

Director Low Carbon Economy

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Your ref:

Our ref: A9 Crubenmore to
Kincraig

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Dear Hugh

THE ROADS (SCOTLAND) ACT 1984 AND THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947 THE A9 TRUNK ROAD (CRUBENMORE TO KINCRAIG)

Introduction

1. This letter contains the Scottish Ministers' decision on the draft Orders listed below in connection with the A9 Crubenmore to Kincraig scheme.

Background

2. Transport Scotland, the promoter of the scheme published four draft Orders and an Environmental Statement (ES) relating to the proposed dualling under the Roads (Scotland) Act 1984 and the Acquisition of Land (Authorisation Procedure) Scotland Act 1947. The draft Road and Compulsory Purchase Orders and ES were published on 4 September 2018. The draft Orders are as follows;

- The A9 and A86 Trunk Roads (Crubenmore to Kincraig) Compulsory Purchase Order 201[]
- The A9 and A86 Trunk Roads (Crubenmore to Kincraig) (Trunking) Order 201[]
- The A9 and A86 Trunk Roads (Crubenmore to Kincraig) (Side Roads) Order 201[]
- The A9 and A86 Trunk Roads (Crubenmore to Kincraig) (Extinguishment of Public Rights of Way) Order 201[]

3. The proposed scheme promotes the widening and upgrading of the A9 from a single to a dual carriageway, generally along the line of the existing road over a distance of approximately 16.5 kilometres. There will be some localised off-line works, notably to allow for the construction of a new bridge over the River Spey. The scheme will remove all gaps in the central reservation to prevent right-turn manoeuvres across the carriageways. It will also remove all existing lay-bys, which will be replaced by five new lay-bys on each carriageway.

4. The A9 dualling programme as a whole will create safe, consistent and reliable driving conditions. In doing so, it will alleviate driver frustration and contribute to a reduction in the high incidence of serious and fatal road accidents. It will also benefit national and local businesses; local communities; and tourists; by providing improved access locally and between the Central Belt and the Scottish Highlands and reduce journey times between Perth and Inverness by 20 minutes.

Objections and Public Local Inquiry Procedures

5. A total of sixty objections to the draft Orders were lodged, thirteen of which were considered statutory objections that required the holding of a Public Local Inquiry (PLI) to consider these objections. A pre-inquiry meeting was held on 29 October 2020 by the Reporter, Andrew Sikes BA (Hons), DipUD, MRTPI to consider the arrangement and procedures for the inquiry. The majority of statutory objectors subsequently withdrew their objections in full.

6. It was agreed that an inquiry session would be held to hear the evidence of a statutory objector made in respect of the proposed scheme. It was also agreed to hear evidence made in support of the statutory objector by a large number of non-statutory objectors. However, prior to the inquiry, the statutory objector that had intended to participate in the inquiry withdrew its objection in full. The PLI which had been due to commence on 1 March 2021, was therefore cancelled on 8 January 2021.

Evidence submitted for the PLI

7. The Reporter has considered the written submissions made by the promoter and the objectors in preparation for the PLI, and reached the conclusion that he had sufficient information to make a recommendation to Scottish Ministers. The background to the scheme and need for the Orders, the environmental impact of the scheme and the objections to the scheme are contained in Chapters 1 to 3 of the Report.

Consideration by the Reporter

8. The Reporter's reasoned conclusions and recommendations contained in Chapter 4 are that, subject to favourable outcome of an Appropriate Assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 in regard to the River Spey Special Area of Conservation (SAC); Insh Marshes SAC; River Spey – Insh Marshes Special Protection Area and River Spey – Insh Marshes Ramsar; that the Orders be confirmed, subject to the modifications to the Compulsory Purchase Order and Side Roads Order proposed by Transport Scotland, which enabled the withdrawal of a number of objections.

9. Since the Reporter's recommendations, no correspondence has been received by the Scottish Government regarding the A9 Crubenmore to Kincaig proposals that would affect the Scottish Ministers' decision.

The Scottish Ministers' Decision

10. The Scottish Ministers have carefully considered the findings, conclusions and recommendations contained in the PLI Report in full, and have decided the Orders should be made with minor modifications to the draft Side Roads Order and Compulsory Purchase Order.

11. The Appropriate Assessment referred to above in paragraph 8 has been undertaken and has concluded that the project as proposed will not adversely affect the integrity of the Natura Sites.

12. Scottish Ministers have also considered the requirements of local and national planning, including the requirements of agriculture and industry. They are satisfied that all the necessary requirements of the Roads (Scotland) Act 1984 have been met.

Information regarding the right to challenge the validity of the decision

13. The foregoing decision by the Scottish Ministers is final but any person wishing to question the validity of the decision, under the provisions of Schedule 2 to the Roads (Scotland) Act 1984 and Part 4 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, may do so by application to the Court of Session. Such an application must be made within 6 weeks of the date on which the notice of the making of the Orders is first published.

14. A copy of this letter is being sent to all parties who made objections or representations within the objection period.

15. This decision letter and the Reporter's report will also be made available on the Transport Scotland website www.transport.gov.scot. Paper copies may be obtained by e-mailing specialprojects@gov.scot.

Yours sincerely



Stuart Greig
Director