

Report to the Scottish Ministers

ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947 ROADS (SCOTLAND) ACT 1984

Report by Andrew A Sikes, a reporter appointed by the Scottish Ministers

- Case references: CPO-270-8; ROD-270-14; ROD-270-15; EPW-270-4
- Site Address: A9 Crubenmore to Kincaig, Inverness-shire, PH21 1JE
- Promoter: Transport Scotland
- The Orders sought:
 - The A9 and A86 Trunk Roads (Crubenmore to Kincaig) Compulsory Purchase Order 201[]
 - The A9 and A86 Trunk Roads (Crubenmore to Kincaig) (Trunking) Order 201[]
 - The A9 and A86 Trunk Roads (Crubenmore to Kincaig) (Side Roads) Order 201[]
 - The A9 Trunk Road (Crubenmore to Kincaig) (Extinguishment of Public Rights of Way) Order 201[]
- Statutory Objectors: see summary report
- Non-statutory Objectors: see summary report

Date of this report and recommendation: 26 April 2021

CONTENTS			
		Page	
Summary Report		2	
Preamble		12	
Chapters			
1. Background to the scheme and the need for the Orders		14	
2. The environmental effects of the proposed scheme		21	
3. The objections to the proposed scheme		38	
4. Reporter's conclusions and recommendation		80	
Appendices			
Appendix 1: Core document list		84	
Appendix 2: Transport Scotland document list		96	
Abbreviations used in the report			
CNPA	Cairngorms National Park Authority	NNR	National Nature Reserve
DMRB	Design Manual for Roads & Bridges	NMU	Non-Motorised Users
EIA	Environmental Impact Assessment	RSPB	Royal Society for the Protection of Birds
GCRS	Geological Conservation Review Site	RZSS	Royal Zoological Society of Scotland
GDTE	Groundwater Dependent Terrestrial Ecosystems	SAC	Special Area of Conservation
HRA	Habitat Regulations Appraisal	SEA	Strategic Environmental Appraisal
IIP	Infrastructure Investment Plan	SPA	Special Protection Area
LGS	Local Geodiversity Site	SSSI	Site of Special Scientific Interest
NCN	National Cycle Network	SuDS	Sustainable Drainage Systems



Summary of report into Compulsory Purchase Order, Trunking Order, Side Roads Order, Extinguishment of Public Rights of Way Order

The A9 and A86 Trunk Roads (Crubenmore to Kincaig) Compulsory Purchase Order 201[]
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A9 Crubenmore to Kincaig, PH21 1JE

Case references	CPO-270-8; ROD-270-14; ROD-270-15; EPW-270-4	
Case types	<ul style="list-style-type: none"> • Compulsory Purchase Order • Trunking Order • Side Roads Order • Extinguishment of Public Rights of Way Order 	
Reporter	Andrew A Sikes	
Promoting authority	Transport Scotland	
Other Parties	Insh Marshes objectors: Mr D Lintern Mr P Bloomfield Ms M Schmidt Ms D Gemmell Ms A Henderson Ms A Lumgair Ms K Johnston Mr R Hirani Ms K Williams Mr S & Mrs E Ingram Ms B Holligan Mr D. Jackson & Mrs E Calloway-Bond Ms J Brown Ms A Wood Ms L Harrison Ms M Antram J. Shoosmith Badenoch & Strathspey Conservation Group	Other objectors: Mr T Hone Mr J Mackintosh Mr I Brodie Mr M and Mrs V Smith Mr A Slimon Mr and Mrs I Clark Mr C Veen Ms J Buckingham Mr J Buckingham

Date of draft Orders	4 September 2018
Date case received by DPEA	29 January 2020
Methods of consideration	Written submissions
Date of report	26 April 2021
Reporter's recommendation	That the orders be modified and confirmed

The Site

The site comprises the existing A9 trunk road between Crubenmore and Kincaig, extending to approximately 16.5 kilometres (10.2 miles), together with land immediately located either side of the road, including its junction with the A86 at Kingussie.

Description of the proposed scheme

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. There would be some localised off-line works, notably to allow for the construction of a new bridge over the River Spey. The scheme would remove all gaps in the central reservation to prevent right-turn manoeuvres across the carriageways. It would also remove all existing lay-bys, which would be replaced by five new lay-bys on each carriageway.

In order to maintain connectivity, grade separated junctions with underbridges would be provided at Newtonmore and Kingussie. In addition, left in/ left out junctions would provide access to Glentruim, Ralia-Nuide Road and Balavil from the northbound carriageway. Elsewhere, underpasses at Phoinies, Nuide, and Knappach would provide access for local residents, farm and estate managers, cyclists and pedestrians. Where existing cycleways and footpaths would be affected by the dualling of the road, the scheme proposes to divert and reinstate these where necessary. The proposed scheme includes a new cycle/ pedestrian route extending from Kingussie to Kincaig, which would connect to a similar route provided as part of the Kincaig to Dalraddy dualling scheme.

Extensive earthworks would be required to facilitate the construction of the road, including rock cuts at Braes of Nuide. Elsewhere, retaining walls and/ or soil nailing would be used to limit encroachment of the proposed scheme onto adjacent land, notably at the Highland Wildlife Park and Balavil Estate. In other places, some slopes would be graded to address landscape and visual effects.

The proposed scheme would cross 28 watercourses; ranging from minor open field and land drainage channels to major water crossings, including the River Spey and a number of burns. The proposed bridges and culverts have been designed to withstand a 1:200 year flood event, unless modelling has identified a loss of upstream flood storage capacity which

would increase downstream flood risk. The proposed scheme includes compensatory flood storage measures.

Justification and benefits

The A9 is a strategic route that links Central Scotland with the Scottish Highlands. The route is vital to the economy and the communities of north Scotland, supporting key industries, including energy, construction, tourism, food and drink. It is also an important tourist route providing access to the Perthshire, Cairngorms National Park and The Highlands.

In 2008, a Strategic Transport Projects Review identified the dualling of the A9 as a priority trunk road intervention. In its Infrastructure Investment Plan of 2011, the Scottish Government confirmed its commitment to dual the road between Perth and Inverness by 2025; a commitment reiterated in 2015 and again in 2021. The delivery of the Crubenmore to Kinraig scheme forms part of that commitment.

The proposed scheme is intended to improve the operation of the A9 by reducing journey times and improving journey time reliability. It also aims to improve safety for motorised and non-motorised users by reducing accident severity and driver stress, facilitate active travel and improve integration with public transport facilities.

The objections

The case for the Insh Marshes objectors ¹

The Insh Marshes objectors object to the proposed scheme on the following grounds:

- the proposed scheme is unnecessary;
- the design of the proposed scheme is not the optimum and alternative designs should have been considered. In particular, the proposed scheme should not comprise of an off-line dual carriageway to the east;
- the proposed River Spey crossing design should have encompassed a longer bridge and the proposed scheme has failed to use the dualling opportunity to deliver a 'green underpass' at the River Spey crossing;
- the Environmental Impact Assessment carried out in relation to the proposed scheme was inadequate. In particular, it underestimates extent of habitat that would be lost and the effects of construction and operation of the proposed scheme;
- the proposed scheme runs through an area of ecological and environmental importance (the River Spey-Insh Marshes Ramsar/ SPA/ SSSI, the River Spey SAC and the Insh Marshes SAC) and would give rise to substantial disruption to

¹ Objections: [020](#), [021](#), [025](#), [026](#), [027](#), [028](#), [032](#), [033](#), [034](#), [036](#), [037](#), [042](#), [045](#), [048](#), [049](#), [054](#), [055](#) & [058](#)

important habitat and wildlife. The importance of the National Nature Reserve (NNR) has not been recognised or considered;

- insufficient mitigation is being proposed in respect of the environmental and ecological impacts of the proposed scheme;
- in particular, the mitigation proposed to be provided through compensatory habitat creation at Dellmore of Kingussie is insufficient;
- the proposed scheme gives rise to unacceptable impacts on biodiversity;
- the NNR is a site which attracts tourists and visitors and the proposed scheme would adversely impact both visitor experience of the NNR and the contribution that tourists visiting the NNR brings to the local economy;
- an increase in road traffic is likely to give rise to an increase in road traffic accident mortality of waders due to increased traffic flow;
- the Insh Marshes provided necessary protection from flood risk, as they are a flood plain; and,
- the proposed scheme gives rise to unacceptable cumulative impacts.

The case for Mr Hone ([Objection 005](#))

Mr Hone is a statutory objector to the proposed scheme and former owner of Ruthven Farm, Kingussie. Although the objector has sold his interest in Ruthven Farm to a third party, his objection has not been withdrawn. The grounds of the objection relate to; the impact of the proposed scheme on the viability of the farm unit, grazing and the movement of stock; the creation of isolated areas of public land; the identification of alternative areas of land for acquisition which would have less economic impact on the farm; servitude rights of access, which have yet to be completed; and, the threat the proposed scheme poses to economic sustainability, contrary to Scottish Government policy on the rural environment.

The case for Mr Mackintosh ([Objection 009](#))

Mr Mackintosh is a statutory objector to the proposed scheme and the owner and occupier of a croft holding known as Laggan Croft No's 2. The croft is not presently farmed. It is, however, occupied and utilised for horse grazing/ livery purposes on an all year round basis. The grounds of objection relate to; the extent of the proposed land take and the threat this would pose to the viability of the croft; the potential for croft buildings to become redundant; the loss or contamination of drinking water for grazing animals; the possible relocation of a SuDS pond; the need to acquire an access track.

The case for Mr Brodie ([Objection 012](#))

Mr Brodie is a non-statutory objector to the proposed scheme. Mr Brodie's grounds of objection relate to aspects of the design development and environmental assessment of the proposed scheme, including the proposed new means of access to Croftcarnoch and the potential impacts of the proposed scheme on the operations of the Highland Wildlife Park.

The cases for Mr and Mrs Smith and Mr Slimon ([Objection 013](#) & [Objection 014](#))

Mr and Mrs Smith and Mr Slimon are statutory objectors to the proposed scheme. Their objections relate to the impact of the proposed scheme on Glentruim, in particular, the removal of the Glentruim Junction and the alternative junction and access arrangements proposed. The objections also raise road safety concerns, school bus stop provision and the consultation process.

The case for Mr and Mrs Clark ([Objection 018](#))

Mr and Mrs Clark are statutory objectors to the proposed scheme and are the owners of a house known as Three Bridges, Kingussie. The property is located approximately 265 metres east of the existing Kingussie junction, where the south bound off and on ramps form a T-junction with the B9152 Kingussie to Granish Road. The property also lies approximately 350 metres south east of an at-grade T-junction access to the A9 which would be stopped-up should the draft Orders be confirmed. The grounds of objection relate to the use of an access track, which it is proposed to acquire in order to access a SuDS pond, by heavy plant and machinery and its potential to damage a foul water drainage pipe which lies below. The objectors also seek an assurance from Transport Scotland that no operational traffic would use the aforementioned track from the B9152 during the construction phase of the proposed scheme.

The case for Mr Veen ([Objection 060](#))

Mr Veen is a statutory objector to the proposed scheme and the owner of a house known as The Auld Poor House, Kingussie. The location of the property is approximately 300 metres south of the proposed dualled A9, 250 metres south of an associated SuDS pond and 30 metres north of a priority T-junction between the B9152 Kingussie to Granish Road and the private means of access to the Auld Poor House. Mr Veen believes that by not engaging with him early in the process and not providing him with a copy of the draft Orders when they were first published, Transport Scotland has breached his rights. Mr Veen argues that Transport Scotland has failed to recognise his prescriptive right of access over the access road to his property and that he wishes to seek compensation as his rights would be affected by the proposed scheme. Finally, Mr Veen seeks clarification on the intended use of the access road and maintenance arrangements.

The case for Ms Buckingham ([Objection 015](#))

Ms Buckingham is a non-statutory objector to the proposed scheme. Ms Buckingham considers that there are currently major safety issues for cyclists who use the National Cycle Route (NCN7) between Newtonmore and Kingussie which are not being addressed by the proposed scheme. Ms Buckingham considers that Transport Scotland is missing an opportunity to provide a cycle path adjacent to the A9 between Ralia and Ruthven.

The case for Mr Buckingham (Objection 016)

Mr Buckingham is a non-statutory objector to the proposed scheme and owner of three self-catering cottages at Ruthven Steadings, Kingussie, where he resides in a separate dwelling house. Ruthven Steadings is located between the Newtonmore and Kingussie junctions, east of the A9 where the B970 passes below the A9 via an underbridge. The Steadings are located to the south side of the B970. Mr Buckingham is concerned about the potential increase in noise levels at the self-catering cottages from road traffic and the adequacy of the mitigation measures proposed to address his concern. Mr Buckingham would like further mitigation measures to be developed and incorporated into the proposed scheme and a programme of noise measurements taken before scheme construction to allow for comparison with the proposed scheme once complete.

The case for Transport Scotland (CD026)

The Scottish Ministers, as Trunk Roads Authority, have a statutory duty to keep under review the management and maintenance of the trunk road network in Scotland, ensuring the provision of a safe and efficient national network of roads. In making the draft Orders the Scottish Ministers are fulfilling a statutory duty.

The intention of the proposed scheme is to provide approximately 16.5 kilometres of new dual carriageway between Crubenmore and Kinraig. The proposed scheme is part of the wider Scottish Government commitment to upgrade the A9 between Perth and Inverness to dual carriageway by 2025.

The draft Orders and the proposed scheme are broadly compliant with national, regional and local planning policies. Where conflicts with planning policy arise, these require to be balanced against the over-arching benefits of the proposed scheme, such as; improved strategic connectivity, enhanced road safety, and realising national and regional social and economic opportunities.

The land to be acquired in terms of the draft Compulsory Purchase Order is required to enable the construction, maintenance and operation of the proposed scheme and associated junctions, side roads, access roads and environmental mitigation. Given the scale of the land required and the proposed timescale for the delivery of the proposed scheme, it is not reasonably practicable to pursue acquisition by private bargain. Compulsory acquisition is appropriate and necessary to achieve the certainty of being able to provide measures to mitigate environmental impacts committed to in the Environmental Statement. Accordingly, the Compulsory Purchase Order is necessary.

The A9 dualling programme emerged from the Strategic Transport Projects Review, an exercise akin to a Scottish Transport Appraisal Guidance. The proposed scheme has been developed following a route-wide assessment of engineering and environmental constraints, risks and opportunities. In addition, high level strategic alternative dualling options have been considered. The preferred route alignment has been subject to continuing refinement informed by a range of inputs and considerations, including

landowner and stakeholder consultations, as well as an Environmental Impact Assessment. In summary, the development of the proposed scheme has followed a proper process, in accordance with relevant legislation and guidance, from inception through to route choice and design development.

Transport Scotland argues that none of the grounds of objection to the proposed scheme justify any refusal to make the Orders.

In summary, Transport Scotland contends:

- there is a need for the proposed scheme;
- the proposed scheme is in accordance with the relevant duties, policies and objectives of the Scottish Ministers;
- the proposed scheme is largely consistent with the key aims, objectives and strategies of the relevant planning framework, and any conflict with planning policy is outweighed by over-arching benefits in the public interest;
- the environmental impacts of the proposed scheme have been assessed and measures to mitigate significant adverse impacts, where practicable, have been identified and included in the proposed scheme;
- the scheme would deliver overall benefits;
- the land identified in the Compulsory Purchase Order is required to deliver, maintain and operate the proposed scheme and the Compulsory Purchase Order is necessary and justified; and,
- the draft Orders as a whole are necessary to achieve the delivery of the proposed scheme.

Reporter's findings

The proposed scheme

With the exception of a number of Insh Marshes objectors, the need and justification for the proposed scheme, including its anticipated benefits, are largely accepted and undisputed. The A9 dualling programme, of which the proposed scheme is part, is longstanding and supported nationally across planning, transport and economic policy. From the evidence before me, I consider that there is a clear and compelling need for the proposed scheme.

The overall environmental effects of the proposed scheme have been assessed in the Environmental Statement. Measures to mitigate predicted significant adverse effects, where practicable, have been identified and included in the proposed scheme, including project specific mitigation. I consider that any significant effects during the construction of the proposed scheme would be short-term and temporary in nature.

With mitigation, the proposed scheme would not result in any permanent significant adverse effects on geology, soils and groundwater, cultural heritage, air quality, noise and vibration

and materials. However, there would be significant residual impacts on the landscape and visual amenity. With regard to community assets, through the permanent land-take from estates, holdings and crofts, there would be significant effects on some sporting and agricultural interests, in some cases sufficient to adversely affect their viability. Also, there would be significant residual effects on a number of residential and commercial properties through longer journey lengths when travelling south. There are no mitigation measures that would minimise such impacts.

Furthermore, even after mitigation, the proposed scheme would have significant effects on landscape character and visual amenity. An evident change in the landscape would be the introduction of a new, longer River Spey bridge, resulting in a significant effect to the Insh Marshes Local Landscape Character Area. To address this concern, the new bridge would have a low profile design similar to the existing structure to limit the extent of change. In terms of visual amenity, visitors to Ruthven Barracks, and the residents of nearby properties to the south and east, would experience significant residual visual effects due to limited tree planting on the approach embankment adjacent to the B970. However, for the majority of other visual receptors, embedded design and established planted mitigation would soften the appearance of the proposed scheme in the long term, reducing adverse effects.

There is also the potential for some significant cumulative effects, notably on the interests at Ralia Estate, Knappach Cottage, Balavil Mains Farm House and RSPB land (including Insh Marshes). The effects principally relate to change in access provision, visual effects and loss of land to the proposed scheme.

The adverse impacts that would ensue need to be balanced against the wider benefits that the proposed scheme would deliver in the long-term. There would be improvements in road safety, a reduction in situations that could give rise to driver stress and safer access to walking and cycling routes. There would also be improved treatment of road surface run-off and road drainage discharge to the water environment and, importantly, improved fish and mammal passage under the A9.

The proposed scheme would encroach into a number of statutorily designated sites of international and national importance, including a Ramsar and Special Protection Area, special areas of conservation, sites of special scientific interest and a national nature reserve. As such, in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in Scotland), I consider that an appropriate assessment should be undertaken to establish whether there would be any adverse effects on the integrity of the designations affected.

Objections to the proposed scheme

The Insh Marshes objectors are concerned about the impact of the proposed scheme on the Insh Marshes National Nature Reserve. Their objections are made in general terms without reference to detailed information and reflect many of the concerns initially raised by the RSPB. To address their concerns, Transport Scotland has demonstrated that it has undertaken a rigorous route selection process, particularly in respect of the River Spey

crossing, informed by robust and thorough environmental, engineering and economic assessments. The proposed scheme includes project specific mitigation to address identified adverse effects during its construction and operation, which include a new river crossing more than double the length of the existing bridge and the creation of extensive compensatory habitat for displaced breeding waders. Importantly, none of the statutory consultees object to the proposed scheme and the RSPB, on the basis of agreed modifications, has withdrawn its objection. I do not consider that any of the Insh Marshes objectors raise matters that would justify any refusal to confirm the Orders.

With regard to other objections, Transport Scotland has presented clear and compelling evidence to demonstrate that the land identified for compulsory acquisition is necessary for the construction and operation of the proposed scheme, including land at Ruthven Farm, Kingussie and Laggan Croft No's 2, Kingussie, which also includes the acquisition of a private access track that serves the croft and properties known as Auld Poor House and Three Bridges. Despite suggestions that the land take in these locations is excessive, I accept that it is required for the purposes of the proposed scheme and, on the basis of the evidence provided, that the farm and croft would remain viable businesses.

Furthermore, I accept that the acquisition of the access track serving the croft and residential properties is required in order to secure access to a proposed SuDS pond for maintenance purposes. Importantly, Transport Scotland has provided Messrs Mackintosh, Clark and Veen with the assurances that they seek regarding ongoing and future access to their properties, the repair of any damage caused to drainage and other utility pipes located beneath the track by construction vehicles, and the future maintenance of the track. Finally, although Mr Veen was notified later than others of the publication of the draft Orders, I do not consider that he has suffered any disadvantage in this process; he was consulted appropriately and allowed the same time as others to lodge objections.

The removal of the Glentruim Junction, where a 'C' Class road meets the existing A9, is consistent with the junction and access strategy of the A9 dualling programme; which seeks to limit direct access to the new dualled carriageway and remove right turn manoeuvres across the carriageway for reasons of road safety. Neither Mr and Mrs Smith nor Mr Slimon have provided any compelling reasons as to why it should be retained. Furthermore, their suggested alternatives are either unachievable or no better than that which is proposed. While some journey lengths would be longer for some that presently use the Glentruim Junction, I do not consider that the increased journey lengths would be unreasonable, particularly as the proposed Glentruim/ Ralia left-in/ left-out junction and grade separated Newtonmore Junction access arrangements would be considerably safer to use than those currently available.

Transport Scotland has responded in detail to the concerns of Mr Brodie in respect of Highland Wildlife Park and the proposed new means of access to serve properties at Croftcarnoch. The proposed access would be located outwith the main fenced area of the park. The operators of the park do not object to the proposed scheme. Transport Scotland is committed to working with the Royal Zoological Society of Scotland to develop and agree

planting and boundary treatments to avoid and minimise the impacts of the proposed scheme, which would include the use of native species; a requirement which would be binding on the chosen contractor.

With regard to the concerns of Ms Buckingham, I agree with Transport Scotland that it would not be reasonable, appropriate or justified to replace Nation Cycle Network Route 7 as part of the proposed scheme. The existing cycle route between Newtonmore and Kingussie is remote from, and unaffected by, the proposed scheme.

Finally, based on the findings of a noise and vibration assessment, I accept that the predicted noise levels that would be experienced at Ruthven Steadings by Mr Buckingham and those occupying his holiday-let properties would be below the threshold requiring mitigation, beyond that embedded in the design of the proposed scheme.

No further written submissions have been lodged on behalf of any of the remaining objectors to the proposed scheme.

In conclusion, I do not consider that the objections of Mr Hone, Mr Mackintosh, Mr Brodie, Mr and Mrs Smith, Mr Slimon, Mr and Mrs Clark, Mr Venn, Ms Buckingham and Mr Buckingham raise any matters that would justify any refusal to confirm the draft Orders.

Recommendation

Subject to appropriate assessments concluding that there would be no adverse effects on the integrity of the River Spey – Insh Marshes Ramsar; River Spey – Insh Marshes Special Protection Area; River Spey Special Area of Conservation; Insh Marshes Special Area of Conservation; River Spey – Insh Marshes Site of Special Scientific Interest; River Spey Site of Special Scientific Interest; and, Insh Marshes National Nature Reserve (NNR), the orders, as modified by Transport Scotland, should be confirmed.

DPEA case references: CPO-270-8; ROD-270-14; ROD-270-15; EPW-270-4

The Scottish Ministers
Edinburgh

Ministers

In accordance with my [minute of appointment](#) dated 21 April 2020, I made arrangements to conduct a public inquiry in connection with the draft Orders required to enable the dualling of the A9 trunk road between Crubenmore and Kincaig and consequential amendments to the A86 and side roads. The need for the public inquiry was due to there being statutory and non-statutory objections to the draft Orders which had not been withdrawn.

I held a pre-inquiry meeting on 29 October 2020 to consider the arrangements and procedures for the inquiry. As it was not possible to meet in person, owing to the coronavirus pandemic, the meeting was conducted ‘virtually’ and broadcast live to the DPEA website.

At the [pre-inquiry meeting](#), 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. Prior to the inquiry, the statutory objector that had intended to participate in the inquiry withdrew its objection in full. The inquiry session, which had been due to commence on 1 March 2021, was therefore cancelled on 8 January 2021. With my agreement, Transport Scotland subsequently lodged a written submission to address the evidence of the non-statutory objectors that was to have been heard at the inquiry. Transport Scotland also lodged written submissions in respect of all other unresolved statutory and non-statutory objections.

I also permitted Transport Scotland to make a [closing submission](#) in writing, which was accompanied by a schedule of proposed amendments to the draft Compulsory Purchase Order and draft Side Roads Order. I have taken these amendments into account in my report.

Due to coronavirus pandemic travel restrictions, I was unable conduct a site inspection of the area affected by the draft Orders. To assist my consideration of the extant objections, Transport Scotland helpfully provided photographs and video footage, including drone footage, of key locations and sites within the proposed scheme extents.

In chapter 1 of my report, I provide a brief background to the proposed scheme and outline the need for the draft Orders, all as set out by Transport Scotland. In chapter 2, the main findings of the Environmental Statement, which accompanies the draft Orders, are summarised to provide a broader contextual understanding of the proposed scheme. I summarise and discuss the extant objections in chapter 3, together with my conclusions on the matters that remain in contention. Finally, my overall conclusions and recommendation are set out in chapter 4 of the report.

CHAPTER 1: BACKGROUND TO THE SCHEME AND THE NEED FOR THE ORDERS

Introduction

1.1 This chapter provides an overview of the need for the proposed scheme and its anticipated benefits. It also provides a summary of the background to, and development of, the scheme, including a factual description of what is proposed, all as set out in Transport Scotland's submissions.

1.2 The orders are proposed to be made by Transport Scotland, acting on behalf of the Scottish Ministers, under the Roads (Scotland) Act 1984 ([CD301](#)) and, so far as relating to the compulsory purchase of land, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 ([CD303](#)).

1.3 In short, the draft Orders relate to the dualling of the A9 trunk road between Crubenmore and Kincaig. The general effect of the proposed scheme is to upgrade approximately 16.5 kilometres (10.2 miles) of the existing A9 single carriageway to a dual carriageway to help assist economic growth by improving journey times, journey time reliability, road safety and potentially saving costs for businesses.

The need for the proposed scheme

1.4 The proposed scheme is part of the wider Scottish Government commitment to upgrade the A9 trunk road between Perth and Inverness to dual carriageway standard by 2025. Given the length of the A9 between Perth and Inverness (approximately 175 kilometres), Transport Scotland has split its dualling programme into individual projects; the Crubenmore to Kincaig section is referred to as project 9.

1.5 The Scottish Ministers, as Trunk Road Authority in terms of the Roads (Scotland) Act 1984, have a duty to keep under review the management and maintenance of the trunk road network in Scotland, ensuring the provision of a safe and efficient national network of roads.

1.6 The existing A9 trunk road is a key strategic link between Dunblane and Thurso passing close to Stirling, Perth and Inverness. It provides an important link between the Central Belt of Scotland and the Scottish Highlands and is vital to supporting growth and development of the economy of the North of Scotland. The existing A9 between Perth and Inverness comprises primarily of sections of single carriageway interspersed with wide single (2+1) and dual carriageways. The route is subject to a number of constraints that adversely affect traffic conditions and safety, resulting in a high proportion of severe accidents due to driver frustration and the lack of safe overtaking opportunities.

1.7 Transport Scotland's Statement of Reasons ([CD026](#)) states that the dualling of the A9 as a whole would provide a number of opportunities and benefits for businesses, travellers and local communities. In particular A9 dualling programme would:

- provide economic benefits to the food and drink, tourism, energy, life sciences and forestry industries;
- reduce journey times between Perth and Inverness by approximately 20 minutes, which would benefit businesses and road users and deliver wider economic benefits;
- improve journey time reliability, enabling road users and businesses to plan predictable trips;
- contribute to local economic performance through improved access to markets, reduced need for stockpiling and better productivity;
- make the surrounding areas more attractive as short-term tourism destinations;
- provide drivers with safe, consistent and reliable driving conditions and lead to improved route resilience and reduce delays during incidents and adverse weather;
- reduce and largely eliminate the conditions that currently lead to high levels of driver stress and frustration;
- offer the opportunity to improve Non-Motorised User (NMU) facilities; and,
- contribute to the completion of the dual carriageway network between all of Scotland's cities.

1.8 The Statement of Reasons also describes the key issues that affect the existing A9 between Crubenmore and Kincaig, namely:

- delays due to conflicting demand and interest of road users resulting in increased driver stress;
- a lack of safe overtaking opportunities giving potential for serious accidents; and,
- driver stress caused by frustration, fear of potential accidents and uncertainty relating to the route being followed, particularly evident during holiday periods where traffic levels are increased and there are a significant number of road users unfamiliar with the route.

1.9 The proposed scheme therefore seeks to:

- improve the operational performance of the A9 by reducing journey times and improving journey time reliability;
- improve safety for motorised and non-motorised users by reducing accident severity and reducing driver stress;
- facilitate active travel; and,
- improve integration with public transport facilities.

Background to the proposed scheme

1.10 The need for improvements to the A9 has been recognised for a sometime, with an ongoing Scottish Government commitment dating back to the 1990s. The list below, which

is not exhaustive, demonstrates the commitment of the Scottish Ministers to the A9 improvement programme and provides a justification for the project:

- A9 Route Action Plan and Route Strategy (1997) considered opportunities to improve driver safety and relieve driver stress, including dualling;
- Route Improvement Strategy Study (2004) identified a route improvement scheme for the Perth to Blair Atholl section of the A9. The findings of the study were subsequently appraised as part of a Strategic Transport Projects Review (see below);
- Strategic Transport Projects Review Final Report (2009) ([CD201](#)) confirms the Scottish Ministers' commitment to the full dualling and wider improvement of the A9 between Dunblane and Inverness. It identifies the project as a priority trunk road intervention noting that; it would address driver frustration and reduce accident severity; improve operational effectiveness of the road; promote journey time reductions, primarily to allow business to achieve an effective working day when travelling between the Central Belt and Perth and Inverness;
- Infrastructure Investment Plan (2011) ([CD202](#)) included a commitment to dual the A9 between Perth and Inverness by 2025, a commitment reiterated in subsequent versions of the Plan in 2015 (Infrastructure Investment Plan (2015) ([CD203](#))) and 2021 (The Infrastructure Investment Plan for Scotland 2021-22 to 2025-26 ([CD258](#)));
- National Planning Framework 3 (2014) ([CD207](#)) includes a specific commitment to dual trunk roads between cities, including the dualling of the A9 from Perth to Inverness by 2025;
- Scotland's Economic Strategy (2015) ([CD212](#)) identifies the A9 Dualling Programme as one of a number of infrastructure projects that would improve connectivity and help towns, cities and regions to drive growth and compete internationally;
- A9 Dualling: Case for Investment (2016) ([CD115](#)) sought to build upon the business case for the dualling of the road and provide a summary of the Scottish Government's strategic and economic case for investment in the A9 dualling programme. The study outlined the strong road user, community, business and planning authority support for the dualling programme; and,
- National Transport Strategy (2016) ([CD206](#)) sets out strategic outcomes, such as, improving journey times and connections, tackling congestion and lack of integration and connections in transport. It reaffirmed the Scottish Ministers' commitment to investing in the A9 dualling between Perth and Inverness by 2025.

1.11 [Chapter 19](#) of the Environmental Statement, provides an assessment of the proposed scheme against national and local planning policies. The assessment concludes that the proposed scheme performs well against the planning policy framework, with only limited conflict identified in relation to policies that seek to safeguard the amenity of noise

sensitive receptors. In addition, the proposed scheme is supported by a report that describes the policy context at a national, regional and local level ([TS203](#)).

Route options

1.12 The alternative routes considered are set out in [Chapter 3](#) of the Environmental Statement, including an indication of the main reasons for the choices made. The Environmental Statement notes that a Strategic Environmental Assessment (SEA) of the A9 dualling programme was undertaken between 2012 and 2014 ([CD111.001](#), part 1/15), comprising a route-wide assessment of environmental constraints, issues, risks and opportunities. At the same time, an engineering assessment of the route was undertaken taking into account the same considerations, as part of a Preliminary Engineering Support Services commission (PES) ([CD111.008](#), part 8/15). Together, the assessments satisfy the requirements of a Design Manual for Roads and Bridges (DMRB) Stage 1 corridor assessment. The assessments considered three high-level strategic alternative dualling options, namely:

- on-line widening i.e. dualling along the existing A9 single carriageway sections, to tie-in with existing dualled sections of the road;
- on-line widening with some near off-line dualling i.e. dualling along the existing A9 route, with near off-line dualling where constraints dictated; and,
- off-line alternative route options to the existing A9.

1.13 The assessments concluded that on-line dualling, generally following the route of the existing A9, was the most suitable option. It also identified that new or upgraded junctions would be required at Newtonmore and Kingussie. For the purposes of scheme development, the A9 dualling programme was then split into a series of projects, including Crubenmore to Kincaig (project 9).

1.14 With regard to the Crubenmore to Kincaig project, as part of the DMRB Stage 2 environmental assessment, three preliminary mainline alignment options were initially assessed: widening to the east (southbound side) of the existing A9; widening to the west (northbound side) of the existing A9; and, widening to both sides of the A9 (symmetrical widening). Due to the need to keep the A9 open during construction, symmetrical widening was generally discounted from further consideration, and the number of transitions from east to west kept to a minimum. The outcome of this assessment was a series of recommendations on where dualling should be considered to the east or west of the existing route in order to avoid significant constraints; in short, it recommended that nine mainline options and four indicative junction options be further assessed.

1.15 At this stage, the Crubenmore to Kincaig project was divided into five distinct assessment sections. In summary, the mainline options assessed were:

- **Section 1**, online widening of the existing A9 to the east only. The northbound dual carriageway would run on the existing alignment of the A9, while the southbound

carriageway would be located immediately to the east. The new dual carriageway would tie-in to the existing Crubenmore dual carriageway at the southern extent;

- **Section 2**, two options assessed:
 - on-line widening of the existing A9 to the east, including Newtonmore junction, where the northbound dual carriageway would run on the existing alignment of the A9, while the southbound carriageway would be located immediately to the east; and,
 - off-line option with northbound and southbound carriageways located to the east of the existing alignment, including Newtonmore junction;
- **Section 3**, online widening of the existing A9 to the east only, where the northbound dual carriageway would run on the existing alignment of the A9, while the southbound carriageway would be located immediately to the east;
- **Section 4**, four options assessed;
 - on-line widening to the east, retaining existing Spey Bridge with a new bridge (parallel single carriageway structure) to the east;
 - off-line widening to the east, with replacement Spey Bridge (dual carriageway) to the east of the existing A9;
 - on-line widening to the west, retaining existing Spey Bridge with a new bridge (parallel single carriageway structure) to the west; and,
 - on-line widening to the west, with replacement Spey Bridge (dual carriageway).
- **Section 5**, online widening of the existing A9 to the west only. The new dual carriageway would tie-in to the existing Kinraig dual carriageway at the northern extent.

1.16 The assessment also considered junction options to serve Newtonmore and Kingussie, taking into account engineering, safety and accessibility issues and public consultation feedback. The preferred route alignment, junction locations and layouts were presented at a public consultation exhibition in March 2017. Following which, the design of the preferred mainline alignment and junction layouts were refined through a DMRB Stage 3 design development assessment; an exercise informed by stakeholder consultation and environmental assessment. In October 2018, once the proposed scheme design had been finalised and the land boundary for the draft Compulsory Purchase Order fixed, the draft Orders and Environmental Statement were presented at a further public exhibition. The design development of the proposed scheme is set out in [chapter 4](#) of the Environmental Statement.

Description of the proposed scheme

1.17 The proposed scheme promotes the construction of a dual carriageway along the line of the existing A9 between Crubenmore and Kinraig, extending to approximately 16.5

kilometres (10.2 miles) in length. The dual carriageway would be constructed by generally widening the existing road 'on-line' and include the provision of grade separated junctions with underbridges at Newtonmore and Kingussie. Near Kingussie, a section of the road would be constructed 'off-line' to the east of the existing road and over the River Spey. The scheme also proposes the removal of all existing gaps in the central reservation in order to prevent right-turn manoeuvres across the carriageway.

1.18 The scheme proposes three left-in/ left-out junctions with the northbound carriageway that would allow direct access between the A9 and the local road network; the junctions would be located at:

- Glentruim/ Catlodge Road (C1137), where the minor side road would be extended to link with the Raliabeag Road (U3011), which connects the Ralia Café and Tourist Information Centre to the B9150 and the proposed Newtonmore Junction beyond;
- the north end of the Ralia-Nuide Road (U3063), which would retain its connection to the B9150 and Newtonmore Junction to the south; and,
- Balavil, which would allow access to the south to Chapelpark and Lynchat, via an underpass.

1.19 The proposed scheme would remove all existing roadside lay-bys and introduce five new lay-bys on each carriageway. Each new lay-by would include a separation island and merge tapers to and from the main carriageway.

1.20 The vertical alignment of the dual carriageway would be higher than the existing A9 in places in order to accommodate side road underpasses, new junction underpasses, for example, at Newtonmore, agricultural underpasses and to accommodate road drainage systems.

1.21 Where non-motorised user (NMU) routes, for example, footpaths and cycleways, would be affected by the proposed dualling of the road, the scheme proposes to divert and reinstate these where necessary in order to maintain connectivity. A new NMU route is proposed between Kingussie to Kincaig. The proposed route would run parallel to the new northbound carriageway, forming part of the Kingussie-Aviemore NMU route, and tie into an existing part of the route provided as part of the Kincaig to Dalraddy dualling scheme, opened in 2017.

1.22 The proposed scheme would cross 28 watercourses; ranging from minor open field and land drainage channels to major water crossings, including the River Spey and a number of burns. The proposed bridges and culverts have been designed to withstand a 1:200 year flood event, unless modelling has identified a loss of upstream flood storage capacity which would increase downstream flood risk. Mammal ledges would be included in a number of culverts and, where possible, bridge crossing structures would be set back from banksides so as not to impede natural river flows and create opportunities for wildlife and pedestrians to pass by. The proposed scheme includes compensatory flood storage measures.

1.23 Cuttings and earthworks would be required to facilitate the construction of the road, the extent of which would be dependent upon local topography and stability requirements. The design of the proposed scheme seeks to integrate the upgraded road within the existing landform through landscaping, including the use of native plant species to re-establish and reinforce local landscape character.

1.24 The proposed scheme does not include any lighting of the mainline carriageway nor the Newtonmore or Kingussie junctions, which accords with the Cairngorms National Park 'dark skies' Special Landscape Quality policy. However, NMU underpasses may be lit, where levels of natural light are reduced, in accordance with applicable safety standards. Temporary lighting may be required across the proposed scheme during the construction period where night-time working may be necessary in order to minimise traffic disruption.

1.25 An overall construction programme of 3.5 years has been assumed.

The draft Orders

1.26 The draft Orders ([CD001](#), [CD002](#), [CD003](#), [CD004](#)) and associated Environmental Statement ([CD011](#)) were published on 4 September 2018. Together, they would authorise the provision, maintenance and operation of public roads infrastructure necessary to achieve delivery of the proposed scheme, all in terms of the Roads (Scotland) Act 1984. The Extinguishment of Public Rights of Way Order, which includes the extinguishment and provision for alternative routes is covered by Section 3 of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.

1.27 Transport Scotland states that the land to be acquired in terms of the Compulsory Purchase Order is required to enable the construction, maintenance and operation of the A9 dualling from Crubenmore to Kincaig and associated junctions, side roads, access roads and environmental mitigation. The Compulsory Purchase Order, as promoted, would authorise the compulsory acquisition of approximately 170 hectares of land required for the proposed scheme.

1.28 Given the scale of the land acquisition required and the proposed timescale for the delivery of the scheme, Transport Scotland does not consider that it is reasonably practicable to pursue acquisition by private bargain. Compulsory acquisition is appropriate and necessary to achieve the certainty of being able to provide measures to mitigate environmental impacts committed to in the Environmental Statement. Accordingly, Transport Scotland considers that the Compulsory Purchase Order is necessary.

1.29 Furthermore, given the purpose of the scheme, the benefits that it would bring and its compliance with Scottish Government policy, Transport Scotland considers that the Compulsory Purchase Order is justified in terms of the public interest.

CHAPTER 2: THE ENVIRONMENTAL EFFECTS OF THE PROPOSED SCHEME

Introduction

2.1 This chapter summarises the main findings of the Environmental Statement which accompanies the draft Orders and provides a broad contextual understanding of the proposed scheme.

2.2 The programme of individual projects required to complete the dualling of the A9 between Perth and Inverness was subject to a Strategic Environmental Assessment (SEA). The SEA considered and identified broad corridor options available for the dualling of the road. It also collated a range of environmental constraints, issues and opportunities in order to provide strategic design guidance for the later more detailed design and environmental assessment stages of the scheme's development. In effect, as per the requirements of Design Manual for Roads and Bridges (DMRB) Stage 1, the SEA provided a desk-top environmental constraints study.

2.3 Following consideration of alternative route options within the preferred corridor (DMRB Stage 2), the Crubenmore to Kincaig project has been progressed to DMRB Stage 3; the stage at which the design of the preferred route is developed, guided by detailed survey and environmental assessment to inform site level mitigation and enhancement measures. This level of detail is sufficient to inform the preparation of Road Orders under the Roads (Scotland) Act 1984. Where a project is of sufficient scale, the DMRB Stage 3 design must be subject to an environmental impact assessment (EIA), as in this case.

2.4 The EIA regulations relevant to trunk road projects in Scotland are the Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017. However, for roads projects subject to EIA scoping procedures prior to 16 May 2017, the EIA can be undertaken in accordance with the previous regulations. In this case, the EIA Scoping Report was published in August 2016. Accordingly the EIA was undertaken in accordance with the Roads (Scotland) Act 1984, as amended by the Environmental Impact Assessment (Scotland) Regulations 1999 (as amended) ([CD305](#)).

2.5 Schedule 1 of the 1999 Regulations sets out the categories of large-scale development that require to be supported by an EIA. This includes the realignment and/ or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road would be 10 kilometres or more in continuous length. As the proposed scheme is approximately 16.5 kilometres in length, including tie-ins, it requires to be subject to an EIA.

2.6 The draft Orders are supported by an Environmental Statement comprising a non-technical summary; main report (volume 1), technical appendices (volume 2) and environmental drawings (volume 3). A full description of the proposed scheme is set out in [Chapter 5](#) of the Environmental Statement.

2.7 The main environmental effects of the proposed scheme, as described in the Environmental Statement, are summarised below. They appear in the same order as the relevant chapters of the Environmental Statement. The Environmental Statement also contains a Schedule of Environmental Commitments ([Chapter 21](#)) and a Summary of Significant Residual Impacts ([Chapter 22](#)).

The Environmental Statement (ES)

[People and communities - community and private assets](#) (ES chapter 8)

2.8 The Environmental Statement has considered the potential impacts of the proposed scheme on community and private assets, including land and property and access to services. The study area extends to 500 metres either side of the proposed scheme.

2.9 The main settlements in the study area include Newtonmore and Kingussie, which are both served by existing junctions from the A9. Drivers of vehicles approaching the Newtonmore junction from the north, however, at present must turn right across the 'live' carriageway to access the settlement. Smaller settlements include Glentruim, Nuide, Ruthven, Inverton and Lynchat. There are also dwellings and holdings throughout the scheme extents, many of which are connected to the A9 directly and via the local road network.

2.10 The dualling of the A9 between Crubenmore and Kincaig would require approximately 170 hectares of land to be acquired from community and private assets. In total, the study identified; 5 community land areas; 58 residential properties; 12 estates, farms and crofts (with a range of agricultural, sporting and forestry interests); 14 commercial properties; and two development land areas as being potentially affected by land acquisition or changes in access arrangements.

2.11 The community land areas that would be affected by the proposed scheme include the Glebe Ponds recreational area at Kingussie and the Insh Marshes National Nature Reserve. The private estates at Phoinés, Ralia, Balavil and Dunachton would be also be affected, as would the RSPB and Church of Scotland landholdings at the Insh Marshes. The affected commercial interests include Invernahavon Caravan Site; Glentruim Castle and Cottages; Ralia Café and Tourist Information; a number of holiday lets; Meadowside Quarry; the Highland Wildlife Park and the Highland Mainline Railway.

2.12 The Environmental Statement predicts that the proposed scheme would result in some journey lengths being longer. In this regard, significant residual effects would arise for 16 residential and commercial receptors when travelling south. No significant residual effects were identified for those travelling north. However, with the provision of:

- a new grade separated junction at Newtonmore;
- an upgraded junction at Kingussie;
- new left-in/ left-out accesses at Glentruim, Ralia/ Nuide and Balavil;

- a series of underpasses connecting north and south bound routes; and,
- provision of alternative accesses;

the overall change in access to/ from the A9 would be safer than that which presently exists. As such, the study concludes that the residual effect on access to/ from, and potential severance of, neighbouring communities would be neutral.

2.13 With regard to the permanent acquisition of land from estates, holdings and crofts, significant residual effects are predicted at six of the 12 identified, including Ralia Estate (sporting interests); Ruthven Park (agricultural interests); Church of Scotland landholding at Kingussie Glebe (agricultural interests); Laggan Croft No.1 and Laggan Croft No.2 (agricultural interests); and Balavil Estate (agricultural interests). Of these, the effects on Ruthven Park, Church of Scotland (Kingussie Glebe) and the two Laggan crofts are considered significant to the extent that they would adversely affect the viability of their agricultural interests. The proposed scheme would also have an adverse effect on land with planning permission at Mains of Balavil and Kingussie, where access to the sites would be affected.

2.14 With regard to the permanent acquisition of land from residential and commercial interests, the proposed scheme would result in the total loss of one residential property and the alteration of access arrangements to three other properties. While the permanent acquisition of community land at Kingussie Glebe Ponds and Insh Marshes National Nature Reserve is assessed as being 'not significant'.

2.15 During the construction phase of the proposed scheme, the properties assessed would experience some disruption to access, including delays through temporary traffic management arrangements and the closure of direct access routes. The properties and businesses located closest to the A9 would experience temporary, but potentially significant, adverse effects due to a perceived reduction in amenity, for example, holiday lets and tourist attractions near to the boundaries of the proposed scheme.

2.16 To help mitigate these effects, a community liaison team would be established to consult and inform local communities on intended construction works and traffic management arrangements. Also, in consultation with landowners, an Agricultural and Estates Management Plan would be prepared to help programme works during sensitive or high periods of activity on surrounding farms and estates; the Plan would form part of a broader Construction Environmental Management Plan.

2.17 During the construction period, access to and from all residential; commercial; industrial; agricultural; forestry; and sporting assets would be maintained by means of signed diversions, where necessary, and the estimated duration and location of diversions advertised and communicated to affected parties prior to being put in place.

People and communities - effects on all travellers (ES chapter 9)

2.18 The Environmental Statement has assessed the potential impacts of the proposed scheme on vehicle travellers and on pedestrians, cyclists and equestrians (collectively referred to as non-motorised users (NMUs)). The assessment has considered potential changes in access, journey times and effects on amenity on 26 NMU routes identified in the study area, including National Cycle Network 7 (NCN7), hill walking routes, core paths and informal paths. The NMU routes provide access to the Newtonmore and Kingussie, the surrounding hills and Ruthven Barracks. At present, there are 20 locations where these routes cross the A9.

2.19 During construction of the proposed scheme, the assessment predicts that there would be significant adverse impacts on the network of NMU routes, notably those directly adjacent to the road, or which presently cross over the A9. In particular, a section of NCN7 at the southern end of the study area, where it runs adjacent to the carriageway, may not be accessible during construction works due to its proximity to the A9. In such an event, diversions and alternative routes would be arranged by the contractor.

2.20 The assessment recognises that there is also the potential for NMU routes not directly affected by the proposed scheme to be adversely affected by diversions, changes in views and noise related to construction activities; it notes, however, that such impacts would be temporary.

2.21 An assessment of the permanent effects of the proposed scheme on NMUs at winter in the year of opening and at summer 15 to 25 years after opening, predicts that the proposed scheme could give rise to significant adverse impacts on five NMU routes; due to changes in access, journey lengths and effects on amenity. However, with the reinstatement of vegetation and additional tree and scrub planting, the assessment also predicts that there would be no significant long-term residual effects on NMUs.

2.22 During the construction of the proposed scheme, it is anticipated that there would be significant effects on views from the A9, concentrated at new and improved junctions and accesses, for example, at Newtonmore; Kingussie; Glentruim; Ralia; Nuide and Balavil; as well as where access tracks run parallel to the A9. It is predicted, however, that once mitigation earthworks and landscape planting has become established, no significant long-term (permanent) impacts on views would be experienced by those travelling along the dualled A9.

2.23 The proposed scheme seeks to reduce driver stress through the provision of a road and junctions that are safe to use, allow for safer overtaking manoeuvres and which is more readily able to accommodate an anticipated increase in traffic levels. Furthermore, the proposed scheme would improve traffic flows, journey times and reliability. Together, these features and benefits would be expected to reduce levels of driver stress when compared to a scenario without the proposed scheme in place.

2.24 There are no bus stops on the A9 throughout the extent of the proposed scheme; however, several bus and coach services use the B9150, A86 and B9152, as many routes proceed north towards Aviemore, with services serving Newtonmore and Kingussie.

Geology, soils and groundwater (ES chapter 10)

2.25 The Environmental Statement notes that there are no designated geological Sites of Special Scientific Interest (SSSI); Geological Conservation Review Sites (GCRS); or Local Geodiversity Sites (LGS); present in the study area. NatureScot, however, considers Lochan an Tairbh (a water-filled kettle hole) to be regionally important, in light of its geodiversity interest, although it is not currently identified as a SSSI; GCWS; or LGS; qualifying feature. In terms of environmental impact assessment, Lochan an Tairbh is considered to be of 'medium' sensitivity.

2.26 The study area is underlain by soils of medium conservation interest throughout, with peat and peaty gleys present in several locations. NatureScot Carbon and Peatland mapping indicates that there are no areas of priority peatland present in the study area.

2.27 The assessment identified a number of private water supplies that are currently active in the study area. It also identified several ecological habitats that contain wetland vegetation which rely on groundwater, known as Groundwater Dependent Terrestrial Ecosystems (GWDTE).

2.28 Without mitigation, the predicted impacts of the proposed scheme include; the excavation and disturbance of soils, peat and geodiversity; changes to groundwater levels, flows or quality; disturbance of GWDTE; potential contamination of soils, groundwater and private water supplies. To address these impacts, the proposed scheme has been designed to avoid, reduce or minimise disturbance of soils of conservation value; deep peat; geodiversity interest; and GWDTE. Other embedded mitigation measures include:

- monitoring of construction techniques that may help avoid or reduce peat or GWDTE disturbance;
- the re-instatement, restoration or creation of peat or wetland habitats through re-use of excavated peat;
- rock mapping and inspections during construction in areas of anticipated rock cutting where exposed rock faces may be created;
- on-site environmental supervision during construction works to oversee the implementation of mitigation and monitoring measures;
- best practice pollution, sediment and material management measures, following SEPA pollution prevention and waste guidance;
- development of management plans identifying best practice measures to minimise impacts on soils and peat during construction;
- protection of private water supply networks, provision of replacement sources of water or diverted networks; and,

- groundwater and private water supply monitoring during construction to ensure potential impacts are successfully controlled.

2.29 With the provision of mitigation, the assessment predicts that no significant effects would arise on the majority of the receptors assessed; with only localised effects expected to remain in respect of groundwater levels and flows during the construction and operation of the proposed scheme. Given the overall scale of effects and the provision of mitigation, monitoring or compensation measures, predicted effects would be expected to reduce in the long-term, with no significant ecological losses anticipated.

Road drainage and the water environment (ES chapter 11)

2.30 Transport Scotland has assessed the potential impacts of the proposed scheme on the water environment, including its effects on water quality (surface and groundwater) and physical change to the characteristics of water bodies, for example, rivers; lochs; ponds; and the risk of flooding.

2.31 The Environmental Statement notes that the proposed scheme has the potential to impact upon several sensitive rivers and streams, particularly as it extends through environmentally sensitive areas recognised for their nature conservation value. The existing A9 crosses the River Spey at Kingussie, as well as 28 other smaller rivers and streams that feed into the Spey. The River Spey and several tributaries form part of the River Spey Special Area of Conservation, designated to protect species and habitats.

2.32 The Environmental Statement recognises that the water environment may be susceptible to various impacts during the construction and operation phases of the proposed scheme, including, but not limited to:

- increased run-off of water from road surfaces resulting in increased channel erosion and flood risk;
- pollution associated with contaminated road surface run-off and accidental spillages;
- disturbance and damage to river banks and beds, mainly during construction; and,
- changes to the flow of water in rivers and streams potentially affecting the risk of flooding and the natural balance of the movement of sediments through the catchment.

2.33 In consultation with SEPA; NatureScot (formerly Scottish Natural Heritage); and The Highland Council; and the application of established methodologies for assessing water quality and flood risk, Transport Scotland has designed the proposed scheme to avoid, reduce or mitigate potential impacts on the water environment. To this end, the proposed scheme incorporates Sustainable Drainage Systems (SuDS) designed to treat road surface run-off by removing pollutants and providing storage and attenuation areas to reduce flood risk. It also promotes the use of sustainable engineering solutions to protect sensitive river environments and wildlife habitats.

2.34 Flood modelling has shown that the provision of new and longer bridge over the River Spey would allow for an increase in the river's conveyancing capacity during high flow events; thus reducing upstream flood risk whilst limiting change in downstream flood risk levels within the Insh Marshes, which is noted as an overall beneficial effect of the proposed scheme.

2.35 Where the proposed scheme would encroach into the functional flood plain, it has been designed to incorporate compensatory flood storage areas in order to avoid cumulative effects downstream. Where possible, the proposed scheme proposes to set bridge abutments back from river banks to allow for a more natural channel migration. At smaller watercourse crossings, culverts would be sized to allow for natural movements of sediment, reducing the risk of blockage and associated flooding.

2.36 Finally, with careful design and the inclusion of appropriate mitigation measures, the Environmental Statement predicts that the proposed scheme would avoid potentially adverse impacts on sensitive receptors. It also predicts that there would be increased connectivity for land and aquatic species. Consequently, it concludes that there would be an overall improvement in the water environment when compared to baseline conditions.

Ecology and nature conservation (ES chapter 12)

2.37 The Environmental Statement notes that there are seven statutory designated sites that lie within the study area:

- River Spey – Insh Marshes Ramsar;
- River Spey – Insh Marshes Special Protection Area (SPA);
- River Spey – Insh Marshes Site of Special Scientific Interest (SSSI);
- Insh Marshes Special Area of Conservation (SAC);
- Insh Marshes National Nature Reserve (NNR);
- River Spey Special Area of Conservation; and,
- River Spey Site of Special Scientific Interest.

2.38 The conclusions of the Environmental Statement have been informed by specialist ecology surveys, carried out to establish the presence of notable species and habitats throughout the study area, including the Insh Marshes. Notable habitats consist primarily of heathland; grassland; and woodland, which support protected species such as breeding and over-wintering birds (waders, waterfowl and raptors), particularly in the Insh Marshes. Habitats also support protected mammals, for example, water vole; otter; and red squirrel.

2.39 During the construction phase of the proposed scheme, there is the potential for habitat loss; disturbance of species; and pollution of the water environment. When operational, there is also the potential for habitats to become fragmented and the permanent loss of bat roosts. To address the potential risks identified, through development design, encroachment into notable habitats and designated sites has been

minimised, where practicable. Also, safe crossing points for mammals have been incorporated into the scheme design through the provision of mammal ledges and appropriately sized culverts and bridges. Other mitigation measures proposed to avoid, reduce or offset potential impacts include:

- the provision of river bed material in culverts to support the passage of fish and dry mammal tunnels;
- the restoration of habitats affected during construction works and tree planting to mitigate the loss of woodland (including Ancient Woodland);
- the preparation of outline habitat management and species protection plans, to be further developed at construction stage;
- the creation of wader habitat within Dellmore of Kingussie; and,
- on-site environmental supervision during construction works to oversee the implementation of mitigation, exclusion zones and working periods, in order to minimise species disturbance during sensitive seasons.

2.40 The Environmental Statement concludes that once new planting and vegetation is established, the proposed scheme would not give rise to significant residual adverse impacts on the majority of habitats. The assessment recognises, however, that new tree planting cannot recreate Ancient Woodland. Beneficial effects are anticipated for species permeability, with safer areas for mammals to cross under the A9.

[Landscape effects](#) (ES chapter 13)

2.41 The proposed scheme lies within the Cairngorms National Park and, at its southern extent, partly within the Ben Alder Laggan and Glen Banchar Special Landscape Area. At present, the road is bound by extensive stretches of woodland, much of which is classed as ancient woodland, that is, woodland included on the NatureScot Ancient Woodland Inventory. The landscape study area extends 2 kilometres either side of the existing A9.

2.42 The landscape assessment notes that the A9 corridor is highly scenic and contains designations of national importance. The southern extent of the study area is well wooded with deciduous and coniferous trees on either side of the road, extending into the wider landscape. To the north, the road passes through a landscape described as rolling hilly terrain, with fields and heath/ rough grassland enclosed or interspersed by woodland or parkland, including the Highland Wildlife Park and Balavil Estate.

2.43 The Insh Marshes National Nature Reserve forms a dominant part of the landscape experience due to its open and exposed character. The Spey Bridge, Ruthven Barracks and Balavil House are prominent features in the landscape. The Cairngorms and Monadhliath mountains rise up to the east and the west, respectively, creating a backdrop to these features. At the northern extent of the study area the road once again is enclosed on both sides by woodland.

2.44 The proposed scheme would introduce new dual carriageway infrastructure to the landscape, including wider roads and bridges, new junctions, side road and access layouts, and drainage features. This would result in changes in land cover and roadside woodland. The Environmental Statement states that the proposed scheme would have significant adverse effects on local landscape character areas during the construction phase of the scheme and in year one of its operation. In this regard, the most significant effects would be on Ralia and Insh Marshes Local Landscape Character Areas, due to changes to woodland, landform, the introduction of sustainable drainage features and, in the respect of the Insh Marshes, a new longer bridge over the River Spey.

2.45 With embedded and other mitigation measures in place and the construction of a low profile bridge, the conclusion of the landscape assessment is that there would be moderate residual effects on the Ralia and Insh Marshes Local Landscape Character Areas. The assessment also concludes that there would be no significant effects on other local landscape character areas; the Cairngorms National Park special landscape qualities; or other special landscape areas.

2.46 Effects upon the landscape setting of the culturally important Ruthven Barracks Scheduled Ancient Monument would remain significant, partly due to the need to avoid tree planting within or adjacent to the National Nature Reserve at the Spey crossing; which precludes the opportunity to screen the required embankment and bridge. The effects of the proposed scheme would be offset to some extent as it would replace an existing embankment and bridge with a structure of similar profile.

2.47 The proposed scheme is accompanied by a replacement woodland strategy which proposes an overall increase in woodland/ scrub cover. However, until new planting matures, tree loss would appear significant. An objective of the strategy is to reinforce the local landscape character areas and address ancient woodland lost by historic land management/ development within the A9 corridor with new planting. The visual effects of the proposed scheme are summarised below.

Visual effects (ES chapter 14)

2.48 The assessment of visual effects has considered views to and from the A9, and the degree of anticipated change that the proposed scheme would have on receptors, including residents; users of local path networks; outdoor spaces; as well as users of the A9. The study area included the principal settlements of Newtonmore (approximate population 1,000) and Kingussie (approximate population 1,400); smaller settlements including Ralia; Nuide; Ruthven; Lynchat; and the small village of Insh, where some residents enjoy long-distance views towards the road.

2.49 Based on the extent of theoretical visibility and the nature of the upland terrain through which the A9 passes, the visual assessment study area was set at 5 kilometres either side of the A9; with the greatest effects anticipated within 2 kilometres of the proposed scheme.

2.50 The assessment notes that views of the existing A9 vary throughout the study area. In some locations tree cover screens views of the road, whilst elsewhere, for example, at Inverton; Balavil; Laggan; and Lynchat, views are possible. The area surrounding the Insh Marshes is relatively open, with features such as the River Spey bridge visible from the surrounds of Kingussie and Ruthven Barracks.

2.51 The predicted landscape and visual impacts of the proposed scheme have been minimised where possible through design refinements to the alignment of the road; earthworks and rock-cut slopes; sustainable drainage basins; and compensatory flood storage areas. Mitigation measures include stone treatments to retaining structures and planting native trees; shrubs; heath; and grasses to blend with the surrounding landscape as vegetation becomes established over time.

2.52 During the construction phase of the proposed scheme, 38 of the 54 representative receptors assessed would likely experience significant visual effects. The most significant effects would be experienced by receptors in close proximity to the proposed scheme; essentially through removal of existing screen vegetation. The assessment notes that there is limited opportunity for visual mitigation during the construction phase of the proposed scheme; although it adds that the effects would be temporary. In the short-term, at operation year 1, adverse effects would also be experienced by 36 of the 55 assessed visual receptors; principally in locations close to the proposed scheme mainline and junction works.

2.53 In the long-term, that is, up to 25 years after opening, it is anticipated that mitigation planting would provide screening to the majority of receptors. The assessment predicts that significant residual effects would be experienced by visitors to Ruthven Barracks and residents of a cluster of properties to its south and east, as the road alignment would lie closer and be a more prominent feature in views. Significant residual effects would also persist for users of the B970 and residents of a property at Knappach; due to the close proximity of the proposed scheme, including the provision of a 4 metre high noise barrier to the north-west and woodland planting/ land cover changes to the south-east. Also, the new Spey bridge would be longer than the existing bridge, with only limited planting proposed for the new approach embankment adjacent to the B970; in order to limit the potential re-introduction of trees to the Insh Marshes National Nature Reserve.

2.54 For the majority of the other visual receptors assessed, it is predicted that in the long-term the combination of embedded mitigation measures, for example, choice of route alignment; sensitively designed earthworks; provision of locally appropriate planting; all other visual effects would be below the threshold of significance by the end of the operation phase year 25. In short, the assessment concludes that the proposed scheme would give rise to limited significant visual effects and that the proposed scheme would fit well into the landscape.

Cultural heritage (ES chapter 15)

2.55 A total of 89 cultural heritage assets were identified as lying within 200 metres of the proposed scheme; 51 archaeological remains; 22 historic buildings; and 16 landscape features. A further 20 historic buildings were identified as lying within a wider one kilometre study area.

2.56 Construction of the proposed scheme is predicted to impact upon some heritage assets, principally relating to the possible removal, or partial removal, of known or potentially buried archaeological remains; the further severance of historic landscapes; and changes in the setting of historic buildings and other cultural sites. Sections of General Wade's Military Road; a number of agricultural sites; and depopulated settlements, would be affected within the extents of the proposed scheme.

2.57 The Environmental Statement describes a range of mitigation measures that would be used to reduce or offset the impacts of the proposed scheme on heritage assets, for example; historic building recording; and the measuring and mapping of historic earthworks. Other measures include; pre-construction archaeological excavation at sites where the preservation of features in-situ would not be possible; and watching briefs (where excavations are monitored by an archaeologist to identify and record archaeological remains) where areas of potential archaeology have been identified. Tree and other screening vegetation would be planted to mitigate predicted effects at cultural sites, where appropriate.

2.58 The significance of the residual impacts during the construction of the proposed scheme on cultural heritage assets is predicted to be moderate on three assets, namely; Ruthven Barracks; Raitts Cave (Lynchat); and Balavil House, slight on 12 assets and neutral on 22 others. No residual impacts are predicted on the remaining cultural assets during the construction of the proposed scheme.

2.59 The significance of the residual impacts during the operation of the proposed scheme is predicted to be slight on six cultural assets, namely; Ruthven Barracks; Raitts Cave (Lynchat); Balavil West Lodge and Gate Piers; Balavil Mains and former steading; Balavil House; and Balavil East Lodge and Gate Piers, and neutral on two others, Balavil obelisk and burial ground; and former the Meadows Hospital, Kinraig. No residual impacts are predicted on the remaining cultural assets during the operation of the proposed scheme.

2.60 The assessment identifies a number of opportunities to enhance the understanding of the historic environment, including; enhancing a southbound lay-by to allow users to view Ruthven Barracks; and a northbound lay-by to highlight Raitts Cave.

Air quality (ES chapter 16)

2.61 Air quality across the proposed scheme area has been identified by The Highland Council as 'good'. The proposed scheme does not lie within, nor is in the vicinity of, any Air

Quality Management Areas and is expected to achieve international and national air quality objectives.

2.62 The air quality assessment considered the key air pollutants associated with road traffic emissions, namely; nitrogen oxides; nitrogen dioxides; and fine particulate matter (PM). The assessment used computer modelling to determine the potential changes to air quality arising from the proposed scheme and any related impacts on local communities and ecological sites.

2.63 The risk of impacts from construction dust has also been considered; as construction activities have the potential to cause dust emissions that may cause nuisance, health effects and damage to sensitive habitats. The risk in this regard has been assessed as being 'medium', leading to dust mitigation measures to control emissions being incorporated into the proposed scheme, for example; covering stockpiles; wheel-washing; and the use of site speed limits.

2.64 During its operation, the assessment concludes that the impacts of the proposed scheme are likely to be imperceptible at most sensitive locations for all pollutants considered. The exception is one sensitive property where the concentration of change of nitrogen dioxide has been assessed as a 'medium increase'. However, the change would not cause a significant increase in the level of nitrogen dioxide; which in all scenarios would remain well below the required air quality objective. As such, operation impacts at all locations would be negligible.

2.65 In summary, with the implementation of appropriate dust control measures, the construction phase of the proposed scheme is not predicted to cause any significant impacts. Nor are significant impacts predicted to arise during its operation.

Noise and vibration (ES chapter 17)

2.66 The noise assessment concludes that there is potential for construction activities to give rise to high noise levels and impacts upon receptors closest to the proposed scheme. The duration of impacts would vary as construction activities move along the length of the proposed scheme. Mitigation measures would be employed during the construction of the proposed scheme to reduce impacts by implementing best practice to minimise noise events. Local communities would be engaged through the establishment of liaison groups, for example, to schedule noisy activities. The expectation is that construction noise levels would be reduced to below the relevant threshold for the majority of receptors.

2.67 Once complete and in operation, the proposed scheme would result in both decreases and increases in road traffic noise for receptors. Embedded mitigation measures, for example, the use of low noise road surfaces on the mainline dual carriageway would reduce noise levels. Whereas predicted changes in road traffic noise on scheme opening would increase noise levels at some locations to the extent that specific noise mitigation measures are required.

2.68 There are five locations where it is proposed to use noise barriers, resulting in reductions in predicted road traffic noise emanating from the dualled A9. The effect of the barriers would be to reduce the residual significance on receptors to 'not significant'. At one other property (Knappach), where it is also proposed to use a noise barrier, the noise level change would nevertheless increase in the short and long-term. In this case, it is considered that a noise barrier exceeding 4 metres in height would be inappropriate.

2.69 In addition, there are three receptors located beyond the A9 where a significant road traffic noise impact is predicted to occur in the short-term, reducing to a 'not significant' impact over the long-term. At these locations it is not feasible to implement noise mitigation measures due to access requirements to properties from the adjacent B9150 road.

2.70 The assessment predicts that there would be no adverse vibration impacts during the construction and operation of the proposed scheme.

Materials (ES chapter 18)

2.71 The construction of the proposed scheme is likely to consume large quantities of material resources. As a consequence, the proposed scheme would result in potential impacts on the environment through the depletion of natural resources and the embodied carbon associated with extraction; manufacturing; and any pre-distribution transportation of construction materials and products.

2.72 The construction of the proposed scheme is also likely to generate large quantities of demolition and excavation waste. This has the potential to impact on the available waste management infrastructure through the permanent use of landfill void space and/ or the short-term use of waste treatment capacity. To address these impacts, should they arise, the proposed scheme promotes; construction practices undertaken in accord with national regulatory standards; local policy requirements; and identified mitigation measures (chapter 18, section 18.6 refers).

2.73 The assessment concludes, there is likely to be a moderate magnitude of impact with regard to the embodied carbon footprint of the proposed scheme even after the application of mitigation measures.² Given the limitations of the assessment, it notes that it is not possible to derive a measure of the significance of the effect from the proposed scheme's embodied carbon emissions or determine whether the emissions are likely to be considered 'significant'.

2.74 The Environmental Statement notes that the residual embodied carbon emissions cannot be absolutely predicted as it is ultimately dependent upon the principal contractor's design and procurement decisions, particularly those involving the selection of construction materials; products and additives; and excavator plant. The final embodied carbon footprint

² Environmental Statement, Volume 1, Chapter 18 (Materials), Table 18-17: Mitigation measures reporting matrix

would therefore not be known until the contractor has completed construction of the proposed scheme and calculated a construction stage carbon footprint.

2.75 However compared to the UK's third carbon budget (2018-2022) (the period in which the construction is likely to be undertaken) of 2,544 MtCO_{2e}, the proposed scheme's estimated total embodied carbon emissions would represent a very small proportion (estimated at less than 0.0014%) of the UK's five year carbon budget.

2.76 Current regulations do not afford trunk road schemes the opportunity for carbon offsetting. The embodied carbon emissions from the scheme would be encapsulated in UK/ Scottish greenhouse gas reporting returns and, by default, associated policy measures to achieve the target of ensuring an 80% reduction in emissions by 2050. Other large-scale roads infrastructure projects throughout the UK have concluded a similar moderate impact and have been approved on the basis of the suggested mitigation and the acceptance that nationally important infrastructure projects typically have an unavoidable material demand.

Cumulative impact assessment (ES chapter 20)

2.77 Consideration has been given to the potential for cumulative impacts to arise from the proposed scheme as a single project and in combination with committed and proposed development projects, including other A9 dualling projects. If construction of the proposed scheme overlaps with the construction of other A9 dualling projects, for example, there is the potential for cumulative impacts of driver stress due to multiple phases of traffic management.

2.78 With regard to the construction of the proposed scheme in combination with other committed developments, the assessment notes that there is some potential for cumulative impacts relating to access; general construction disturbance; waste; and materials. With regard to access and disturbance, issues that might arise would be temporary in nature and would not be significant post-construction. However, in relation to the use of natural resources; carbon emissions; and waste generation; impacts at a local and regional level within the A9 corridor would be significant, although unlikely to become issues at a wider level.

2.79 Across the whole A9 dualling programme, the cumulative loss of woodland and other potentially sensitive habitats during construction is primarily being addressed through project specific mitigation and compensatory planting proposals. As such, no significant adverse cumulative effect is predicted in combination with other projects.

2.80 However, a significant cumulative effect has been identified in respect of the loss of ancient woodland within the extent proposed scheme. While significant replacement woodland is proposed to mitigate its loss, it is not possible to fully compensate for the loss of ancient woodland.

2.81 During construction of the proposed scheme, cumulative impacts would arise at Ralia Café and Tourist Information and Ptarmigan Lodge (holiday cottage), due to potential

impacts on access, amenity and business viability. However, these effects are regarded as being temporary and not significant post construction.

2.82 Once operational, the assessment predicts that there is potential for significant cumulative impacts on five receptors, including, Ralia Estate; Knappach Cottage; Balavil Mains Farm House; and Royal Society for the Protection of Birds landholdings (including Insh Marshes). The impacts relate in the main to access provision, visual effects and loss of land to the proposed scheme.

2.83 The proposed scheme, in combination with other developments, would have cumulative beneficial impacts for local communities and the River Spey. On completion of the proposed scheme (and other A9 projects), long-term beneficial cumulative effects are predicted in relation to:

- improvements in road safety;
- reductions in driver stress;
- safer access to walking/ cycling routes;
- improved treatment of road surface water run-off and road drainage discharge to the water environment; and,
- improved fish and mammal passage under the A9.

Reporter's conclusions

2.84 Transport Scotland's engagement with statutory and non-statutory stakeholders, as part of the preparation and scoping of the EIA, is described in [Chapter 7](#) (consultation) of the Environmental Statement. Its engagement with stakeholders was facilitated through an Environmental Steering Group and a combination of partnerships and forums; including, a Local Authority and Regional Transport Partnership; Non-Motorised User Forum; Landscape Forum; and Environmental Forum. The groups were established during the A9 Dualling Programme DMRB Stage 1/ SEA phase and continued to meet throughout DMRB stages 2 and 3. The purpose of the partnerships/ forums is described as; to facilitate consultation between A9 consultants and stakeholders; provide an opportunity to discuss developing issues; and to provide regular updates and reviews of emerging design work.

2.85 A summary of the environmental information and comments provided by SEPA; NatureScot; Historic Environment Scotland; and Cairngorms National Park Authority; to the DMRB Stage 2 assessment, is set out in the Environmental Statement, Volume 2, [Appendix 7.1](#). Table 7.11 of the appendix usefully describes how the comments received have been addressed and informed the scheme design process and the preparation of the DMRB Stage 3 assessments. Notably, there are no objections from any of the statutory consultees to the proposed scheme.

2.86 The Environmental Statement also describes consultation activities undertaken with local communities; businesses; and commercial interests, including public exhibitions, at

DMRB Stage 1 (2012 and 2013), DMRB Stage 2 (2015 and 2017) and DMRB Stage 3 (2018).

2.87 The overall environmental effects of the proposed scheme have been assessed in the Environmental Statement. The measures to mitigate predicted significant effects, where practicable, have been identified and embedded into the design of the proposed scheme and/ or contained in a schedule of environmental commitments.

2.88 While a number of the Insh Marshes objectors and Mr Brodie consider that the Environmental Statement is inadequate, this view is not shared by any of the statutory consultees. On this matter, I consider that Transport Scotland has engaged meaningfully with public bodies and community groups to understand and address all relevant environmental matters. The concerns of the Insh Marshes objectors are not expressed in any detail and are based on those of the RSPB, namely, the accuracy and recording of data, the assessment of significant effects and the methodology used to assess those effects. While Transport Scotland suggest Mr Brodie's comments may be based on a reading on the Non-Technical Summary rather than the detailed assessments and technical appendices that comprise the Environmental Statement. As I note in my conclusions on Mr Brodie's objection in Chapter 3 of this report, some of the gaps in information that he cites can be found in the Environmental Statement technical appendices.³

2.89 I am satisfied that the Environmental Statement has been prepared in accord with the requirements of the Roads (Scotland) Act 1984 and the Environmental Impact Assessment (Scotland) Regulations 1999, relevant guidance and good practice. I consider that the environmental effects have been thoroughly considered and the assessment process robust.

2.90 I consider that any significant effects that would occur during the construction of the proposed scheme would be short-term and temporary in nature. Importantly, mitigation measures would be put in place to reduce impacts, including the creation of community liaison teams and the implementation of good practice. With regard to the operation of the proposed scheme, the Environmental Statement states that, with mitigation, there would not be any permanent significant adverse effects on geology; soils and groundwater; drainage and the water environment; cultural heritage; air quality; noise and vibration; and materials. Similarly, with regard to ecology and nature conservation, the Environmental Statement predicts that there would be no significant residual adverse effects on the majority of habitats. However, it recognises that new planting cannot replace ancient woodland.

2.91 In terms of community assets, there would be significant residual effects for a number of residential and commercial properties through longer journey lengths when travelling south. Through permanent land-take from estates, holdings and crofts, there would be significant effects on some sporting and agricultural interests; in some cases

³ Environmental Statement, Volume 2, Technical Appendices (CD012)

sufficient to adversely affect their viability. There are no mitigation measures that would minimise such impacts.

2.92 Further, I note that even after mitigation, an evident change in the landscape would be the introduction of a new longer River Spey bridge, resulting in a significant effect to the Insh Marshes Local Landscape Character Area; however, the new bridge would have a low profile design similar to the existing structure to limit the extent of change. Visitors to Ruthven Barracks and residents of nearby properties to the south and east would experience significant residual visual effects due to limited tree planting on the approach embankment adjacent to the B970. For the majority of other visual receptors, however, embedded design and established planted mitigation would soften the appearance of the proposed scheme in the long term, reducing adverse effects.

2.93 There is also the potential for some significant cumulative effects, notably on the interests at Ralia Estate; Knappach Cottage; Balavil Mains Farm House; and RSPB land (including Insh Marshes). The effects principally relate to change in access provision, visual effects and loss of land to the proposed scheme.

2.94 The proposed scheme encroaches into a number of statutorily designated sites of international and national importance.⁴ As such, in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in Scotland), I consider that an appropriate assessment should be undertaken to establish whether there would be adverse effects on the integrity of the designations affected. The appropriate assessment is required to be undertaken by the Scottish Ministers as the 'competent authority'.

2.95 The qualifying features of the designations are listed in Environmental Statement.⁵ Separate Habitat Regulation Appraisals (HRA) have been undertaken for the River Spey – Insh Marshes SPA, River Spey SAC and Insh Marshes SAC. On this matter, I note that the Environmental Statement at paragraph 12.4.9 states that the HRAs conclude that the temporary and permanent effects of the proposed scheme would not result in any adverse effects on the integrity of the sites.

2.96 Having regard to the Environmental Statement, and with specific reference to chapter 10 (geology, soils and groundwater), chapter 11 (road drainage and the water environment), chapter 12 (ecology and nature conservation) and chapter 21 (schedule of environmental commitments) and their conclusions, I am satisfied that the extensive mitigation measures proposed would ensure that there would be no adverse effects on the integrity of the statutory designated sites of international and national importance.

⁴ Environmental Statement, Volume 1, Chapter 12, Table 12-20: Summary of encroachment into statutory designated sites

⁵ Environmental Statement, Volume 1, Chapter 4, Table 12-4: Summary of designated sites within the study area and features of importance

CHAPTER 3: OBJECTIONS TO THE PROPOSED SCHEME

3.1 There are 27 extant objections to the proposed scheme; six statutory objections and 21 non-statutory objections, 18 of which relate to the proposed scheme's effects on the Insh Marshes. The main points contained in the objections and the position of Transport Scotland are summarised below, as are my findings and conclusions.

3.2 None of the objectors expressed a wish to participate in the inquiry process, neither did they participate in the pre-inquiry meeting held in October 2020. Accordingly, I consider that their original written submissions have not been withdrawn. As indicated in the note of the pre-inquiry meeting, Transport Scotland requested that it be permitted to submit further written submissions in relation to extant objections in order to set out its position and provide an update on progress to resolve the objections, in part or full. I agreed to this request and Transport Scotland duly submitted written statements on 18 January 2021 and 15 February 2021.

3.3 At the time of the pre-inquiry meeting, there were eight statutory and 41 non-statutory objections to the proposed scheme that had not been withdrawn. Of these, 39 objections related to the effects of the proposed scheme on the Insh Marshes; a statutory objection from the RSPB and 38 non-statutory objections in support of its position. The RSPB indicated that it wished to participate in an inquiry. None of the non-statutory objectors indicated that they wished to take part in the inquiry. Accordingly, an inquiry session was scheduled to take place on 1 March 2021. The RSPB subsequently withdrew its objection in full on 24 December 2020. This negated the need for any oral procedure. In light of the RSPB's withdrawal of its objection, 19 of its supporters subsequently withdrew their objections.

3.4 For the avoidance of doubt, I have not referred, or had any regard, to the matters raised in objections that have been resolved, beyond an acknowledgement that a factor in their withdrawal was a commitment by Transport Scotland to modify the draft Compulsory Purchase Order and draft Side Roads Order, as detailed in the amended schedules ([TS414](#) and [TS415](#) refer). I return to this matter in my overall conclusions in chapter 4 below.

The Insh Marshes objectors

Mains points of objection

3.5 The objections of the Insh Marshes objectors can be summarised as follows:

- the proposed scheme is unnecessary;
- the design of the proposed scheme is not the optimum and alternative designs should have been considered. In particular, the proposed scheme should not comprise of an off-line dual carriageway to the east;

- the proposed River Spey crossing design should have encompassed a longer bridge and the proposed scheme has failed to use the dualling opportunity to deliver a 'green underpass' at the River Spey crossing;
- the Environmental Impact Assessment carried out in relation to the proposed scheme is inadequate. In particular, it underestimates extent of habitat that would be lost and the effects of construction and operation of the proposed scheme;
- the proposed scheme runs through an area of ecological and environmental importance (the River Spey-Insh Marshes Ramsar/ SPA/ SSSI, the River Spey SAC and the Insh Marshes SAC) and would give rise to substantial disruption to important habitat and wildlife. The importance of the National Nature Reserve (NNR) has not been recognised or considered;
- insufficient mitigation is being proposed in respect of the environmental and ecological impacts of the proposed scheme;
- in particular, the mitigation proposed to be provided through compensatory habitat creation at Dellmore of Kingussie is insufficient;
- the proposed Scheme gives rise to unacceptable impacts on biodiversity;
- the NNR is a site which attracts tourists and visitors and the proposed scheme would adversely impact both visitor experience of the NNR and the contribution that tourists visiting the NNR brings to the local economy;
- an increase in road traffic is likely to give rise to an increase in road traffic accident mortality of waders due to increased traffic flow;
- the Insh Marshes provide necessary protection from flood risk, as they are a flood plain; and,
- the proposed Scheme gives rise to unacceptable cumulative impacts.

Response of Transport Scotland

3.6 Notwithstanding that the objection of the RSPB has been withdrawn, objections by the Insh Marshes objectors remain. A total of 41 objections to the proposed scheme were made by the objectors. Subsequent to the RSPB objection being resolved, the Insh Marshes objectors were informed that measures to protect the ecology and habitats of the area during the construction and operation of the proposed scheme had been agreed with the RSPB. On the basis of this agreement, Transport Scotland invited the Insh Marshes objectors to consider whether the detailed measures agreed with the RSPB also addressed their concerns; and if so, whether they could consider withdrawing their objections. A total of 25 Insh Marshes objectors subsequently withdrew their objections to the proposed scheme, leaving a total of 18 objectors and their objections unresolved.

3.7 Many of the concerns maintained by the Insh Marshes objectors were initially raised by the RSPB in a detailed letter of objection ([TS007](#)). However, with the provision of further information and environmental commitments, the concerns of the RSPB were satisfied and its objection to the proposed scheme withdrawn. Transport Scotland believes that considerable

weight should be attached to the fact that the RSPB no longer maintains an objection to the proposed scheme. Also, considerable weight should be attached to the fact that the statutory consultees; NatureScot ([TS007](#) / document 49); SEPA ([TS007](#) / document 48); Historic Environment Scotland ([TS406.01](#)); Cairngorms National Park Authority ([TS407.01](#)) and The Highland Council ([TS412](#)),⁶ have not objected to the proposed scheme on any relevant grounds.

3.8 NatureScot has reviewed the Environmental Statement and Habitat Regulations Appraisal and, in relation to the ecological and environmental impacts of the proposed scheme on designated sites, has confirmed that it does not consider that the natural heritage interests of international and national importance would be adversely affected by the proposed scheme, subject to standard, embedded and project specific mitigation measures being employed.

3.9 The design development of the proposed scheme has taken account of the wildlife present within the Insh Marshes. As part of the design process, Transport Scotland sought the advice of statutory consultees, including NatureScot; SEPA; and CNPA via the A9 Dualling Environmental Steering Group (established in 2014). Further, the Environmental Statement concludes that there would be no significant residual impacts on any ecological features, except ancient woodland. The Habitat Regulations Appraisal concludes that there would be 'no adverse effects on site integrity' for all Natura sites (with the application of mitigation measures). Accordingly, Transport Scotland contends that the general impacts of the proposed scheme have been considered and that no significant residual impacts on ecological features, other than ancient woodland, have been identified.

Objector concerns

3.10 Transport Scotland's position with regard to the development of the proposed scheme through the 'Insh Marshes', with particular attention to the issues highlighted by the objectors, is set out in an Objector Report ([TS208](#)). The report provides:

- an overview of the RSPB's ownership and use of the land in proximity to the proposed scheme;
- a description of the proposed scheme in relation to the Insh Marshes;
- the proposed scheme design process, with reasoning for key decisions taken within the process; and,
- a description of the environmental assessment process, including how impacts of the proposed scheme on the interests of the Insh Marshes objectors have been assessed and the mitigation proposed to address identified impacts.

3.11 With regard to the necessity for the proposed scheme, in 2011, the then Cabinet Secretary for Infrastructure and Capital Investment announced the Scottish Government's

⁶ The Highland Council objected to the proposed scheme on matters unrelated to the Insh Marshes, which have since been withdrawn

commitment to dual the A9 between Perth and Inverness by 2025. Also in 2011, the dualling programme was identified as a strategic priority for Scotland in the Government's Infrastructure Investment Plan (IIP), a commitment reinforced in the 2015 and 2021⁷ iterations of the IIP. As such, Transport Scotland contends that it is not possible to exclude sections of the road at the Insh Marshes from the dualling programme as it is a ministerial commitment to dual the A9 between Perth and Inverness in its entirety. Accordingly, Transport Scotland considers the scheme to be necessary and that this ground of objection should be set aside.

3.12 In response to all other objections, the Objector Report provides a summary of the environmental commitments agreed with the RSPB regarding potential disturbance to breeding waders in several of the Insh Marshes National Nature Reserve compartments. The commitments are described in [chapter 21](#) of the Environmental Statement and Habitats Regulations Appraisal ([CD037](#)).⁸ Also, an Outline Species Protection Plan has been prepared to document specific mitigation and compensation measures identified in the Ecological Impact Assessment.⁹

3.13 In summary, the Objector Report summarises the significant volume of information and extensive investigations and assessments that have been undertaken as part of the environmental impact assessment and demonstrates that:

- an appreciation of the Insh Marshes as an important and protected environmental and ecological site has been gained through a review of factual information, fieldwork and liaison with the RSPB as owner and occupier of the Insh Marshes;
- the statutory designations in the area have been recognised and taken into account throughout the design process;
- the development of the proposed scheme has accounted for its relationship to the Insh Marshes and has used an environmentally led process to minimise impacts;
- none of the alternatives proposed by the Insh Marshes objectors are better than the proposed scheme (for example, online parallel widening of the road to the west with or without use of the existing bridge or the construction of a longer bridge),¹⁰ nor are they necessary;
- the environmental assessment process has considered the impacts of the proposed scheme on the Insh Marshes; and that these have been adequately identified, assessed and reported;

⁷ A National Mission with Local Impact - Infrastructure Investment Plan 2021-22 to 2025-26 – Annex D (CD258)

⁸ Environmental Statement, Chapter 21, Schedule of Environmental Commitments (CD011) and Habitats Regulations Appraisal (CD037)

⁹ Environmental Statement, Volume 3, Appendix 12.14 (CD012)

¹⁰ Objector Report, Table 4,4-7: Summary of mainline and junction options assessed at DMRB Stage 2 (TS208)

- sufficient mitigation has been identified and would be provided. In particular, construction stage mitigation would be applied to reduce the extent of construction stage effects at source and 36 hectares of compensatory habitat would be provided at Dellmore;
- professional judgement has been applied as part of the environmental assessment process; and that use of a precautionary approach has been used where appropriate to address the variability of bird numbers and impacts;
- statutory consultees and the RSPB (given their interest in the Insh Marshes) have been kept informed and consulted throughout the development of the proposed scheme; and that the statutory consultees have not raised objections on any relevant grounds (noting that The Highland Council initially objected but on matters unrelated to any issues raised by the Insh Marshes objectors);
- the mitigation proposed is sufficient and has been tested and re-considered in response to the RSPB's queries regarding data interpretation and methodology. This process has not changed the conclusions of the Environmental Statement; and,
- agreement has been reached with the RSPB sufficient for it to withdraw its objection to the proposed scheme.

3.14 Transport Scotland has demonstrated that the concerns raised by the Insh Marshes objectors have been considered and responded to in detail. A thorough, robust and appropriate Environmental Impact Assessment has been carried out, with mitigation being provided where necessary, in order that impacts assessed in respect of the National Nature Reserve are minimised as far as possible.

3.15 It is considered that the remaining 18 objections should be considered in light of the fact that the objection of the RSPB has been resolved and that the statutory consultees have not objected to the proposed scheme. The proposed scheme is in the public interest and the Orders should be made subject to the modifications which have been agreed between Transport Scotland and the RSPB.

Reporter's conclusions

3.16 Chapter 1 of this report describes the need and justification for the proposed scheme, including its anticipated benefits, all of which are relevant to my consideration of objections which claim that the proposed scheme is unnecessary.

3.17 The Statement of Reasons of behalf of the Scottish Ministers ([CD026](#)) describes the key issues that affect the existing A9 between Crubenmore and Kincaig and the benefits of the proposed scheme, namely; improved safety for motorised and non-motorised users through a reduction in accident severity and driver stress; a reduction in journey times and improved journey time reliability; facilitation of active travel; and the integration of public transport facilities. There is no evidence before me that argues otherwise or that the stated benefits would not be realised should the proposed scheme proceed. Given the key issues that presently affect the existing A9 and the benefits of the proposed scheme, I accept that

the scheme is necessary and justified. I also accept that the proposed scheme is an integral part of the wider A9 dualling programme and that without it the programme would be diminished and the overall benefits not fully realised.

River Spey Crossing

3.18 With regard to the alignment and length of the proposed River Spey crossing, Transport Scotland has clearly demonstrated that it has undertaken a full and extensive assessment of route options as part of the DMRB Stage 2 design development process, including three scenarios which considered the widening of the road to the west.¹¹

3.19 Similarly, the evidence demonstrates that Transport Scotland has assessed a range of bridge options, including that initially preferred by the RSPB and supported by the Insh Marshes objectors. The Objector Report describes the bridge options assessed, including bridges considerably longer than that proposed.¹² In arriving at the optimum design solution, Transport Scotland has taken account of environmental, engineering and economic considerations, including flood risk and the environmental impacts of removing embankments and construction activities. The conclusion of its assessments is that the proposed bridge provides the least change in downstream flood risk when alternative options are considered against the situation that exists at present. The proposed bridge also allows for an extensive and more effective 'green underpass' than the existing arrangement, and would not prohibit the movement of wildlife below.

3.20 On the basis of the evidence presented, I accept that the proposed bridge is the optimum design once engineering restrictions, flood risk and unnecessary construction impacts are taken into account. At 290 metres, the proposed bridge is more than double the length of the existing bridge and, as noted by Transport Scotland, would represent a significant investment by the Scottish Ministers.

Habitat loss

3.21 With regard to the objectors' concerns that the proposed scheme would result in habitat loss for key conservation species and other wildlife, the Environmental Statement has assessed the effects of the proposed scheme on designated sites, protected species and notable habitats.¹³ The Environmental Statement includes an extensive list of mitigation measures to ensure that the potential impacts of the proposed scheme on ecological features would be avoided, reduced or compensated for during the construction and operation phases of the proposed scheme. With the application of mitigation, the Environmental Statement concludes that there would be no significant residual impacts for all ecological features, except ancient woodland.

¹¹ Objector Report, paragraph 4.4.67, Table 4.47: summary of mainline and junction options assessed at DMRB Stage 2

¹² Objector Report, Section 5.3: consideration of alternative bridge lengths

¹³ Environmental Statement, Chapter 12: Ecology and nature Conservation (CD011)

3.22 In parallel with the Environmental Statement, the Habitats Regulations Appraisal (HRA)¹⁴ has assessed likely significant effects of the proposed scheme on the qualifying features of Natura sites. Where such effects would arise, a range of mitigation measures have been identified to ensure that adverse effects on the integrity of sites would be avoided or appropriately managed. The mitigation measures described in the HRA are the same as those described in the Environmental Statement to protect the same ecological features. The HRA concludes that with the application of mitigation, the proposed scheme would not result in adverse effects on the integrity of the sites and would therefore be compliant with the requirements of the Habitats Regulations. Importantly, subsequent changes to the proposed scheme have been reviewed in line with the regulations and further consultation undertaken with NatureScot and SEPA to ensure continued compliance with the requirements of the Habitats Regulations. In my consideration of this matter, I attached significant importance on the fact that NatureScot has reviewed the HRA and agrees with its conclusions ([TS007](#) / document 49).

3.23 The Insh Marshes objectors claim that the Environmental Statement is inadequate. However, their concerns are not expressed in any detail and appear based on the concerns expressed by the RSPB following the publication of the Environmental Statement, namely; the accuracy and recording of data; the assessment of significant effects; and the methodology used to assess those effects. To address these concerns, Transport Scotland undertook alternative assessments in line methodologies suggested by the RSPB and provided clarification on other assessment data and methods used to gather information. On the basis of the further information provided, the RSPB subsequently withdraw its objections to the proposed scheme. This matter is addressed in detail in the Objector Report at section 8.2. In light of the steps taken by Transport Scotland to address the concerns of the Royal Society for the Protection of Birds; the withdrawal of its objection; and the absence of any other detailed objection by the objectors; I am satisfied that the assessments undertaken by Transport Scotland are robust and that the Environmental Statement has adequately assessed the impact of the proposed scheme on wildlife at the Insh Marshes.

Sufficiency of proposed mitigation

3.24 The Insh Marshes objectors are generally concerned that insufficient mitigation is being proposed to address the environmental and ecological impacts of the proposed scheme. Conversely, Transport Scotland considers that sufficient mitigation has been identified as part of the Environmental Impact Assessment process, including that proposed in respect of the River Spey crossing and compensatory habitat creation at Dellmore of Kingussie. The objectors have not provided any detailed comments on these matters. They do, however, urge Transport Scotland to accept and fund the mitigation measures recommended by the RSPB as set out in its objection to the proposed scheme (an objection which has since been withdrawn).

¹⁴ A9 Dualling – Glen Garry to Dalraddy, Project 9, DMRB Stage 3 Habitats Regulation Appraisal Summary Report (Transport Scotland October 2018) (CD027 – not published due to sensitive information within)

3.25 I find that Transport Scotland has set out the steps it has taken to identify the effects of the proposed scheme that would give rise to a requirement for mitigation. The Environmental Statement describes the range of standard, embedded and project specific mitigation measures proposed to avoid, minimise and compensate for the effects identified in respect of the Insh Marshes. The proposed measures are described in the Environmental Statement and incorporated into the Schedule of Environmental Commitments.¹⁵

3.26 Although the objection of the RSPB has been withdrawn in full, and is not a matter for the inquiry, Transport Scotland helpful records the measures taken to address the concerns of the RSPB in respect of proposed scheme construction effects and habitat loss at the Insh Marshes ([TS007](#) / document 07.2).¹⁶ In turn, the measures described address the concerns of the Insh Marshes objectors. Notably, the Environmental Statement and response to the RSPB, set out in detail the mitigation measures that would be employed to reduce the extent of construction stage effects and compensate for habitat loss. Among the measures proposed is the creation of 36 hectares of compensatory habitat for breeding waders at Dellmore of Kingussie through a combination of hydrological and vegetation management.¹⁷ I note that the land in question is in the ownership of Transport Scotland and work is ongoing to make it suitable for breeding waders within the necessary timeframe.

3.27 Elsewhere, Transport Scotland is committed to reducing construction stage effects which could result in disturbance to and displacement of wildlife through sensitive construction programming, the sequencing of construction activities, new structures and landforms, and the minimising increased risk of predation.

3.28 As to whether the site at Dellmore of Kingussie is sufficient to compensate for the loss of habitat elsewhere, Transport Scotland notes that the site as a whole extends to 52 hectares and that the compensatory habitat it seeks to create within it extends to 36 hectares, which is significantly greater in size than that which would be lost within the National Nature Reserve due to the proposed scheme. The background to the purchase of the site and its suitability as compensatory habitat is addressed in the Environmental Statement and Objector Report.¹⁸ These matters are also addressed in the Dellmore of Kingussie Ecological Management Plan ([CD040](#)). Together, they set out the detailed considerations regarding its suitability as replacement habitat, the complexities of establishing it as a habitat suitable for breeding waders and its long-term management, drawing on relevant guidance and case studies. Based on approximate breeding densities derived from impacted areas at Insh Marshes, the Environmental Statement concludes that,

¹⁵ Environmental Statement, Volume 1, Chapter 12: paragraph 12.5.7 and Table 12-41: Summary of mitigation requirements and Chapter 21: Scheduled of environmental commitments (CD011)

¹⁶ TS007.07.2, paragraphs 2.4.12 to 2.4.23 and responses dated 5 March and 4 July 2019

¹⁷ Environmental Statement, Volume 1, Chapter 12, Table 12-41: Summary of mitigation requirements, item ref: PO9-E25, Dellmore of Kingussie

¹⁸ Environmental Statement, Volume 2, Appendix 6.2 and Objector Report, Section 4.4.101-107

when rounded, a minimum requirement of 36.4 hectares of breeding wader habitat is required to fully offset temporary and permanent impacts of the proposed scheme.¹⁹ However, when calculated without rounding breeding density, the mitigation habitat requirement is 36 hectares.²⁰

3.29 In addition to the size of the site at Dellmore of Kingussie, Transport Scotland adds that the suitability of the site as compensatory habitat is demonstrated through its geographical location, being within a kilometre of affected areas but separate from the proposed scheme construction sites; its geology, soil and sediment types are similar in nature to the affected areas; its topography, which comprises generally level, open ground within the floodplain of the River Spey; its habitat types, which are similar to those surrounding the A9 River Spey crossing; its hydrology, which includes a number of existing drainage channels and is subject to regular inundation.

3.30 The Environmental Statement and supporting assessments demonstrate that Transport Scotland has carefully considered the potential effects of construction activity on wildlife and their habitats. It is committed to providing appropriate mitigation, not least through the provision of compensatory habitat at Dellmore of Kingussie. I find that the proposed mitigation at Dellmore of Kingussie, together with the construction stage mitigation proposed elsewhere, would be suitable and sufficient for breeding waders displaced or subject to habitat loss as a result of the proposed scheme. I conclude on this matter, on the basis of the evidence presented, I agree with Transport Scotland that the concerns of the Insh Marshes objectors do not justify any refusal to make the Orders.

Other matters

3.31 The Insh Marshes objectors also raise concerns regarding the impacts of the proposed scheme on biodiversity; visitors to the National Nature Reserve; wader mortality; and flood risk. Dealing briefly with these matters, Transport Scotland states that in respect of the proposed scheme impacts on the Insh Marshes it has undertaken detailed environmental assessments, including flood risk modelling and species surveys, which have resulted in project specific mitigation being proposed, for example, a new bridge which more than doubles the existing River Spey crossing length and removes any need to artificially restrict the natural migration and movement of the river. It has also worked with the RSPB to identify a nearby site that could be made suitable for compensatory habitat to support birds displaced short-term during construction works, and to provide long-term compensation for habitat lost to the scheme. It adds that across the entirety of the A9 dualling programme a significant number of measures and approaches have been adopted that support delivery against the public bodies' Biodiversity Duty and the Scottish

¹⁹ The figure of 36.4 hectares is reported in Environmental Statement, Appendix 6.2 as this is the habitat calculated in proportion to the existing habitat when the current breeding density is rounded. However, the required habitat is calculated without rounding, hence a minimum of 36 hectares would be provided

²⁰ Objectors Report, paragraphs 8.2.6 to 8.2.9, including Table 8.2-1, explains the distinction between the rounded and non-rounded calculations

Biodiversity Strategy. Overall, Transport Scotland contends that it has carefully considered the water environment, ecology and biodiversity value to determine the final DMRB Stage 3 route design.

3.32 The Environmental Statement and Objector Report demonstrate that Transport Scotland has given consideration to factors that might impact upon visitors to the National Nature Reserve, including the visual impacts of the construction and operational effects of the proposed scheme; noise from construction activities; and access and visitor amenity. On these matters, I accept that construction-related visual impacts on visitors would be temporary; that the hides within the nature reserve would be sufficiently distant from the proposed scheme for construction and operational noise not to be significantly audible or disturbing; and that access to all parts of the Insh Marshes would remain in place during the construction of the proposed scheme.

3.33 With regard to the concern of objectors that there would be increased mortality of waders due to road traffic accidents, Transport Scotland argues that this concern is not borne out by the conclusions of the Environmental Statement, which assess the collision risk potential to be low and not significant. It adds, breeding waders favour wet grassland for foraging, while vegetation on the embankment during the operation phase is likely to be dry and unsuitable for feeding.²¹

3.34 The Insh Marshes objectors raise a concern that the area by virtue of its name holds large quantities of water which safeguards Kingussie from flooding. On this matter, Transport Scotland states that the Environmental Statement contains a flood risk assessment,²² which demonstrates that a 270 metre bridge (subsequently amended to 290 metres) minimises the change in flood risk at each receptor downstream of the River Spey crossing. The flood risk assessment concludes that the proposed scheme represents an overall improvement for flood risk to receptors around Kingussie due to the widening of the River Spey crossing. Furthermore, the proposed scheme would not detract from the Insh Marshes operating as a flood plain. I have considered the evidence before me on this matter and find that the ground of objection, which is unsubstantiated, is unfounded and has been fully addressed by Transport Scotland.

Cumulative impacts

3.35 Finally, the Insh Marshes objectors raise a concern about the cumulative impacts of the proposed scheme with land use changes in other parts of Badenoch and Strathspey. In this regard, I note that the Environmental Statement contains a cumulative assessment²³ which has been undertaken in accord with an agreed assessment approach across the A9 dualling programme. The assessment considered proposed and other foreseeable developments within 500 metres either side of the existing A9. The assessment concluded

²¹ Environmental Statement, Volume 1, Sections 12.4.147 to 12.4.149 (CD011)

²² Environmental Statement, Volume 2, Appendix 11.3, paragraphs 7.10 to 7.14 and 10.3 (CD012)

²³ Environmental Statement, Volume 1, Chapter 20

that there were no changes in the Badenoch and Strathspey area beyond the 500 metre study area that would affect the proposed scheme.

3.36 In addition, the cumulative effects of the proposed scheme with other projects within the A9 dualling programme on breeding waders has been subject to multiple assessments, including an Environmental Impact Assessment. Where projects within the dualling programme could have a 'Likely Significant Effect' on a Natura Site (Special Protection Areas and/ or Special Areas of Conservation) they have been subject to a Habitats Regulations Appraisal (HRA). These assessments have been undertaken in consultation with statutory consultees NatureScot; SEPA; and Cairngorms National Park Authority; to understand potential impacts on a range of ecological features. Predicted A9 dualling related impacts on ecological features in Tayside, and other areas of Badenoch and Strathspey, have also been considered.

3.37 With regard to the Insh Marshes, the Environmental Statement considers designated nature conservation sites that could potentially be affected by construction works for the proposed scheme and other relevant projects. The Environmental Statement concludes that with respect to the National Nature Reserve,²⁴ it is unlikely that any other A9 dualling project would result in cumulative impacts in combination with the proposed scheme.

3.38 The conclusions of the assessment show that there would be no cumulative impacts on RSPB land or the River Spey Special Area of Conservation during construction of the proposed scheme. However, during its operation, significant adverse and beneficial impacts have been identified. The adverse impacts concerning the RSPB land predominantly relate to a change in access provision, landscape and visual effects and loss of land to the proposed scheme. The beneficial cumulative impacts for the RSPB land and the River Spey Special Area of Conservation relate to improvements in road safety; improved treatment of road surface water run-off drainage discharge to the water environment; and improved fish and mammal passage under the A9.

3.39 In conclusion, I am satisfied that Transport Scotland has fully considered this matter and, notwithstanding the identification of an adverse significant cumulative impact on RSPB land at Insh Marshes, agree that this ground of objection does not justify a refusal to make the Orders as sought.

Overall conclusions on the Insh Marshes objections

3.40 As I note in chapter 1 of this report, Transport Scotland has undertaken a thorough, robust and appropriate Environmental Impact Assessment of the proposed scheme effects. Where the assessment has identified impacts on the National Nature Reserve, mitigation is proposed to minimise those impacts as far as possible, including project specific mitigation. While the concerns of the Insh Marshes objectors are expressed in general terms, and broadly support the initial concerns of the RSPB, Transport Scotland has responded in

²⁴ Environmental Statement, Volume 1, Chapter 20, paragraphs 20.3.27 to 20.3.35

considerable detail. Helpfully, the Objector Report distils the relevant information contained in the Environmental Statement that has informed the design development of the proposed scheme and the steps taken to resolve objections in respect of the National Nature Reserve. I am satisfied that the concerns of the objectors have been fully addressed by Transport Scotland and that none of the grounds of objection justify a refusal to make the Orders sought.

3.41 In my consideration of this matter, I place significant importance on the fact that the RSPB has withdrawn its objection and that none of the statutory consultees, including NatureScot; SEPA; Historic Environment Scotland; and the Cairngorms National Park Authority; have objected to the proposed scheme.

The objection of Mr Hone

Mains points of objection

3.42 Mr Hone is a statutory objector to the proposed scheme and former owner of Ruthven Farm, Kingussie. Although the objector has sold his interest in Ruthven Farm to a third party, his objection has not been withdrawn. Land associated with Ruthven Farm lies on both sides of the A9, with access via an existing underpass. The grounds of the objection relate to the impact of the proposed scheme on the viability of the farm unit; the grazing and movement of stock; the creation of isolated areas of public land; the identification of alternative areas of land for acquisition, which would have less economic impact on the farm; servitude rights of access, which have yet to be completed; and, the threat the proposed scheme poses to economic sustainability, contrary to Scottish Government policy on the rural environment.

Response of Transport Scotland

3.43 The proposed scheme includes the provision of a replacement Knappach underpass²⁵ and a new means of access around the perimeter of Plot 518 (referred to as Area 3 in the objection), which also would provide access to Knappach Cottage (which is part of the farm).²⁶ As such, access to all areas of the farm, and the ability to graze and move stock on both sides of the A9, would remain.

3.44 Acquisition of the Plot 518 is required in order to construct the southbound carriageway; the replacement Knappach Underpass; and provide drainage associated with the works. The remainder of Plot 518 is required for landscape mitigation works to address the visual impacts of the proposed scheme on Ruthven Cottage, which the Environmental Statement has identified as a sensitive receptor. The acquisition of land not located directly adjacent to the proposed scheme (referred to as Areas 1A, 1B and 2 in the objection) are required for woodland mitigation planting. They have been chosen as they represent lost (historic) ancient woodland sites and are considered particularly suited for this purpose. The objector has not suggested suitable alternative sites.

²⁵ Knappach Underpass, labelled number 38 in the Side Roads order – plan SR5

²⁶ Access track labelled number 191 in the Side Roads order – plan SR5

3.45 The land proposed to be acquired is the minimum required for the proposed scheme. Transport Scotland has undertaken a robust and procedurally correct assessment of the proposed land-take impact on the agricultural business in accordance with DMRB guidance. While the objector's business would have been adversely effected as a result of the proposed scheme, it would not have rendered it unviable. As land take cannot be avoided, the provision of compensation is a valid mechanism to address this residual effect. Financial compensation would be available to the owner of the land required as part of the proposed scheme, the determination of which would be undertaken by the District Valuer in accordance with the relevant legislation. The assessment of compensation is not a matter for consideration within the scope of the inquiry. The objector has sold Ruthven Farm to a third party.

3.46 A comprehensive search of titles was undertaken prior to the drafting and publication of the draft Compulsory Purchase Order. All necessary servitude rights have been identified. The objector has not provided any evidence to suggest otherwise.

3.47 The proposed scheme does not threaten economic sustainability nor is it contrary to government policy on the rural environment. The proposed scheme is not considered to render Ruthven Farm unviable. Also, the Scottish Government's support for the proposed scheme is clearly expressed in the report entitled 'A9 Dualling Perth–Inverness' ([TS203](#)).

3.48 [Chapter 8](#) of the Environmental Statement provides baseline information on agricultural; forestry; sporting land; and assesses the impacts of the proposed scheme on such interests, including an assessment of business viability; the impacts of the proposed scheme on such interests overall is narrated paragraphs 8.3.31 to 8.3.33 and on Ruthven Farm in particular at paragraphs 8.3.52 to 8.3.62. A mixture of low and medium sensitivity was assigned to agricultural interests at Ruthven Farm. It is recognised that the proposed scheme would disrupt the agricultural interests of the farm during its construction and result in changes to access arrangements when operational. The construction phase impacts have been assessed as 'Slight/ Moderate', with the predicted overall temporary impacts being assessed as Slight.²⁷

3.49 In terms of the operational impacts on Ruthven Farm, the proposed scheme would result in the permanent loss of 10.56 hectares (3.07%) of land; severance; loss of productive grazing or farming areas; and changes in access arrangements. It is recognised that these impacts would be significant and result in Slight/ Moderate adverse effects.²⁸

3.50 Residual impacts of the proposed scheme on the agricultural interests of Ruthven Farm during both its construction and operation are predicted to be 'Slight/ Moderate'. Accordingly, Transport Scotland does not consider that the land-take proposed in contrary to government policy for the purposes of the proposed scheme and does not threaten the economic sustainability of Ruthven Farm itself, as an agricultural 'land holding'.

²⁷ Environmental Statement, Chapter 8, paragraph 8.4.48 (CD011)

²⁸ Environmental Statement, Chapter 8, paragraph 8.4.51 and Table 8-25 (CD011)

Reporter's conclusions

3.51 It is noteworthy that prior to sale of Ruthven Farm, Transport Scotland took steps to address Mr Hone's concerns. It undertook further design work which resulted in a significant reduction in the land required to provide an acceptable level of mitigation.²⁹ The evidence indicates that a verbal agreement between the parties on a revised proposal was reached with the objector's agent in October 2019 ([TS005](#), document .02) and a formal offer issued in January 2020 ([TS005](#), document 05.1 refers). Although the Mr Hone has not responded to the offer, Transport Scotland has stated that it will honour the commitment to modify the draft Compulsory Purchase Order and has offered to grant servitude rights of pedestrian and vehicular access to provide alternative means of access to parts of the farm lying to the east of the proposed scheme.

3.52 Transport Scotland has demonstrated to my satisfaction that stock movement between areas of the farm located on either side of a dualled A9 would be maintained via the proposed Knappach Underpass. In addition, access to Knappach Cottage and around the perimeter of Plot 518 (Area 3) would be maintained via a new means of access. Both the proposed underpass and new means of access are marked on proposed scheme drawing: A9P09-CFJ-LGN-X_ZZZZZ_ZZ-DR-LE-0005: Ruthven Farm Scheme Overview.

3.53 With regarding to woodland mitigation planting on land referred to as Areas 1A, 1B and 2 in the objection, I note the obligation on Transport Scotland to mitigate the woodland loss associated with the proposed scheme.³⁰ The areas have been selected for native woodland planting as they represent lost (historic) ancient woodland sites, as listed in the Ancient Woodland Inventory. I also note the acknowledgement by the objector's agent that no suitable alternative planting areas exist on the farm estate.

3.54 Transport Scotland has assessed the impacts of the proposed scheme of the agricultural interests of Ruthven Farm in line with DMRB guidance ([CD401.22](#), Volume 11, part 6 refers). Whilst the land-take would be significant, I note that it represents just over 3% of the farm's overall land holding. Also, as explained by Transport Scotland, while in Mr Hone's ownership the farm operated on a series of 'lets', comprising several grazing areas let to different farmers under grazing agreements. Given the extent of the farm and the farming arrangements employed by the objector, I agree with Transport Scotland that the ability of the objector to continue to let land to others would not have been diminished by the acquisition of the land for purposes of the proposed scheme had it remained in his ownership. As such, in the absence of any compelling evidence to the contrary, I conclude that the resulting farm unit would have remained economically viable.

3.55 In light of my conclusions above, I do not accept the argument of the objector that the proposed scheme would threaten the economic viability of the farm. Furthermore, as

²⁹ Environmental Statement, Volume 3 Drawing number A9P09-CFJ-LGN-X_ZZZZZ_ZZ-DR-LE-0005 refers and shows a reduction of 18,486 square metres in total area of acquisition to 35,708 square metres

³⁰ Environmental Statement, Volume 1, Chapter 20, paragraph 20.3.49

noted by Transport Scotland and set out in the A9 Dualling Policy Context ([TS203](#)), support for the A9 dualling programme between Perth and Inverness is clearly expressed in national planning, transport and economic policy, which is longstanding.

3.56 In conclusion, I agree with Transport Scotland that the land identified for acquisition at Ruthven Farm is necessary for the purposes of the proposed scheme and to provide an appropriate level of mitigation, including woodland planting. The land-take, while significant, would not undermine the economic viability of the farm. Access to all parts of the farm would be maintained. Accordingly, Mr Hone's objection does not justify any refusal to make the Orders.

The objection of Mr Mackintosh

Mains points of objection

3.57 Mr Mackintosh is a statutory objector to the proposed scheme and the owner and occupier of a croft holding known as Laggan Croft No's 2. The croft is located adjacent and south east of the existing A9, and adjacent to the River Spey, approximately 0.8 kilometres (0.5 miles) north east of Kingussie. The croft is not presently farmed. It is, however, occupied and utilised for horse grazing/ livery purposes on an all year round basis. The grounds of objection relate to the extent of the proposed land take within Plot 716 and the threat this would pose to the viability of the croft; the potential for croft buildings to become redundant; the loss or contamination of drinking water for grazing animals; the possible relocation of a SuDS pond. In addition, Mr Mackintosh queries the need to acquire Plots 711 and 722, which include an access road to croft lands; Mr Mackintosh believes that a servitude could be taken instead. Should the access be acquired, he is concerned that ongoing maintenance and future proposals to widen the access could lead to further land being taken from the croft. Finally, the loss of the access track could stifle the future development of the croft.

Response of Transport Scotland

3.58 The acquisition of the majority of Plot 716 is required for the construction of the southbound carriageway and its earthworks.³¹ The remainder of the plot is required for the construction of a permanent SuDS drainage pond and the accommodation of construction activities, for example, top soil storage and construction stage drainage. Transport Scotland has not sought to acquire land beyond that which is necessary for its construction, mitigation and future maintenance. As such, Plot 716 comprises the minimum land required to construct and maintain the proposed scheme: the total extent of Plot 716 is approximately 2.6 hectares, which equates to approximately 10% of the objectors landholding.

3.59 The impact of the proposed land-take from the croft has been assessed in accordance with DMRB requirements. [Chapter 8](#) of the Environmental Statement provides

³¹ The land to be acquired is shown on drawing number A9P09-CFJ-LGN-X-ZZZZ_XX_DR_0001

baseline information on agricultural; forestry; sporting land; and assesses the impacts of the proposed scheme on such interests; the impacts of the proposed scheme on such interests overall is narrated paragraphs 8.3.31 to 8.3.33, with the baseline conditions for the croft narrated at paragraphs 8.3.86 to 8.3.93. A low sensitivity has been assigned to the croft's sporting and forestry interests, while a high sensitivity is assigned to its agricultural interests, largely due its size being less than 50 hectares.

3.60 It is recognised that the proposed scheme would disrupt the agricultural interests of the croft during its construction and result in changes to access arrangements when operational. The construction phase impacts have been assessed as 'substantial', with the predicted overall temporary impacts being assessed as 'Moderate/ Substantial'.³² An assessment of post construction temporary impacts on business viability found that the proposed scheme would have an 'adverse' effect on the croft's agricultural viability, which could result in a reduction in its activities, and/ or require it to relocate or close completely.³³ In terms of the operational impacts of the proposed scheme, there would be a substantial loss of grazing land, resulting in a 'Substantial Adverse' impact on the croft and an 'Adverse' effect on the viability on its agricultural business.

3.61 Whilst mitigation of the impacts of the proposed scheme is an integral feature of its design, permanent land loss cannot be mitigated. As is common with such schemes, accommodation works addressing issues such as detailed design of boundary features; gated access arrangements; drainage; and provision of water for livestock; would be agreed with the landowner and included in the construction contract documents. Whilst not mitigation, compensation may also be available in line with statutory requirements.

3.62 Given the extent of the land-take relative to the size of the croft, the residual impacts of the proposed scheme during construction and when in operation would be substantial and have an adverse impact on business viability. However, having undertaken a robust and procedurally correct assessment, in accord with DMRB guidance, it is considered that the impacts would not render the business unviable.

3.63 With regard to the potential for drinking water for grazing animals to become polluted and contaminated through the discharge of water from the proposed SuDs pond in Plot 716, the ditch referred to by the objector runs parallel to the access track and sits within Plot 720 (which is not owned by the objector), as well as the southern part of Plot 716. While the ditch is generally fenced off, there are presently gaps within the fence that permit direct access to the ditch by grazing animals. Stock drinking directly from water courses is no longer an acceptable practice, as it presents a risk of erosion and contaminated run-off into a water course.³⁴

³² Environmental Statement, Chapter 8, paragraph 8.4.48

³³ Criteria used to assess business viability set out in Chapter 8, paragraph 8.2.48

³⁴ Diffuse Pollution General Binding Rules, with powers retained by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011, refer (CD315)

3.64 As a result of the proposed scheme, the ditch system would be fenced to prevent pollution or damage by livestock. This would prevent grazing horses and other animals on the croft drinking directly from the watercourse. The provision of an alternative water supply for livestock can be provided as part of accommodation works to be agreed with the objector in lieu of compensation. Accordingly, assurance has been provided to the objector that livestock on his land would be not be left without a source of drinking water as a result of the proposed scheme.

3.65 Transport Scotland has also given an assurance to the objector that it will amend the location of the boundary of Plot 716 specifically to exclude the existing croft buildings. The proposed amendment to the draft Compulsory Purchase Order is shown in document [TS009](#) (document .02).

3.66 Transport Scotland has also considered alternative locations for the proposed SuDS pond within Plot 716 and explained to the objector that the alternative sites considered, including land to the north towards Balavil, are not suitable for a variety of reasons, for example, topographical constraints, to minimise encroachment into the 200 year flood plain and to avoid the need for a pumped drainage system. The proposed SuDS pond is located at a low point in the new A9 carriageway. Its design, and the wider A9 drainage strategy, follows relevant guidance and good practice.³⁵ Furthermore, the SuDS strategy was developed in consultation with SEPA; Nature Scot; and The Highland Council. In short, the inclusion of a SuDS pond within Plot 716 has been subject to a robust and procedurally correct assessment in accordance with DMRB guidelines, and meets the regulatory requirements of SEPA.

3.67 Plots 711 and 722 comprise an existing access track to the croft. The objector argues that Transport Scotland need not acquire possession of the plots, but could instead obtain access to the proposed SuDS pond by taking servitude rights of access over the plots. The objector does not consider that Transport Scotland's anticipated need for use of the access track warrants its compulsory purchase. Acquisition of Plots 711 and 722 is, however, considered necessary in order to preserve and maintain access for all existing parties that have historically used the access, especially where there are no formalised access rights and where ownership of certain plots is unknown. If, following construction of the proposed scheme, the land is identified as surplus, it would be offered for sale to the previous owners under the Crichel Down Rules ([CD217](#)).

3.68 With the regard to the future maintenance of the access track, the Scottish Ministers would own it and be liable for its maintenance as landowner. The draft Compulsory Purchase Order has identified and included all the land necessary required for the proposed scheme. As such, the further widening of the track is not required.

³⁵ CIRCA Report C753: The SuDS Manual (2015) (CD407) and PAN 61: Planning and Sustainable Urban Drainage Systems (CD403.4)

Reporter's conclusions

3.69 Transport Scotland clearly sets out the technical reasons why it proposes to locate a SuDS pond within Plot 716; it is located in the vicinity of a low point on the proposed A9 carriageway and, as such, is at the end of a section of the road drainage network. Surface water run-off from the carriageway would run to the low point and then drain into the SuDS pond before discharging at its eastern end into an existing field drainage ditch, which would then drain eastwards and into the Allt Cealgach.³⁶ It also explains why other locations, including the alternative suggested by the objector, are not suitable with reference to topographical constraints, loss of trees and flood risk. Furthermore, the road drainage proposals have been developed in consultation with SEPA; NatureScot; and The Highland Council; and accord with relevant guidance and best practice. On the basis of the evidence presented, I am satisfied that Transport Scotland has considered this matter carefully and identified the optimum solution.

3.70 In its response to Mr Mackintosh, dated 22 February 2019 ([TS009](#)), Transport Scotland shows diagrammatically the proposed drainage arrangements, including the flow of the system, overlain on the draft Compulsory Purchase Order plan. The plan helpfully demonstrates the extent of the land required to accommodate the proposed SuDs pond, which, with the construction of the southbound carriageway, would occupy the majority of Plot 716. Transport Scotland explains that the remainder of the plot would be used to accommodate construction activities. I am satisfied that Plot 716 comprises the minimum land required to construct and maintain the proposed scheme.

3.71 It is not disputed that the extent of land to be acquired would have a significant impact on the agricultural interests of the croft; the proposed scheme would reduce the land available for grazing by approximately 10% and consequently the number horses that could be accommodated on the croft. The land that would be lost is regarded by the objector as the best quality grazing land on the croft. Nevertheless, Transport Scotland claims that the croft would remain viable. In doing so, it notes that 23.8 hectares of grazing land would remain in the objector's ownership, to which access would remain available.

3.72 Whilst the objector has expressed his concerns on this matter in general terms, Transport Scotland has employed an assessment methodology that has been developed and used in other projects within the A9 dualling programme and other road schemes that have been examined through public local inquiry.³⁷ As Transport Scotland argues, where land take cannot be avoided, as in this case, the provision of compensation is a valid mechanism to address such a residual effect. Furthermore, it adds, as compensation is not a matter within the scope of the inquiry, this aspect of Mr Mackintosh's objection should be set aside. On this matter, given that the croft would have the ability to continue to operate on 23.8 hectares

³⁶ Environmental Statement, Volume 3, Chapter 11, Drawing No's 11.8 (see page 10 of 39)

³⁷ A9 dualling Luncarty to Pass of Birnam; A77 Maybole Bypass; A737 Dalry Bypass; Aberdeen Western Peripheral Route

of land and any compensation payment received by Mr Mackintosh could be used to reorganise his business, I agree with Transport Scotland on this matter.

3.73 On other matters relating to Plot 716, Transport Scotland is committed to amending its eastern boundary to exclude existing croft buildings.³⁸ It has also given an assurance that livestock grazing on the croft would not be left without a source of drinking water. As such, on these matters, I consider that Transport Scotland has satisfactorily addressed the concerns of Mr Mackintosh.

3.74 I accept the need for the access track from the B9152 to be acquired to provide access to the SuDs pond and ensure the delivery of the proposed scheme, particularly given that ownership of some of the plots is unclear (plots 715 and 720) and access by those that use it is not recorded as a formalised right. I also accept the assurances given by Transport Scotland that it only seeks to acquire land that is necessary for the purposes of the proposed scheme and that it would act reasonably and in accordance with its statutory duties should proposals come forward to develop remaining parts of the croft. Similarly, that it would be liable for the maintenance of the access track as landowner.

3.75 In conclusion, I agree with Transport Scotland that the land identified for acquisition at the croft, including the access track, is necessary for the purposes of the proposed scheme. Plot 716 has been identified as the optimum location for the required SuDs pond in light of topographical and other constraints in the area. The land-take from the croft, whilst significant in the context of its overall landholding, would not undermine its future business viability. Accordingly, I find that Mr Mackintosh's objections do not justify any refusal to make the Orders.

The objection of Mr Brodie

Mains points of objection

3.76 Mr Brodie is a non-statutory objector to the proposed scheme. Mr Brodie's grounds of objection relate to aspects of the design development and environmental assessment of the proposed scheme, including the proposed new means of access for Croftcarnoch and the potential impacts of the proposed scheme on the operations of the Highland Wildlife Park.

Response of Transport Scotland

3.77 In making his objections to the proposed scheme, Mr Brodie is not acting in any capacity for the Highland Wildlife Park, which is operated by the Royal Zoological Society of Scotland (RZSS). The RZSS/ Highland Wildlife Park is not itself objecting to the proposed scheme, having withdrawn its objection in full on 28 October 2020. Mr Brodie raises

³⁸ The proposed amendment to the draft CPO is shown on the drawing appended to the objection response letter dated 22 February 2019 (TS009.02) indicating a reduction of 615 square metres in area of acquisition to 25,107 square metres, thus avoiding impact on croft buildings adjacent to drainage infrastructure.

concerns in respect of flooding; soil movement; traffic and traffic noise; boundary treatments; biosecurity; landscape planting; and habitat management.

3.78 Transport Scotland has undertaken a robust design development process to arrive at the access provision for the proposed scheme. The existing direct access to Croftcarnoch from the A9 would be stopped up as part of the proposed scheme in accordance with the junction and access strategy for the A9 dualling programme; which seeks to limit direct access to the new dual carriageway for reasons of road safety. A new means of access would form part of the proposed scheme and provide the two properties at Croftcarnoch, one of which is a holiday let, with reasonably convenient northbound and southbound access to the A9 via the B9152 in a safer manner than at present.³⁹ It is not intended or anticipated that the new means of access would be used by livestock, pedestrians or for recreational purposes.

3.79 To address the possibility of flood events occurring in the vicinity of the new means of access, it is proposed to re-profile an adjacent burn and link it to a new culvert that would pass under the dualled A9. The B9152 is presently susceptible to flooding events that can restrict access to the Highland Wildlife Park. The proposed drainage arrangements include compensatory flood storage measures and upsized drainage culverts below the A9 to cater for a major watercourse (reference MW9.17) which follows the north side of the Highland Wildlife Park access road and an unnamed watercourse.⁴⁰ The Environmental Statement predicts that the upsizing of the culverts would result in a beneficial residual effect and reduce the potential for flooding in this location.⁴¹

3.80 The construction of the new means of access would involve earthworks, tree/vegetation planting and boundary treatments to screen the access track from the Highland Wildlife Park; the details of which would be to discussed with the RZSS should the draft Orders be confirmed.

3.81 The volume of additional traffic using the new access is predicted to be low and not give rise to significant noise impacts; the additional noise impact from traffic using the access track is predicted to be below the level of human perception and would not change the significance of impact.⁴²

3.82 Transport Scotland does not anticipate any increased risk to biosecurity; diseases; viruses; and stress to animals; at the Highland Wildlife Park as a result of the proposed scheme. The expectation is that the RZSS would continue to manage such risks as it does at present. Further, the proposed scheme includes screening which would maintain the animals' seclusion. Should the proposed scheme cause disturbance to the operations of the Highland Wildlife Park, for example, through the introduction of measure to mitigate the

³⁹ Environmental Statement, Volume 1, Chapter 5 (the proposed scheme), Figure 5-11

⁴⁰ As shown in the Environmental Statement, Volume 3, Drawing 11.36 (CD013)

⁴¹ Environmental Statement, Volume 1, Chapter 11, Table 11.12 (see chainage 55,400) (CD011)

⁴² The change in road traffic noise levels calculated using 'A Guide to Measurement of the Equivalent Continuous Sound level Leq 1978' (CD459)

impact of the proposed scheme on captive animals, the RZSS would be entitled to make a claim for compensation in respect of recoverable losses incurred as a consequence of the proposed scheme in the usual way in accordance with the statutory framework.

Accommodation works may be agreed in lieu of compensation. In this regard, Transport Scotland is presently involved in detailed discussions and consultation with Highland Wildlife Park with a view to agreeing accommodation works to alleviate any concerns it may have regarding potential impacts during the construction and operation of the proposed scheme.

3.83 The Highland Wildlife Park is no longer an objector to the proposed scheme. The concerns raised by Mr Brodie in relation to the proposed new means of access to Croftcarnoch and impacts on the Highland Wildlife Park have been addressed and do not justify any amendments to the proposed scheme.

3.84 With regard to the objector's comments on planting, The A9 dualling programme promotes the use of locally native and characteristic plants and species mixes. Transport Scotland is committed to sourcing the most locally available native plants/ seeds as part of the proposed scheme's procurement and construction.⁴³ Furthermore, the contract documents would set out detailed requirements in this regard.

3.85 With regard to planting and species mixes, Transport Scotland maintains regular and continued liaison with NatureScot and the Cairngorms National Park Authority to ensure that proposals achieve an appropriate balance between landscape character; biodiversity; and biosecurity; across the proposed scheme extents. In light of the importance and sensitivities of the receiving landscape, local provenance of native planting stock is a key consideration as planting needs to reflect the special qualities of the National Park and meet the objectives of NatureScot and other environmental stakeholders. Local provenance planting stock (stock grown from seed collected near to the site of the proposed scheme) would further support national biodiversity objectives and ensure new planting respects the characteristics of the existing landscape.

3.86 The Outline Habitat Management Plan ⁴⁴ also takes into consideration the distribution and ecological requirements of species and assemblages of notable fauna and incorporates measures to deal with invasive non-native species, which has informed landscape and seeding proposals of the proposed scheme. The Outline Habitat Management Plan states that the following approaches would be undertaken:

- trees and woodland (excluding ancient woodland) lost during construction would be re-planted in-situ using native species of local provenance; and,
- specific areas would be identified for woodland creation and translocation of soils to mitigate impacts on ancient woodland lost during construction.

⁴³ Environmental Commitment, Volume 1, Chapter 21, Commitment item P09-E10 (CD012)

⁴⁴ Environmental Statement, Volume 2, Appendix 12.13, Ecology – Outline Habitat Management Plan

3.87 Transport Scotland considers its planting proposals to be reasonable, appropriate and justified. The advice and concerns of Mr Brodie have been noted by Transport Scotland but do not justify any amendments to the proposed scheme.

Reporter's conclusions

3.88 I acknowledge that Mr Brodie does not act in any capacity for the Highland Wildlife Park/ RZSS; which withdrew its objection to the proposed scheme in full on 28 October 2020.

3.89 Overall, I find the proposal to stop up the existing direct access to Croftcarnoch as part of the proposed scheme reasonable, appropriate and justified for reasons of road safety. Its removal accords with the junction strategy employed by Transport Scotland across the A9 dualling programme. The proposed new means of access, via the B9152 and existing Highland Wildlife Park service road, has been informed by an access study and designed in consultation with relevant landowners. I find that it would provide a reasonably convenient alternative means of access for occupiers of properties at Croftcarnoch to both the northbound and southbound carriageways of the dualled A9 without unduly adding to journey lengths.

3.90 [Chapter 5](#) of the Environmental Statement considers road drainage and the water environment; it describes the assessment methodology; baseline conditions; design development; and the embedded mitigation intended to avoid/ prevent, reduce or offset potential impacts of the proposed scheme on the water environment, including flood risk. The objector has not challenged the conclusions of the Environmental Statement. He does, however, comment on past flooding events in the area and the possible impacts of future flooding events on the operations of the Highland Wildlife Park should the proposed scheme proceed.

3.91 With regard to flood risk, I note that the inclusion of sustainable drainage systems as part of the proposed scheme design would provide attenuation to 'greenfield' run-off rates across the scheme extent. I also note, that despite the prospect of dual (additional) carriageways increasing potential surface run-off, the absence of attenuation facilities on the existing A9 drainage systems mean that there would be an overall improvement on the water environment; which the Environmental Statement concludes would result in a 'Slight Beneficial' residual impact. In the vicinity of the Highland Wildlife Park, the inclusion of 'additional mitigation', notably compensatory flood storage area and upsized culverts, would remove or reduce flood risk; which the Environmental Statement concludes would result in a 'very large beneficial' residual impact.

3.92 Overall, the Environmental Statement demonstrates that the baseline conditions and the proposed scheme have been hydraulically modelled, including the predicted effects of the proposed scheme on the Highland Wildlife Park. The assessment of effects extends downstream of the proposed scheme to Kinrara (lying to the north of Kinraig), where the predicted increase in water level would be less than one millimetre. In conclusion on this matter, Transport Scotland has undertaken a comprehensive and thorough assessment of

road drainage and the water environment and has demonstrated to my satisfaction that it has fully considered and addressed the concerns Mr Brodie.

3.93 I am also satisfied that the proposed earthworks, screen planting and fencing, immediately beyond the southern boundary of the Highland Wildlife Park, in part required to create the new means of access to Croftcarnoch, would mitigate the effects of the proposed scheme and safeguard the interests of the Park, including animal welfare concerns. Transport Scotland helpfully demonstrates through a series of cross-sectional drawings the effects of the proposed scheme at the southern boundary of the Park, which shows the resulting ground levels; sight lines; and indicative locations of screen planting and fencing; at operation years 1 and 15.⁴⁵ Notably, the Highland Wildlife Park/ RZSS has withdrawn its objection to the proposed scheme and is in discussion with Transport Scotland regarding the details of the proposed boundary treatments and future accommodation works, should the draft Orders be confirmed. As such, I am confident all matters relating to the construction of the new means of access and boundary treatments required for visual screening and the welfare of animals are capable of being resolved to the satisfaction of both parties, as is intimated in Transport Scotland's written submission.

3.94 Mr Brodie is concerned that the proposed scheme does not include proposals to mitigate the effects of noise arising from additional traffic that would use the service road and new means of access to Croftcarnoch. However, his objection does not contain any evidence to demonstrate that noise levels would increase to such an extent that measures would be required to mitigate its effects. As explained in its response to Mr Brodie ([TS012 / document .02](#)), Transport Scotland does not consider that the low volumes of additional traffic, that is, over and above that associated with the general Highland Wildlife Park activities, would create significant noise impact. Nonetheless, it notes that noise barriers or bunds could be incorporated into boundary treatments if required.

3.95 A detailed assessment of noise and vibration associated with the construction and operation of the proposed scheme is set out in [Chapter 17](#) of the Environmental Statement. I note that the Highland Wildlife Park is not identified as a sensitive receptor. I also note that in its written submission to the inquiry, Transport Scotland estimates the number of additional one-way journeys predicted each day, above those associated with the general activities of the Park, would be between 16 and 32. The additional noise impact from vehicles using the access road, over and above the changes resulting from the A9 works, it adds, would be below the level of human perception, and would not change the significance of the impact. Furthermore, as road traffic noise from the A9 is already present, and of a higher level than would be introduced by the service road, the new means of access would not result in a significant adverse noise impact on the Highland Wildlife Park. I agree with Transport Scotland's assessment of his matter.

3.96 As I note in paragraph 3.93 above, discussions with Highland Wildlife Park/ RZSS to agree planting and boundary treatments to avoid and minimise any impacts on the operation

⁴⁵ Drawing numbers A9P09-CFJ-EGN-M_XXXXX_XX-DR-LA-0002 to 0007

of the Park are ongoing. The new means of access to Croftcarnoch would not be authorised for use by domestic livestock. As such, and given that the impacts to the Highland Wildlife Park are anticipated to be very similar to those that presently exist, Transport Scotland's expectation is that the RZSS would continue to manage the risks to biosecurity; disease; viruses; and animal welfare; as it does at present. On this matter, I find that the proposed scheme does not pose any risks to biosecurity; disease; viruses; and animal welfare.

3.97 Finally, in response to Mr Brodie's comments and advice on landscape planting, particularly the proposed use of non-native plant species, Transport Scotland states that it is committed to sourcing the best quality and most locally available native plant species. Its intention is to establish a supply contract for native plant species for the whole of the A9 dualling programme. With regard to the proposed scheme, the landscape objectives set out specific requirements for native planting and seeding to reinforce the existing Landscape Character Areas whilst protecting visual amenity with appropriate screen planting through the retention of existing landform/ cover and/ or reinstatement.⁴⁶ Furthermore, the Environmental Statement provides a note on mitigation planting mixes, which states that replacement planting would be based predominantly on native species that have an established presence in the local area.⁴⁷ Also, the Outline Habitat Management Plan which supports the proposed scheme, states that trees and woodland lost during construction would be replanted in-situ using native species of local provenance. Transport Scotland adds that its commitments in this regard would form part of the construction contract. In conclusion, I find that Transport Scotland's planting proposals are reasonable and appropriate. It is committed to the use of native species, the requirement for which would be binding on the chosen contractor.

3.98 Overall, I am satisfied that Transport Scotland has responded to the concerns raised by Mr Brodie in his objection, with reference to detailed assessments on road drainage and the water environment; noise; landscape; and planting. Accordingly, I do not consider that Mr Brodie's objection justifies any refusal to make the Orders.

The objections of Mr and Mrs Smith and Mr Slimon

Mains points of objection

3.99 Mr and Mrs Smith and Mr Slimon are statutory objectors to the proposed scheme. Their objections relate to the impact of the proposed scheme on Glentruim, in particular, the removal of the Glentruim Junction and the alternative junction and access arrangements proposed. Their objections also raise road safety concerns; school bus stop provision; and the consultation process.

⁴⁶ Environmental Statement, Volume 3, Appendix 13.3, Section 3

⁴⁷ Environmental Statement, Volume 3, Appendix 6.1, Environmental Mitigation Drawings 6.1 to 6.12 and Indicative Mitigation Cross-section Drawings 6.13 to 6.19 (Environmental Statement Volume 3)

Response of Transport Scotland

Alternative access proposal: Grade separated junction at Phoines Access

3.100 It is proposed to stop up the existing direct access to the A9 at Glentruim as part of the proposed scheme in accordance with the junction and access strategy for the A9 dualling programme; which seeks to limit direct access to the dual carriageway and remove right turns across the carriageway for reasons of road safety. Details of the proposed access are set out in the Glentruim Junction Report ([TS206](#)).

3.101 As part of the design development process, various junction arrangements were considered for the proposed scheme at Glentruim, including a compact grade separated junction and a left-in/ left-out junction; but were not progressed due to engineering, environmental and cost impacts.⁴⁸ The proposed scheme would provide a left-in/ left-out junction approximately one kilometre north of the existing Glentruim Junction and 500 metres south of the existing Ralia Café rest area. The C1137 minor road would be extended from the crossing with the Highland Mainline Railway to the new left-in/ left-out junction. The new junction would also link the U3011 to the proposed compact grade separate Newtonmore Junction.

3.102 Access to and from the northbound carriageway of the dualled A9 would be taken via the new left-in/ left-out junction, while access to and from the southbound carriageway would be taken via the C1137/ U3011 link roads to the grade separated Newtonmore Junction. It is acknowledged that the proposed scheme would have in a moderate adverse impact on journey lengths for those travelling south from Glentruim. However, the proposed scheme would provide safer access to the dualled A9 by removing right turns across the carriageway. It would also have a slight adverse impact on journey lengths overall.

3.103 The objectors suggest that a new junction could be built at Glentruim by making use of an enlarged Phoines underpass (located 650 metres north of the existing junction).⁴⁹ A grade separated junction at this location would allow northbound and southbound movements to and from Glentruim directly via a dualled A9. However, the benefits, in comparison to the proposed scheme, would be limited to reducing journey lengths for only a small number of traffic movements; with forecasted vehicle turning movements of 22 vehicles per day accessing Glentruim from the A9 northbound carriageway and seven vehicles per day accessing the A9 southbound from Glentruim.⁵⁰

3.104 Also, the provision of a grade separated junction on to a single track 'C' Class road would conflict with the junction and access strategy applied across the whole A9 dualling programme. It would also would have significant environmental impacts and likely require a complex engineering solution. Accordingly, it is considered that the journey length benefits

⁴⁸ Glentruim Junction Report, Sections 4.5.19 to 4.5.21 (TS206)

⁴⁹ Glentruim Junction Report, Section 5.6 (TS206)

⁵⁰ Turning counts based on forecasted traffic volumes for the year 2041 in a 'do minimum' scenario between 7am and 7pm – Volume 1 DMRB Stage 3 Report (CD015)

for residents of Glentruim would not justify the environmental; engineering; land take; and cost impacts; of such a proposal.

Alternative access proposal at existing location / south of existing location

3.105 It has also been suggested by Mr and Mrs Smith that a left-in/ left-out junction could be provided at or to the south of Glentruim.⁵¹ While Mr Slimon suggests that a connection could be made onto the cycleway, with the cycleway upgraded to link Glentruim to Crubenmore (approximately 3 kilometres south of the Glentruim Junction); which would mostly lie within the existing dual carriageway section of the A9 and outwith the proposed scheme extents.

3.106 The provision of a left-in/ left-out junction was assessed at the location of the existing junction as part of the design development of the proposed scheme; but was discounted due to engineering, environmental and cost impacts.⁵² Although the provision of a junction in this location would provide a minor benefit of reduced journey times for vehicles accessing Glentruim from the A9 northbound, the conclusion of the assessment was that the location suggested by the objectors is too constrained by the A9 mainline; Highland Mainline Railway; and national cycle route 7 (NCN7); to reasonably accommodate a left-in/ left-out junction to the standards required by DMRB.⁵³

3.107 If it were possible to accommodate a junction to the south of Glentruim, and such a proposal was implemented without the proposed link between the C1137 and the proposed Newtonmore Junction, traffic accessing Glentruim from the A9 southbound carriageway would be required to double-back via the Crubenbeg Junction. This would represent a diversion of approximately 6 kilometres for the most common vehicle movement associated with the junction. Additionally, vehicles accessing the A9 from Glentruim would also experience increased journey distances without the C1137 link to Newtonmore Junction, as they too would be required to double back to the location where a left-in/ left-out junction could most appropriately be located south of Glentruim.

3.108 If the proposal was implemented with the C1137 link to the Newtonmore Junction, any benefits over the proposed scheme would be minimal and primarily relate to the reduced need for A9 northbound traffic to double back to Glentruim; in comparison to the proposed scheme which requires vehicles to double back approximately 2.1 kilometres. Such a benefit would only be enjoyed by approximately 22 vehicles a day based on 2041 forecast figures. All other journeys would be approximately the same length. In summary, although there would be a minor journey length benefit for A9 northbound traffic accessing Glentruim, the environmental; engineering; and cost impacts; associated with the junction proposal suggested by the objectors, it is considered that overall it would be no better than the access arrangements included in the proposed scheme.

⁵¹ Glentruim Junction Report, Section 5.6

⁵² Glentruim Junction Report, Section 4.5

⁵³ DMRB TD Volume 6, Section 2, Part 6, 42/95 Geometric Design of major/ Minor Priority Junctions (CD401.11)

3.109 Mr Slimon's suggestion that the cycle track that heads south from Glentruim to Crubenmore and the Crubenbeg Junction could be upgraded to accommodate vehicles wanting to travel south is considered in the Glentruim Junction Report.⁵⁴ If such a proposal was implemented, instead of the access arrangements included in the proposed scheme, including the link to the Newtonmore Junction, access to and from the northbound and southbound carriageways of the dualled A9 would be taken via the Crubenbeg Junction. This would result in A9 southbound vehicles accessing Glentruim and vehicles from Glentruim accessing the A9 northbound requiring to double back via the Crubenbeg Junction; which would require a diversion of approximately 6 kilometres. This would be comparable to the diversion required as part of the proposed scheme for vehicles accessing the A9 southbound from Glentruim; which would have to double back via the Newtonmore Junction.

3.110 If the proposal was implemented in addition to the arrangements included in the proposed scheme, any benefits would be minimal and would primarily relate to A9 northbound traffic only having to doubling back approximately 2.1 kilometres via the proposed left-in/ left-out junction to reach Glentruim. It was also avoid traffic from Glentruim having to double back via the Newtonmore Junction approximately 5.9 kilometres to travel south on the A9; such benefits would be only be enjoyed by approximately 22 and seven vehicles a day respectively, based on 2041 forecasts. The suggestion of the objector would also require additional lengths of the cycle track (NCN7) to be upgraded to shared use; which is a ground of objection currently maintained by Mr and Mrs Smith.

3.111 The widening of the cycle track (NCN7) would require significant engineering works, including the possible introduction of substantial retaining structures in constrained areas in order to accommodate motorised vehicles. There would also be environmental impacts associated with effectively providing two access points for Glentruim with limited additional benefits over providing a single access point. It would also introduce of conflicting traffic movements between NCN7 and the dualled A9 carriageway to the detriment of road safety. For these reasons, and those set out in the Glentruim Junction Report, Transport Scotland considers that the access proposal suggested by Mr Slimon is no better than the access arrangements included in the proposed scheme.

3.112 In summary, Transport Scotland considers that the access proposals at Glentruim reasonably address local needs while minimising conflict with the proposed dualled A9 mainline. By providing a direct link to the proposed full access Newtonmore Junction, excessive diversions on the local road network would be avoided. The further provision of a left-in/ left-out facility, one kilometre north of the existing Glentruim Junction, would provide direct access to the northbound carriageway, minimising the length of journey necessary on the local road network and address concerns during consultation.

⁵⁴ Glentruim Junction Report, Section 5.6.12 to 5.6.23 (TS206)

3.113 Transport Scotland has undertaken a robust design development process to arrive at the access provision included in the proposed scheme, which is reasonable, appropriate and justified. The alternative junction and access arrangements put forward by the objectors do not present better access solutions than those included in the proposed scheme.

Road safety

3.114 The proposed scheme has been designed in accordance with the DMRB guidance to ensure that a robust design development process has been followed and the roads included in the proposed scheme are safe. It has also been designed in accordance with the A9 Access Strategy (CD110, document .016); which seeks to reduce the number of junctions and accesses on to the A9; close off existing right turn junctions preventing traffic crossing the A9; and allow safe overtaking of slower vehicles, thereby providing major safety benefits.

3.115 Mr and Mrs Smith are concerned that the proposed scheme would route traffic for longer on minor roads instead of trunk roads. In this regard, the proposed extension of the C1137 from the existing Glentruim Junction to the new left-in/ left-out junction would add one kilometre (0.6 miles) to the length of the Glentruim to Catlodge Road. It has been designed in consultation with The Highland Council and includes passing places at regular intervals. The junctions on the road would be widened to improve road safety. The proposed road complies with The Highland Council Roads and Transport Guidelines for New Development (CD423).⁵⁵ In addition, the extension of the Raliabeag Road from the left-in/ left-out junction to the Newtonmore Junction would be widened to provide a two-way single carriageway. The proposed scheme accordingly provides safe local access at this location. Furthermore, segregating long distance journeys on the trunk road from journeys between Glentruim and Newtonmore would also reduce traffic conflict and deliver additional safety benefits.

3.116 Mr and Mrs Smith are also concerned about the safety of the junction where the Glentruim road meets Raliabeag Road. The junction in question would be set back approximately 50 metres from the left-in/ left-out junction on the dualled A9. Traffic travelling from Newtonmore Junction and entering the Glentruim link road would turn right across a local link which is predicted to have far lower traffic volumes and speeds than the existing A9. The expectation is that traffic from the dualled A9 accessing the link would have slowed down significantly after negotiating a bend when leaving the A9 mainline. Furthermore, the proposed scheme has been designed to provide good visibility between the A9 mainline and the minor junction. Accordingly, the proposed scheme would provide for much safer traffic movement than the existing situation, which requires traffic to cross the A9 carriageway.

⁵⁵ Roads and Transport Guidelines for New Developments, The Highland Council (2013)

3.117 Finally, on the matter of road safety, Mr and Mrs Smith are concerned about the proposal to upgrade part of the existing NCN7 cycle track to accommodate other 'motorised' road users. The proposal to upgrade the cycle track, which would link the C1137 and Newtonmore Junction, is considered necessary to provide access for Glentruim traffic to the southbound carriageway of the dualled A9, without which a diversion of over 20 kilometres would be required. Many existing sections of NCN7 follow shared use roads and the upgraded link would still provide a safe route for non-motorised users. Segregated cycle facilities would be provided at key locations, for example, at the left-in/ left-out junction and at the connection with the B9150 Newtonmore Road; to allow cyclist to negotiate the junctions safely and minimise conflict with vehicles. The proposed scheme accordingly maintains safe access for non-motorised users at this location.

Bus stop location

3.118 Mr Slimon is concerned about school bus stop provision as part of the proposed scheme and considers that a lay-by could be built for this purpose on the dualled A9 carriageway. The proposed scheme proposes to locate a school bus stop on the local road network north of Ptarmigan Lodge near to the Newtonmore Junction. The Glentruim Junction Report notes that due to the high speed and nature of traffic using the dualled A9, it is preferable to provide bus stop facilities away from the proposed dual carriageway.⁵⁶ The proposed location was identified in consultation with The Highland Council and provides an appropriate location to serve school bus services.

Consultation

3.119 Mr and Mrs Smith comment that the consultation process does not appear to have taken account of concerns made by those that use the roads. However, Transport Scotland has engaged with the local community and other stakeholders at each stage of the design development process in a constructive manner. It has considered all comments made and amended the proposed scheme in a number of respects, including the layout of the Newtonmore Junction; the introduction of a left-in/ left-out junction north of the existing Glentruim junction; relocated and redesigned the school bus stop provision; and redesigned the passing places on the C1137 Glentruim to Catlodge Road.

3.120 In conclusion, Transport Scotland has fully considered the grounds of objection made and not withdrawn by Mr and Mrs Smith and Mr Slimon and believe that they do not justify any refusal to make the Orders sought.

Reporter's conclusions

3.121 I find that the proposal to remove the Glentruim Junction, where the C1137 meets the existing A9, is consistent with the junction and access strategy of the A9 dualling programme; which seeks to limit direct access to the new dualled carriageway and remove

⁵⁶ Glentruim Junction Report, Section 5.5, paragraphs 5.5.2 to 5.5.8

right turn manoeuvres across the carriageway for reasons of road safety. In particular, the strategy seeks to close 'C' Class, unclassified and private and agricultural accesses unless at a local level their retention can be strongly justified. In the case of the Glentruim Junction, I am not persuaded by the arguments of the objectors that the existing junction should be retained or an alternative provided to the south, for the reasons that I set out below.

3.122 While the objectors correctly note that the proposed scheme would result in some longer journey lengths, this would also be true of their suggested alternative access arrangements; based on forecasted traffic counts at the 2041 design year, only a small number of vehicle movements per day would benefit from the alternative arrangements that they suggest. The additional journey lengths for those travelling to and from Glentruim via the north and southbound carriageways of the dualled A9 are set out in Table 5.1 of the Glentruim Junction Report. The table shows that the proposed scheme would result in a negligible/ small increase in journey lengths for those travelling from Glentruim to the A9 northbound carriageway (via the C1137 rather than the A9) and to Glentruim from the A9 southbound carriageway (via the proposed Newtonmore Junction); the increased journey lengths would be 0.06 and 0.46 kilometres, respectively. Longer journey lengths would be experienced by those travelling to Glentruim from the A9 northbound carriageway (continuing on the A9 past the stopped up access before returning to Glentruim via the C1137) and from Glentruim to the A9 southbound carriageway (via the proposed Newtonmore Junction); the increased journey lengths would be 2.13 and 5.9 kilometres, respectively.

3.123 Despite the longer journey lengths and the predicted overall 'slight adverse' impacts of those journeys on the local community, I do not consider the increased journey lengths unreasonable, particularly as the new access arrangements would be considerably safer to use than those currently available.

3.124 The Glentruim Junction Report describes the access options considered to serve Glentruim and its environs. It also describes the engineering, environmental and cost reasons why the suggestions put forward by the objectors were discounted in favour of the access arrangements promoted by the proposed scheme. The report is extensive and thorough. I have not been presented with any evidence that challenges the conclusions of the report. In short, the evidence clearly demonstrates that there is insufficient space to accommodate a compact grade separated junction at the location of the existing junction, or indeed further to the south, given the topography of the land and proximity of the Highland Mainline Railway. Similar constraints exist at the location of the Phoinés Estate underpass, which has been designed to meet the specific requirements of the Estate and not for use as a public road, and the land lying between the Highland Mainline Railway and A9 south of the existing Glentruim Junction to the Crubenbeg Junction, through which a widened NCN7 to accommodate motorised vehicles would have to be accommodated.

3.125 An objective of the proposed scheme is to improve safety for motorised and non-motorised users.⁵⁷ In this regard, Transport Scotland has demonstrated to my satisfaction that the segregated cycle facilities at the proposed left-in/ left-out junction and along the upgraded and realigned U3011 and C1137 minor roads would be safe for use by motorised and non-motorised users, including cyclists. The C1137 has been designed in consultation with The Highland Council and includes enhanced road safety measures, for example, by including improved signage and intervisible passing places located on either side of a new bridge structure to assist two-way traffic. I agree that separating local and long distance traffic would reduce the potential for conflict and thus improve safety. Accordingly, I am satisfied that the new access arrangements would meet Transport Scotland's stated objective of improving safety for all road users.

3.126 I also agree with Transport Scotland that is preferable where possible to locate bus stop facilities, particularly those that would be used by school children, on the local road network rather than a lay-by on the dualled A9 carriageway. I note that the proposed location has been identified in consultation with The Highland Council and school bus operators.

3.127 Finally, with regard to the new access arrangements, Transport Scotland has responded to matters raised in consultation with the local community and stakeholders, which has influenced the design development of the proposed scheme. With regard to the particular matters of concern to Mr and Mrs Smith, Transport Scotland has consulted The Highland Council; non-motorised user groups; and other stakeholders; to ensure that the proposed access arrangements and side roads are safe to use for all users. It has also demonstrated that the engineering, environmental and cost constraints associated with the alternative access options suggested by the objectors render them undeliverable or no better than the access arrangements included in the proposed scheme.

3.128 In conclusion, I find the access arrangements of the proposed scheme to serve Glentruim and its environs reasonable, appropriate and justified. The objections of Mr and Mrs Smith and Mr Slimon do not justify any refusal to make the Orders.

The objections of Mr and Mrs Clark

Mains points of objection

3.129 Mr and Mrs Clark are statutory objectors to the proposed scheme and are the owners of a house known as Three Bridges, Kingussie. The property is located approximately 265 metres east of the existing Kingussie junction, where the south bound off and on ramps form a T- junction with the B9152 Kingussie to Granish Road. The property also lies approximately 350 metres south east of an at-grade T-junction access to the A9 which would be stopped-up should the draft Orders be confirmed. The grounds of objection relate to the use of an access track, which it is proposed to acquire in order to access a SuDS pond, by

⁵⁷ A9 Dualling: Crubenmore to Kincaig DMRB Stage 3 Scheme Assessment Report, Volume 3 (2018) (CD015)

heavy plant and machinery and the damage that may be caused to a foul water drainage pipe which lies below. The objectors also seek clarification that the foul water drainage pipe would be protected from damage during construction works and an assurance that no operational traffic would use the aforementioned track from the B9152 during the construction phase of the proposed scheme.

Response of Transport Scotland

3.130 Transport Scotland has provided the clarification sought by Mr and Mrs Clark; confirming that existing services would be included in the environmental commitments outlined in the Environmental Statement (see Chapter 21).⁵⁸ Despite indicating that they were content with Transport Scotland's response, Mr and Mrs Clark have not withdrawn their objection on this matter.

3.131 Transport Scotland has also given an assurance to Mr and Mrs Clark that the access track from the B9152 would only be used in connection with the maintenance and inspection of the SuDS pond. In general, construction traffic would be discouraged from using local roads through commitments set out in the Environmental Statement.⁵⁹ The chosen contractor would also be required to prepare a traffic management plan setting out measures to avoid or reduce disruption to local road traffic. The Plan would also describe the timing of construction works, the location of haul roads to reduce site traffic on public roads and arrangements to maintain traffic management systems, for example, the sweeping of roads to reduce construction debris. Furthermore, through the construction contract, Transport Scotland would not make the southern section of the private access (from its junction with the B9152 to Laggan Croft 1) available to the contractor during the construction phase of the proposed scheme. Once construction was complete and the proposed scheme operational, access would be made available only for maintenance and inspection of the SuDS pond.

Reporter's conclusions

3.132 I find that Transport Scotland has fully addressed Mr and Mrs Clark's objection; it has confirmed that the Environmental Statement contains commitments to avoid damage to existing services and measures to avoid or reduce disruption to local road traffic. The commitments are clearly set out in the Schedule of Environmental Commitments contained in the Environmental Statement ([Chapter 21](#)).

3.133 The objectors confirmed by letter dated 30 April 2020 that they were in principle content with the response provided by Transport Scotland ([TS018](#), document .04). However, further clarification was sought on whether reference to existing services included foul water drainage assets; and the use of the access track by operational traffic during the construction of the proposed scheme. Transport Scotland provided the further clarification

⁵⁸ Environmental Statement, Volume 1, Table 21-5, item reference SMC-W11 (CD011)

⁵⁹ Environmental Statement, Volume 1, Table 21-3, item SMC-AT4 (CD011)

sought; confirming that foul water assets are indeed included in the commitments outlined in the Environmental Statement and, through the construction contract, use of the southern section of the access track would not be made available to the contractor. In addition to the commitments contained in the Environmental Statement, Transport Scotland has also indicated that it would consider further restrictions on the use of local roads by construction traffic in consultation with The Highland Council.

3.134 Although Mr and Mrs Clark have not respond to Transport Scotland's further clarifications and not withdrawn their objections to the proposed scheme, I am satisfied that their concerns have been fully addressed and that commitments to address their concerns are contained in the Environmental Statement; and that such commitments would be binding on the chosen contractor. Accordingly, I do not consider that Mr and Mrs Clark's objection justifies any refusal to make the Orders sought.

The objection of Mr Veen

Mains points of objection

3.135 Mr Veen is a statutory objector to the proposed scheme and the owner of a house known as The Auld Poor House, Kingussie. Mr Veen's property is located approximately 300 metres south of the proposed dualled A9, 250 metres south of the associated SuDS basin and 30 metres north of a priority T-junction between the B9152 Kingussie to Granish Road and the private means of access to the Auld Poor House. Mr Veen believes that by not engaging with him early in the process and not serving him with a copy of the draft Orders when first published, Transport Scotland has breached his rights. Mr Veen argues that Transport Scotland has failed to recognise his prescriptive right of access over the access road to his property and that he wishes to seek compensation as his rights would be affected by the proposed scheme. Finally, Mr Veen seeks clarification on the intended use of the access road and its maintenance arrangements.

Response of Transport Scotland

3.136 Transport Scotland has adhered to the legal requirements of consultation with Mr Veen. In accordance with Section 5(3) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (the 1947 Act) ([CD303](#)), all provisions of the 1947 Act relating to the service of notices are deemed to have been complied with if the notice has been served on all those persons appearing to the acquiring authority, in this case Transport Scotland, to have an interest in the land. Further, Transport Scotland has fulfilled its legal requirements in terms of paragraphs 3 and 3A of the First Schedule of the 1947 Act.⁶⁰

3.137 The draft Orders and Environmental Statement for the proposed scheme were published on 4 September 2018. Their publication was followed by a six-week objection period and a concurrent six-week representation period for the Environmental Statement.

⁶⁰ First Schedule, paragraphs 3 and 3A relate to the publication of notices in the local press circulating in the locality and the display and serving of the order on interested parties

At the time of publication of the draft orders, Transport Scotland did not have information confirming that Mr Veen might have had rights of access over land being compulsorily acquired. In October 2018, Transport Scotland wrote to Mr Veen and provided him with a copy of the draft Orders and confirmed that he had six weeks from the date of the letter to raise an objection. In November 2018, Mr Veen lodged his objection to the proposed scheme. Transport Scotland's legal requirements relating to the publication of the draft Orders have therefore been met. Mr Veen has been consulted and afforded an opportunity to put his case forward.

3.138 Mr Veen asserts that his property has enjoyed a prescriptive right of access over the private road since it was built, circa 1880. There is no other means of access to the property. Mr Veen has provided affidavits supporting his position that a prescriptive right of access exists from the Auld Poor House south to where the track joins the public road; the B9152.

3.139 Transport Scotland has explained to Mr Veen that the searches undertaken when preparing the draft Compulsory Purchase Order did not highlight any rights of access to his property ([TS060](#), document .02). However, Transport Scotland subsequently acknowledged that a prescriptive right of access appears to exist based on the affidavits provided from previous landowners ([TS060](#), document .06). Mr Veen has since been treated as a statutory objector and will be added to any orders made in due course.

3.140 Transport Scotland has confirmed to Mr Veen that the draft Side Roads Order preserves a right of vehicular and pedestrian access to his property. The draft Order sets out the changes to access, including those to be closed and the alternative means of access that would be provided by the proposed scheme. Although Mr Veen has not asserted a right to use, the private access to the north of the Auld Poor House, which presently provides direct access to the A9, Transport Scotland has considered the implications of the stopping up of the access.

3.141 The direct access from the A9 which serves the properties would be stopped up as part of the proposed scheme. The existing vehicular and pedestrian access from the B9152 Kingussie to Granish Road to Mr Veen's property would be maintained. On completion of the proposed scheme, the shortest access from the Auld Poor House to the northbound A9 would be via the upgraded Kingussie Junction via the B9152 and the A86. This existing route is unaffected by the proposed scheme and extends to one kilometre. Access to the southbound dualled A9 would be maintained using the B9152 and the upgraded Kingussie Junction. Although the layout of the junction would be different there would be no change in distance from the Auld Poor House.

3.142 Construction access over the existing access to Mr Veen's property from the B9152 is anticipated to be light or none, with the main construction access being taken directly from the A9. Further, maintenance access to the proposed SuDS pond would be very limited; inspection and light maintenance would generally occur on an annual basis, with silt removal and other works at intervals over ten years.

3.143 The proposed scheme formalises Mr Veen’s right of access to the Auld Poor House; rather than having to rely on a purported prescriptive right of access.

3.144 On the matter of compensation claims, Transport Scotland has advised Mr Veen that such matters are determined by the District Valuer and has provided guidance as to when a claim should be made. Furthermore, compensation is not a matter for the inquiry.

3.145 Transport Scotland has confirmed to Mr Veen that there is no intention of changing the access road to his property from its present use as a private means of access. Neither would there be any works to the access road other; than that which may be required to protect existing utility apparatus; and minor works to the southbound verge at the northern end of the private access to tie the existing road surface into the proposed SuDS pond access. The only anticipated change in vehicle use in the future arising from the proposed scheme would be for the occasional maintenance and inspection of the SuDS pond.

3.146 Finally, with regard to the maintenance of the access road, Transport Scotland has confirmed to Mr Veen that where an access is located within land to be acquired by compulsory purchase, it would own and be liable for maintenance of the access as landowner. On this and all other matters Transport Scotland has taken steps to alleviate the concerns of the objector where possible. As such, the position of Transport Scotland is that none of the grounds of objection maintained by Mr Veen justify any refusal to make the Orders sought.

Reporter’s conclusions

3.147 I am satisfied that Transport Scotland has met the legal requirements of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 with regard to the publication of the draft Orders. In accord with requirements of the 1947 Act, it also served notice upon those with an interest in land to be compulsorily acquired. Although Transport Scotland was unaware of Mr Veen’s interest in the land to be acquired at the time that the draft Orders were first published, it quickly resolved the matter, provided him with a copy of the draft orders and afforded him the same opportunity as all other interested parties to raise objections to the proposed scheme. I find that Mr Veen has not suffered disadvantage in this matter and has been consulted appropriately.

3.148 Despite some uncertainty at first, I also find that Mr Veen’s claim of a prescriptive right of vehicular and pedestrian access to the Auld Poor House from the B9152, over the land to be acquired, has been considered by appropriately and reasonably by Transport Scotland; which would be maintained and included in the Side Roads Order (labelled ‘264’ on Plan SR7) ([CD003](#)). As a result, Mr Veen would no longer have to rely on a purported prescriptive right of access.

3.149 Finally, I am satisfied that Transport Scotland has provided the clarification and assurances sought by Mr Veen regarding the intended use of the access road and responsibility for its future maintenance. It has also provided advice on compensation matters, which is not a matter for this inquiry.

3.150 In conclusion, I find that Transport Scotland has fully considered and Mr Veen's grounds of objection and taken steps to alleviate his concerns. As such, I consider that none of his grounds of objection justify any refusal to make the Orders sought.

The objection of Ms Buckingham

Mains points of objection

3.151 Ms Buckingham is a non-statutory objector to the proposed scheme. Ms Buckingham considers that there are currently major safety issues for cyclists who use the National Cycle Route (NCN7) between Newtonmore and Kingussie; which are not being addressed by the proposed scheme. Ms Buckingham considers that Transport Scotland is missing an opportunity to provide a cycle path adjacent to the A9 between Ralia and Ruthven.

Response of Transport Scotland

3.152 National Cycle Route 7 (NCN7) is a Sustrans cycle path in the vicinity of the proposed scheme. It runs adjacent to the existing A9 (heading north) and then shares the B9150 into Newtonmore where it joins the A86 to Kingussie and in turn the B970 to Ruthven.

3.153 Transport Scotland has undertaken extensive consultation with landowners; stakeholders; and interest groups, including the NMU and Accessibility forums, to address identified impacts on non-motorised users (NMU) and inform the design development of the proposed scheme. Through the forums, it has engaged with cycling representatives at The Highland Council; Cairngorms National Park Authority; Sustrans, Cycling UK; Cycling Scotland; Cycling Touring Club Scotland; Highland Cycling Campaign; and Highland Perthshire Cycling.

3.154 The realignment and extension of the C1137 Catlodge to Ralia Road, the U3011 Raliabeag Road and the grade separation of the A9/ B9150 Newtonmore Junction would require minor realignment and segregation of the NCN7 to allow it to negotiate to the proposed junction layouts. The NCN7 would be a shared use route along the realigned C1137 and U3011, except where it bypasses the new left-in/ left-out junction at Ralia via a segregated path. The NCN7 would retain its existing alignment on the B9150 to create a segregated cycle path past the northern loop of the proposed grade separated Newtonmore Junction. It would then share the B9150 and continue into Newtonmore. It would remain an option to leave the NCN7 at the proposed Newtonmore Junction and travel north east on the U3063 to Nuide where access under the dualled A9 would be available to join General Wade's Military Road to access the hills to the south of the A9. The minor alignments of the NCN7 would increase its assessed length of 1.3 kilometres by 82 metres.^{61, 62} Other than

⁶¹ Environmental Statement, Volume 1, Chapter 9, Table 9-19 (CD011)

⁶² Environmental Statement, Volume 3, Drawings 9.4 and 9.5 (CD013)

these minor alignments, once operational the proposed scheme would not impact on the NCN7 and would continue to provide an NMU link.

3.155 The existing section of the NCN7 referred to by Ms Buckingham is remote from, and not affected by, the proposed scheme. It would, accordingly, not be reasonable, appropriate or justifiable to address this section of the NCN7 as part of the proposed scheme.

Furthermore, a NMU link between Ralia and Ruthven is not required to meet the objectives of the proposed scheme.⁶³ Neither is a NMU link between Ralia and Ruthven required by way of necessary mitigation as the proposed scheme would not cause any significant cumulative impacts on NMU access at NCN7 or elsewhere.⁶⁴

3.156 In summary, a NMU link between Ralia and Ruthven is not a scheme objective, is not required by way of necessary mitigation and there is no opportunity or ministerial commitment to deliver the link as part of the proposed scheme. As such, the provision of link referred to by Ms Buckingham cannot be justified.

Reporter's conclusions

3.157 I place great importance on the fact that the proposed scheme design development has been informed by extensive consultation with stakeholders, in particular, NMU and Accessibility forums, which include representatives of national; regional; and local cycling interest groups; none of which have objected to the proposed scheme. I note that NMU stakeholder engagement has been undertaken throughout all phases of the DMRB assessment process; to gather information and feedback on its proposals, including the preparation of NMU Access Strategy as part of the DMRB Stage 2 route options assessment.

3.158 Ms Buckingham considers that a NMU link between Ralia and Ruthven should be provided as part of the proposed scheme, which would be safer to use than the A86 between Newtonmore and Kingussie. I have considered this suggestion against the objectives of the NMU Access Strategy and agree with Transport Scotland that such a link is not necessary to meet the objectives of the proposed scheme. In particular, the link is not required to maintain existing levels of NMU route connectivity or mitigate the impacts of the proposed scheme. Furthermore, the NMU Access Strategy did not identify an opportunity to provide a segregated cycle route between Ralia and Ruthven, nor is there a ministerial commitment to provide such a link. Despite Ms Buckingham's concern for the safety of cyclists using the A86 between Newtonmore and Kingussie, I note that NCN7 presently takes the form of a segregated path adjacent to the road between the two settlements.

3.159 Between Ralia and the proposed Newtonmore Junction, where the NCN7 runs adjacent to the A9, the proposed scheme includes the provision of new and upgraded cycling facilities, including minor realignments and segregated paths to allow it to negotiate proposed junctions. Thereafter, beyond the proposed Newtonmore Junction, the NCN7 would continue into Newtonmore via the B9150 and A86, as it does at present. Otherwise, the proposed

⁶³ A9 Dualling Programme, Non-Motorised User Access Strategy, Chapter 5, Section 5.2 (CD113)

⁶⁴ A9 Dualling Programme, Non-Motorised User Access Strategy, Chapter 6, Section 6.3

scheme would not impact on the route of the existing NCN7. As such, I agree with Transport Scotland's assertion that beyond the proposed Newtonmore Junction, the NCN7 can be regarded as being remote from, and not affected by, the proposed scheme. In this context, I agree with the conclusions of the Environmental Statement that the proposed scheme would have a 'Slight/ Negligible' overall impact on the NCN7.⁶⁵

3.160 As shown on drawing 9.1 (all travellers-overview),⁶⁶ the option would remain for cyclists to leave the NCN7 beyond the proposed Newtonmore Junction and follow the U3063 north east to Nuide Farm; where access under the dualled A9 would be available to join the General Wade Military Road to access the hills and other NMU routes that run to the south of the A9. The Environmental Statement describes the route as NMU7, an informal route that runs adjacent to the northbound side of the A9.

3.161 The proposed scheme includes provision of a new NMU facility north of Kingussie, adjacent to the dualled A9 carriageway, which would tie into existing facilities at Kincaig (provided as part of the Kincaig to Dalraddy A9 dualling project). The proposed NMU is part of a ministerial commitment to provide a segregated cycle route between Aviemore and Kingussie (TS015.03). The proposed route would be an alternative to NCN7, not a replacement. The NCN7 would continue to run between Kingussie to Ruthven as part of the B970 and pass under the dualled A9.

3.162 In conclusion, the existing NCN7 between Newtonmore and Kingussie is remote from, and not affected by, the proposed scheme. As such, I find that it would be not be reasonable, appropriate or justified for Transport Scotland to address its replacement as part of the proposed scheme. I also find that the provision of a NMU link between Ralia and Ruthven is not a scheme objective, nor is it required to mitigate the impacts of the proposed scheme. Finally, there is no opportunity or ministerial commitment to deliver a NMU link sought by Ms Buckingham as part of the proposed scheme. Accordingly, I find that the objection maintained by Ms Buckingham does not justify any refusal to make the Orders sought.

The objection of Mr Buckingham

Mains points of objection

3.163 Mr Buckingham is a non-statutory objector to the proposed scheme and owner of three self-catering cottages at Ruthven Steadings, Kingussie; where he resides in a separate dwelling house. Ruthven Steadings is located between the Newtonmore and Kingussie junctions, east of the A9 where the B970 passes below the A9 via an underbridge. Ruthven Steadings is located immediately on the south side of the B970. Mr Buckingham is concerned about the potential increase in noise levels at the self-catering cottages from road traffic and the adequacy of the mitigation measures proposed to address his concern. Mr Buckingham would like further mitigation measures to be developed and incorporated into

⁶⁵ Environmental Statement, Volume 1, Chapter 9, Table 9-21 (CD011)

⁶⁶ Environmental Statement, Volume 3, Drawings 9.1 (all travellers-overview)

the proposed scheme and a programme of noise measurements taken before scheme construction to allow for comparison with the proposed scheme once complete.

Response of Transport Scotland

3.164 Mr Buckingham is concerned about potential noise increases at Ruthven Steadings and seeks an increase in the height of a bund and/ or extent of tree planting near to his properties to mitigate the effects of the proposed scheme. The proposed bund would be located on the east side of the dual carriageway to the south of the B970. Its purpose, would be to mitigate the visual effects of the proposed scheme on properties at Ruthven Steadings rather than to reduce noise levels. Native woodland planting is proposed in order to provide visual screening; this planting or any other would not result in any reduction to road traffic levels. The proposed planting was not taken account of in the assessment of noise impacts at Ruthven Steadings.

3.165 Beyond the use of a low noise road surface, additional noise mitigation measures at Ruthven Steadings have not been included in the design of the proposed scheme; as the predicted noise level changes do not meet the threshold criteria for mitigation, that is, the absolute road traffic noise levels at Ruthven Steadings would be below 59.9dB LA10,18h in all scenarios assessed. The predicted road traffic noise level with the proposed scheme in operation is predicted to be between 54.5dB LA10,18h and 59.5dB LA10,18h, with a noise level change of below 5dB.

3.166 Mr Buckingham believes that noise levels at his properties would double due to the proposed scheme. Although a 3dB increase is a doubling in mathematical terms, the human ear would not equate this to a doubling of the perceived noise level. A noise level increase of +10dB would equate to a doubling of noise level as perceived by the human ear, whereas a long-term change of +3dB would be just perceptible.⁶⁷ Whilst a perceptible change would occur in noise levels in the opening year of the proposed scheme at Ruthven Steadings, in the longer term this change would be barely perceptible.

3.167 Mr Buckingham also raises concerns regarding his customers' experience of the absolute increase in noise dose from 2019 (when this matter was first raised) to operation of the scheme in 2026. Transport Scotland recognises that any increases in traffic from the present to the year of opening would be as a result of natural growth and would occur with or without the proposed scheme. The assessment undertaken allows the differences in road traffic from the implementation of the proposed scheme to be assessed.

3.168 Over time, year on year, the gradual 'natural' growth in road traffic would inevitably lead to a gradual increase in road traffic noise. From one year to the next any increase in road traffic noise resulting from gradual traffic growth would be of an imperceptible level at Ruthven Steadings. Accordingly, the experience of a regular visitor to Ruthven Steadings would not be of the total change from 2019 to 2026, as the increase would be gradual.

⁶⁷ DMRB HD 213/11 – Revision 1 'Noise and Vibration' (CD401.23)

3.169 With regard to the occurrence of regular ‘peaks’ in noise levels or ‘bangs’ from vehicles using the proposed scheme, Transport Scotland notes that these tend to occur where there is a discontinuity in the road surface. As the road surface of the proposed scheme would be installed as a new carriageway; would incorporate low noise road surfacing throughout; and would be maintained in accordance with current standards, it is expected that that there would not be any peaks in road traffic noise experienced at Ruthven Steadings.

3.170 In conclusion, Transport Scotland asserts that it has assessed the noise levels that would be experienced at Ruthven Steadings appropriately and robustly. As such, it considers that Mr Buckingham’s ground of objection does not justify any refusal to make the Orders sought.

Reporter’s conclusions

3.171 I am satisfied that the noise and vibration assessments undertaken to predict the impacts of the proposed scheme on properties at Ruthven Steadings and elsewhere are robust and accord with relevant guidance set out in DMRB and good practice standards; these are clearly described in [Chapter 17](#) of the Environmental Statement and in correspondence between the parties.⁶⁸ Mr Buckingham’s objection is not supported by specific evidence that challenges the conclusions of the assessments.

3.172 In particular, the Environmental Statement describes the assessment methodology employed to calculate noise levels at all residential dwellings, and other sensitive receptors, including Ruthven Steadings, within the proposed scheme’s noise and vibration calculation area.⁶⁹ It also presents a summary of baseline noise measurements,⁷⁰ including noise measurement results taken from a monitoring station located 235 metres distant from the A9 at Ruthven Farm House, adjacent to Ruthven Steadings.⁷¹ The average level of steady sound at this location was 50.9dB LAeq,T; with measured noise levels at all receptors below 65dB LAeq,T. The main source of noise at Ruthven Farm House, as at all other locations, was from road traffic using the A9.

3.173 With regard to construction noise, the predicted noise levels, including existing baseline noise levels, at 200 metres distance would be within a range of 52.7dB to 60.7dB.⁷² This is considered to be below the threshold of significance (65dB LAeq,T). The assessment does not predict any permanent vibration impacts at dwellings from piling operations. Should the draft Orders be confirmed, Transport Scotland would require the chosen contractor to prepare a scheme of noise of vibration monitoring to be agreed with The Highland Council. Furthermore, noise and vibration limits would be included in a Construction Environmental

⁶⁸ DMRB, Volume 11, Section 3, Part 7 ‘noise and vibration’ (The Highways Agency et al, 2011)

⁶⁹ Drawing 17.2: Operational Noise Assessment Study Areas and Receptor Locations

⁷⁰ Environmental Statement, Volume 1, Chapter 17, Table 17-11

⁷¹ Environmental Statement, Volume 3, Drawing 17.1: Noise monitoring locations, MP11: Ruthven Farm House

⁷² The higher noise levels being associated with rock breaking and the demolition of the Spey Bridge

Management Plan, the preparation of which is included in a schedule of environmental commitments.⁷³

3.174 In terms of predicted operational road traffic noise, the assessment is based on two scenarios; do-minimum, which assumes that there would be no change to the A9; and do-something, which assumes that the scheme is fully developed and operational. The potential impacts of operational road traffic noise has been considered based on outputs from traffic modelling; which simulated traffic flows for the do-minimum and do-something scenarios. The do-something scenario predicts the magnitude of change in the short-term (2026, the first year of operation) and long-term (2041).

3.175 The assessment indicates that noise levels at Ruthven Steadings are predicted to increase over time with the implementation of the proposed scheme (do-something), compared to the situation that would exist if the proposed scheme was not built (do-minimum). The assessment takes into account the use of low noise road surfacing in the construction of the proposed scheme and indicates that the largest increase in noise level would occur at the north west façade of Mr Buckingham's property; +2.8dB in the opening year and +3.1dB 15 years after opening. Noise changes at other facades would be less. In absolute terms, the noise level at the north-west façade in the do-minimum 2026 scenario would be 54dB, rising to 56.5dB in the do-something 2041 scenario. I note that in environmental assessment terms, an increase of +2.5dB is considered a 'Minor/ Adverse' magnitude of change in both the short-term and long-term scenarios, resulting in a 'Slight/ Moderate' adverse impact overall.

3.176 Based on the conclusions of the assessment, and when assessed against the guidance contained in DMRB (CD401.23),⁷⁴ I accept Transport Scotland's argument that additional noise mitigation measures are not required at Ruthven Steadings; as the predicted increase in noise levels would be less than 3dB in the short-term or 5dB in the long-term. Also, the predicted noise level at the north-west façade would be between 54.5dB and 59.5dB L_{A10,18h} (where 59.5dB L_{A10,18h} has been applied as the absolute noise mitigation threshold across the A9 dualling programme as a whole).

3.177 With regard to other matters, as shown on plan and cross-sections accompanying Transport Scotland's evidence in respect of Ruthven Steadings,⁷⁵ I also accept that the purpose of the proposed bund and tree planting is to provide a visual screen between the dualled A9 and Ruthven Steadings rather than to reduce the effects of road traffic noise. Although explained in correspondence, Mr Buckingham appears to have misunderstood the purpose of the bund and tree planting.

3.178 Of particular concern to Mr Buckingham is that the predicted increase in noise level (+3.1dB 15 years after opening) would result in road traffic noise being audible from within his

⁷³ Environmental Statement, Volume 1, Chapter 21, Table 21-1, item reference SMC-S1

⁷⁴ DMRB, Volume 11, Part 7 (HD 213/11-Revision 1): Noise and Vibration

⁷⁵ Drawings: A9P09-CFJ-LGN-X_ZZZZZ_ZZ-DR-LE-0008, A9P09-CFJ-EGN-M_MLZZZ_XX-DR-LA-0022 and A9P09-CFJ-EGN-M_MLZZZ_XX-DR-LA-0023

self-catering cottages. On this matter, Transport Scotland comments that DMRB guidance only requires it to assess predicted noise levels outdoors. It adds, that any changes that would occur outdoors would reasonably be expected to also apply indoors. Mr Buckingham's concern on this matter is, however, based on an assumption that the proposed development would result in noise levels doubling. With reference to the DMRB guidance, Transport Scotland further explains that while the magnitude of change in road traffic noise may appear as a doubling in mathematical terms, the human ear would not perceive it as such. Although a perceptible change in noise level would occur once the proposed scheme became operational, I accept that in the longer term the change in noise levels would be barely perceptible.

3.179 In conclusion, I find that the noise and vibration assessment undertaken by Transport Scotland is robust and in accord with relevant guidance. I also find that the predicted increase in noise levels at Ruthven Steadings would be below the threshold requiring mitigation, beyond that embedded in the design of the proposed scheme. The purpose of the proposed bund and tree planting to the west of Ruthven Steadings would be to screen the proposed development rather than to reduce the effects of road traffic noise. Accordingly, Mr Buckingham's objection does not justify any refusal to make the Orders sought.

CHAPTER 4: REPORTER'S CONCLUSIONS AND RECOMMENDATION

4.1 Support for the A9 dualling programme between Perth and Inverness is clearly expressed in national planning, transport and economic policy; is longstanding; and supported by ministerial commitments. As I note at paragraph 1.9 above, the dualling programme as a whole would create safe, consistent and reliable driving conditions. In doing so, it would alleviate driver frustration and contribute to a reduction in the high incidence of serious and fatal road accidents. It would also benefit national and local businesses; local communities; and tourists; by providing improved access locally and between the Central Belt and the Scottish Highlands. The proposed scheme would also deliver improved integration of public transport and infrastructure for non-motorised users. There is no evidence before me that argues otherwise.

4.2 I am satisfied that the proposed scheme, the subject of the draft Orders, is integral to delivering the overall benefits of the A9 dualling programme; without the proposed scheme the benefits described above would not be fully realised and the dualling programme diminished. I therefore agree with the broad approach adopted by Transport Scotland which has considered the operational performance of the A9 as a whole while taking account of local interests.

4.3 The proposed scheme route alignment has been chosen after careful consideration of its environmental impacts; which are fully described in the Environmental Statement. In the design development of the proposed scheme, Transport Scotland has engaged with statutory consultees and the RSPB to address potential adverse impacts on the River Spey and Insh Marshes National Nature Reserve.

4.4 Noteworthy in my consideration of the extent objections to the proposed scheme is the fact that no statutory consultees, namely, NatureScot; SEPA; Historic Environment Scotland; and Cairngorms National Park Authority; have objected to the proposed scheme. Also noteworthy is the position of the RSPB, which initially objected to the proposed scheme but, following detailed discussions with Transport Scotland withdrew its objection subject to agreed modifications. The evidence lodged by Transport Scotland, including correspondence with objectors, demonstrates that it has made strenuous efforts to minimise the impacts of the proposed scheme on public bodies and private interests; this is reflected in the modified schedules that accompany the draft Compulsory Purchase Order and draft Side Roads Order.

4.5 In chapter 2 of this report, I have summarised and considered the predicted environmental effects of the proposed scheme; as described in Environmental Statement. I have also considered the adequacy of the proposed mitigation measures, particularly those required to alleviate the concerns of objectors. Despite some criticism that the Environmental Statement is inadequate, I consider that the environmental effects of the proposed scheme have been thoroughly assessed in accord with all relevant regulations, guidance and good practice.

4.6 In chapter 3, I have considered all extant objections to the proposed scheme. The Insh Marshes objectors are concerned about the impact of the proposed scheme on the Insh Marshes National Nature Reserve. Their objections are made in general terms, without reference to detailed information and reflect many of the concerns initially raised by the RSPB. To address their concerns, Transport Scotland has demonstrated that it has undertaken a rigorous route selection process, particularly in respect of the River Spey crossing; informed by robust and thorough environmental, engineering and economic assessments. The proposed scheme includes project specific mitigation to address identified adverse effects during its construction and operation, which include a new river crossing more than double the length of the existing bridge and the creation of extensive compensatory habitat for displaced breeding waders; which represent significant investments by the Scottish Ministers. Importantly, none of the statutory consultees object to the proposed scheme and the RSPB, on the basis of agreed modifications, has withdrawn its objection.

4.7 Transport Scotland has presented clear and compelling evidence to demonstrate that the land identified for compulsory acquisition is necessary for the construction and operation of the proposed scheme; including land at Ruthven Farm and Laggan Croft No's 2, Kingussie, which also includes the acquisition of a private access track that serves the croft and properties known as Auld Poor House and Three Bridges. Despite suggestions that the land take in these locations is excessive, I accept that it is required for the purposes of the proposed scheme and, on the basis of the evidence provided, that the farm and croft would remain viable businesses.

4.8 Further, I accept that the acquisition of the access track serving Laggan Croft No's 2 and residential properties is necessary in order to secure ongoing access to a proposed SuDS pond within the croft holding for regular maintenance purposes. Importantly, Transport Scotland has provided Messrs Mackintosh, Clark and Veen with the assurances they seek regarding unfettered pedestrian and vehicular access to their properties; the repair of drainage and other utility pipes beneath the track should they be damaged by construction vehicles; and its future maintenance. Finally, although Mr Veen was notified later than others of the publication of the draft orders, I do not consider that he has suffered any disadvantage in this process; he was consulted appropriately and allowed the same time as others to lodge objections.

4.9 The removal of the Glentruim Junction, where a 'C' Class road meets the existing A9, is consistent with the junction and access strategy of the A9 dualling programme; which seeks to limit direct access to the new dualled carriageway and remove right turn manoeuvres across the carriageway for reasons of road safety. Neither Mr and Mrs Smith nor Mr Slimon have provided any compelling reasons as to why it should be retained. Further, their suggested alternatives are either unachievable or no better than that which is proposed. While some journey lengths would be longer for those that presently use the Glentruim Junction, I do not consider that the increased journey lengths would be unreasonable, particularly as the proposed Glentruim/ Ralia and Newtonmore

Junction access arrangements would be considerably safer to use than those currently available.

4.10 Transport Scotland has responded in detail to the concerns of Mr Brodie in respect of Highland Wildlife Park and the proposed new means of access to serve properties at Croftcarnoch. The proposed access would be located outwith the main fenced area of the park. The operators of the park do not object to the proposed scheme. Transport Scotland is committed to working with the Royal Zoological Society of Scotland to develop and agree planting and boundary treatments to avoid and minimise the impacts of the proposed scheme, which would include the use of native species; a requirement which would be binding on the chosen contractor.

4.11 With regard to the concerns of Ms Buckingham, I agree with Transport Scotland that it would not be reasonable, appropriate or justified to replace Nation Cycle Network Route 7 as part of the proposed scheme. The existing cycle route between Newtonmore and Kingussie is remote from, and unaffected by, the proposed scheme.

4.12 Finally, based on the findings of a noise and vibration assessment, I accept that the predicted noise levels that would be experienced at Ruthven Steadings by Mr Buckingham and those occupying his holiday-let properties, would be below the threshold requiring mitigation; beyond that embedded in the design of the proposed scheme.

4.13 In conclusion, I consider; there is a need for the proposed scheme; the land identified in the draft Compulsory Purchase order is required to deliver and operate the proposed scheme; that the Compulsory Purchase Order is necessary and justified; that the draft Orders as a whole are necessary to achieve delivery of the proposed scheme. Following discussions with objectors and other parties affected by the proposed scheme, Transport Scotland has agreed a number of modifications to the draft Compulsory Purchase Order and draft Side Roads Order; these are noted in Appendix 2 of Transport Scotland's [closing submission](#). The modified orders and supporting plans are lodged as documents [TS414](#) and [TS415](#). I have incorporated the agreed amendments into my recommendation below.

4.14 Accordingly, subject to appropriate assessments concluding that there would be no adverse effects on the integrity of the River Spey–Insh Marshes Ramsar; River Spey–Insh Marshes Special Protection Area; River Spey Special Area of Conservation; Insh Marshes Special Area of Conservation; River Spey–Insh Marshes Site of Special Scientific Interest; River Spey Site of Special Scientific Interest; and Insh Marshes National Nature Reserve (NNR); I recommend that the Scottish Ministers confirm:

- The A9 and A86 Trunk Roads (Crubenmore to Kincaig) Compulsory Purchase Order 201[], including agreed modifications to plots 136, 518, 627,716, 720, 732, 801, 810, 816, 841 and the removal of plots 626, 731, 823, 829 and 842;
- The A9 and A86 Trunk Roads (Crubenmore to Kincaig) (Trunking) Order 201[];

- The A9 and A86 Trunk Roads (Crubenmore to Kincaig) (Side Roads) Order 201[], including agreed modifications to plan SR8 which removes plots 220 and 271; and,
- The A9 Trunk Road (Crubenmore to Kincaig) (Extinguishment of Public Rights of Way) Order 201[].

Andrew A Sikes

Reporter

APPENDIX 1: CORE DOCUMENTS LIST

A9 DUALLING PROJECT 9: CRUBENMORE TO KINCRAIG	
CD001	The A9 & A86 Trunk Roads (Crubenmore to Kincaig) Compulsory Purchase order 201[]
CD002	The A9 & A86 Trunk Roads (Crubenmore to Kincaig) (Trunking) Order 201[]
CD003	The A9 & A86 Trunk Roads (Crubenmore to Kincaig) (Side Roads) Order 201[]
CD004	The A9 Trunk Road (Crubenmore to Kincaig)(Extinguishment of Public Rights of Way) Order 20[]
CD010	The A9 Dualling: Crubenmore to Kincaig DMRB Stage 3 Environmental Statement Non-Technical Summary (CFJV, September 2018)
CD011	A9 Dualling: Crubenmore to Kincaig DMRB Stage 3 Environmental Statement Volume 1: Main Report (CFJV, September 2018)
CD012	Confidential - A9 Dualling: Crubenmore to Kincaig DMRB Stage 3 Environmental Statement Volume 2: Technical Appendices (CFJV, September 2018)
CD013	A9 Dualling: Crubenmore to Kincaig DMRB Stage 3 Environmental Statement Volume 3: Environmental Drawings (CFJV, September 2018)
CD015	A9 Dualling: Crubenmore to Kincaig DMRB Stage 3 Scheme Assessment Report Volume 1: Engineering, Traffic and Economic Assessment (CFJV, December 2018)
CD016	A9 Dualling: Crubenmore to Kincaig DMRB Stage 3 Scheme Assessment Report Volume 2: Appendices (CFJV, December 2018)
CD017	A9 Dualling: Crubenmore to Kincaig DMRB Stage 3 Scheme Assessment Report Volume 3: Engineering Drawings (CFJV, December 2018)
CD018	A9 Dualling: Crubenmore to Kincaig DMRB Stage 2 Scheme Assessment Report Volume 1- Part 1: The Scheme (CFJV, May 2016)
CD019	A9 Dualling- Crubenmore to Kincaig DMRB Stage 2 Scheme Assessment Report Volume 1- Part 2: Engineering Assessment (CFJV, May 2016)
CD020	A9 Dualling- Crubenmore to Kincaig DMRB Stage 2 Scheme Assessment Report Volume 1- Part 3 Environmental Assessment (CFJV, May 2016)
CD021	A9 Dualling- Crubenmore to Kincaig DMRB Stage 2 Scheme Assessment Report Volume 1- Part 4 Traffic and Economic Assessment (CFJV, May 2016)
CD022	A9 Dualling- Crubenmore to Kincaig DMRB Stage 2 Scheme Assessment Report Volume 1- Part 5 Summary and Recommendations (CFJV, February 2017)
CD023	A9 Dualling- Crubenmore to Kincaig DMRB Stage 2 Scheme Assessment Report Volume 1- Part 6 Appendices (CFJV, May 2016)

CD024	A9 Dualling- Crubenmore to Kincaig DMRB Stage 2 Scheme Assessment Report Volume 2- Engineering Drawings (CFJV, May 2016)
CD025	A9 Dualling- Crubenmore to Kincaig DMRB Stage 2 Scheme Assessment Report Volume 3- Environmental Drawings (CFJV, May 2016)
CD026	Statement of Reasons on behalf of Scottish Ministers (Morton Fraser, June 2020)
CD027	Confidential - A9 Dualling - Glen Garry to Dalraddy Project 9: Crubenmore to Kincaig DMRB Stage 3 Habitats Regulations Appraisal Summary Report (CFJV, October 2018)
CD028	Confidential - A9 Dualling – Glen Garry to Dalraddy Project 9: Crubenmore to Kincaig DMRB Stage 3 Habitats Regulations Appraisal - Appendices (A-H) (CFJV, October 2018)
CD029	A9 Dualling Project 9 – Crubenmore to Kincaig DMRB Stage 3 EIA Chapter 12 Ecology and Nature Conservation (Ornithology – ES Breeding Wader Assessment) Presentation (CFJV, September 2019)
CD031	A9 Dualling - Crubenmore to Kincaig DMRB Stage 3 Departures from Standard (CFJV, July 2017)
CD033	A9 Dualling – Glen Garry to Dalraddy Project 9 DMRB Stage 3 Newtonmore Junction Variation Assessment Technical Note (CFJV, April 2017)
CD034	A9 Dualling – Glen Garry to Dalraddy Project 9 – Crubenmore to Kincaig Access Study (CFJV, February 2019)
CD037	A9 Dualling – Crubenmore to Kincaig DMRB Stage 2 Options Assessment Habitats Regulations Appraisal (HRA) (CFJV, June 2016)
CD038	A9 Dualling - Glen Garry to Dalraddy - Project 9 Crubenmore to Kincaig – Kingussie Initial Junction Review (CFJV, December 2015)
CD040	A9 Dualling Glen Garry to Dalraddy – Project 9: Crubenmore to Kincaig – Dellmore of Kingussie Ecological Management Plan (CFJV, December 2019)
CD045	A9 Dualling Glen Garry to Dalraddy – Project 9 – Initial Mainline Alignment Review (Transport Scotland, September 2015)
CD046	A9 Dualling Glen Garry to Dalraddy – Project 9 – River Spey Insh Marshes Crossing Scenarios Assessment (CFJV, March 2016)
A9 DUALLING PERTH TO INVERNESS PROGRAMME DOCUMENTS	
CD101	A9 Perth to Inverness: Development of a Route Strategy, Phase 3 Final Report, Volume 1 (Scott Wilson Kirkpatrick, 1996)
CD102	A9 Perth to Inverness: Development of a Route Strategy, Phase 3 Final Report, Volume 2 (Scott Wilson Kirkpatrick, 1996)
CD103	A9 Perth to Inverness: Development of a Route Strategy, Phase 3 Final Report, Volume 3 (Scott Wilson Kirkpatrick, 1996)
CD104	A9 Route Improvements Strategy Study (RISS) (Scott Wilson, 2006)

CD106	A9 Dualling Programme: Strategic Environmental Assessment (SEA) Environmental Report (Transport Scotland, June 2013)
CD110	CD110 DMRB Stage 1 Assessment: A9 Dualling: Preliminary Engineering Support Services (Transport Scotland, March 2014)
CD111	A9 Dualling Programme: Strategic Environmental Assessment (SEA) Environmental Report Addendum (Transport Scotland, March 2014)
CD112	A9 Dualling Programme: Strategic Environmental Assessment (SEA) Post Adoption Statement (Transport Scotland, September 2014)
CD113	A9 Dualling Programme: Non-Motorised User (NMU) Access Strategy (Transport Scotland, May 2016)
CD114	A9 Dualling Programme: EIA Scoping Report (Transport Scotland, July 2016)
CD115	A9 Dualling: Case for Investment Main Report 2016 (Transport Scotland, September 2016)
CD116	A9 Dualling Programme: Strategic Environmental Assessment (SEA) Scoping Report (Transport Scotland, January 2013)
CD117	A9 Dualling Engaging with Communities (Transport Scotland, 2013)
CD118	A9 Dualling: Case for Investment, Summary Report 2016 (Transport Scotland, 2016)
CD119	A9 Dualling: Perth to Inverness Sustainability Strategy (Transport Scotland, February 2016)
CD120	A9 Case for Investment File Note 01 Objective Mapping (Aecom, November 2013)
CD121	A9 Data Monitoring and Analysis Report (A9 Safety Group, March 2018)
CD122	A9 Outline Business Case - Tech Note 19 – A9 Dualling Analysis of Key Growth Sectors (Connected Economics / Aecom, May 2014)
CD123	A9 Average Speed Cameras and HGV 50 mph Pilot Monitoring – “Before” Market Research (Aecom, July 2014)
CD124	A9 Outline Business Case - Tech Note 09 - A9 Rest Area Strategy Visitor Surveys Technical Note (Aecom, 2013)
CD125	A9 Incidents between 01 January 2011 and June 2014 (Traffic + B115 Scotland, 2015)
CD126	A9 A96 Research - Survey Results (Scottish Council for Development and Industry, August 2013)
CD127	Killiecrankie to North of Calvine Phase 2 Official Opening Brochure (1986)
CD128	Perceptions of the A9 and A96 Among Business Organisation and Businesses (Final Report to Highlands and Islands Enterprise, March 2006)

CD129	A9 Perth to Inverness Economic Appraisal Study - Business Surveys Report (Final Report for HITRANS and Highlands & Islands Enterprise (HIE), October 2007)
CD130	A9 Perth to Inverness Economic Appraisal Study - Strategic Impact Assessment and EALI Analysis (Final Report for HITRANS and Highlands & Islands Enterprise (HIE), October 2007)
CD131	A9 Dualling Assessment of Advance Wider Economic Benefits
CD132	A9 Dualling Glen Garry to Dalwhinnie Report dated 28 February 2019 and Decision of Scottish Ministers dated 31 May 2019
CD135	A9 Dualling Programme Habitats Regulations Appraisal (HRA) Screening Report (Halcrow, May 2013)
CD136	Programme level HRA - Appropriate Assessment (Halcrow, 2015)
CD137	Strategic Landscape Review (Halcrow, 2013)
CD138	Strategic Flood Risk Assessment (Halcrow, 2013)
CD139	Transport Scotland, Glen Garry to Dalraddy - Junction Strategy Report (2015) (unpublished)
CD140	A9 Dualling Programme Environmental Design Guide (Transport Scotland, 2015)
CD142	Cairngorms Scenic Photo Post, CNPA (accessed on 13 February 2021)
CD143	A9 Dualling (Luncarty to Pass of Birnam) Decision Notice dated 24 March 2016
CD144	A9 Dualling (Luncarty to Pass of Birnam) Decision Notice dated 24 March 2016
CD145	A9 Dualling (Pitlochry to Killiecrankie) Report to Ministers dated 10 September 2019
CD146	A9 Dualling (Pitlochry to Killiecrankie) Decision Notice dated 11 February 2020
CD147	A9 Dualling (Tomatin to Moy) Report to Ministers dated 2 October 2019
CD148	A9 Dualling (Tomatin to Moy) Decision Notice dated 11 February 2020
CD149	A9 Dualling (Dalwhinnie to Crubenmore) Report to Ministers dated 27 November 2019
CD150	A9 Dualling (Dalwhinnie to Crubenmore) Decision Notice dated 23 November 2020

KEY POLICY DOCUMENTS AND GUIDANCE	
CD201	Strategic Transport Projects Review Reports 1, 2 & 3; Final Report, Strategic Environmental Assessment (Environmental Report and Appendices, Non-technical Summary, Addendum and Post Adoption Statement) (Scottish Government, 2008/2009)
CD202	Infrastructure Investment Plan 2011 (Scottish Government, December 2011)
CD203	Infrastructure Investment Plan 2015 (Scottish Government, December 2015)
CD204	Scotland's Cities: Delivering for Scotland (Scottish Government, December 2011)
CD205	A Long-Term Vision for Active Travel in Scotland 2030 (Transport Scotland, 2014)
CD206	National Transport Strategy (Scottish Government, 2016)
CD207	The Scottish Government National Planning Framework (NPF3) (Scottish Government, June 2014)
CD208	Scottish Planning Policy (SPP) (Scottish Government, June 2014)
CD209	Cairngorms National Park Local Development Plan 2015
CD210	Cairngorms National Park Partnership Plan 2017-2022
CD211	Fitting Landscapes: Securing More Sustainable Landscapes (Transport Scotland, March 2014)
CD212	Scotland's Economic Strategy (Scottish Government, March 2015)
CD213	Cairngorms National Park Landscape Character Assessment (Cairngorms National Park Authority, December 2009)
CD214	Integrated Transport White Paper A New Deal For Transport: Better for Everyone (DETR, 1998)
CD215	Travel Choices for Scotland, The Scottish Integrated Transport White Paper (Secretary of State for Scotland, July 1998)
CD216	The Scottish Government's Policy on Control of Woodland Removal (Forestry Commission Scotland, February 2009)
CD217	Scottish Planning Series: Planning Circular 5 2011: Disposal of Surplus Government Land - The Crichton Down Rules (Scottish Government, October 2011)
CD218	Scottish Public Finance Manual (Extracts) (Scottish Government, 2011/2012/2018)

CD219	Online Surveys Technical Note 31 - Lay-bys Research (Aecom, November 2014)
CD220	Roads, Traffic and Safety (Scottish Office, 1992)
CD221	Scotland's Transport – Delivering Improvements (Scottish Executive, 2002)
CD222	Scotland's National Transport Strategy (Scottish Executive, 2006)
CD223	Guidance on the Compulsory Purchase Process and Compensation (Transport Scotland, 2014)
CD224	HITRANS Regional Transport Strategy for the Highlands and Islands 2008-2021 (HITRANS, April 2008)
CD225	TACTRAN Regional Transport Strategy 2008-2023 (TACTRAN, 2008)
CD228	The Highland Council Local Transport Strategy, 2010/11 – 2013/14 (The Highland Council, August 2010)
CD229	The Government Economic Strategy (Scottish Government, 2011)
CD230	Shaping Perth's Transport Future, A Transport Strategy for Perth And the Wider Region (Perth & Kinross Council, October 2010)
CD231	TAYplan Strategic Development Plan, 2012-2032
CD232	TAYplan Strategic Development Plan 2016-2036
CD233	Cairngorms National Park Partnership Plan 2012-2017
CD234	TACTRAN Regional Transport Strategy 2015 - 2036, Refresh (TACTRAN, March 2015)
CD235	Perth & Kinross Local Development Plan 2014 and Action Programme 2015
CD236	Highland Wide Local Development Plan 2012 and accompanying Inner Moray Firth Local Development Plan 2015
CD237	Cairngorms National Park Local Development Plan 2020 Main Issues Report (CNPA, 2017)
CD238	Land Use and Transport Integration in Scotland (LATIS) – Lot 1, A9(T) Traffic Model - Data Collection Report (Transport Scotland, August 2013)
CD239	Perth & Kinross Local Development Plan 2: Proposed Plan 2017 (PKC LDP 2) (PKC, 2017)
CD240	HITRANS Report to Partnership Meeting 26 September 2014, Agenda Item 13

CD241	HITRANS Regional Transport Strategy Draft, May 2017
CD242	Cairngorm National Park Authority Local Development Plan 2020 Proposed Plan (CNPA, 2019)
CD243	Perth and Kinross Council Updated Action Programme 2017
CD244	Scottish Planning Series: Planning Circular 6 2011: Compulsory Purchase Orders (The Scottish Government, October 2011)
CD245	Scottish Government, Circular 8/2007: EIA (Scotland) Regulations 1999 (2007)
CD246	Cairngorms National Park - Cairngorms Nature Action Plan 2013-2018 (CNPA, 2013)
CD247	Guidelines for Ecological Impact Assessment in the UK and Ireland, Terrestrial, Freshwater and Coastal (CIEEM, 2016)
CD250	National Transport Strategy (Scottish Government, 2020)
CD251	The Government's Programme for Scotland 2019-20 (Transport Scotland, 2019)
CD252	Economic Action Plan 2019-20 (Transport Infrastructure and Connectivity extract included only) (Scottish Government, 2019)
CD253	Cairngorms National Park Authority Local Development Plan 2020 (CNPA, 2020)
CD254	Perth and Kinross Local Development Plan 2: Adopted 29 November 2019 (PKC LDP 2) (PKC, 2019)
CD258	The Infrastructure Investment Plan for Scotland 2021-22 to 2025-26 (Scottish Government, 2021)
CD259	Strategic Plan 2011 – 2020 Aichi Biodiversity Targets (Convention on Biological Diversity, 2020)
KEY LEGISLATION	
CD301	Roads (Scotland) Act 1984
CD302	Road Traffic Regulation Act 1984
CD303	Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947
CD304	Compulsory Purchase by Public Authorities (Inquiries Procedure) (Scotland) Rules 1998

CD305	Environmental Impact Assessment (Scotland) Regulations 1999
CD306	Environmental Protection Act 1990, Part III
CD307	Environment Act 1995, Part IV
CD308	The Town and Country Planning (Environmental Impact Assessment) (Scotland) (Regulations) 2011, Circular 3/2011
CD309	New Roads and Street Works Act 1991
CD310	Water Framework Directive (2000/60/EC)
CD311	EU Floods Directive (2007/60/EC)
CD312	Water Environment and Water Services (Scotland) Act 2003
CD313	Flood Risk Management (Scotland) Act 2009
CD314	The Water Environment (Controlled Activities) (Scotland) Regulations 2011
CD315	The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) A Practical Guide (SEPA, February 2018)
CD316	Lands Clauses Consolidation (Scotland) Act 1845
CD321	Town and Country Planning (Scotland) Act 1997
CD327	Compulsory Purchase Orders: Core Principles (The Scottish Government, 31 July 2018)
CD328	Compulsory Purchase Orders and Acquiring Authorities: Guidance on CPO Use (The Scottish Government, 26 April 2018)
CD330	Control of Pollution Act 1974 (CoPA)
CD331	Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012)
CD332	European Union Environmental Impact Assessment Directive 2014/52/EU
CD333	Conservation (Natural Habitats, &c.) Regulations 1994 (As amended in Scotland)
CD334	Nature Conservation (Scotland) Act 2004 (as amended in Scotland)

CD335	Wildlife and Countryside Act 1981 (As amended in Scotland)
CD336	The Planning etc. (Scotland) Act 2006
CD337	Scottish Government, EIA (Scotland) Regulations 2011
CD338	Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds
CD339	Council Directive 92/43/EEC of the European Parliament and of the Council of 21 of May 1992 on the conservation of natural habitats and of wild fauna and flora
CD340	Land Compensation (Scotland) Act 1973
CD341	The Water Environment (Miscellaneous) (Scotland) Regulations 2017
CD342	Managing Natura 2000 Sites - The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (November 2018)
CD343	Guidance document on Article 6(4) of the 'Habitats' Directive' 92/43/EEC - Clarification of the Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission (January 2007)
CD344	The Wildlife and Natural Environment (Scotland) Act 2011
DESIGN ASSESSMENT AND GUIDANCE	
CD401	<p>Extracts from the Design Manual for Roads and Bridges (DMRB)</p> <ol style="list-style-type: none"> 1. DMRB Volume 0, Section 1, Part 2, GG 101 Introduction to the Design Manual for Roads and Bridges, Revision 0 2. DMRB Volume 4, Section 2, Part 1, HA 103/06 Vegetative Treatment Systems for Highway Runoff 3. DMRB Volume 4, Section 2, Part 3, HD 33/16 Design of Highway Drainage Systems 4. DMRB Volume 5, Section 1, Part 2, TD 37/93 Scheme Assessment Reporting 5. DMRB Volume 5, Section 1, Part 3, TA 46/97 Traffic Flow Ranges for Use in The Assessment of New Rural Roads 6. DMRB Volume 5, Section 2, Part 2, HD 19/15 Road Safety Audit (withdrawn October 2018) 7. DMRB Volume 6, Section 1, Part 1, TD 9/93 Highway Link Design 8. DMRB Volume 6, Section 1, Part 2, TD 27/05 Cross-sections and Headrooms 9. DMRB Volume 6, Section 2, Part 1, TD 22/06 Layout of Grade Separated Junctions 10. DMRB Volume 6, Section 2, Part 5, TD40/94 Layout of Compact Grade Separated Junctions 11. DMRB Volume 6, Section 2, Part 6, TD 42/95 Geometric Design of Major/Minor Priority Junctions 12. DMRB Volume 6, Section 2, Part 7, TD 41/95 Vehicular Access to All-Purpose Trunk Roads 13. DMRB Volume 6, Section 3, Part 3, TD 69/07 the Location and Layout of Lay-bys and Rest Areas

	<ul style="list-style-type: none"> 14. DMRB Volume 11, Section 2, Part 1, HA 201/08 General Principles and Guidance of Environmental Impact Assessment 15. DMRB Volume 11, Section 2, Part 2, HA 202/08 Environmental Impact Assessment 16. DMRB Volume 11, Section 2, Part 5, HA 205/08 Assessment and Management of Environmental Effects 17. DMRB Volume 11, Section 2, Part 7, HA 218/08 Glossary of Terms Used in The Design Manual for Roads and Bridges Volume 11 Sections 1 and 2 18. DMRB Volume 11, Section 3, Part 1, HA 207/07 Air Quality 19. DMRB Volume 11, Section 3, Part 2, HA 208/07 Cultural Heritage 20. DMRB Volume 11, Section 3, Part 4, Ecology and Nature Conservation 21. DMRB Volume 11, Section 3, Part 5, Landscape Effects 22. DMRB Volume 11, Section 3, Part 6, Land Use 23. DMRB Volume 11, Section 3, Part 7, HD 213/11 Revision 1 Noise and Vibration 24. DMRB Volume 11, Section 3, Part 10, HD 45/09 Road Drainage and the Water Environment 25. DMRB Volume 11, Section 3, Part 12, Impact of Road Schemes on Policies and Plans (withdrawn August 2018) 26. DMRB Volume 2, Section 2, Part 8, TD 19/06 Requirement for Road Restraint Systems 28. DMRB Volume 5, Section 2, Part 5, HD 42/17 Walking Cycling & Horse-Riding Assessment and Review 39. DMRB Volume 11, Section 3, Part 8, Pedestrians, Cyclists, Equestrians and Community Effects 40. DMRB Volume 11, Section 3, Part 9, Vehicle Travellers 41. DMRB Volume 4, Section 2, Part 1, HD 49/16 Highway Drainage Design Principal Requirements 42. DMRB Volume 4, Section 2, Part 4, HD 220/18 Vortex Separators for use with Road Drainage Systems 43. DMRB Volume 4, Section 2, Part 9, HA 119/06 Grassed Surface Water Channels for Highway Runoff 44. DMRB Volume 4, Geotechnics and Drainage, Section 2, Drainage, Part 3 - HD33/06, Surface and Sub-surface Drainage Systems for Highways
CD402	<p>Extracts from the Design Manual for Roads and Bridges (DMRB) Interim Advice Note (IAN)</p> <ul style="list-style-type: none"> 1. IAN 125/15: Supplementary Guidance for Users of DMRB Volume 11 'Environmental Assessment' 2. IAN 135/10: Landscape and Visual Effects Assessment DMRB Volume 11 Section 2 (The Highways Agency et al, 2010) 6. IAN 130/10: Ecology and Nature Conservation: Criteria for Impact Assessment 9. IAN 125/09: Supplementary Guidance for Users of DMRB Volume 11 'Environmental Assessment'
CD403	<p>Scottish Government Planning Document</p> <ul style="list-style-type: none"> 1. PAN 1/2013, Planning Advice Note, Environmental Impact Assessment (Scottish Government, 2013) 2. PAN 1/2013 (Rev.1), Planning Advice Note, Environmental Impact Assessment (Scottish Government, 2017) 3. PAN 1/2011, Planning Advice Note, Planning and Noise (Scottish Government, 2011) 4. PAN 61, Planning Advice Note, Planning and Sustainable Urban Drainage Systems (Scottish Government, 2001)
CD404	<p>Technical Advice Note: TAN 1/2011, Technical Advice Note, Assessment of Noise (Scottish Government, 2011)</p>
CD405	<p>SuDS for Roads (WSP, 2009)</p>

CD406	Regulatory Method (WAT-RM-08), Sustainable Urban Drainage Systems (SUDS or SUD Systems) Version 6.1 (SEPA, 2017)
CD407	The SuDS Manual C753 (CIRIA, 2015)
CD408	Culvert Design and Operation Guide C689 (CIRIA, 2010)
CD409	Guidelines for Landscape and Visual Impact Assessment Third Edition (Parts 2, 3, 4 and 6) (Landscape Institute and the Institute of Environmental Management and Assessment, 2013)
CD410	Calculation of Road Traffic Noise (Department of Transport and Welsh Office, 1988)
CD411	Guidelines for Community Noise (World Health Organisation, 1999)
CD412	Night Noise Guidelines for Europe (World Health Organisation, 2009)
CD415	Scottish Transport Appraisal Guidance (STAG) (Transport Scotland, 2008)
CD416	Environmental Noise Guidelines for the European Region (World Health Organisation, 2018)
CD417	Technical Flood Risk Guidance for Stakeholders, Version 9.1 (SEPA, June 2015)
CD418	National Roads Development Guide (SCOTS, 2015)
CD421	Cycling by Design 2010 (Revision 1) (Transport Scotland, 2011)
CD423	Roads and Transport Guidelines for New Developments. (The Highland Council, May 2013)
CD431	Code of practice for noise and vibration control on construction and open sites – Part 1: Noise (British Standards Institution, 2014)
CD432	Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration (British Standards Institution, 2014)
CD434	Converting the UK traffic noise index LA10,18h to EU noise indices for noise mapping (PG Abbott and PM Nelson, 2002)
CD445	Reijnen, R, Foppen, R, Meeuwse H, The Effects of Traffic on Density of Breeding Birds in Dutch Agricultural Grasslands. Biological Conservation 75. 225-260 (1996)
CD452	Cutts, N., Phelps, A., and Burdon D. (2009). Construction and Waterfowl: Defining Sensitivity, Response, Impacts and Guidance. A Report to Humber INCA
CD453	O'Brien and Smith (1992). Method for censusing lowland breeding wader populations
CD459	A Guide to Measurement and Prediction of the Equivalent Continuous Sound Level Leq (Noise Advisory Council, 1978)

CD467	Farming for Wildlife – Scrape Creation for Wildlife (RSPB)
CD475	Rodwell, J.S. (2006). NVC Users' Handbook. ISBN 978 1 86107 574 1.
CD483	Using Local Stock for Planting Native Trees and Shrubs (Forestry Commission, 1999)
CD484	Guidance on the Assessment of Dust from Demolition and Construction (Institute of Air Quality Management, 2016)
CD485	Cairngorms Scenic Photo Post, CNPA (accessed on 13 February 2021)

APPENDIX 2: DOCUMENTS SUBMITTED BY TRANSPORT SCOTLAND

The list below does not include documents submitted by Transport Scotland which related to objections that were withdrawn, or which were of relevance to the oral procedures which were cancelled.

Objector Correspondence	
TS005	<p>Thomas Nathaniel Hone</p> <p>1.1 Letter of objection from CDK Galbraith on behalf of Mr Hone to Transport Scotland dated 16 October 2018.</p> <p><u>Attachment Included</u></p> <p>1.2 'Plans 1 and 2' referenced in the letter of Objection</p> <p>2.1 Objection response from Transport Scotland to CDK Galbraith on behalf of Mr Hone dated 25 March 2019.</p> <p><u>Attachments Included</u></p> <p>2.2 Knappach Cottage Access Landscaping Proposals Plan</p> <p>2.3 Knappach Cottage Access Landscaping Proposals Cross Sections Sheet 1 of 3</p> <p>2.4 Knappach Cottage Access Landscaping Proposals Cross Sections Sheet 2 of 3</p> <p>2.5 Knappach Cottage Access Landscaping Proposals Cross Sections Sheet 3 of 3</p> <p>2.6 The A9 and A86 Trunk Roads (Crubenmore to Kincaig) Compulsory Purchase Order 201[] Land Interest Plans – Plot 518 Proposals for Objection 005: Ruthven, showing Land to be Removed</p> <p>2.7 The A9 and A86 Trunk Roads (Crubenmore to Kincaig) Compulsory Purchase Order 201[] Land Interest Plans – Plot 518 Proposals for Objection 005: Ruthven, showing proposed amended CPO</p> <p>3.1 Email chain between CFJV and CDK Galbraith on behalf of Mr Hone with emails dated 17 June, 19 July, 10 August and 6 and 11 September 2018.</p> <p>3.2 A9 Dualling Project 09 Crubenmore to Kincaig – Ruthven Farm Baseline Summary - Finalised version (An earlier draft version was issued to the Objector)</p> <p>4.0 Minutes from meeting held between CDK Galbraith on behalf of Mr Hone, CFJV and Transport Scotland dated 10 October 2019.</p> <p>5.1 Letter from Transport Scotland to CDK Galbraith on behalf of Mr Hone dated 6 January 2020.</p> <p><u>Attachment Included</u></p> <p>5.2 Minutes from meeting held between CDK Galbraith on behalf of Mr Hone, CFJV and Transport Scotland dated 10 October 2019</p> <p>5.3 The A9 and A86 Trunk Roads (Crubenmore to Kincaig) Compulsory Purchase Order 201[] Land Interest Plans – Plot 518 Proposals for Objection 005: Ruthven, showing Land to be Removed</p> <p>5.4 The A9 and A86 Trunk Roads (Crubenmore to Kincaig) (Side Roads) Order 201[]</p> <p>5.5 Proposed Ruthven Cottage Access</p> <p>6.0 Email from CFJV to CDK Galbraith on behalf of Mr Hone dated 28 February 2020.</p> <p>7.0 Emails from Morton Fraser to CDK Galbraith on behalf of Mr Hone dated 20 July and 21 October 2020.</p> <p>8.0 Email from Morton Fraser to CDK Galbraith on behalf of Mr Hone dated 27 October 2020.</p>

Royal Society for the Protection of Birds (RSPB)

1. Letter of objection from Savills plc on behalf of the RSPB to Transport Scotland dated 15 October 2018.
2. Objection response letter from Transport Scotland to Savills plc on behalf of the Royal Society for the Protection of Birds dated 5 March 2019.
4. Letter from the RSPB to Transport Scotland dated 4 July 2019 (in response to Transport Scotland objection response letter dated 5 March 2019 (TS007.02)).
5. Letter from the RSPB to Transport Scotland dated 5 December 2019 as sent by email to Transport Scotland on 27 January 2020.
6. Letter from the RSPB to Transport Scotland dated 22 September 2020 as sent by email to Transport Scotland on 23 September 2020.
7. 7.1 Letter from Morton Fraser on behalf of Transport Scotland to Turcan Connell on behalf of the RSPB dated 16 October 2020 in response to the Royal Society for the Protection of Birds letters dated 4 July 2019 (TS007.04), 5 December 2019 (TS007.05) and 22 September 2020 (TS007.06).

Appended information

- 7.2 Appendix A – Collated responses to the RSPB Objection Points
- Appendix B – Response to Land Ownership and Occupation Queries
- Appendix C – Corrections to typographical errors within the published ES
- Appendix D – Additional NVC information – Ruthven Compartment
- 7.3 Appendix E – Response to the RSPB on Habitat Regulations Appraisal
- 7.4 Appendix F – Response to the RSPB comments on CFJV Presentation of Assessment Methodology (Sept. 2019).

TS007

13. Workshop note prepared by CFJV from the Spey Crossing Workshop attended by the RSPB, CFJV, Transport Scotland, Scottish Environmental Protection Agency (SEPA), The Highland Council (THC), Scottish Natural Heritage (SNH), Cairngorms National Park Authority (CNPA), Historic Scotland, Spey Fisheries Board and Atkins Mouchel Joint Venture (AMJV) dated 27 May 2015.
- 15.15.1 Email chain between Transport Scotland and the RSPB with emails dated 17 November and 8 December 2015.
Attachment Included
15.2 Broad principle to support the Dellmore of Kingussie as compensatory habitat
- 17.17.1 Draft minutes from meeting held between the RSPB, CFJV and Transport Scotland dated 25 February 2016.
Attachment Included
17.2 The RSPB Update Meeting Presentation delivered by CFJV at the meeting
26. 26.1 Email from the RSPB to CFJV dated 4 May 2017.
Attachment Included
26.2 Transport Scotland Crubenmore to Kincaig Dualling Options Consultation – Preferred Option, March 2017
31. 31.1 Email from CFJV to the RSPB dated 15 November 2017.
Attachment Included
31.2 The RSPB Stage 3 Briefing November 2017

	<p>36. 36.1 Workshop note prepared by CFJV from the Stage 3 Ecology/ Ornithology RSPB Workshop attended by the RSPB, NatureScot (SNH), CFJV and Transport Scotland dated 15 March 2018, issued via email from CFJV to the RSPB dated 13 June 2018.</p> <p>37. Letter from the RSPB to CFJV dated 18 May 2018.</p> <p>48. Letter sent by SEPA to Transport Scotland dated 16 October 2018.</p> <p>49. Letter sent by SNH to Transport Scotland dated 16 October 2018.</p> <p>52. Draft minutes from meeting held between the RSPB, Savills plc, CFJV and Transport Scotland dated 24 September 2019, issued via email from CFJV to Savills plc on behalf of the RSPB dated 15 November 2019.</p> <p>53. Draft minutes from meeting held between the RSPB, Savills plc, CFJV and Transport Scotland dated 24 September 2019, issued via email from CFJV to Savills plc on behalf of the RSPB dated 15 November 2019.</p> <p>60. 60.1 Email from Transport Scotland to Savills plc on behalf of the RSPB dated 12 May 2020.</p> <p><u>Attachment Included</u></p> <p>60.2 Dellmore Ecological Management Plan</p> <p>88. Extract from the RSPB website dated 29 May 2019.</p> <p>89. Letter from the RSPB to Morton Fraser on behalf of Transport Scotland dated 18 December 2020.</p> <p>90. Letter from the RSPB to the Scottish Government Planning and Environmental Appeals Division dated 24 December 2020.</p> <p>91. Extract from Transport Scotland website dated 15 January 2021 relating to the RSPB's withdrawal of their formal objection.</p> <p>92. Extract from the RSPB website dated January 2021 relating to the RSPB's withdrawal of their formal objection.</p>
TS009	<p>John Mackintosh</p> <p>1. Letter of objection from John Mackintosh to Transport Scotland dated 9 October 2018.</p> <p>2. Objection response letter from Transport Scotland to John Mackintosh dated 22 February 2019.</p> <p>3. Draft Minutes of Meeting dated 16 December 2014.</p> <p>4. Draft Minutes of Meeting dated 7 March 2017.</p> <p>5. Draft Minutes of Meeting dated 10 April 2018.</p> <p>6. 6.1 Letter to John Mackintosh dated 18 June 2018 enclosing draft Baseline Summary for Laggan Croft 2.</p> <p><u>Attachment Included</u></p> <p>6.2 DRAFT A9 Dualling – Project 9 Crubenmore to Kincaig – Laggan Croft No. 2 Baseline Summary</p> <p>7. Draft Minutes of Meeting dated 9 August 2018.</p> <p>8. Extract of Entry in Register of Crofts for 2 Laggan, Kingussie & Inch.</p> <p>9. Extract from Register of Scotland Crofting Register for 2 Laggan, Kingussie & Inch.</p>
TS012	<p>Iain Brodie</p> <p>1. Letter of objection from Iain Brodie to Transport Scotland dated 12 October 2018, submitted by email from Iain Brodie to Transport Scotland on 15 October 2018.</p> <p>2. Objection response letter from Transport Scotland to Iain Brodie dated 20 June 2019.</p> <p>3. Email from Iain Brodie to Transport Scotland dated 16 October 2018 (the Promoter did not receive the appendices noted in this email).</p> <p>4. Email from Iain Brodie to CFJV dated 21 June 2019.</p>

	<ol style="list-style-type: none"> 5. Letter from Transport Scotland to Iain Brodie dated 28 February 2020. 6. Email from Iain Brodie to CFJV dated 31 March 2020.
TS013	<p>Matthew and Vicky Smith</p> <ol style="list-style-type: none"> 1. Letter of objection from Mr and Mrs Smith to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Mr and Mrs Smith dated 20 March 2019. 3. Email from Matthew Smith to Transport Scotland dated 28 April 2017. 4. Letter from CFJV to Mr and Mrs Smith dated 11 September 2017. 5. Letter from Transport Scotland to Mr and Mrs Smith dated 28 February 2020. 6. Email from Matthew Smith to CFJV dated 10 July 2020. 7. Email from Matthew Smith to Morton Fraser on behalf of Transport Scotland dated 10 July 2020. 8. Email from Morton Fraser on behalf of Transport Scotland to Matthew Smith dated 13 July 2020.
TS014	<p>Archie Slimon</p> <ol style="list-style-type: none"> 1. Email of objection from Archie Slimon to Transport Scotland dated 16 October 2018. 2. Objection response letter from Transport Scotland to Archie Slimon dated 28 January 2019. 3. Public Exhibition Feedback from Archie Slimon to Transport Scotland dated 18 November 2015. 4. Letter from CFJV to Archie Slimon dated 20 July 2016. 5. Public Exhibition Feedback from Archie Slimon to Transport Scotland dated 19 March 2017. 6. Letter from CFJV to Archie Slimon dated 11 September 2017. 7. Letter from Transport Scotland to Archie Slimon dated 28 February 2020. 8. Email from Archie Slimon to CFJV dated 23 March 2020.
TS015	<p>Judy Buckingham</p> <ol style="list-style-type: none"> 1. Email of objection from Judy Buckingham to Transport Scotland dated 12 October 2018. 2. Objection response letter from Transport Scotland to Judy Buckingham dated 24 January 2019. 3. Statement from Keith Brown MSP dated 1 November 2013 (published on Transport Scotland's website). 4. Letter from Transport Scotland to Judy Buckingham dated 28 February 2020.
TS016	<p>Jules Buckingham</p> <ol style="list-style-type: none"> 1. Email of objection from Jules Buckingham to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Jules Buckingham dated 24 January 2019. 3. Email from Jules Buckingham to Transport Scotland dated 20 February 2019. 4. Letter from Transport Scotland to Jules Buckingham dated 6 January 2020.
TS018	<p>Mr and Mrs Ian Clark</p> <ol style="list-style-type: none"> 1. Letter of objection from Mr and Mrs Clark to Transport Scotland dated 21 September 2018. 2. Objection response letter from Transport Scotland to Mr and Mrs Clark dated 10 January 2019. 3. Letter from Transport Scotland to Mr and Mrs Clark dated 25 March 2020. 4. Letter from Mr and Mrs Clark to Transport Scotland dated 30 April 2020. 5. Letter from Transport Scotland to Mr and Mrs Clark dated 15 June 2020.

TS020	David Lintern 1. Email of objection from David Lintern to Transport Scotland dated 5 October 2018. 2. Objection response letter from Transport Scotland to David Lintern dated 13 May 2019.
TS021	Paul Blomfield 1. Email of objection from Paul Blomfield to Transport Scotland dated 8 October 2018. 2. Objection response letter from Transport Scotland to Paul Blomfield dated 13 May 2019.
TS025	Meike Schmidt 1. Email of objection from Meike Schmidt to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Meike Schmidt dated 14 May 2019.
TS026	Diane Gemmell 1. Email of objection from Diane Gemmell to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Diane Gemmell dated 14 May 2019.
TS027	Aileen Henderson 1. Email of objection from Aileen Henderson to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Aileen Henderson dated 14 May 2019.
TS028	Anne Lumgair 1. Email of objection from Anne Lumgair to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Anne Lumgair dated 14 May 2019.
TS032	Kate Johnston 1. Email of objection from Kate Johnston to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Kate Johnston dated 16 May 2019.
TS033	Rahila Hirani 1. Email of objection from Rahila Hirani to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Rahila Hirani dated 16 May 2019.
TS034	Linda Harrison 1. Email of objection from Linda Harrison to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Linda Harrison dated 16 May 2019.
TS036	Karen Williams 1. Email of objection from Karen Williams to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Karen Williams dated 14 May 2019.
TS037	Marian Antram 1. Email of objection from Marian Antram to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Marian Antram dated 14 May 2019.

TS042	<p>Stuart and Elaine Ingram</p> <ol style="list-style-type: none"> 1. Email of objection from Stuart and Elaine Ingram to Transport Scotland dated 15 October 2018. 2. Objection response letter from Transport Scotland to Stuart and Elaine Ingram dated 17 May 2019.
TS045	<p>Barbara Holligan</p> <ol style="list-style-type: none"> 1. Email of objection from Barbara Holligan to Transport Scotland dated 16 October 2018. 2. Objection response letter from Transport Scotland to Barbara Holligan dated 17 May 2019.
TS048	<p>J. Shoosmith</p> <ol style="list-style-type: none"> 1. Email of objection from J Shoosmith to Transport Scotland dated 16 October 2018. 2. Objection response letter from Transport Scotland to J Shoosmith dated 17 May 2019.
TS049	<p>Mr D Jackson and Mrs E Callaway-Bond</p> <ol style="list-style-type: none"> 1. Email of objection from E Callaway-Bond and D Jackson to Transport Scotland dated 16 October 2018. 2. Objection response letter from Transport Scotland to E Callaway-Bond and D Jackson dated 17 May 2019.
TS054	<p>Joyce Brown</p> <ol style="list-style-type: none"> 1. Email of objection from Joyce Brown to Transport Scotland dated 16 October 2018. 2. Objection response letter from Transport Scotland to Joyce Brown dated 21 May 2019.
TS055	<p>Badenoch & Strathspey Conservation Group</p> <ol style="list-style-type: none"> 1. Email of objection from Badenoch & Strathspey Conservation Group to Transport Scotland dated 16 October 2018. 2. Objection response letter from Transport Scotland to Badenoch & Strathspey Conservation Group dated 3 June 2019.
TS058	<p>Ann Wood</p> <ol style="list-style-type: none"> 1. Email of objection from Ann Wood to Transport Scotland dated 17 October 2018. 2. Objection response letter from Transport Scotland to Ann Wood dated 21 May 2019.
TS060	<p>Christopher Veen</p> <ol style="list-style-type: none"> 1. Email of objection from Christopher Veen to Transport Scotland dated 16 November 2018. 2. Objection response letter from Transport Scotland to Christopher Veen dated 22 February 2019. 3. Letter from Transport Scotland to 'the Owner of Auld Poor House' dated 17 October 2018. 4. Email from CFJV to Christopher Veen dated 15 November 2018. 5.1 Email from Christopher Veen to Transport Scotland dated 26 February 2019. <p><i><u>Attachments Included</u></i></p> <ol style="list-style-type: none"> 5.2 Affidavit Copy 1 5.3 Affidavit Copy 2 6. Letter from Transport Scotland to Christopher Veen dated 28 February 2020. 7. Email chain between Morton Fraser on behalf of Transport Scotland and Christopher Veen, with emails dated 26 and 30 June, 1 and 27 July and 3, 4 and 7 August 2020.

PUBLIC LOCAL INQUIRY REPORTS	
TS203	A9 Dualling Perth to Inverness - Policy Context (Transport Scotland, 2021)
TS204	A9 Dualling Perth to Inverness – Background to Scheme Development (Transport Scotland, 2021)
TS205	A9 Dualling Perth to Inverness – Background to Scheme Development (Transport Scotland, 2021)
TS206	A9 Dualling Project 9 Crubenmore to Kincaig - Objector Report - Glentruim Junction (Transport Scotland, 2021)
TS208	A9 Dualling Project 9 Crubenmore to Kincaig - Objector Report – Insh Marshes Objectors (Transport Scotland, 2021)
TS209	Written Submission in respect of the World Health Organisation Environmental Noise Guidelines for the European Region 2018 (Transport Scotland, 2021)
MISCELLANEOUS	
TS405	Insight Department: Wildlife Tourism (Visit Scotland, 2017)
TS406	Historic Environment Scotland Letter from Historic Environment Scotland to Transport Scotland dated 16 October 2018.
TS407	Cairngorms National Park Authority 1. Letter from Cairngorms National Park Authority to Transport Scotland dated 16 October 2018. 2. Comments from Cairngorms National Park Authority on Stage 3 Draft Environmental Statement issued via email from Cairngorms National Park Authority to Transport Scotland dated 16 October 2018.
TS409	Laggan Community Association: Draft minutes from meeting held between Laggan Community Association, CFJV and Transport Scotland dated 18 April 2018.
TS412	The Highland Council 1. Draft minutes from meeting held between The Highland Council, CFJV and Transport Scotland dated 6 March 2017. 2. Draft minutes from meeting held between The Highland Council, CFJV and Transport Scotland dated 25 June 2018. 3. Draft minutes from meeting held between The Highland Council, CFJV and Transport Scotland dated 24 October 2018 (meeting minutes erroneously show date 24 November 2018).
TS413	Phoines Estate: Minutes from meeting held between Phoines Estate, CDK Galbraith, CFJV and Transport Scotland dated 13 March 2018.

TS414	Schedule of Agreed modifications to the Draft Compulsory Purchase Order and supporting modified plans
TS415	Schedule of Agreed modifications to the Draft Side Roads Order and supporting modified plan SR8