

Appendix A19.2: Assessment of Development Plan Policy Compliance

- 1.1.1 The key policies and relevant criteria that may affect the development of the proposed scheme are listed and considered below. Policies marked with 'X' are of particular relevance as there may be non-compliance issues. Policies that are marked with a tick '✓' identify that the proposed scheme is generally compliant and in accordance with the aims of the policy.
- 1.1.2 The proposed scheme is situated entirely within the Perth & Kinross Council (PKC) area. Table 1 below provides an assessment of the proposed scheme against both TAYplan, the Strategic Development Plan (SDP), and the Perth & Kinross Council Local Development Plan (PKC LDP).
- 1.1.3 Local policies from the Proposed PKC LDP 2 (due to be formally adopted in 2018) are considered to broadly reflect the adopted PKC LDP policies. However, to assist the reader, and demonstrate a fuller assessment, the reflective PKC LDP 2 policies have been included in brackets next to the corresponding adopted policies.

Table 1: Assessment of Policy Compliance for Perth & Kinross Council

| Policy | Relevant Environmental Assessment Chapter(s) | Proposed Scheme | Summary |
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| TAYplan – Strategic Development Plan (2017) | | | |
| Policy 1 – Location Priorities | Chapter 19 (Policy and Plans) | ✓ | This policy shapes the locational priorities for all development in the Strategic Development Plan (SDP) area, prioritising development in existing settlements and on previously used land. It is not directly applicable to this project, which is for a strategic road improvement established at a national level through policy documents such as the Strategic Transport Project Review (STPR); Scotland's Cities: Delivering for Scotland; Infrastructure Investment Plan (IIP); Scotland's Economic Strategy; National Transport Strategy (NTS); and the National Planning Framework (NPF). Nevertheless, the proposed scheme will provide infrastructure commitments required to deliver the locational priorities from Policy 1. |
| Policy 2 – Shaping Better Quality Places | Chapter 9 (People and Communities - All Travellers) | ✓ | This policy provides direction on maintaining and improving the quality of places and the environment. Comments under each of the themes of the policy are as follows. |
| | Chapter 11 (Road Drainage and the Water Environment) | ✓ | a) Place-led: This aspect of the policy is not directly applicable to the proposed scheme, with it being more relevant to the layout and design of new buildings. However, the consideration of (and impact on) natural and historic assets has been prevalent throughout the DMRB process and influenced the chosen design. It would therefore be considered that this accords with the need to have a place-led development. |
| | Chapter 18 (Materials) | ✓ | b) Active and healthy by design: One of the key objectives of the proposed scheme is to improve the safety of the existing A9 for all users. This includes providing grade separated crossings, with provision for pedestrians, cyclists and road users, which improves facilities for all users of the road. Chapter 9 (People and Communities – All Travellers) identifies a total of 23 paths within the study area (including a National Cycle Route (NCR), a Regional Cycle Route (RCR), 9 Core Paths, 11 Local Paths and 1 Right of Way). Generally, Non-motorised User (NMU) journey lengths are not significantly affected with the proposed scheme in place. Moderate significance adverse impacts will remain for one NMU route due to increased journey length and decreased amenity value, and similar impacts upon one NMU route due to severance of an informal crossing point. Both have limited opportunity for mitigation. However, as the design would maintain access for pedestrians, cyclists and equestrians, the impacts are not considered to unreasonably affect public access. The proposed scheme provides safer crossing points for NMUs and maintains existing routes, with predominantly negligible change or improved journey times. Considering these aspects, it is considered that the proposed scheme both integrates with existing infrastructure and supports land use, in compliance with policy criterion B(ii) and B (iv.c), respectively. c) Resilient and future-ready: In accordance with this policy criterion, Scottish Planning Policy (SPP) and DMRB Guidance on flooding and drainage, Chapter 11 (Road Drainage and the Water Environment) provides an assessment of the potential for flood risk from the proposed scheme, where it proposes mitigation, including reducing surface runoff and the implementation of SuDS in order to reduce potential impacts. For the proposed scheme, a general approach to flood prevention has been adopted. This includes the provision of compensatory flood storage in the event where floodplains are lost or connectivity is reduced. While some minor adverse residual impacts have been identified during the operation of the scheme, the majority of these |

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| | | | <p>impacts would be 'Neutral' (i.e. neither significant adverse nor significant beneficial) with a small number of residual impacts of Slight significance. Adverse impacts of Moderate significance on WF06 (River Tay) and WF37 (Minor Watercourse) and Large significance on WF39 (Sloggan Burn) and WF50 (Minor watercourse) are anticipated. However, appropriate mitigation measures, including the building of a flood wall to protect Guay Farmhouse, have been proposed to reduce potential impacts. Operational mitigation includes the use of Sustainable Drainage Systems, compensatory flood storage, scour protection and erosion monitoring to protect affected watercourses. The inclusion of compensatory flood storage contributes to the enhancement of flood storage capacity within the area which aligns with the policy principles. Therefore, the proposed scheme can be deemed to be compliant with Policy 2 C(i) and (iii) as it assesses the probability of the risk of flooding from all sources and then proposes the implementation of mitigation and management measures to reduce flood risk.</p> <p>d) Efficient resource consumption: With the proposed scheme being for a strategic road improvement, much of this criterion of the policy is not directly applicable. However, in relation to carbon emissions, by applying key material and waste management principles such as the waste management hierarchy, the impacts on natural resources and need for permanent disposal of waste will be reduced. In particular, this will be achieved by re-using existing soils and infrastructure, taking into consideration the environmental impacts of products during their procurement and construction management.</p> <p>In line with DMRB guidance HD212/11, Chapter 18 (Materials) has undertaken a calculation of embodied carbon associated with those materials known to be required for the construction of the proposed scheme using Transport Scotland's Carbon Management System Road Infrastructure Projects Tool. The detailed materials assessment undertaken in the chapter indicates that the carbon emissions for the proposed scheme will be broadly between 20,500 tonnes and 23,500 tonnes of carbon dioxide equivalent (CO₂e). The impact magnitude is considered to be moderate, but this is unavoidable in a development of this nature and considered to be in line with other major roads projects. It is therefore considered to be acceptable in regards to the incorporation into the design and compliant with this policy criterion.</p> <p>Chapter 18 (Materials) has been produced in accordance with relevant international and national legislation, regulations and guidance – including Scotland's Zero Waste Plan. The risk of accidents and impacts occurring during construction will be managed and reduced through the development and application of several plans addressing different aspects of construction site management. This includes a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP). Although the overall residual impacts in terms of waste are anticipated to be Neutral/Slight, the Contractor will seek to minimise waste, re-use as much material as possible on-site, recycle waste that cannot be used on site, and minimise carbon emissions.</p> |
| Policy 9 – Managing TAYplan's Assets | Chapter 8 (People and Communities - Community and Private Assets) Chapter 10 (Geology, Soils, Contaminated Land and Groundwater) Chapter 12 (Ecology and | ✓ X ✓ | <p>This is a strategic policy which seeks to manage assets and protect finite resources. Comments under each of the themes of the Policy are provided below.</p> <p>a) Finite Resources: No prime agricultural land or land safeguarded for minerals importance is located within the study area (see Chapter 8: People and Communities – Community and Private Assets). Therefore, the proposed scheme complies with Policy 9 a(iv).</p> <p>b) Protecting Natura 2000 sites: The proposed route would impact two internationally designated Natura 2000 sites within the PKC area (River Tay SAC & Shingle Islands SAC). Without mitigation, Chapter 12 (Ecology and Nature Conservation) notes that the potential significant</p> |

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| | Nature Conservation) Chapter 15 (Cultural Heritage) | X | <p>impacts on the SACs include changes to, and permanent loss of, habitat; disturbance to qualifying species; and increased water run-off volumes from the carriage widening, which could lead to decreased water quality. However, with the inclusion of identified Standard Mitigation Commitments (SMC) and best practice, the residual impacts to the SACs during both construction and operation phases will not be significant, and as a result complies with component b) of the policy.</p> <p>c) Safeguarding the integrity of natural and historic assets: As identified in Chapter 15 (Cultural Heritage), whilst mitigation has been identified to minimise any impacts on the majority of cultural assets located within the unitary area covered by TAYplan, the significant and permanent impact on one Scheduled Monument (Asset 221 - Kindallachan, Cairn) and one B listed building (Asset 216 – Guay Farmhouse) will result in non-reversible impact on the assets. As a result, the significance of the residual impacts has been assessed to remain as Large on Scheduled Monuments and Moderate on Listed Buildings.</p> <p>i) In terms of policy compliance, whilst Policy 3 i) does acknowledge the importance of transport infrastructure in economic recovery, the loss of these assets results in non-compliance with this aspect of policy.</p> <p>ii) In regards to groundwater, it is noted in Chapter 10 (Geology, Soils, Contaminated Land and Groundwater) that residual impacts on groundwater flow in superficial aquifers have been assessed as Moderate to Moderate/Large significance for groundwater flow within glacial till and glaciofluvial/alluvium/river terrace deposits respectively. Whilst the design has been undertaken in accordance with guidance and engagement with stakeholders, the remaining effect will not meet the policies requirements to protect.</p> <p>d) Safeguarding the qualities of unspoiled coast: Given the location of the proposed scheme, this criterion is not relevant to the assessment.</p> <p>Considering all aspects of criteria noted above, although the proposed scheme is assessed as being compliant with parts a) and b) of Policy 9, it does not fully comply with this policy as it conflicts with part c) as it creates adverse impacts upon, and does not enhance, natural and historic assets.</p> |
| Perth & Kinross Council Local Development Plan (2014) | | | |
| Policy PM 1 – Placemaking (PKC LDP2 Policy1) | Chapter 9 (People and Communities - All Travellers) Chapter 13 (Landscape) Chapter 14 (Visual) | ✓ X ✓ | <p>To ensure the sustainable development of Perth & Kinross, the Placemaking policy requires the provision of services in appropriate locations, and to ensure that new development safeguards and enhances environmental quality.</p> <p>Policy PM1A seeks development to make a positive contribution to the quality of the natural and built environment. Whilst it is accepted the nature of the proposed scheme will create unavoidable impact in some aspects, it is noted in Chapter 13 (Landscape) and Chapter 14 (Visual) that it will seek to reduce significant landscape and visual effects, with mitigation identified and proposed to do so. The proposed scheme will predominantly be situated within the online footprint of the existing A9 corridor, thereby reducing the extent of change to the surrounding environment through design. Although Policy PM1A states that '<i>Development must contribute positively to the quality of the surrounding built and natural environment</i>', the proposed scheme offers a range of mitigation measures to limit its impact and can therefore be considered the wider aims of placemaking however to be compliant with Policy PM1A, the proposed scheme must accord with all aspects of policy.</p> |

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| | | | <p>In regards to Placemaking criteria set out in Policy PM1B:</p> <p>a) Not applicable to this proposal.</p> <p>b) In regards to the consideration of the topography and landscape, Chapter 13 (Landscape) assesses any potential changes resulting from the proposed scheme on the overall pattern of the landscape elements, which together define the landscape character and local regional distinctiveness.</p> <p>In relation to preservation of local distinctiveness, a number of landscape and other designations fall within the study area, including: The River Tay (Dunkeld) National Scenic Area (NSA); and the Strath Tay Special Landscape Area (SLA) which incorporates Strath Tay: Mid Glen Local Landscape Character Areas (LLCA) and Strath Tay: Lower Glen LLCA.</p> <p>It is concluded in Chapter 13 that the impacts of the proposed scheme, as a result of widening, are expected to be significant during year opening. However, in the '15-year after opening' scenario, i.e. when identified mitigation such as planting has become fully established, the impacts for Strath Tay: Mid Glen and Strath Tay: Lower Glen are predicted to reduce to Moderate and Slight residual impacts respectively.</p> <p>Whilst there is a general acceptance that the 'online' design of the proposed scheme would limit the impact on the wider landscape character area, the retention of a significant impact on a Local Landscape Character Area would result in failure to fully accord with this criteria of policy.</p> <p>c) As noted in Chapter 13 (Landscape) and Chapter 14 (Visual), mitigation measures to integrate the road into the landscape include: careful alignment and grading out of cuttings and embankments to reflect the local topography and enable the land, where appropriate, to be returned to agriculture would enable the proposed scheme to compliment the setting of development, with cognisance that the existing A9 currently intersects the landscape. It is considered that this will enable the design and appearance to integrate and complement the surroundings, in compliance with policy.</p> <p>d) Not applicable to this proposal.</p> <p>e) As set out in Chapter 9 (People and Communities – All Travellers), appropriate mitigation alternative measures will be provided for NMUs using paths affected by the proposed scheme during operation. It is noted in Chapter 9 that two existing routes will have a decreased amenity as a result of the proposed scheme, however it is considered that given the changes will not result in a loss of any routes, it will not affect the placemaking aims of the policy.</p> <p>f) – h) Not applicable to this proposal.</p> <p>Policy PM1C is in relation to housing developments and is not applicable to this project.</p> <p>In summary, while it is noted above the wider accordence with placemaking is achieved through the delivery of the proposed scheme, given the impact on landscape it is considered that the proposed scheme does not meet all criteria from Policy PM1 applicable to a development of this nature.</p> |

A9 Dualling Programme: Tay Crossing to Ballinluig
DMRB Stage 3 Environmental Statement
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| Policy PM 2 – Design Statements (PKC LDP2 Policy 2) | n/a | N/A | This policy refers to the requirements for design statements to accompany applications where design sensitivity is considered a potential issue. As the area of Perth & Kinross involved in the assessment area does not feature any sensitive receptors (such as residential, commercial and industrial property), this will not be required. Furthermore, the proposed scheme is not expected to result in land-take from any LDP land allocated for development or from any prime agricultural land, whilst land-take from extant planning application is not expected to be significant or have the potential to affect development. |
| Policy PM 3 – Infrastructure Contributions (PKC LDP2 Policy 5) | n/a | N/A | The project is for improvements to the strategic road network which does not give rise to the increased need for public services, facilities or infrastructure. |
| Policy ED1 - Employment and Mixed Use Areas (PKC LDP2 Policy 7) | Chapter 8 (People and Communities - Community and Private Assets) | ✓ | Policy ED1A seeks to retain employment provisions in designated areas. The proposed scheme is not expected to impact on land designated as Employment Area in the vicinity. As a result, it would be considered compliant with policy. |
| Policy ED3 – Rural Business and Diversification (PKC LDP2 Policy 8) | Chapter 8 (People and Communities - Community and Private Assets) | N/A | Policy ED3 seeks to retain employment provisions in designated areas. The policy stipulates the criteria for new businesses in the area and protecting existing proposals. As the proposed scheme is not an existing or proposed business it would not be required to meet the criteria of the policy. As such, it is considered not relevant to the proposed scheme. |
| Policy ED4 - Caravan Sites, Chalets and Timeshare Developments (PKC LDP2 Policy 9) | Chapter 8 (People and Communities - Community and Private Assets) | ✓ | Policy ED4 seeks to safeguard land for Caravan sites, Chalets and Timeshare Developments. Whilst this policy is primarily aimed at developers of these facilities and therefore not directly applicable to a roads development, it is noted that the proposed scheme will result in access impacts to one caravan park (Dowally Chalet and Caravan Park). However, it is expected that the change in access arrangements will have no significant impact on likely future business viability and therefore will not conflict with the aims covered in Policy ED4. |
| Policy ED5 – Major Tourism Resorts (PKC LDP2 Policy 8 – Rural Business and Diversification) | Chapter 8 (People and Communities - Community and Private Assets) | ✓ | Tourism plays a key role in employment provision and economic viability of services and facilities within the area. The PKC LDP seeks to promote and enhance existing and future tourism developments with the policy ensuring that identified major tourism resorts are appropriately protected against adverse developments. Within the study area there are no Major Tourism Resorts that are expected to be impacted by the proposed scheme, therefore it is considered compliant with policy. |
| Policy RD1 – Residential Areas (PKC LDP2 Policy 17) | Chapter 8 (People and Communities - Community and Private Assets) | ✓ | Policy RD1 seeks to protect residential amenity and ensure that development within allocated 'Residential Areas' are compatible with the amenity and character of the area. As noted in Chapter 8 (People and Communities - Community and Private Assets), whilst there are expected to be some impacts on individual properties as a result of the proposed scheme, given that these properties are situated outwith allocated PKC LDP residential areas it is considered that the policy would not apply to these properties. The impact on these properties in terms of viability of business, whilst not covered by local policies, is considered against the wider SPP in 19.4.7 of Chapter 19 (Policies and Plans). |

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| | | | As such, the aims of the policy, to preserve residential areas, would be maintained. It is therefore considered that the proposed scheme does not conflict with Policy RD1. |
| Policy TA1 – Transport Standards and Accessibility Requirements (PKC LDP2 Policy 58) | Chapter 9 (People and Communities - All Travellers) | ✓ | <p>Policy TA1 sets out the transport and accessibility framework for Perth & Kinross, which has been developed in line with SPP and the Regional Transport Strategy.</p> <p>Policy TA1A (Existing Infrastructure) states that encouragement will be given to the retention and improvement of existing infrastructure. The project is for the improvement of the existing A9 corridor, so is considered compliant with this policy.</p> <p>The proposed scheme's design maintains existing use whilst providing safer access across the A9 for NMUs, and whilst there will be a relocation of bus stops on the main alignment between Dowally and Guay, it is considered that this would beneficially enhance the local bus network rather than detrimentally effect the capacity or frequency of the public transport network, as per the requirements set out in TA1B.</p> <p>In regards to requirements for cycling and walking, it is considered that the design, including the identification of embedded mitigation, fully demonstrates the proposed scheme's consideration and promotion of cycling and walking from the outset, in compliance with the overarching aims of Policy TA1.</p> |
| Policy CF1 – Open Space Retention and Provision (PKC LDP2 Policy 14) | Chapter 8 (People and Communities - Community and Private Assets) | ✓ | <p>Policy CF1 seeks the retention and provision of open space and recreation. Open space is assessed in Chapter 8 (People and Communities – Community and Private Assets) as a 'community land' receptor, identified in 8.2.3. as:</p> <p><i>'land which is an established public recreational resource, such as playing fields, country parks, waterways or areas identified as 'Open Space' within Local Development Plans (LDPs).'</i></p> <p>It is noted in Chapter 8 (People and Communities - Community and Private Assets) that, in compliance with both parts of policy; CF1A (Open Space retention and provision) and CF1B (Open Space with new developments), no significant impacts will occur on defined open space as a result of the proposed scheme.</p> |
| Policy CF2 – Public Access (PKC LDP2 Policy 15) | Chapter 9 (People and Communities - All Travellers) | ✓ | <p>Policy CF2 seeks to ensure that no adverse impacts would occur to the integrity of any public access routes, requiring proposals to not 'affect unreasonably' access to these routes. As stated in Chapter 9 (People and Communities – All Travellers), a total of 23 paths within the study area have been identified (comprising of 1 National and Regional Cycle Routes, 9 Core Paths, 11 Local Paths and 1 Rights of Way). Chapter 9 (People and Communities –All Travellers) considers 'integrity' to relate to impacts on both journey length and amenity value.</p> <p>Chapter 9 (People and Communities – All Travellers) finds that, in general, journey lengths will not be significantly affected with the proposed scheme in place. There will remain a significant impact on the amenity of one designated route (which forms a section a NCR) and severance of an informal crossing. However, as this would retain access for pedestrians, cyclists and equestrians, the impacts are not considered to "affect unreasonably" public access or the integrity of the route, in accordance with the aims of Policy CF2.</p> |
| Policy CF3 – Social and Community Facilities (PKC LDP2 Policy 16) | Chapter 8 (People and Communities - Community and Private Assets) | ✓ | <p>Policy CF3 considers developments that have the potential to result in the loss or change of land or buildings presently (or most recently) used for community purposes, and seeks to ensure that this land is safeguarded.</p> <p>This potential impact has been assessed in Chapter 8 (People and Communities – Community and Private Assets) where there will be land take on one community facility, Dowally Church Car Park, as a result of the proposed scheme. This would result in a Moderate significant residual impact during construction. However, standard mitigation commitments include measures to ensure access will be maintained throughout the construction period, necessary diversions are signed, and for the contractor to liaise with the landowner and users of the community facility over the estimated duration and locations of</p> |

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| | | | <p>diversions before they are put in place. A permanent replacement car park will be provided as part of the proposed scheme design, including a bus turning facility, to be located to the north of the churchyard.</p> <p>Additionally, two bus stops are included as part of the proposed scheme, one on the northbound carriageway north of Dowally Farm and one on the southbound carriageway south of Guay. These will replace two bus stops located in the vicinity of Kindallachan. As a result, a beneficial impact is assessed for pedestrians from Dowally with a negative significant impact for Kindallachan pedestrians, with an increased journey. Although the proposed scheme would affect the availability of this community facility and conflict with Policy CF3 (a), the provision of replacement bus stops will constitute a suitable alternative facility, in accordance with criteria C of the policy.</p> <p>Therefore, despite the temporary disturbance, the proposed mitigation actions will retain, improve or offer alternative access to community facilities, ensuring the proposed scheme is compliant with Policy CF3.</p> |
| <p>Policy HE1 – Scheduled Monuments and Non-Designated Archaeology (PKC LDP2 Policy 26)</p> | <p>Chapter 15 (Cultural Heritage)</p> | <p>✓</p> | <p>Policy HE1A (Scheduled Monuments) presumes against developments that would adversely affect the integrity of a Scheduled Monument and its setting. As noted in Chapter 15 (Cultural Heritage), 13 Scheduled Monuments have been identified within the study area, all of which are classed as Archaeological Remains.</p> <p>Prior to mitigation, significant effects are expected upon four archaeological remains, two of which are Scheduled Monuments, these comprise of Kindallachan Cairn (Asset 221), Kindallachan, standing stone (Asset 225) and Westhaugh of Tulliemet, cross slab 180m SE of (Asset 235). Mitigation has been identified following discussions with Historic Environment Scotland (HES) to address and reduce the impacts on these assets as a result of the proposed scheme. As noted in Chapter 15, whilst mitigation methods have been identified with appropriate consenting requirements (including the need for Scheduled Monument Consent) for reducing any significant impacts, it would not fully mitigate their loss. Therefore, the significance of the residual impacts on the cairn and standing stone have been assessed to remain as significant.</p> <p>As noted in Chapter 15, a Scheduled Monument Consent (SMC) would be required for works involving these assets. It should also be noted that Policy HE1A does provision for adverse impacts in 'exceptional circumstances' and, while the reasoning for this removal is to address road safety concerns, discussions with HES have concluded that this would qualify as an exceptional circumstance given the importance of the proposed scheme, however it will be a requirement of the SMC to demonstrate that the HESPS 'tests' have been met through the application submission. On this assumption, it is considered that compliance with Policy HE1 will be met.</p> |
| <p>Policy HE2 – Listed Buildings (PKC LDP2 Policy 27)</p> | <p>Chapter 15 (Cultural Heritage)</p> | <p>X</p> | <p>Policy HE2 seeks to ensure that the retention and management of listed buildings should not be adversely affected by development.</p> <p>Of the 38 Historic Buildings identified in the study area of the proposed scheme; 2 are identified as A listed buildings, 18 are B listed and 9 are Category C listed buildings. Chapter 15 (Cultural Heritage) finds that through mitigation and design, the impact of the proposed scheme on listed buildings will not be significant. The exception to this is a residual impact on one B listed building (Guay Farmhouse – Asset 216) with the removal of a large portion of the farmyard and the gable end wing of the Farmhouse. This is as a result of the construction of the proposed scheme on embankment between ch5230 and ch5290 and the construction of the Dowally – Kindallachan Side Road. In order to mitigate the impact on Guay Farmhouse, reconstruction of the farmhouse wing would be undertaken. To mitigate the alteration of Guay Farmhouses' wing (Asset 216, a Category B Listed Building) during construction the gable end will be re-constructed using recycled original masonry, in a style reflecting the surviving wing and the external stair support wall and steps will be taken down and rebuilt to provide access to the first floor via an existing opening.</p> |

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| | | | In conclusion, although the proposed scheme largely complies with relevant policies on cultural heritage, there remains non-compliance remain due to the level of impact on the Listed Building. Whilst mitigation has been proposed to alleviate this impact, Policy HE2 does not provision for exceptional circumstances for demolition or partial removal of a Listed Building, therefore despite these preservation steps, it is considered that the impact on Guay Farmhouse will remain non-compliant with policy. However, it should be noted that PKC recognise the impact on the Listed Building as an alteration rather than a demolition, therefore providing the LBC can demonstrate accordance with HESPS tests it should not affect the LBC consent. |
| Policy HE3 – Conservation Areas (PKC LDP2 Policy 28) | Chapter 15 (Cultural Heritage) | ✓ | The aim of Policy HE3A is to ensure that development within a conservation area must preserve or enhance its character or appearance. As noted in Chapter 15 (Cultural Heritage) there are no Conservation Areas within the study area, as such there will be no conflict with Policy HE3. |
| Policy HE4 – Gardens and Designed Landscapes (PKC LDP2 Policy 29) | Chapter 15 (Cultural Heritage) | ✓ | Policy HE4 seeks to protect the character, quality and integrity of current Inventory of GDLs. Of the 7 Historic Landscape Types (HLT) identified in the study area there are no GDLs present. As such, with no identified Inventory GDLs in the study area, the proposed scheme complies with Policy HE4. |
| Policy HE5 – Protection, Promotion and Interpretation of Historic Battlefields (PKC LDP2 Policy 30) | Chapter 15 (Cultural Heritage) | ✓ | Policy HE5 seeks to protect those battlefields listed on the Inventory of Historic Battlefields. Chapter 15 (Cultural Heritage) identifies no known historic battlefields within the study area. As such, the proposed scheme will not negatively impact the protection and promotion of these historical assets, in compliance with Policy HE5. |
| Policy NE1 – Environment and Conservation Policies (PKC LDP2 Policy 36) | Chapter 12 (Ecology and Nature Conservation) | X | <p>The PKC LDP's Natural Environment (NE) policies seek to ensure that resources are used and managed in a sustainable way. Chapter 12 (Ecology and Nature Conservation) identifies various ecological features that could potentially be impacted by the proposed scheme, including four statutory designated sites, various aquatic and terrestrial species, and habitats.</p> <p><u>Policy NE1A: International Nature Conservation Sites</u></p> <p>Two statutory designated sites within the study area are likely to be affected by the proposed scheme; the River Tay SAC and Shingle Islands SAC. The potential effects include pollution of the habitat through reduced water quality and temporary alteration of the SAC habitat. However, it is found that, with the implementation of proposed mitigation, there would be no significant residual impacts predicted for either SAC. It is therefore compliant with Policy NE1A.</p> <p><u>Policy NE1B (National Designations)</u></p> <p>Within the study area there is one nationally designated Sites of Special Scientific Interest (SSSI); Shingle Islands SSSI, and designated areas in the Ancient Woodland Inventory (AWI). As noted in Chapter 12 (Ecology & Nature Conservation), after a mitigation strategy is adopted by the contractor to restore the SSSIs post construction, it is unlikely to be affected by the proposed scheme.</p> <p>With regard to impacts on AWIs, continued engagement has been undertaken with SNH and other stakeholders throughout the design process to ensure that best practice has been followed in this approach and reduce impacts as far as possible. However, there will be loss of AWI that will not be fully mitigated through compensatory planting, albeit in the long term this impact is expected to reduce as woodland corridors grow and connect. Given the adverse effect on the integrity of the designation, it is considered that the proposed scheme would not comply with this criterion of policy.</p> |

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| | | | <p><u>NE1C (Local Designations)</u></p> <p>In relation to local designations, there would be some loss of woodland registered on the Native Woodland Survey of Scotland (NWSS), which could impact habitat species. An ancient woodland specific Habitat Management Plan as part of the CEMP will be prepared and implemented prior to construction in order to maintain functionality of local ancient woodland communities throughout the route corridor. Therefore, with the application of mitigation, the residual impacts are not considered to be significant, and are considered to be compliant with policy.</p> <p>Overall, Policy NE1 seeks to ensure the protection of designated sites. While effective mitigation will prevent any unacceptable adverse impacts to the majority of designated sites, the loss of AWI results in the proposed scheme conflicting with Policy NE1B.</p> |
| <p>Policy NE2 – Forestry, Woodland and Trees (PKC LDP2 Policy 38)</p> | <p>Chapter 8 (People and Communities - Community and Private Assets)</p> <p>Chapter 12 (Ecology and Nature Conservation)</p> | <p>✓</p> <p>X</p> | <p>Policy NE2A seeks to protect existing trees and woodland. It is noted in Chapter 8 (People and Communities - Community and Private Assets) that there will be forestry land-take for the proposed scheme, including some ancient and native woodland loss.</p> <p>a) In relation to Criterion A, which seeks to ensure woodland maximises benefits for communities and the environment, potential mitigation, including compensatory planting where there is loss of existing woodland, is proposed.</p> <p>As noted in Chapter 8, as a result of permanent land-take, there will be a disturbance to two land interests. While these impacts have been assessed in the chapter they relate to interests (agricultural and water related sporting activities) that aren't covered in NE2.</p> <p>b) and d) In terms of the protection of trees and woodland that are designated for their high natural, historic or cultural value, no Tree Preservation Orders have been identified within the assessment area. No significant impact has been identified on this area.</p> <p>In regards to areas of AWI and non-designated woodland loss, Chapter 12 (Ecology and Nature Conservation) states that impacts on woodland as a result of the proposed scheme will lead to a reduction of available habitat to species. The following mitigation demonstrates how the proposed scheme is compliant with Policy NE2:</p> <p>c) Refers to the expansion of woodland cover, and in this regard mitigation will include compensatory planting.</p> <p>e) The project is not located within a Conservation Area; therefore Criteria E is not applicable.</p> <p>f) Criterion F is relevant to this project as it seeks to ensure that, in advance of major developments, there is an establishment of new woodland. As stated above in Chapters 12 (Ecology and Nature Conservation) and 13 (Landscape) and above in Policy NE1B, appropriate mitigation will be implemented, ensuring compliance. This includes the retention of existing trees and vegetation wherever possible and incorporation and translocation of soils and/or other features associated with ancient woodland.</p> <p>Policy NE2B relates to the methods of tree surveys and is not applicable to this project.</p> <p>In summary, the proposed scheme, with mitigation, is largely in accordance with the aims of Policy NE2 applicable to a development of this nature. The exception to this, as noted, is the impact on the AWI which, while according with SPP, does not comply with policy at a local level.</p> |
| <p>Policy NE3 – Biodiversity (PKC LDP2 Policy 39)</p> | <p>Chapter 12 (Ecology and Nature Conservation)</p> | <p>✓</p> | <p>Policy NE3 seeks to protect and enhance all wildlife and wildlife habitats with C) being the only relevant criteria to the proposed scheme. In accordance with criteria C) of the policy, Chapter 12 (Ecology and Nature Conservation) identifies the potential impact significance and also considers mitigation aimed to alleviate potential impacts on biodiversity. This is in accordance with the Scottish Biodiversity Strategy and its component 2020 Challenge for Scotland's Biodiversity (Scottish</p> |

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| | | | Government, 2013). In terms of European Protected Species, based on the DMRB Stage 3 studies, there is not expected to be any significant impact on any species listed in Annex IV of the Habitats Directive (Directive 92/43/EEC), ensuring that the proposed scheme is in full compliance with Policy NE3. |
| Policy NE4 – Green Infrastructure (PKC LDP2 Policy 40) | Chapter 12 (Ecology and Nature Conservation) Chapter 13 (Landscape) | ✓ ✓ | Policy NE4 seeks to ensure that all new development contributes to the creation, protection and management of green infrastructure. Chapter 12 (Ecology and Nature Conservation) details a series of mitigation measures to be implemented to reduce impacts on, or compensate for, habitat and species loss (including loss of woodland). This mitigation includes the implementation of best working practices during the construction phase of the proposed scheme. During operation, as noted in Chapter 12 and Chapter 13 (Landscape), compensatory planting, habitat creation, mammal fencing and provision of crossing structures have been proposed to mitigate impacts. This consideration and incorporation of green infrastructure at the design stage is therefore compliant with Policy NE4. |
| Policy NE5 – Green Belt (PKC LDP2 Policy 41) | Chapter 8 (People and Communities - Community and Private Assets) Chapter 12 (Ecology and Nature Conservation) | ✓ ✓ | Green Belt land identified within the Local Development Plan is not located within the study area. As such, assessment of compliance against this policy is not required. |
| Policy ER4 – Minerals and Other Extractive Activities – Supply (PKC LDP2 Policy 46) | Chapter 18 (Materials) | ✓ | In seeking greater efficiency in the use of primary mineral resources and minimising the production of waste, Chapter 18 (Materials) sets out the principles and objectives of the proposed scheme. Included within this are: <ul style="list-style-type: none"> • the minimisation of use of raw materials through use of appropriate recycled materials that meet safety and durability performance requirements; • the use of long-life performance materials to improve durability and reduce whole-life cost carbon; • to use locally sourced materials and suppliers to reduce material transport emissions and to support local businesses, where feasible; and • to assess the effect of recycled material specifications to determine the associated carbon impact and maintain flexibility to select the option that provides the optimal balance between embodied and transportation carbon effects. <p>Through the assessment undertaken and the mitigation items proposed (including implementation of the Waste Hierarchy; Implementation of a CEMP; and Implementation of a SWMP), the policy requirements of ER4 will be met.</p> <p>The waste assessment undertaken predicts that the residual impact on high sensitivity waste management facilities (i.e. operational landfills and licenced treatment facilities) is considered to be Neutral/Slight, which is not considered significant in terms of policy compliance.</p> <p>The mitigation measures will minimise material use, maximise re-use and recycling of wastes and ensure all materials and waste are handled according to the regulatory requirements.</p> <p>When considering policy compliance, it should be noted that equivalent scale roads infrastructure projects throughout Scotland and the UK that have a similar impact in terms of materials have been approved on the basis of the suggested mitigation and the acceptance that essential and strategic road infrastructure scheme of this scale would normally require a</p> |

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| | | | significant amount of material to construct. As the activities associated with the proposed scheme are proportional to its scale, and that efficiencies are sought where possible, it is considered to comply with Policy ER4 insofar as is possible for the nature of the development. |
| Policy ER5 – Prime Agricultural Land (PKC LDP2 Policy 48) | Chapter 8 (People and Communities - Community and Private Assets) | N/A | Policy ER5 seeks to protect prime agricultural land (classes 1, 2 and 3.1). No prime agricultural land is located with the study area and therefore the policy is not applicable. |
| Policy ER6 – Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes (PKC LDP2 Policy 37 – Landscape) | Chapter 13 (Landscape) Chapter 14 (Visual) | X X | <p>Policy ER6 aims to manage the future landscape quality of the area. The policy seeks to manage development and land use change to ensure that they accord with the aim to maintain and enhance the landscape quality of the local area.</p> <p>In summary, the methodology adopted and design objectives (see Appendix A13.6) for the proposed scheme are reflective of the aims set out in Transport Scotland's "Fitting Landscapes", which seeks to:</p> <ul style="list-style-type: none"> • ensure high quality of design and place; • enhance and protect natural heritage; • use resources wisely; and • build in adaptability to change. <p>As the proposed scheme broadly follows the online route of the existing A9 in respect of land use change, the impact to the tranquillity is relatively limited. However, to continue the comprehensive assessment carried out in DMRB Stage 2, the proposed scheme has been assessed against the following criteria:</p> <p>a) In relation to preservation of local distinctiveness, a number of landscape and other designations fall within the study area, including; The River Tay (Dunkeld) National Scenic Area (NSA) and the Strath Tay Special Landscape Area (SLA) which incorporates Strath Tay: Mid Glen Local Landscape Character Areas (LLCA) and Strath Tay: Lower Glen LLCA.</p> <p>However, in the '15-year after opening' scenario, i.e. when identified mitigation such as planting has become fully established, the impacts for Strath Tay: Mid Glen and Strath Tay: Lower Glen are predicted to reduce to Moderate and Slight residual impacts respectively.</p> <p>The 'online' design of the proposed scheme would seek to limit the impact on the wider landscape character area. However, despite according for the most part with the policy, the retention of a significant impact on a Local Landscape Character Area would not comply with this criterion.</p> <p>b) In relation to the safeguarding of views, viewpoints and landmarks, it is considered that the influence of the existing A9 would limit the impact of the proposed scheme on built and outdoor receptors. With the addition of proposed mitigation planting, including new woodland, hedgerows and scattered individual trees, it is predicted that the number of impacts affected will have reduced to 12 built receptors and 10 outdoor receptors. However, they would be unlikely to result in significant effects on landmarks and viewpoints. In this respect, the visual impacts are considered to be broadly compliant with criterion b).</p> <p>Criteria c) and d) seek to retain the relative tranquillity and wildness of the area's landscapes. The proposed scheme largely follows the online path of the existing A9, which has an existing influence on landscape character and features. As such, the</p> |

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| | | | <p>proposed scheme does not conflict with criterion c and d.</p> <p>e) In relation to the provision of landscape mitigation and enhancement, both Chapter 13 (Landscape) and Chapter 14 (Visual) set out mitigation measures during construction and operation that would provide screening of views, which reinforce the character of the existing landscape. As noted above, this planting will not become established when the proposed scheme opens. However, it will gradually enable the proposed scheme to lessen its impact and therefore will conform with criteria e).</p> <p>f) Mitigation measures identified for the proposed scheme include general landscaping, new/replacement planting, replacement bunding, and grading out of embankments to minimise potential impacts on the landscape and contribute to the fulfilment of this criteria of Policy ER6.</p> <p>g) In relation to the conservation of the experience of the night sky, mitigation measures including the avoidance of night-time working where possible and, where necessary, specific lighting used to minimise light pollution or glare will be implemented during the construction phase and will result in compliance with criteria g).</p> <p>Considering the above aspects of policy, it is determined that the nature of the proposed scheme would create unavoidable impacts. However, given the design has sought to maintain a predominantly online design, and that the mitigation identified will lessen these impact in time, it is considered that in that respect the proposed scheme does contribute to managing the future landscape, however the in terms of meeting compliance with the individual aspects of this policy it would not fully comply with Policy ER6.</p> |
| <p>Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction (PKC LDP2 Policy 1 A&B – Placemaking)</p> | <p>Chapter 10 (Geology, Soils, Contaminated Land and Groundwater)</p> <p>Chapter 16 (Air Quality)</p> <p>Chapter 18 (Materials)</p> | <p>✓</p> <p>✓</p> <p>✓</p> | <p>Policy EP1 seeks to ensure sustainable construction principles are employed in new developments which will contribute to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions. This policy is not directly relevant to road projects and is aimed at new buildings, but it is relevant to note that Chapter 16 (Air Quality) does assess regional emissions, including hydrocarbons and carbon dioxide, as a result of the proposed scheme. This concludes that there are no significant local air quality impacts at either human exposure locations or ecosystems/designated sites. A regional emissions assessment was undertaken for the anticipated year of opening (2026) and the design year (2041). The regional assessment predicts that emissions of NO_x, NO₂, PM and CO₂ will increase with the proposed scheme, but these are not considered to be significant. Further to this, the impact of dust on sensitive receptors has been assessed in Chapter 16, which identifies dust mitigation measures to be adopted during the construction phase.</p> <p>As noted in Chapter 10 (Geology, Soils, Contaminated Land and Groundwater), no loss of peat is expected to occur as a result of the proposed scheme.</p> <p>In relation to carbon dioxide and the policies aims to meet the targets to reduce carbon emissions, Chapter 18 (Materials) reports on the use of Transport Scotland's Carbon Management Systems (CMS) tool to estimate the total embodied carbon emissions. The results of the CMS indicate a moderate impact on material resources in relation embodied carbon. As noted above, this policy is not directly relevant to roads projects and a specified level of impact is not noted in the policy to define a threshold of compliance. However, the use of the CMS tool can demonstrate the proposed scheme's approach of consideration of the impacts of climate change within the assessment process, according with the wider aims of SPP to consider sustainable development.</p> |

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| | | | Overall, it is considered that the proposed scheme will comply with the aims of Policy EP1. |
| Policy EP2 – New Development and Flooding (PKC LDP2 Policy 50) | Chapter 11 (Road Drainage and the Water Environment) | ✓ | <p>Policy EP2 sets out a general presumption against proposals for built development in areas where there is a significant probability of flooding.</p> <p>To ensure the project has a greater resilience to effects of climate change, in accordance with this policy, SPP and DMRB Guidance, Chapter 11 (Road Drainage and the Water Environment) provides an assessment of the potential for flood risk from the proposed scheme and proposed mitigation, including reducing surface runoff and the implementation of SuDS.</p> <p>For the proposed scheme, a general approach to flood prevention has been adopted. This includes the provision of compensatory flood storage in the event where floodplains are lost or connectivity is reduced. Whilst both beneficial and residual impacts are reported in the chapter, it concludes that the overall net effect of the proposed scheme will be a beneficial impact. As the project is of strategic importance as a trunk road and develops on an existing route, it is assessed as being in accordance with Policy EP2 under this criterion.</p> |
| Policy EP3 – Water Environment and Drainage (PKC LDP2 Policy 51) | Chapter 11 (Road Drainage and the Water Environment) | ✓ | This policy states the requirement to employ SuDS measures. The proposed scheme includes outfalls that discharge routine road run-off to receiving water features. In Scotland, SuDS are a legal requirement under the Controlled Activities Regulations (CAR) 2011 (as amended). A minimum of two levels of SuDS would be included for the proposed scheme, in agreement with SEPA and SNH and therefore considered to comply with policy. |
| Policy EP4 – Health and Safety Consultation Zones (PKC LDP2 Policy 52) | n/a | N/A | Within the designated Pipeline Consultation Zones the Council will seek and take full account of the advice from the Health and Safety Executive. As the project is not located within the designated zone, this policy is not applicable. |
| Policy EP5 – Nuisance from Artificial Light and Light Pollution (PKC LDP2 Policy 53) | Chapter 14 (Visual) | ✓ | <p>Artificial lighting will be required on the A9 Southern Tie-in Roundabout. The lighting at this location will be compliant with regulation standards for a project of this nature and is not considered to have a detrimental effect on any sensitive receptors in both the natural and built environment.</p> <p>It is considered that this is compliant with Policy EP5.</p> |
| Policy EP6 – Lunan Valley Catchment Area (PKC LDP2 Policy 43) | Chapter 11 (Road Drainage and the Water Environment) | N/A | Data provided by PKC has indicated that the Lunan Valley Catchment Area is not located within the assessment area of the project and as such is not of consideration to this compliance assessment. |
| Policy EP7 – Drainage within the Loch Leven Catchment Area (PKC LDP2 Policy 44) | Chapter 11 (Road Drainage and the Water Environment) | N/A | As above. |
| Policy EP8 – Noise Pollution (PKC LDP2 Policy 54) | Chapter 17 (Noise and Vibration) | ✓ | <p>Policy EP8 presumes against the siting of developments which will generate high levels of noise which will negatively impact sensitive receptors. Chapter 17 (Noise and Vibration) compiled noise modelling for sensitive receptors within the defined study area (including dwellings).</p> <p>After mitigation has been implemented, it is considered that residual operational noise in the short-term will impact 50 Noise</p> |

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| | | | <p>Sensitive Receptors (NSR), including 46 dwellings, with this reducing in the long-term to 4 NSRs (1 dwelling at ground floor and 3 dwellings at first floor level) which will experience a Slight/Moderate Averse impact once mitigation has been embedded.</p> <p>Despite this impact, the predicted noise levels are less than 59.5dB which is the industry standard for schemes of this nature. As a result, it is considered a feasible level of noise impact, and compliant with policy.</p> <p>Additionally, in further compliance with the wording of Policy EP8, the assessment undertaken in Chapter 17 throughout both DMRB Stage 2 and DMRB Stage 3 would qualify as an appropriate Noise Impact Assessment.</p> |
| Policy EP11 – Air Quality Management Areas (PKC LDP2 Policy 55) | Chapter 16 (Air Quality) | ✓ | There are no designated Air Quality Management Areas that would be affected by the proposed scheme. |
| Policy EP12 – Contaminated Land (PKC LDP2 Policy 56) | Chapter 10 (Geology, Soils, Contaminated Land and Groundwater) | ✓ | <p>Policy EP12 seeks to ensure that development on contaminated land is appropriate in terms of remediation measures and use of the land. The potential for impacts on human health and water environment as a result of interaction with contaminated land is identified and assessed in Chapter 10 (Geology, Soils, Contaminated Land and Groundwater).</p> <p>Twenty-three potentially contaminated land sources have been identified (including made ground; backfilled quarries/pits; railway; storage tanks; a former rifle range and an active quarry). A number of potential contaminated land issues were identified, which would require mitigation measures during construction. The residual impacts on receptors due to contaminated land are expected to be of Low significance during construction and Very Low significance during operation. This is considered to be appropriate, making the proposed scheme is compliant with this policy.</p> |
| Policy EP15 – Development Within the River Tay Catchment Area (PKC LDP2 Policy 45) | Chapter 12 (Ecology and Nature Conservation) | ✓ | <p>This policy seeks to protect and enhance the nature conservation interests within the River Tay Catchment area. The policy lists criteria that should be applied to development proposals at a number of specific locations, as can be seen in Appendix A19.1 (Planning Policy Context for Environmental Assessment).</p> <p>As the project is not located within one of the specified locations the policy is not applicable to this assessment.</p> |

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