as many of the policies and plans are relevant to more than one topic chapter, the assessment of compliance of the route options against each policy and plan is provided in Appendix A8.2 (Assessment of Development Plan Policy Compliance) with reference to the relevant topic chapters. A summary of the compliance of the route options with key policies and plans is provided in this chapter.

8.2.3 IAN125/15 provides supplementary advice on carrying out environmental assessments of road projects until such time as all guidance in DMRB, Volume 11, Section 3 (Environmental Assessment Techniques) has been updated and published. Some of the documents referenced in DMRB are now outdated and are not referred to in this chapter.

8.2.4 The methodology used for this DMRB Stage 2 assessment has involved the following aspects:

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

## **8.3 Summary of Policies and Plans**

### **National Guidance**

8.3.1 A summary of the national policy and government framework documents of relevance to the route options is provided below.

#### Strategic Transport Projects Review Final Report (STPR) (Jacobs 2009)

8.3.2 The Strategic Transport Projects Review Final Report (STPR) supports the delivery of the three strategic outcomes which were identified in the National Transport Strategy (NTS) (Scottish Executive, 2006a) (now superseded, paragraph 8.3.13 below refers). In addition, maintaining safe, efficient and effective links on strategic corridors is seen as one of the key challenges of the STPR.

8.3.3 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) considers the dualling and wider improvements to the link connecting the A96 and the A9, as part of this programme. In relation to the route options, the STPR states the following:

*'...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' (p.108).*

8.3.4 In terms of future network performance, the review categorises the strategic transport network into 20 corridors, four urban networks (Glasgow, Edinburgh, Dundee and Aberdeen) and two strategic nodes (Perth and Inverness). Effective transport was identified as being key to support the delivery of the Scotland's Economic Strategy (paragraph 8.3.13 of this chapter). The review concluded that generally the network was 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' (Jacobs, Faber Maunsell, Grant Thornton and Tribal Consulting 2009, p.142).*

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

8.3.5 The Scottish Government's 'Scotland's Cities: Delivering for Scotland' 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 2011e, p.19).*

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

8.3.6 Transport Scotland has produced 'Fitting Landscapes' guidance, which 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).*

- 8.3.7 The guidance has been incorporated into the landscape and visual assessments of the route options, as reported in Chapter 11 (Landscape and Visual).

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

- 8.3.8 The current Infrastructure Investment Plan (IIP), published in 2015, provides a refresh to the previous IIP (Scottish Government 2011b) and 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).
- 8.3.9 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 2015b, 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 2015b, p.69).
- 8.3.10 In relation to the route options 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 2015b, p.108).

Scotland's Economic Strategy (Scottish Government 2015e)

- 8.3.11 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 was initially published in 2007, revised in 2011 in cognisance of the economic downturn and further updated in 2015. The update focuses on creating a more successful country, through increased competitiveness and sustainability of the Scottish economy. The Strategy is based on the principle that investing in infrastructure is key to helping businesses to grow, innovate and create good quality employment opportunities.
- 8.3.12 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 2015e, p.37).

National Transport Strategy (NTS) (Scottish Government 2016)

- 8.3.13 The NTS (Scottish Executive 2016) is a refresh to the previous NTS (Scottish Executive 2006a), which considers Scotland's transport needs and outlines the long-term strategy to meet the aims identified in 'Scotland's Transport Future' (Scottish Executive 2004). The NTS sets out the following 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 2016, p.2).

- 8.3.14 The NTS also reaffirms the Scottish Ministers' commitment to investing in the A96 dualling between Inverness and Aberdeen by 2030.

### **Planning Policy**

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

- 8.3.15 The Scottish Government published NPF3 in June 2014. NPF3 is a statutory document and a material consideration in planning decisions.

- 8.3.16 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 place-making. 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.

- 8.3.17 NPF3 describes spatial priorities for change in improving connections. It states in paragraph 5.20 that:

*'The road network has an essential role to play in connecting cities by car, public transport and active travel... We will complete dualling of the trunk roads between cities, with dualling of the A9 from Perth to Inverness complete by 2025 and dualling of the A96 from Inverness to Aberdeen by 2030'.*

- 8.3.18 NPF3 also states that 'dualling of the A9 between Perth and Inverness and improvements to the Highland Mainline will provide a step change in accessibility across the rural north, increase business confidence and support investment throughout the region and 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...' (paragraph 5.32).

- 8.3.19 NPF3 identifies 14 major transport, energy and environmental infrastructure projects that are of national significance to Scotland and which are considered by Scottish Ministers to be essential to the delivery of the spatial strategy set out in NPF3. These are new projects and do not include existing commitments such as the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme. They are considered to assist in contributing to the Scottish Government's objective of building a Scotland that is wealthier and fairer; greener; safer and stronger; smarter and healthier.

- 8.3.20 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 route options. 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 2014c)

- 8.3.21 The current SPP was published in June 2014 and accompanies other documents such as Creating Places (Scottish Government 2013b), Designing Streets (Scottish Government 2010a), Planning Circulars (Scottish Government 2011a and 2013a) 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 8.3.16). 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 8.2.



**Table 8.2: Scottish Planning Policy (SPP)**

Subject	SPP Paragraph	Summary
Introductory Sections	Paragraphs 1 to 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	Paragraphs 24 to 35	<p>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.</p> <p>SPP states that policies and decisions should be guided by a number of key principles, which include the following:</p> <ul style="list-style-type: none"> <li>• supporting delivery of energy infrastructure.</li> <li>• supporting climate change mitigation and adaptation, including taking account of flood risk activity.</li> <li>• protecting, enhancing and promoting access to cultural heritage, including the historic environment.</li> <li>• protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.</li> <li>• avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.</li> </ul>
Placemaking	Paragraphs 36 to 57	Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. Planning should take every opportunity to create high quality places by taking a design-led approach through the joint consideration of the relationships between higher quality places. Placemaking is supported through, amongst others, optimising the use of existing resources, using land within or adjacent to settlements for a mix of uses, developing brownfield land and locating development where investment in growth or improvement would have most benefit.
Promoting Rural Development	Paragraphs 74 to 83	<p>NPF 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 seek to conduct the following:</p> <ul style="list-style-type: none"> <li>• Promote a pattern of development in rural areas that is appropriate to the character of the particular rural area and the challenges it faces.</li> <li>• Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.</li> <li>• Support an integrated approach to coastal planning.</li> <li>• 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.</li> </ul>
Supporting Business and Employment	Paragraphs 92 to 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>LDPs 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>
Valuing the Historic Environment	Paragraphs 135 to 151	Recognises that the historic environment is a key cultural and economic asset; planning has an important role to play in maintaining and enhancing the 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) (Historic Scotland 2011) and the Managing Change in the Historic Environment guidance note

Subject	SPP Paragraph	Summary
		series (Historic Scotland 2010) should also be taken into account for development.
A Low Carbon Place	Paragraphs 152 to 192	<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 associated development, investment and growth of the supply chain, including infrastructure.</p>
Planning for Zero Waste	Paragraphs 175 to 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.</p> <p>The planning system should:</p> <ul style="list-style-type: none"> <li>• promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;</li> <li>• support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;</li> <li>• support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and</li> <li>• help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.</li> </ul>
Valuing the Natural Environment	Paragraphs 193 to 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>
Maximising the Benefits of Green Infrastructure	Paragraphs 219 to 233	<p>NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. Green infrastructure and improved access to open space can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development.</p> <p>The planning system should:</p> <ul style="list-style-type: none"> <li>• consider green infrastructure as an integral element of places from the outset of the planning process;</li> <li>• assess current and future needs and opportunities for green infrastructure to provide multiple benefits;</li> <li>• facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and</li> <li>• provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.</li> </ul>
Flood Risk and Drainage	Paragraphs 254 to 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	Paragraphs 269 to 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

8.3.22 PANs support SPP and provide advice on good practice. A summary of PANs of relevance to the route options is provided in Table 8.3.

**Table 8.3: Relevant PANs**

PAN	Title	Description
PAN 33	Development of Contaminated Land (Revised 2000) (Scottish Executive 2000a)	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 (villages, towns and major urban areas).
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 77	Designing Safer Places (Scottish Executive 2006c)	This sets out the positive role that planning can make in terms of creating attractive and well managed environments that help to prevent antisocial and criminal behaviour.
PAN 78	Inclusive Design (Scottish Executive 2006d)	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 2006e)	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)	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



PAN	Title	Description
	2011c)	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 (2011) and the Managing Change in the Historic Environment Guidance Notes (Historic Scotland 2010), 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.

8.3.23 Table 8.4 contains relevant Planning Circulars which provide statements of Scottish Government policy and guidance on implementation and/or procedural change.

**Table 8.4: 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.
8/2007 (Annex E)	The EIA (Scotland) Regulations 1999 (Scottish Government 2007)	Annex E provides guidance on EIAs of trunk road projects. This circular has been withdrawn following the recent introduction of Circular 1/2017 (see row below), but is of relevance to this Stage 2 Assessment.
1/2017	The Town and Country Planning (EIA) (Scotland) Regulations 2017	This Circular gives guidance on the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, ("the 2017 Regulations"), as the latest Regulations which transpose the Environmental Impact Assessment or 'EIA' Directive into the Scottish planning system. This Circular supersedes Circulars 1/2011 and 8/2007 Annex E). Following the withdrawal of Annex E of Circular 8/2007, there is no specific guidance for roads projects assessed under the Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017 and so this is the closest equivalent. It will be of relevance for Stage 3 of the DMRB process.

8.3.24 An overview of other national planning policy and guidance is provided in Table 8.5.

**Table 8.5: Other Relevant National Policy Guidance**

Policy and Online Planning Advice	Title	Description
SHEP	SHEP – (Historic Scotland 2011)	This document has consolidated the previous SHEP series into one policy document. The SHEP sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Scotland Environment and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment. The SHEP complements and has the same authority as the SPP and other relevant Ministerial policy documents, and is a material document in the statutory planning, EIA and Strategic Environmental Assessment (SEA) processes.
Guidance Note Series	Managing Change in the Historic Environment Guidance Notes (Historic Scotland 2010)	The series explains how to apply the policies contained in the SHEP and the SPP.
SHEP	Our Place in Time -The Historic Environment Strategy for Scotland (Scottish	This provides Scotland's first Historic Environment Strategy. It is a high level framework which sets out a ten-year vision for the historic environment.

Policy and Online Planning Advice	Title	Description
	Government 2014b)	
Online Planning Advice	Planning and Waste Management Advice (Scottish Government 2015d)	This advice complements the 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	Online Planning Advice on Flood Risk (Scottish Government 2015c)	Provides advice and guidance in support of The Flood Risk Management (Scotland) Act 2009 which establishes a framework for the assessment and sustainable management of flood risk with the aim of reducing the adverse consequences of flooding from all sources. The flood risk framework should be read in conjunction with SEPA's land use vulnerability guidance to aid decision making.  This Online Planning Advice puts a focus on planning authorities in ensuring that have regard to the probability of flooding from all sources. A focus is also put on these 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.
Online Planning Advice	Planning and Building Standards Advice on Flooding	Provides background information and 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

8.3.25 The relevant local development plan documents are listed in Table 8.1 and are described below.

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

8.3.26 The HwLDP, adopted by THC in April 2012, sets out the overarching vision statement, spatial strategy and general planning policies for the whole of THC area. Appendix A8.2 (Assessment of Development Plan Policy Compliance) sets out the route options 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 about through a green network';*
- *'have more efficient forms of travel';*
- *'have resolved its infrastructure constraints';*
- *'have diversified its economy'; and,*
- *'be regenerated and renewed'.*

8.3.27 The primary objective is to protect and enhance the area's environmental assets whilst promoting beneficial development. The policies aim to achieve a more sustainable pattern of development by providing a framework within which the key elements of the built and natural environment can be protected and enhanced. The key elements are the coast, the Green Belt, the landscape and the countryside.

- 8.3.28 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'.*

- 8.3.29 The HwLDP seeks to resolve key infrastructure constraints by 2030 through various improvements including the A96 and A9 link (i.e. the Scheme) and the Nairn Bypass.

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

- 8.3.30 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 Proposed Plan for HwLDP 2, which once adopted will replace the existing HwLDP.

- 8.3.31 The MIR sets out in Section 10 (The A96 Corridor – Phasing and Infrastructure) 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 A96 route, such as East Inverness, Culloden Moor, Tornagrain, the Airport Economic Development Initiative Area, Nairn and a number of other areas.

- 8.3.32 The MIR includes a proposed strategy to address the growing renewable heat sector, which is in response to the Scottish Government's Heat Policy Statement (HPS) (Scottish Government 2015a). The HPS is reflective of the aims of SPP (Table 8.2) which sets out that LDPs should support the development of heat networks in as many locations as possible and may include a requirement for new development to include infrastructure for connections to and use of heat networks.

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

- 8.3.33 The IMFLDP was formally 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 8.3.26 above). Appendix A8.2 (Assessment of Development Plan Policy Compliance) sets out the route options compliance with the key proposals of the IMFLDP.

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

- 8.3.34 The Inverness & 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. In regards to the 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.'*

- 8.3.35 Paragraph 42 goes on to state that THC, 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.

### **Local and Regional Transport Policies**

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

- 8.3.36 The HITRANS (2008) Regional Transport Strategy (RTS) is a statutory document which sets out a 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 the 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"*.
- 8.3.37 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 issues;
  - locally significant network and maintenance of the area's roads;
  - cost of transport and travel; and
  - environmental impacts.
- 8.3.38 An updated Draft Regional Transport Strategy (HITRANS, 2017) was published for consultation earlier this year. 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"*. The delivery plan includes an item for advancement of a programme of investment in key regional and trunk road pinch points, which includes the Scheme as a committed project.

## **8.4 Assessment of Route Options Compliance**

- 8.4.1 An assessment of the compliance of the Scheme and each route option against relevant development plan policies is set out in Part 6 (Appendices), Appendix A8.2 (Assessment of Development Plan Policy Compliance). This section provides a summary of the compliance assessment with reference to key policy themes.

### **The Project: Key Policy Themes**

#### National Policy

- 8.4.2 As noted in Section 8.3 (Summary of Plans and Policies), both SPP and NPF3 focus on achieving four outcomes:
- a low carbon place;
  - a natural place to invest;
  - a successful and sustainable place; and
  - a connected place.

- 8.4.3 The Scheme would provide improved connectivity between two projects identified in NPF3 (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 and operation of the network. In addition, the 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. It is not expected that there would be any notable difference between the route options in this respect.

Regional Policy

- 8.4.4 As noted previously, THC area is not part of a City Region and, therefore, is not covered by an SDP. THC has incorporated strategic priorities and policies into the relevant LDPs.

Local Policy and Site Allocation

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

- 8.4.5 In principle, the 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 (paragraph 8.3.28). 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 would provide a significant contribution to the overall road infrastructure in the region, while helping to promote economic growth.
- 8.4.6 The HwLDP, as noted in paragraph 3.5 of the plan, has been supported by supplementary documents including the Inverness, Nairn and A96 Corridor Transport Study (The Highland Council 2010) which was developed to inform future growth and development decisions. The study summarises a number of essential developments required to accommodate future development both in the city and in the A96 Corridor.
- 8.4.7 Reflective of the Inverness, Nairn and A96 Corridor Transport Study, 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 '*the barriers to growth*' (The Highland Council 2012, p.21). In addition, the Inner Moray Firth Vision and Spatial Strategy (Figure 3, p.23) provides an indicative route for the Scheme.
- 8.4.8 Additionally, as noted in the Scheme objectives (Section 1.3, Part 1: The Scheme), there are a series of benefits which would occur as a result of the Scheme, such as improving operation of the network for longer distance and local journeys; enhancing safety for all users; and promoting economic opportunities through contribution to the Development Plan aims for development east of the A9.
- 8.4.9 The principle of the Scheme and the route options are therefore consistent with the HwLDP.

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

- 8.4.10 It is expected that the Scheme (for all of the route options) 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.

*Draft Inverness East Development Brief (IEDB) (The Highland Council 2017)*

- 8.4.11 The Inverness East Development Brief will guide the expansion of the east side of Inverness over the next 10-20 years. The guiding principles of the brief for future development in the area were approved by The Highland Council's City of Inverness Area Committee (23 February 2017) and include:
- a central location for community, commercial and leisure facilities;
  - a central district park that connects with the wider green network;
  - the delivery of sports facilities in the east of the city;
  - a high level of pedestrian, cycle and road connectivity in the area;
  - a strategy for design, travel and layout that prioritises walking, cycling and public transport usage and promotes diverse neighbourhoods; and
  - a framework to deliver a viable high-quality city expansion.
- 8.4.12 The Development Brief is due for further consultation in November 2017 and will also take into account the options presented in the A9/A96 Inshes to Smithton Scheme. This is an integral part of proposals put forward as part of the Inverness City Region Deal and will influence potential future land use in the area. Further consideration of the IEDB will be undertaken at DMRB Stage 3.

### **Assessment of Route Options**

- 8.4.13 An assessment of the compliance of the route options with plans and policies has been undertaken, with reference to the assessment of environmental impacts reported in this DMRB Stage 2 Report (Part 3: Environmental Assessment, Chapters 9 to 18). A summary of the outcome of the compliance assessment in relation to each environmental topic is provided below. Further information on the assessment of compliance of the route options in relation to specific policies set out in the Development Plan documents (paragraph 8) is provided in Appendix A8.2 (Assessment of Development Plan Policy Compliance).

#### Chapter 9 (Air Quality)

- 8.4.14 Key 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).
- 8.4.15 Chapter 9 (Air Quality) states that there is the potential for dust nuisance to residential and ecological receptors within 200 metres of construction sites and haulage routes for the Scheme. This will be assessed in more detail at Stage 3, however, best practice construction dust mitigation measures would be implemented for all of the route options. It is expected that this would reduce any potential impacts to an acceptable level.
- 8.4.16 Once operational, Chapter 9 (Air Quality) identifies that there are no predicted exceedances of the NO<sub>2</sub> annual mean Air Quality Objectives (AQOs) (based on the National Air Quality Strategy (Scotland) Regulations) for any of the receptors assessed within the study area. Therefore, none of the route options would require any mitigation measures during the operational phase.
- 8.4.17 The route options have the potential to be compliant with the relevant policies identified above, subject to final design and construction mitigation measures being agreed.

Chapter 10 (Noise and Vibration)

- 8.4.18 Key policy themes of relevance to this topic include minimising and controlling noise within the study area. The main policies associated with this include HwLDP Policy 28 (Sustainable Design) and Policy 72 (Pollution).
- 8.4.19 As identified in Chapter 10 (Noise and Vibration), there are over 5,000 receptors within the calculation area.
- 8.4.20 Chapter 10 includes potential mitigation for noise impacts, common to all route options. Detailed mitigation will be considered for Stage 3 when a further assessment of policy compliance will be undertaken. The process of impact assessment and identification of mitigation at Stage 3 for any of the route options would likely be compliant with policy requirements to assess, and mitigate noise impacts. In this Stage 2 assessment it is noted that Options 3A and 3B are expected to have the least number of perceptible noise impacts, which may be more consistent with policy aims to avoid noise pollution.

Chapter 11 (Landscape and Visual)

- 8.4.21 Key policy themes of relevance to this topic are to conserve and protect the landscape's character and special qualities, and to ensure that the route options do 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 36 (Development in the Wider Countryside); 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.
- 8.4.22 Chapter 11 (Landscape and Visual) finds that physical impacts on landscape character and elements would be consistent across all route options. These impacts would vary from Moderate to Substantial significance depending on the route option, with slightly less impacts from Options 3A and 3B. These impacts are largely due to the scale and nature of the project.
- 8.4.23 As noted in Chapter 11 (Landscape and Visual), the study area is covered by three Local Landscape Character Areas (LLCAs). These LLCAs would be affected by direct impacts from the route options due to physical changes to the landscape, with the exception of the Inverness Urban Fringe and Culloden LLCA, which would be affected both directly and indirectly through changes to views. The landscape within the Enclosed Farmed Landscapes LLCA is mainly impacted across all route options, except Option 3A, due to the loss of mature deciduous woodland near Smithton Junction and a loss of agricultural land and disruption and fragmentation of existing field pattern. Inverness Urban Fringe and Culloden LLCA would be impacted by Options 1A, 1B, 2A and 2B due to the introduction of new road, embankments, pond, new overbridge above A9 and associated earthworks. Options 2A and 2B would also impact this LLCA via two additional slip roads on embankments. These options would also have a potential impact of Moderate significance on the Coastal Lowlands Forest Edge Farming LLCA due to the loss of mature roadside trees and hedgerows resulting from the addition of a new slip road onto the A9. All options would include two roundabouts, both located within the Enclosed Farmed Landscapes LLCA. Whilst this would result in loss of agricultural land and disruption of a distinctive rural landscape character, given the level of the loss and the fact that this is to a LLCA rather than a designated LCA it would result in no conflicts with policy.
- 8.4.24 Tree Preservation Orders (TPOs) at HR96 Inshes Woodland (Inverness) and C11A12 Inshes Retail Park (Inverness) are located within the study area. These have not been considered individually, but have been taken into consideration when assessing the impacts at this stage. However, a detailed assessment will be undertaken at DMRB Stage 3 for the preferred option, accordingly an assessment of compliance against HwLDP Policy 51 will be considered at that stage.

- 8.4.25 With regard to visual impact, the study area is largely contained by Barn Church Road to the east; Aberdeen to Inverness Railway Line and Inverness Retail and Business Park to the north; the city of Inverness to the west; and Tower Road and Caulfield Road to the south. Visual receptors include 44 built receptors (predominantly residential dwellings and agricultural outbuildings with a small number of commercial, educational and healthcare units) and 11 outdoor receptors (roads, cycle paths, footpaths and railway lines). On balance, Option 2 would have the most significant potential impact on visual amenity, with a larger number of visual receptors affected by potential significant impacts when compared to the other route options. These route options travel through agricultural land in open view of receptors within Inshes, Cradlehall and Smithton and would have the largest footprint. However, with mitigation to be considered at Stage 3, all the route options have the potential to comply with policy.
- 8.4.26 As stated in Chapter 11 (Landscape and Visual), mitigation will be identified at DMRB Stage 3 to determine fully the level of impact on the quality of the environment, and subsequently the compliance of the route options with policy.

Chapter 12 (Ecology and Nature Conservation)

- 8.4.27 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. Key policies in the HwLDP include: Policy 28 (Sustainable Design), Policy 51 (Trees and Development); Policy 52 (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); and Policy 74 (Green Networks). Policy 2 in the IMFLDP (Delivering Development) is also relevant.
- 8.4.28 Three statutory designated sites are located within the study area: Inner Moray Firth Wetland of International Importance (Ramsar); Inner Moray Firth Special Protection Area (SPA); and Longman and Castle Stuart Bays Site of Special Scientific Interest (SSSI).
- 8.4.29 One non-statutory designated site is present within the study area; the Moray Basin, Firths and Bays International Bird Area (IBA). In addition, two Ancient Woodland Inventory (AWI) sites and 16 sites categorised under the Native Woodland Survey Scotland (NWSS) are present.
- 8.4.30 Without mitigation, impacts on the Ramsar site and SPA are predicted to be of Major significance during both construction and operation. Impacts on the SSSI are predicted to be of Major significance during construction and Moderate significance during operation. Impacts on the NWSS have the potential to be of Moderate significance during operation. There would be no impacts on the AWIs during construction and operation, and no impacts on the NWSS during construction. These impacts are common to all options.
- 8.4.31 Significant impacts common to all options have also been identified for aquatic habitats and fish during construction and operation and bats and badger during operation. These impacts are described in more detail in Table 12.7 of Chapter 12 (Ecology and Nature Conservation).
- 8.4.32 In addition, specific route options would result in habitat loss for bat (Option 2B) and badger (Options 1B, 2B and 3B) to a greater extent; however, this loss is not considered to be ecologically significant. Overall, Options 1A and 3A are predicted to have the lowest impact on ecology and nature conservation.
- 8.4.33 In regard to the impact on the natural environment, as noted in Chapter 12 (Ecology and Nature Conservation), before mitigation, significant impacts are expected to occur on habitats and, as a result, species.
- 8.4.34 In summary, it is clear that without mitigation there will be ecological and nature conservation impacts resulting from the Scheme for all options, however it is expected that with mitigation in

place, these will be reduced. Further design work will be undertaken in DMRB Stage 3 to determine potential mitigation, and this will inform further detailed consideration of compliance with policy.

Chapter 13 (Geology and Soils)

- 8.4.35 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 suitability of use, mineral extraction, soils and remediation of contaminated land. HwLDP Policy 28 (Sustainable Design), Policy 30 (Physical Constraints), Policy 54 (Mineral Wastes), Policy 55 (Peat and Soils), Policy 57 (Natural, Built and Cultural Heritage), Policy 62 (Geodiversity) and Policy 72 (Pollution) are relevant to all route options.
- 8.4.36 Twenty-seven potentially contaminated land sources or activities have been identified within the study area. Potential direct and indirect impacts have been assessed as being of Medium significance at most across all route options. However, where significant contamination is confirmed, a risk assessment would be undertaken as part of the DMRB Stage 3 assessment and mitigation, if required, would be specified on a site specific basis. This will be in consultation with the regulatory bodies.
- 8.4.37 It is stated in Chapter 13 (Geology and Soils) that the variations in impacts between the route options related to geology, soils and groundwater aspects are not considered sufficient to inform identification of a preferred option at this stage. The DMRB Stage 2 assessment is therefore unable to identify the option most compliant with the policies outlined above. The DMRB Stage 3 assessment will assess the preferred option further including compliance with policy. Chapter 14 (Road Drainage and the Water Environment)
- 8.4.38 Key policy themes of relevance to this topic include: water quality and resources, flood risk and drainage. The main HwLDP policies of relevance are Policy 28 (Sustainable Design), Policy 63 (Water Environment), Policy 64 (Flood Risk), Policy 66 (Surface Water Drainage) and Policy 72 (Pollution), and IMFLDP Policy 4 (Water and Waste Water Infrastructure in the Inverness to Nairn Growth Area).
- 8.4.39 With regard to flood risk, the SPP states that a 1 in 200-year medium to high risk flood zone is generally not suitable for development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, including transport infrastructure. As the project is to improve strategic transport infrastructure and is partially located within this zone, it accords with this exception to policy.
- 8.4.40 Consultation with the Scottish Environment Protection Agency (SEPA) and local community interests has been held to identify potential flooding issues with the study area and it is expected that at DMRB Stage 3, the design and mitigation would be capable of ensuring that the finished road level would be free from significant risk of flooding and that the development would not increase the risk of flooding elsewhere. Chapter 14 (Road Drainage and the Water Environment) highlights that, with appropriate treatment measures, the magnitude of the impacts arising during construction and operation would be reduced. All route options are therefore likely to comply with policy in this respect.
- 8.4.41 Sustainable Drainage Systems (SuDS) are a legal requirement under the Controlled Activities Regulations (CAR) 2011 (as amended); they are also recommended within the HwLDP (Policy 66) for all new developments and maintenance arrangements. As such a minimum of two levels of SuDS would generally be expected to be included for all mainline outfalls and should, in agreement with SEPA and SNH be developed further at DMRB Stage 3, for the preferred option. At this stage, with the inclusion of SuDS, it is considered that all the route options are compliant with relevant policy in this regard.

- 8.4.42 In summary, through the policy exception; the design and anticipated mitigation measures; and the inclusion of appropriate SUDs, all options are expected to be compliant with flooding and water environment policies.

Chapter 15 (Cultural Heritage)

- 8.4.43 Key policy themes of relevance to this topic include seeking to minimise adverse effects on historic and cultural assets (including archaeological remains, historic buildings and historic landscape types). The main local policies include HwLDP Policy 28 (Sustainable Design), Policy 29 (Design Quality and Place-Making) and Policy 57 (Natural, Built and Cultural Heritage) and IMFLDP Policy 2 (Delivering Development) are relevant for this topic.
- 8.4.44 As identified in Chapter 15 (Cultural Heritage), there are 42 cultural heritage assets in the study area, including: 23 (known) archaeological remains; 9 historic buildings (including Category A, B and C Listed Buildings) and 10 historic landscape types.
- 8.4.45 All of the route options have the potential for an adverse impact on Ashton Farm Ring Ditch and Pit Circles (Scheduled Monument). The significance of this impact differs between variants A and B, with Options 1A, 2A and 3A running between the two separate areas designated for the Scheduled Monument and thereby creating a greater impact on the setting and potential for disturbance to as yet unknown buried archaeological remains. As a heritage asset of national importance, policy compliance would only be achieved if it can be demonstrated that any remaining significant impacts are clearly outweighed by social or economic benefits of national importance. The level to which the route options directly impact the monument is required to be further determined in DMRB Stage 3 through further survey work such as geophysical surveys. However, there is the potential with all route options, and particularly for Options 1A, 2A and 3A that there may be conflict with policy compliance if significant effects remain unless there is a case for an exception due to the benefits of the Scheme.
- 8.4.46 In addition, all route options except Options 3A & 3B would also significantly impact the garden of a Category B Listed Building (Castlehill House) including the partial removal of the boundary wall and loss of mature trees. In policy terms, Castlehill House should be considered against the criteria for features of local/regional importance in HwLDP Policy 57, which requires proposals to demonstrate they will not have an unacceptable impact on heritage resource. It is expected that Options 1A, 1B, 2A and 2B would continue to have a significant impact on elements of the listing (the boundary wall) and the setting of Castlehill House, and in that regard there may be potential non-compliance with policy for these options.

Chapter 16 (People and Communities - Effects on All Travellers)

- 8.4.47 Key policy themes of relevance to this topic include the provision and promotion of all users, including non-motorised users (NMUs) (pedestrians, cyclists and equestrians), public transport and driver stress. HwLDP Policy 28 (Sustainable Design), Policy 29 (Design Quality and Place-Making), Policy 77 (Public Access) and Policy 78 (Long Distance Routes) and IMFLDP Policy 2 (Delivering Development) are relevant for this topic.
- 8.4.48 As noted in Chapter 16 (People and Communities: Effects on All Travellers), seven designated core paths are identified within the study area (see Figure 16.1), excluding any aspirational core paths. Across all route options there is expected to be adverse impacts on one core path (IN08.10) in regards to a change in journey and amenity. However, there is expected to be beneficial impacts on three further core paths (IN08.26, IN19.15 and IN19.16) as a result of the route options moving vehicle traffic away from the existing paths.
- 8.4.49 Furthermore, there is potential for mitigation on all route options by utilising existing structures or implementing safe pedestrian crossing points, thus reducing the magnitude of impact. Similarly, carefully planned landscaping could reduce the adverse effect of changes to amenity value of NMU



routes. The inclusion of mitigation measures would be considered further during the DMRB Stage 3 assessment of the preferred option. Further assessment, including defining the significance of impact and mitigation measures, will be undertaken in DMRB Stage 3. It can be assumed, however, that the general approach to core paths would comply with the aspirations of the local policy to promote and enhance NMU usage and preserve existing routes.

#### Chapter 17 (People and Communities - Community and Private Assets)

- 8.4.50 Key policy themes of relevance to this topic include the safeguarding of: existing land uses; proposed development for commercial, industrial, residential, and leisure, or community purposes; and prime agricultural land. The main HwLDP policies which cover land use and community and private assets include Policy 28 (Sustainable Design); Policy 29 (Design Quality and Place-Making); Policy 41 (Business and Industrial Land); Policy 52 (Principle of Development in Woodland); Policy 75 (Open Space); and Policy 76 (Playing Fields and Sports Pitches). In addition, IMFLDP Policy 1 (Promoting and Protecting City and Town Centres) and Policy 2 (Delivering Development) are relevant, as well as the provisions of SPP on promoting sustainable economic growth and promoting rural development.
- 8.4.51 One of the objectives of the Scheme is to contribute to THC's development plan aims for development east of the A9 at Inverness, and in that regard all route options broadly support the spatial strategy of THC for future development east of Inverness. In Chapter 17 (People and Communities: Community and Private Assets), route options are assessed on the basis of the extent and nature of land-take from land identified for future development. Fourteen development land allocations and 31 extant planning applications have been identified for the study area. Whilst there is potential for land take from land identified for development, the impacts are expected to be neutral and not significant provided access is maintained for development land. In particular, proposed land allocations for mixed use development at Ashton Farm (reference LA13) and Inverness Campus, Beechwood (reference LA04) include provisions that land requires to be safeguarded for future transport corridors. Consultation with THC has been undertaken during the Stage 2 assessment on the spatial strategy and masterplan for these areas, which will be continued during DMRB Stage 3. Therefore, all route options are compliant with the relevant policy in terms of development land and land-take. It should be noted that, at DMRB Stage 3, an assessment of the cumulative impact of the preferred options with other development will be undertaken.
- 8.4.52 Community facilities, including Inverness College and University of Highlands and Islands (UHI), as well as community land at Inshes District Park are present within the study area. No existing community facilities or community land would be impacted by the route options. All route options are therefore expected to be compliant with relevant policies in this regard.

#### Chapter 18 (Materials)

- 8.4.53 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 (Mineral) and Policy 54 (Mineral Wastes).
- 8.4.54 The assessment undertaken in Chapter 18 (Materials) highlights that the construction of all of the route options is expected to give rise to small-scale impacts only, and appropriate to the scale and nature of the Scheme. However, there would be a risk of a slight depletion of natural resources through the extraction of primary aggregates (sands and gravels).
- 8.4.55 Mitigation items, including a Construction Environmental Management Plan (CEMP) and a Materials Management Plan (MMP), would set out the approach to the management of all construction phase materials, sourced locally or imported. These items will be identified at DMRB Stage 3. Therefore, while it is not anticipated that the level of impacts will be disproportionate to

other similar proposals which have been developed, and therefore should be acceptable, at this stage compliance with policy cannot be determined.

## 8.5 Summary of Policy Assessment

- 8.5.1 This chapter and Appendix A8.2 (Assessment of Development Plan Policy Compliance) provides an assessment of each route option against relevant policy based on information available at DMRB Stage 2. Table 8.6 below provides a summary of the policy compliance assessment for each route option with a '✓' if generally compliant and an 'X' if not considered to comply with policy. As stated in paragraph 8.4.13, the assessment of compliance is based on impacts which are assessed prior to detailed mitigation being developed. Where further assessment is required at DMRB Stage 3 to determine policy compliance, the '?' symbol is used.
- 8.5.2 It is concluded that, for most policy objectives, there are minimal differences between the assessment of the route options for the topic chapters, which would all likely be able to comply with relevant policies in most regards subject to identification of suitable mitigation. However, Option 3 (Variants A and B) have least impacts and would therefore be most likely to comply with policy relevant to the different topic chapters.
- 8.5.3 The principal area of policy compliance risk relates to Chapter 15 (Cultural Heritage), particularly with regards the impacts on the Ashton Farm Ring Ditch and Pit Circles (Scheduled Monument) and the Category B Listed Castlehill House. It is possible that all route options will have a significant impact on the Scheduled Monument, although the level of significance (and therefore risk of policy non-compliance) is greater for Options 1A, 2A and 3A due to the severance of the scheduled areas. For the Category B Listed Castlehill House, Options 3A and 3B are the only route options which would not have a significant impact on the setting of the listed building. However, at DMRB Stage 2, the route options have not been subject to detailed design or mitigation, which would influence how well each option complies with policy. Further assessment will be undertaken at DMRB Stage 3 when the design and mitigation is developed, particularly in terms of impacts on internationally and nationally designated sites.

**Table 8.6: Summary of Environmental Compliance**

Relevant Environmental Assessment Chapters	Option 1A	Option 1B	Option 2A	Option 2B	Option 3A	Option 3B
9: Air Quality	✓	✓	✓	✓	✓	✓
10: Noise and Vibration	?/✓	?/✓	?/✓	?/✓	?/✓	?/✓
11: Landscape and Visual	?	?	?	?	?	?
12: Ecology and Nature Conservation)	?	?	?	?	?	?
13: Geology and Soils	?	?	?	?	?	?
14: Road Drainage and the Water Environment	✓	✓	✓	✓	✓	✓
15: Cultural Heritage	X/?	X/?	X/?	X/?	X/?	X/?

Relevant Environmental Assessment Chapters	Option 1A	Option 1B	Option 2A	Option 2B	Option 3A	Option 3B
16: People and Communities - Effects on All Travellers	✓/!	✓/!	✓/!	✓/!	✓/!	✓/!
17: People and Communities - Community and Private Assets	✓	✓	✓	✓	✓	✓
18: Materials	?	?	?	?	?	?

## 8.6 References

Highways Agency, Scottish Executive Development Department, The National Assembly for Wales and The Department of Regional Development Northern Ireland (1994). Design Manual for Roads and Bridges Volume 11, Section 3, Part 12, Impact of Road Schemes on Policies and Plans.

Highways Agency, Transport Scotland, Welsh Assembly Government, The Department for Regional Development Northern Ireland (2009). Interim Advice Note 125/09, Supplementary guidance for users of DMRB Volume 11 'Environmental Assessment'.

Highways England, Transport Scotland, Welsh Assembly Government, The Department for Regional Development Northern Ireland (2015). Interim Advice Note 125/15, Environmental Assessment Update.

Historic Scotland (2010). Managing Change in the Historic Environment Guidance Notes.

Historic Scotland (2011). Scottish Historic Environment Policy (SHEP).

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

HITRANS (2017). The Highlands and Islands Transport Partnership. HITRANS Regional Transport Strategy Draft.

Jacobs (*on behalf of Transport Scotland*) (2014). A96 Dualling Inverness to Nairn (including Nairn Bypass): DMRB Stage 2 Scheme Assessment Report.

Jacobs, Faber Maunsell, Grant Thornton and Tribal Consulting (*on behalf of Transport Scotland*) (2009). Strategic Transport Projects Review: Final Report.

Richards, J (1999). Scottish Natural Heritage Review: No 114 Inverness District Landscape Character Assessment.

Scottish Executive (1987). Circular 18/1987, Development Involving Agricultural Land (amended by 29/1988 and 25/1994).

Scottish Executive (2000a). PAN 33, Development of Contaminated Land.

Scottish Executive (2000b). PAN 60, Planning for Natural Heritage.

Scottish Executive (2001). PAN 61, Planning and Sustainable Urban Drainage Systems.

- Scottish Executive (2004). Scotland's Transport Future. The Transport White Paper – June 2004.
- Scottish Executive (2005). PAN 75, Planning for Transport.
- Scottish Executive (2006a). Scotland's National Transport Strategy.
- Scottish Executive (2006b). PAN 51, Planning, Environmental Protection and Regulation.
- Scottish Executive (2006c). PAN 77, Designing Safer Places.
- Scottish Executive (2006d). PAN 78, Inclusive Design.
- Scottish Executive (2006e). PAN 79, Water and Drainage.
- Scottish Government (2007). Circular 8/2007, The Environmental Impact Assessment (Scotland) Regulations 1999. Annex E.
- Scottish Government (2008). PAN 65, Planning and Open Space.
- Scottish Government (2010a). Designing Streets.
- Scottish Government (2010b). PAN 3/2010, Community Engagement.
- Scottish Government (2011b). Infrastructure Investment Plan.
- Scottish Government (2011c). PAN 1/2011, Planning and Noise.
- Scottish Government (2011d). PAN 2/2011, Planning and Archaeology.
- Scottish Government (2011e). Scotland's Cities: Delivering for Scotland.
- Scottish Government (2013a). Circular 1/2013, Strategic Development Plan Areas.
- Scottish Government (2013b). Creating Places.
- Scottish Government (2013c). PAN 1/2013, Environmental Impact Assessment.
- Scottish Government (2014a). National Planning Framework 3.
- Scottish Government (2014b). Our Place in Time – The Historic Environment.
- Scottish Government (2014c). Scottish Planning Policy.
- Scottish Government (2015a). Heat Policy Statement. Towards Decarbonising Heat: Maximising the Opportunities for Scotland.
- Scottish Government (2015b). Infrastructure Investment Plan.
- Scottish Government (2015c). Online Planning Advice on Flood Risk. Available from: <http://www.gov.scot/Topics/Built-Environment/planning/Policy/Subject-Policies/natural-resilient-place/Flood-Drainage/Floodrisk-advice> [Accessed June 2016].
- Scottish Government (2015d). Planning and Waste Management Advice.
- Scottish Government (2015e). Scotland's Economic Strategy.

Scottish Government (2016). National Transport Strategy.

Scottish Government (2017). Circular 1/2017, The Town and Country Planning (EIA) (Scotland) Regulations 2017.

The Highland Council (2007). The A96 Growth Corridor Development Framework.

The Highland Council (2010). Inverness, Nairn and A96 Corridor Transport Study.

The Highland Council (2012). Highland-wide Local Development Plan.

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

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

The Highland Council (2017). Inverness & Highland City-Region Deal.

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

#### **Directives and Legislation**

Town and Country Planning (Scotland) Act 1997 (1997).

Planning etc. (Scotland) Act 2006 (2006) (asp 17).