



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Environmental Impact Assessment Record of Decision

A9 Dualling Programme: Pass of Killiecrankie to Glen Garry

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I. Record of Decision under Paragraph 7 of Schedule I of the Roads (Scotland) Act 1984

The Scottish Ministers have considered whether to carry out works to widen the existing M9/A9 Edinburgh – Stirling-Thurso Trunk Road between Killiecrankie and Glen Garry to dual the carriageway throughout its 21.6 km length (hereafter referred to as the Project).

An Environmental Impact Assessment (EIA) has been undertaken for the Project.

The Scottish Ministers have taken into consideration:

- a) The Environmental Statement (ES) for this Project published on 28 November 2017.
- b) Representations by consultation bodies and other persons, including objections, made to the ES and the draft Orders during the six-week statutory consultation period following the draft Order publication commencing on 28 November 2017 and closing on 23 January 2018.
- c) The evidence presented to the Public Local Inquiry (PLI) for the Project to consider the extant objections, which was conducted between 13 January 2020 and 21 January 2020, and the Reporter's reasoned conclusions and recommendations as set out in Chapter 9 of the Inquiry Report dated 9 June 2022.
- d) The project did not appear to the Scottish Ministers to be likely to have a significant effect on an EEA State and no EEA State indicated a wish to participate in the EIA procedure.

2. Description of the Project

The Project is located on the existing A9 trunk road and comprises of generally on-line widening to create a high-quality dual carriageway along approximately 21.6 km of the A9 between Killiecrankie and Glen Garry, replacing the existing single carriageway road.

The Project will incorporate:

- the provision of two grade separated junctions, the Aldclune Junction and the Bruar/Calvine Junction;
- five left in/left out at-grade junctions;
- side road upgrades of the B8079, B847 and the U521;

- various underbridge structures and watercourse crossings including two crossings of the River Garry at Essangal (Essangal Underbridge) and Pitaldonich (River Garry Underbridge);
- provision of accesses to rural properties, including farms, located along the Project;
- alternative (replacement) and new non-motorised user path alignments, including for the National Cycle Route 7; and
- utility diversions.

In December 2011 the Cabinet Secretary for Infrastructure and Capital Investment announced the Scottish Government's commitment to dual the A9 between Perth and Inverness by 2025, identified as a strategic priority for Scotland via the 2011 Infrastructure and Investment Plan (IIP); this commitment was reaffirmed in the 2015 and 2021 IIPs.

The A9 Dualling Programme Objectives set by Transport Scotland are:

1. To improve operational performance of the A9 by:
 - Reducing journey times; and
 - Improving journey time reliability.
2. To improve road safety for motorised and non-motorised users by:
 - Reducing accident severity; and
 - Reducing driver stress.
3. To facilitate active travel within the corridor; and
4. To improve integration with public transport facilities.

The design and assessment of the Project has progressed through Design Manual for Roads and Bridges (DMRB) Stage 2 (route option assessment) taking into account the commitments outlined in the IIP. Preferred route options for the sections between Killiecrankie and Pitagowan and Pitagowan to Glen Garry were identified and announced in May 2016 and June 2016 respectively. These sections were combined to form the Project to realise benefits that included a safer and more effective strategy for local access arrangements to properties and land; development of more effective environmental mitigation; improved earthworks balance; greater understanding of potential cumulative construction impacts and avoidance of additional complexity at Pitagowan if one project was constructed before the other.

In accordance with the Roads (Scotland) Act 1984 (as amended), as it was in force at the time, an Environmental Impact Assessment (EIA) screening exercise was undertaken in December 2016, determining that the Project falls within Annex 1 of

Council Directive No. 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive No. 97/11/EC and Council Directive No. 2003/35/EC. It was therefore necessary to conduct an EIA and publish an ES.

Annex 1 set out the categories of large-scale development that requires to be supported by an EIA. This included 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 21.6 kilometres in length, including tie-ins, it required to be subject to an EIA.

The outcome of the screening exercise was set out in a Record of Determination, published by Transport Scotland on 18 January 2017 and the preferred option for the Project identified at DMRB Stage 2 has since been developed and assessed through DMRB Stage 3. Whilst the EIA provisions in the Roads (Scotland) Act 1984 (the 1984 Act) relevant to trunk road projects in Scotland were amended in May 2017, the Project was subject to EIA scoping procedures and determination prior to the relevant transitional date of the amending legislation of 16 May 2017, and the EIA was therefore undertaken in accordance with the previous provisions of the 1984 Act.

An ES was published on 28 November 2017 along with draft Orders for the Project. These can be accessed at:

<https://www.transport.gov.scot/publication/draft-orders-and-environmental-statement-killiecrankie-to-glen-garry-a9-dualling/>

3. Decision

The Scottish Ministers decided on 10 November 2022 that the following Orders will be made for the A9 Dualling Programme: Pass of Killiecrankie to Glen Garry project (hereafter referred to as the Project) which entails widening the existing A9 to dual carriageway through its 21.6km length:

1. The A9 Trunk Road (Killiecrankie to Glen Garry) Compulsory Purchase Order 2024
2. The A9 Trunk Road (Killiecrankie to Glen Garry) (Trunking) Order 2024
3. The A9 Trunk Road (Killiecrankie to Glen Garry) (Side Roads) Order 2024
4. The A9 Trunk Road (Killiecrankie to Glen Garry) (Extinguishment of Public Rights of Way) Order 2024

4. Considerations and Reasons for Decision

In making the decision to proceed with this Project and make orders the Scottish Ministers took account of the following material considerations;

The Project is part of the wider Scottish Government commitment, the A9 Dualling Programme, to upgrade the A9 trunk road between Perth and Inverness to dual carriageway standard. 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. 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.

Transport Scotland have identified that the dualling of the A9 between Perth and Inverness 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.

In relation to the Project, key issues affecting the Project between Killiecrankie and Glen Garry are:

- 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;
- a lack of alternative diversion routes, causing severe delays when accidents occur; 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.

Support for the A9 Dualling Programme between Perth and Inverness is expressed in national planning, transport and economic policy and supported by ministerial commitments. These include the A9 Route Action Plan and Route Strategy (1997); Route Improvement Strategy Study (2004); Strategic Transport Projects Review Final Report (2009); Infrastructure Investment Plan (2011); National Planning Framework 3 (2014); Scotland's Economic Strategy (2015); A9 Dualling: Case for Investment (2016); and National Transport Strategy (2016).

Dualling of the A9 would create safe, consistent and reliable driving conditions, 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 Project would also deliver improved integration of public transport and infrastructure for non-motorised users.

The Reporter was satisfied that the Project is integral to delivering the overall benefits of the A9 Dualling Programme and without the Project the benefits described above would not be fully realised and the A9 Dualling Programme diminished.

The route alignment of the Project has been chosen after careful consideration of its environmental impacts; which are fully described in the ES and which the Reporter concluded has been prepared in accordance with the requirements of the Roads (Scotland) Act 1984 as amended by the Environmental Impact Assessment (Scotland) Regulations 1999, relevant guidance and good practice and that the environmental effects have been thoroughly considered and the assessment process robust. In regard to impacts on Killiecrankie Battlefield, the Reporter found that the Project was developed in accordance with Scottish Planning Policy and the Historic Environment Scotland (HES) Managing Change guidance. The Reporter accepts that there would be safety benefits for vehicle travellers on the A9 and for non-

motorised users in its vicinity. There would be a resultant reduction in driver stress as the proposed scheme would improve opportunities for overtaking which would reduce journey times and frustration. The Reporter was also satisfied that Transport Scotland made considerable efforts to minimise the impacts of the proposed scheme on public bodies and private interests and that of significance, there were no remaining objections from statutory consultees; which is reflected in the proposed modified draft Compulsory Purchase Order and draft Side Roads Order detailed in the [Schedule of Agreed CPO](#) and [Side Road Order modifications](#).

There is a need for the Project; the land identified in the draft Compulsory Purchase order is required to deliver and operate the Project; the Compulsory Purchase Order is necessary and justified; the draft Orders as a whole are necessary to achieve delivery of the proposed scheme; modifications to the draft Compulsory Purchase Order and draft Side Roads Order reflect discussions with Objectors and other parties affected by the Project; and an Appropriate Assessment has been completed under The Conservation (Natural Habitats, &c.) Regulations 1994, as amended and this has concluded that the proposed Project would not result in an adverse effect on site integrity on the River Tay Special Area of Conservation (SAC) and the Tulach Hill and Glen Fender Meadows SAC.

The Scottish Ministers have carefully considered and accepted in their entirety the findings, reasoned conclusions and recommendations contained in the Reporters Report to Scottish Ministers, in addition to the conclusion of the ES, and have decided the Orders should be made with modifications to the draft Side Roads Order and Compulsory Purchase Order as detailed in the Schedule of Agreed CPO and Side Road Order modifications, in order to create a high-quality dual carriageway along approximately 21.6 km of the A9 between Killiecrankie and Glen Garry.

- The A9 Trunk Road (Killiecrankie to Glen Garry) Compulsory Purchase Order 201[];
- The A9 Trunk Road (Killiecrankie to Glen Garry) (Trunking) Order 201[];
- The A9 Trunk Road (Killiecrankie to Glen Garry) (Side Roads) Order 201[]; and
- The A9 Trunk Road (Killiecrankie to Glen Garry) (Extinguishment of Public Rights of Way) Order 201[].

5. Public participation in decision making

To ensure that the public had the opportunity to participate in the decision-making procedures, arrangements included landowner consultation throughout the assessment process which informed the Project design, public exhibitions in Killiecrankie and Blair Atholl, and exhibition materials including fly-through videos on the Project's [Community Engagement](#) section of Transport Scotland website.

Information gathered through landowner consultation has also been utilised in the land use assessment in Chapter 8 of the ES (People and Communities: Community and Private Assets). The assessment work for the proposed Project also included a rolling programme of regular engagement with local communities and other stakeholders, which started with public exhibitions held in May and June 2015. The route option assessment (DMRB Stage 2 assessment) culminated in public exhibitions in March 2016 to present the preferred route options for the Killiecrankie to Pitagowan and Pitagowan to Glengarry sections of the A9 Dualling Project.

Section 9 (Results of consultation and information gathered) of this report includes details of consultations undertaken during design development of the Project and during periods of statutory consultation.

Objections received from affected parties including members of the public and businesses were in some instances able to be resolved and objections were withdrawn. In other cases, objections remained extant at the time of the PLI and were considered by the Reporter.

Table 1: List of Extant Statutory Objectors

Extant Statutory Objectors	
OBJ006 Ms Olivia Bax	
OBJ030 Ms Evelyn Miller	
OBJ031 Holiday Lodges @ Old Faskally	
OBJ032 CFY Design @ Old Faskally	
OBJ033 Mr Peter Miller	
OBJ078 Mr Daniel Price, House of Urrard LLP & Mr Daniel Price, Ms Claire Cannon and Ms Bridget Price	
OBJ082 Mr James Rattray & Mrs Kathleen Rattray (nee Parke)	
OBJ090 Mr Steven Kay, Mrs Yvonne Kay and Mrs Joan McKenna	
OBJ109 Ms Pamela Cuthbert	
OBJ140 Ms Heather Perry	
OBJ160 Killiecrankie and Fincastle Community Council	
OBJ161 Mr Myles James Kenneth Bax, Ms Olivia Catherine Bax, Mr Laurence Patrick Alexis Bax, Mr James Edward Ridley Bax and Mrs Loretta Veronica McLaughlan	
OBJ167 Mr George Alexander MacLean and Mr Anthony Philip Cuthbert	

Table 2: List of Extant Non-Statutory Objectors

Extant Non-Statutory Objectors	
OBJ002 Ms Debra Duncan	OBJ087 Mr Iain Langlands
OBJ003 Ms Aimee L. Furr	OBJ088 Mr Paul Ballard
OBJ004 Mr Hamish Morrison	OBJ089 Mr Nicolas Maclean- Bristol

Extant Non-Statutory Objectors	
OBJ007 Mr Robin Hastie-Smith & Ms Seonaid Hastie-Smith	OBJ092 Mr Stuart Graham McLean
OBJ008 Ms Rosemary Rattray	OBJ093 Mr Hector W. Munro
OBJ009 Ms Susanne Tinzmann	OBJ094 Mr Roy Park & Mrs Barbara Park
OBJ010 Mr Brian Cantwell	OBJ095 Ms Katherine MacLean
OBJ011 Ms Julie Campbell	OBJ096 Mr Michael R. McLean
OBJ012 Ms Marianne Watt	OBJ 097 Ms Lucy M. McLean
OBJ013 Ms Natasha Donald	OBJ098 Ms Darlene McClain
OBJ014 Mr Philip Reece-Heal	OBJ100 Mr Bill and Mrs Denise McLean
OBJ015 Mr Andrew Wynn	OBJ101 J Simpson
OBJ016 Ms Yvonne Watson	OBJ102 Scottish Battlefields Trust
OBJ017 Mr John R Snodin	OBJ103 Mr N MacLean
OBJ018 Ms Ann MacMillan	OBJ105 Mr Robert S. McClane
OBJ019 Mr Edward Riddell	OBJ106 Mr Euan Macpherson
OBJ020 Ms Sandra Parkins	OBJ107 Mr Russel Rankin
OBJ021 Mr Timothy Parkins	OBJ108 Mr Don Fitzgerald
OBJ022 Dr. Roger G. Sanger	OBJ110 Ms Carolyn D Seggie
OBJ023 Mr Lee Riddell	OBJ111 Ms Barbara Lyon Gradowski
OBJ024 Mr Richard and Mrs Nicola Tranter	OBJ112 Mr Michael P. Dewart
OBJ025 Ms Talya Cuthbert	OBJ113 Mr Sandy Murray
OBJ026 Mr Brian Parkins	OBJ114 Ms Alison Murray
OBJ027 Ms Judy Fenush	OBJ115 Ms Barbara Rankine
OBJ028 Mrs J. Visser	OBJ116 Mr William McLean
OBJ029 Ms Anne McLaren	OBJ117 1745 Association
OBJ034 Mr Daniel Gunn	OBJ118 Mr Walter L McLean
OBJ035 Mr Laurence Blair Oliphant	OBJ119 Mr Alastair Maclean
OBJ036 Mr Colin MacDonald	OBJ120 Mr Scott Laing
OBJ037 Ms Amelia Murray Lindsay	OBJ121 Mr Adam Urquhart
OBJ038 Mr John Fergusson	OBJ122 A C Maclean
OBJ039 Mr Steven J Rawson & Mrs Kirsty J Rawson	OBJ123 Mr Martin Bax MBE
OBJ040 Mr Peter Worley	OBJ124 Mr Stuart P. Ramsay
OBJ041 Mr Duncan and Mrs Margaret Tannahill	OBJ125 Mr Andrew J Lean
OBJ043 Mr Ronnie and Mrs Eileen Owens	OBJ126 Mr Peter MacLean AM PSM JP
OBJ044 Ms Karen Kerr	OBJ127 Mr Malcolm Maclean
OBJ045 Ms Mary Mayo	OBJ129 Robertson of Struan
OBJ046 Mr Peter MacPherson	OBJ130 Councillor Xander McDade, Independent Councillor, Highland Ward
OBJ047 Mr Alexander Matheson	OBJ134 Ms Jenny Wilton (nee McLean)
OBJ049 Mr Donald Ross Lohnes	OBJ135 Ms Christine Cheape

Extant Non-Statutory Objectors	
OBJ050 Mr Hugh Cameron	OBJ136 Professor Tony Pollard & Dr Iain Banks
OBJ051 Mr Fred Rout	OBJ137 Ms Morven Fitzgerald
OBJ052 Ms Anne Elizabeth Hewat Vaughan	OBJ139 Mr & Mrs A MacDonald
OBJ053 Mr Clarence Ronald MacDonald	OBJ141 Mr John Faid
OBJ054 Ms Natalie Borden	OBJ142 Mr Sandy Sutherland
OBJ055 Mr Rod MacDonald	OBJ143 Ms Mary Beth Sutherland, on behalf of the Canadian Association of Clan Sutherland
OBJ056 Mr Robert Walsh	OBJ144 Ms Sarah McLean
OBJ057 Mr Justin Laing	OBJ145 S Campbell
OBJ058 Dr. John Macdonald	OBJ146 Mr Trent MacDonald
OBJ059 Mr Henry G. Cameron	OBJ147 Mr Ron MacMillan
OBJ060 Ms Shannon Toole	OBJ148 Ms Sherry McNeill
OBJ061 Mr John A Brown	OBJ149 Dr. Mark Jardine
OBJ062 Ms Jeanette Fleming	OBJ150 Ms Ruth Courtney-Beck (Mackay)
OBJ063 Ms Jacqui Shaw	OBJ151 Mr Tom Worthington
OBJ064 Mr Vincent Archibald Charles Macdonald	OBJ152 Ms Lindsay Boudreau
OBJ065 Mr Dan Sinclair	OBJ153 Mr David Di Salle
OBJ066 Ms Nola Crewe	OBJ154 Ms Copland M. Schmidt
OBJ067 Mr Allan Harries	OBJ155 Mr Joseph F. Burke
OBJ068 Ms Fiona Meikle	OBJ156 Ms Dianne MacKenzie Landry
OBJ069 Mrs Rebecca Blair	OBJ157 Mr Keith Douglass
OBJ070 Ms Kasandra K Keith	OBJ158 Ms Nancy A. Boynton & Ms Patricia M. Beekes
OBJ071 Killiecrankie 1689	OBJ162 Mrs Elizabeth Sanderson
OBJ072 Mr John Hugh Calder	OBJ164 Mr Gordon MacKenzie
OBJ073 Mr Paul and Mrs Ann Phillips	OBJ165 Mr Edward and Mrs Heather Elworthy
OBJ074 Mr Denis Critchley	OBJ166 Ms Henrietta Fergusson
OBJ075 Mr Peter Barr	OBJ171 Mr Graeme S. Millen
OBJ076 Mr John and Mrs Marnie Gauld	OBJ172 Ms Kirstin Armstrong
OBJ077 Ms Nora K. Henderson	OBJ173 Ms Ann Armstrong
OBJ079 Soldiers of Killiecrankie	OBJ174 Ms Jane Cornwell
OBJ080 Mr David K. Macdonald	OBJ175 Mr Michael D Hodgson
OBJ081 Mr Alasdair Currie	OBJ176 Mr Simon Marsh (The Battlefield Trust)
OBJ083 Mr Thayne Douglas MacLean	OBJ178 Wordmatrix Ltd t/a The Killiecrankie Hotel
OBJ084 Mr Graeme B. Fraser	OBJ181 Mr Robert Lobell
OBJ085 Ms Sonia Cameron Jacks	OBJ182 Mr Michael Holland

Extant Non-Statutory Objectors	
OBJ086 Ms Jana Wayment (interested party)	OBJ183 Mr Landon Black

Table 3: List of Objections Withdrawn

Statutory Objections	Non-Statutory Objections
OBJ001 Mr Alistair Finlay Fergusson	OBJ005 Ms Veronica Smith-Hopkin
OBJ104 Dalnacardoch Estate /Hunting Stalcair	OBJ042 Mr Duncan Tannahill
OBJ128 Historic Environment Scotland	OBJ048 Ms Marsha Greenan
OBJ132 Cairngorms National Park Authority	OBJ091 Mr John McLean (OBE)
OBJ133 SSE plc and SSE Generation Limited	OBJ099 Mr David Cameron
OBJ159 The Bruar Trust – Atholl Estates	OBJ131 Ms R. Payne & Mr P. Musicka
OBJ163 Mr Murray G Scrimgeour	
OBJ168 Mr John Kiddie & Mrs Jean Kiddie	
OBJ169 Network Rail Infrastructure Limited	
OBJ170 Mr Thomas Gordon Muirhead	
OBJ177 Perth and Kinross Council	
OBJ179 Mulard Renewables Limited	
OBJ180 Scottish Water	

6. Summary of the Environmental Assessment in ES

As noted above in this Record of Decision, an Environmental Statement for the Project was published on 28 November 2017.

The ES Chapter 22 (Summary of Significant Residual Impacts) details the residual impacts (Tables 22.1 to 22.11) that have been assessed to arise from construction and operation of the Project and are considered to be significant.

The assessment of environmental factors reported in the ES found that there were no significant adverse residual impacts for:

- Air Quality (Chapter 16); and
- Materials (Chapter 18).

As identified in Chapter 22 (Summary of Significant Residual Impacts) of the ES, significant residual impacts (adverse) are assessed for:

- People and Communities - Community and Private Assets (Chapter 8);
- People and Communities – All Travellers (Chapter 9);
- Geology, Soils and Groundwater (Chapter 10);
- Road Drainage and the Water Environment (Chapter 11);
- Ecology and Nature Conservation (Chapter 12);
- Landscape (Chapter 13);
- Visual (Chapter 14);
- Cultural Heritage (Chapter 15);
- Noise & Vibration (Chapter 17); and
- Cumulative Impacts (Chapter 20).

As identified in Chapter 22 (Summary of Significant Residual Impacts) of the ES, significant residual impacts (beneficial) are assessed for:

- People and Communities - Community and Private Assets (Chapter 8);
- People and Communities – All Travellers (Chapter 9); and
- Road Drainage and the Water Environment (Chapter 11).

No other significant adverse or beneficial impacts are predicted or reported in the ES as a result of the Project.

Chapter 22 (Summary of Significant Residual Impacts) of the ES predicted significant residual impacts (adverse) in relation to:

- Residential land and property, commercial/industrial property and agricultural, forestry and sporting interests as reported in Chapter 8 (People and Communities – Community and Private Assets).
- Paths, crossing points and access to outdoor areas as well as views from the road as reported in Chapter 9 (People and Communities – All Travellers).
- Groundwater flow and the hydrogeological component of ecological groundwater dependent terrestrial ecosystems as reported in Chapter 10 (Geology, Soils, Contaminated Land and Groundwater).
- Hydrology and flood risk impacts as reported in Chapter 11 (Road Drainage and the Water Environment).
- Loss of 12.90 ha verified ancient woodland habitat as reported in Chapter 12 (Ecology and Nature Conservation).

- Impacts on the Pass of Killiecrankie Local Landscape Character Area (LLCA), Glen Garry: Lower Glen LLCA, Glen Garry: Mid Glen LLCA and Glen Garry: Upper Glen LLCA as reported in Chapter 13 (Landscape).
- Impacts on people at 77 built receptors and 28 outdoor receptors during construction and people at 14 built receptors and eight outdoor receptors by the summer 15 years after opening as reported in Chapter 14 (Visual).
- Reinforcement of the severance of Killiecrankie Battlefield caused by the existing A9 as reported in Chapter 15 (Cultural Heritage).
- Noise impacts at 12 noise sensitive receptors in the short-term assessment as reported in Chapter 17 (Noise and Vibration).
- Type 1 (intra-project) and Type 2 (inter-project) cumulative impacts as reported in Chapter 20 (Cumulative Impacts).

Chapter 22 (Summary of Significant Residual Impacts) of the ES predicted significant residual effects (beneficial) in relation to:

- Access to commercial/industrial property assets (Shierglas Quarry) as reported in Chapter 8 (People and Communities – Community and Private Assets).
- Non-motorised users (NMU) utilising the new NMU crossing of the River Garry provided by the River Garry Underbridge and provision of a traffic free segregated route between Blair Atholl and Bruar as reported in Chapter 9 (People and Communities – All Travellers).
- Reduction in flood risk to properties in the vicinity of three water features as reported in Chapter 11 (Road Drainage and the Water Environment).

The policy assessment conducted as part of the EIA process considered the proposed Project's compliance with national and local policy as reported in ES Chapter 19 (Policies and Plans) and Appendix 19.1 (Policy Compliance).

The policy assessment found the Project to be compliant with the majority of relevant policies. It identified areas of potential non-compliance with some aspects of planning policy, primarily due to the scale and nature of the Project, as well as the wording of policies not being directly relevant to large scale roads projects. The principle of a major trunk road has long been established, and physical changes are unavoidable for a development of this nature. Potential non-compliance identified related to landscape and visual change, community and private assets, loss of regionally designated woodland (AWI), and impacts on a nationally designated Historic Battlefield (Killiecrankie).

It is noted, however, that potential policy non-compliance should be balanced against the overarching benefits of the proposed Project such as improving connectivity, enhancing safety for all users, and promoting social and regional economic

opportunities. These benefits reflect the spatial strategies set out in Cairngorms National Park and Perth & Kinross Council's respective Local Development Plans.

The Reporter, in his Summary Report, has summarised and considered the predicted environmental effects of the Project as reported in the ES. The Reporter specifically states that he is satisfied that the ES has been prepared in accordance with the requirements of the Roads (Scotland) Act 1984, the Design Manual for Roads and Bridges, and relevant guidance and good practice, that the environmental impacts, both beneficial and adverse have been considered and, where practicable, appropriate mitigation has been incorporated into the Project design. He considers that the Environmental Statement accurately predicts effects and Ministers are entitled to rely on its findings in making their decision on the Project.

7. Other Information

The Project has the potential to affect the habitats of protected species, including European Protected Species (EPS). NatureScot have confirmed that Transport Scotland will need to apply for the relevant permits and licences with regards to any protected species affected by the Project.

The environmental mitigation measures detailed in Chapter 21 (Schedule of Environmental Commitments) of the ES include that the contractor will prepare a Construction Environmental Management Plan (CEMP) that will include, but not be limited to, subsidiary plans relating to: agricultural soils, geology and land contamination; surface water and groundwater (including a Flood Response and Pollution Incident Response Plan); ecology (including specific Species and Habitat Management Plans); landscape, cultural heritage, air quality and noise and vibration.

Chapter 21 (Schedule of Environmental Commitments) of the ES also states that an Environmental Coordinator and team of suitably qualified Environmental Clerk of Works (EnvCoW) (i.e., professionally qualified in a relevant environmental discipline) will be appointed by the Contractor. The EnvCoW(s) will report to the Environmental Coordinator and be present on site, as required, during the construction period to monitor the implementation of the mitigation measures identified and ensure that activities are carried out in such a manner to prevent or reduce impacts on the environment.

Compliance with the Water Framework Directive (WFD) has been assessed under the Water Environment (Controlled Activities) (Scotland) Regulations 2013 (as amended) (CAR) (Scottish Government, 2013) and regulated through the CAR licencing process with SEPA.

Chapter 21 (Schedule of Environmental Commitments) of the ES states that in relation to authorisations under CAR, the Contractor will be required to provide a detailed Construction Method Statement which will include proposed mitigation measures for specific activities including any requirements identified through the pre-CAR application consultation process.

Consent from NatureScot will be required for temporary works within the Aldclune & Invervack Site of Special Scientific Interest (SSSI) and this will be sought by the Contractor in conjunction with preparation of the Habitat Management Plan for the project.

No marine licensable activities are associated with the Project.

No listed building consents are associated with the Project.

No scheduled monument consents are associated with the Project.

8. Habitats Regulations Appraisal

A Habitats Regulations Appraisal (HRA) screening was undertaken which determined that the proposed Project had potential to result in 'likely significant effects' on the qualifying interests of Natura 2000 sites. It concluded the need for an appropriate assessment which established various mitigation measures that could be implemented in order to resolve the likely significant effects. Scottish Natural Heritage (now NatureScot) accepted and agreed with these conclusions.

The Scottish Ministers have carried out an Appropriate Assessment under the terms of Conservation (Natural Habitats, &c.) Regulations 1994, as amended. The Appropriate Assessment concluded on 10 November 2022 that the Project would not adversely affect the integrity of the River Tay SAC or Tulach Hill and Glen Fender Meadows SAC.

9. Results of Consultation and information gathered

During the preparation of the ES, consultation activities were undertaken with statutory consultees, other relevant bodies/organisations, and members of the public. [Chapter 7 \(Consultation and Scoping\)](#) of the ES details the consultation undertaken.

The A9 Dualling Programme Environmental Steering Group (ESG), was established in 2014 and formed of representatives from NatureScot, Cairngorms National Park

Authority (CNPA), HES, Scottish Environment Protection Agency (SEPA), Perth and Kinross Council (PKC) and The Highland Council (THC). The ESG provided feedback throughout the route selection and EIA process. A summary of the key issues raised and how these have been taken into account is provided in the ES, [Appendix A7.2 \(Summary of Consultation Comments\)](#) with Table 2 specifically describing how the ESG meetings were used to provide comments and receive responses from the ESG during the Project design process and preparation of the DMRB Stage 3 assessments. The ESG continue to meet on a regular basis.

Notices in respect of the ES, draft Compulsory Purchase Orders, Trunking and Side Roads Orders and Extinguishment of Public Rights of Way Order were published in the Edinburgh Gazette on 28 November 2017 and are available on the [Transport Scotland website](#). These notices intimated a statutory consultation period of six weeks ending on 23 January 2018.

The notice included the following:

- That the Scottish Ministers, as the relevant roads authority, were considering implementing the project.
- The proposed location and nature of the project.
- That the project was subject to EIA.
- That a copy of the ES was available for viewing on the Transport Scotland website and other local locations.
- That copies of the ES could be obtained by writing to Transport Scotland at a charge of £150 for a hard copy or £10 for the DVD format. Requests for further information about the project could be sent to Transport Scotland.
- That any person wishing to make representations about the project and the EIA could have done so by email to Transport Scotland stating the title of the scheme and the grounds of objection and that any such notice must have been received on or before 23 January 2018.
- That the Scottish Ministers would take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.

Publication Exhibitions for the A9 Dualling Killiecrankie to Glen Garry project to support the publication of the ES and the Draft Orders were held in Killiecrankie and Blair Atholl on Wednesday 13 and Thursday 14 December 2017. The information presented at the public exhibitions and the exhibitions summary report can be viewed at the A9 Dualling Programme section of the [Transport Scotland website](#).

During the six-week statutory consultation period, 183 objections were lodged of which 27 were statutory objections and that required the holding of a Public Local Inquiry (PLI) to consider the objections raised.

A pre-inquiry meeting was held on 19 September 2019 to consider the arrangements and procedures for the inquiry. At that time, there were 17 statutory and 150 non-statutory objections that had not been withdrawn. Information and associated Public Local Inquiry documents can be accessed at [DPEA - PLI Documents](#).

It was determined that an inquiry session would be held to take further evidence on route design and general impacts (including impacts on the Killiecrankie Battlefield); and that hearing sessions would be held to hear further evidence on tourism impacts; House of Urrard Estate impacts; and impacts on four specific properties, Old Faskally House, Druimuan House, The Killiecrankie Hotel, and Old Manse of Blair.

In order to facilitate preparation for and representation at the inquiry, a group of combined local objectors, hereafter referred to as the Combined Objector Group was formed, representing:

- Killiecrankie and Fincastle Community Council (OBJ160)
- Blair Atholl Area Tourism Association (OBJ075)
- Mr & Mrs MacDonald and Blair Ecosse Management Ltd - The Old Manse of Blair (OBJ139)
- James Bax & Loretta McLaughlin - Druimuan House (OBJ006 & OBJ161)
- Henrietta Fergusson and Wordmatrix Ltd – Lilliecrankie House/Hotel (OBJ166 & OBJ178)
- KilliecrAnkie1689 (OBJ071)
- George MacLean & Anthony Cuthbert – Old Faskally House (OBJ167)
- Graeme Millen (OBJ171)
- Sandra, Tim and Brian Parkins (OBJ020, OBJ021 and OBJ026)
- Rosemary Rattray (OBJ008)
- Soldiers of Killiecrankie (OBJ079)
- The Scottish Battlefields Trust (OBJ102).

This initiative avoided duplication of evidence and assisted greatly in the efficient running of the inquiry.

Not all the objections were resolved before the PLI which was held between 13 January 2020 and 21 January 2020. By the time the PLI commenced, 164 objections remained extant of which 13 were from statutory objectors. A full schedule of objections is provided in Appendix 4 of the Reporter's Report to the Scottish Ministers and published on the [Transport Scotland website](#) on 10 November 2022.

Through the PLI process, the Reporter examined the ES and was satisfied that the information and analysis therein can be accepted. The Reporter also examined other environmental information, including submissions from objectors to the Project, and the views of consultees. Where there were objections relating to the promoter's environmental information or the conclusions drawn using this information, the Reporter found that the objections were not sufficient to convince him that the environmental information is deficient or that the methodology or conclusions reached are erroneous.

In Chapter 9 (Overall Conclusions and Recommendations) of his Report to Scottish Ministers the Reporter states that the Project route alignment and design has been subject to robust environmental impact assessment and an iterative design process in accordance with the Environmental Impact Assessment (Scotland) Regulations 1999, the Design Manual for Roads and Bridges, and other relevant guidance and good practice. The Reporter also notes that the route alignment and design has been informed by considerable consultation with statutory consultees, stakeholders and affected parties and that of significance, there were no remaining objections from statutory consultees.

A summary of objections and representations received from statutory consultees during the statutory consultation period and how these have been considered and responded to during the development of the Project is provided as follows.

i Historic Environment Scotland

Historic Environment Scotland responded on 23 January 2018 and objected to the Project for reasons related to its potential impacts on the Killiecrankie Battlefield due to lack of information in the ES. HES recommended further archaeological investigations comprising geophysical survey, trial trenching and metal detecting and these investigations were undertaken in June 2018. Lidar analysis was also undertaken, and additional photomontages were also prepared. As detailed in the Transport Scotland response to HES dated 7 December 2018 and informed by the work recommended by HES, the DMRB Stage 3 design was refined to reduce the overall area of the CPO and to mostly construct the Project in areas already disturbed by the construction of the existing A9. The refined design has been developed to avoid or reduce the impacts of the Project on the special qualities and key landscape characteristics of the Killiecrankie Battlefield as far as possible within the context of other constraints. Where impacts could not be avoided, mitigation has been developed that aligns with the approach identified in the HES guidance *Managing Change in the Historic Environment: Historic Battlefields*. HES partially withdrew their objection on 22 January 2019 except for the matter of compensatory woodland planting located within the Killiecrankie Battlefield. This outstanding matter was resolved via development of a joint position with Cairngorms National

Park Authority and Perth & Kinross Council on planting within the Killiecrankie Battlefield, which Transport Scotland agreed to, and the objection was fully withdrawn on 29 September 2019.

ii Cairngorms National Park Authority

Cairngorms National Park Authority (CNPA) responded on 23 January 2018 and objected to the Project for its potential impacts on the Killiecrankie Battlefield due to lack of information in the ES on the difference in impacts between northbound and southbound widening of the A9 through the battlefield site. As detailed in the Transport Scotland response to CNPA dated 4 February 2019, Transport Scotland had followed HES' recommendations for additional archaeological investigations and had informed HES' understanding of the potential impacts on the battlefield with the design refined to avoid or reduce impacts on the battlefield within the context of other constraints. Following agreement of a joint position with HES and Perth & Kinross Council on planting within the Killiecrankie Battlefield, and which Transport Scotland agreed to, the objection was withdrawn.

iii Perth & Kinross Council

Perth & Kinross Council (PKC) and Perth & Kinross Heritage Trust (PKHT) responded on 23 January 2018 and objected to the Project due to lack of information in the ES and further clarification required on matters relating to elements of flooding and drainage, landscape and visual, environmental health and cultural heritage (including on Killiecrankie Battlefield). Following Transport Scotland's letter of response dated 1 March 2018, objections in relation to flooding and cultural heritage were clarified, with all other matters identified in the original PKC objection letter considered to be commentary.

Transport Scotland responded on 12 November 2018 on all non-heritage points of objection and comments, and then on 18 December 2018 responded to the points of objection and comments raised on the ES provided to PKC by PKHT. PKHT responded to PKC on 7 February 2019 regarding Transport Scotland's letter of 18 December 2018 and confirmed that as a result of Transport Scotland's actions in relation to conducting a programme of archaeological investigations within the battlefield and using this information to develop a refined design for the Project within the battlefield, PKHT were content to withdraw their objection. PKC confirmed in writing to Transport Scotland on 26 July 2019 that as a consequence of the PKHT withdrawal of objection and Transport Scotland's responses in relation to flooding and drainage, PKC considered the principal points of objection to have been addressed satisfactorily and that the objection could be formally withdrawn.

iv NatureScot

Scottish Natural Heritage (now NatureScot) issued a letter dated January 2018 in response to the publication of the draft Orders, ES and HRA, and in the letter stated that their view was that the Project will not adversely affect the integrity of identified SAC's if the Project was taken forward strictly in accordance with the mitigation identified in the HRA and mitigation committed to in Chapter 21 (Schedule of Environmental Commitments) of the ES. SNH asked that mitigation in relation to Atlantic Salmon identified in the HRA be transposed to the Schedule of Environmental Commitments. Transport Scotland has reviewed the points raised and responded on 16 October 2018 confirming that mitigation, including that in relation to Atlantic Salmon in both the ES and the HRA, would be a contractual commitment during construction.

v SEPA

SEPA issued a letter dated 23 January 2018 in response to the ES and raised points of objection in relation to lack of information on flood risk impacts, specifically in relation to the cumulative impact of flood risk on downstream receptors and requesting further information on the impact of increase in flood levels on the U521 unclassified road on sensitive receptors. Transport Scotland's response dated 27 August 2018 contained a Technical Note which provided information on these items of objection, confirming that there would be no cumulative impact on downstream receptors and that the minor nature of the change in flood levels compared to the baseline on the U521 do not require further mitigation. SEPA requested further clarification on the information provided by Transport Scotland on 27 September 2018, specifically in relation to pipe/culvert design, consultation with PKC on road safety and commitment to regular inspection during operation. These points were addressed by Transport Scotland in a further letter to SEPA dated 20 May 2019 which allowed SEPA to formally withdraw their objection on 11 July 2019.

The following sections detail how public participation in the decision making for the Project has been undertaken during the PLI process. The sections are structured as the PLI was structured.

vi Route Design and General Impacts

The Combined Objector Group (OBJ160, OBJ075, OBJ139, OBJ006, OBJ161, OBJ166, OBJ178, OBJ071, OBJ167, OBJ171, OBJ020, OBJ021, OBJ026, OBJ008, OBJ079, and OBJ102) and House of Urrard (OBJ078) raised objections during Inquiry Session 1 of the PLI in respect of the following matters and on which the Reporter provided conclusions:

- **Consultation and the role of the DMRB process:** The Combined Objector Group and House of Urrard object to the detail of the proposed scheme, but not to the principle of dualling. In doing so they criticise many procedural aspects of the scheme development process, culminating in criticism of the manner in which the preferred route was selected. The Reporter found no convincing evidence to reasonably conclude that the consultation process departed from the requirements of environmental impact assessment or DMRB or was otherwise flawed, nor that responses from local residents and wider consultees were disregarded. The Reporter also found that Transport Scotland followed a robust process by which it selected the preferred route and, through that process, considered alternatives. Nor was there any evidence to reasonably conclude that there was a failure to comply with the EIA Regulations. The Reporter agreed with Transport Scotland's contention that in taking forward the proposed scheme, its approach to engagement and consultation has been no different from that which has applied across other projects within the A9 Dualling Programme.
- **Route choice and alignment:** Many of the objections that remained extant related to the impact on the Killiecrankie Battlefield. Both the Combined Objector Group and House of Urrard contended that southbound widening of the A9 (at least as it passes through Killiecrankie Battlefield in the vicinity of Killiecrankie) would be preferable to the northbound widening proposed at this location. The Reporter concluded that it was a reasonable approach at DMRB Stage 1 that whilst recognising the importance of Killiecrankie Battlefield, online design options were preferable due to the scale of environmental disbenefits associated with offline design options. The Reporter also found that at DMRB Stage 2 Transport Scotland undertook a robust assessment before selecting northbound widening of the existing A9 as it passes through Killiecrankie Battlefield. The reporter found that none of the environmental issues, especially the impact upon Killiecrankie Battlefield in respect of which the objectors' concerns are focussed, was considered a differentiator in respect of route choice at DMRB Stage 2 and that this was in accordance with the ultimate position set out by HES.
- **Refinements to the DMRB Stage 3 design:** Following confirmation through archaeological investigations overseen by Perth & Kinross Heritage Trust and HES that the baseline assessment of residual impacts upon the battlefield were as presented in the ES, Transport Scotland developed refinements to the Project, specifically to address objections of the statutory consultees in relation to the battlefield (as previously described). The refinements slightly reduced the Project footprint within the battlefield and some changes to mitigation were proposed. The significance of residual impacts resulting from the design changes were the same or reduced when compared with those presented in the ES and so the Reporter found that the EIA process was appropriately conducted, and the ES adequately addressed predicted impacts.

- **Environmental Impact Assessment:** The Reporter found that an EIA was undertaken in accordance with the EIA regulations, mitigation was developed, impact significance determined, and the assessment process was informed by extensive consultation.
- **Residual Impacts:** The Reporter found that residual impacts were reported in the ES chapters in accordance with the requirements of the EIA Regulations. In respect of the residual impacts related to the design refinements to address objections in relation to the battlefield, the Reporter found no evidence to disagree with the scope and significance of impacts identified with provisos for topics as follows.
 - *Residual landscape and visual impacts:* The Reporter agrees with the Combined Objector Group that the refinements to the design in the vicinity of the battlefield would increase the sense of severance of the battlefield over that currently experienced, but not that it would result in a greater sense of severance than the Stage 3 Design would.
 - *Residual cultural heritage impacts:* The Combined Objector Group prefers southbound widening as that is contended to reduce impacts on the battlefield whilst Transport Scotland contends that greater adverse impacts upon the battlefield, and specifically upon its Special Qualities and Key Landscape Characteristics, would result from the southbound widening. The Reporter, in considering the evidence before him, and informed by site inspections, concluded the same as HES that there would be likely to be comparable adverse impacts on key landscape characteristics and special qualities of the battlefield regardless of whether northbound or southbound widening is pursued.
 - *Residual noise impacts:* The Reporter noted the Combined Objector Group's criticism of the methodology used to undertake the operational noise assessment and the Reporter appreciated that the perception of an individual will vary from case to case, as will their sensitivity to noise. In regard to the House of Urrard objection the Reporter concluded that it was logical to expect that operational noise resulting from southbound widening, further from the property than the northbound widening proposed, might better attenuate the noise, since it would both be further away and leave the existing bund in place. Overall the Reporter found that the DMRB noise assessment has been undertaken in accordance with appropriate guidance and can therefore be relied upon to accurately predict effects.
- **Modifications to the Orders:** Transport Scotland has lodged a Schedule of Agreed CPO Modifications and modified Side Roads Order and requests that the draft Orders should be made, but modified in accordance with that Schedule and modified Side Roads Order. The Reporter could find no evidence before him to

suggest that those modifications ought not to be made should the Project be permitted to proceed.

vii Tourism Impacts

The Combined Objector Group raised a number of matters of objection relating to the assertion that the Project would fail to fulfil the objective of providing economic benefits to the food & drink and tourism industries.

The Reporter found it credible that that tourism within the Killiecrankie area is dependant to a considerable degree on the attractions on the natural environment, but probably less so on battlefield tourism. The evidence before him indicated that currently, not many of the visitors to the National Trust for Scotland (NTS) visitor centre go on to explore the battlefield itself. Based on the evidence before him he found it credible that battlefield tourism is presently centred on the NTS visitor site.

During operation of the Project, the Reporter found it unlikely that there would be significant adverse impact on tourism in the locality. However, he accepted that there was greater potential for adverse impacts on tourism during construction, particularly in relation to noise impacts but also to some degree arising from accessibility during construction works. The Reporter concluded that there was no substantive evidence before him that there was likely to be a significant adverse effect on local tourism during construction.

viii Property Impacts

Objections were raised by property owners as follows.

- **House of Urrard:** The objectors (OBJ078) contended that the Project would more likely than not irreparably damage the visual amenity of Urrard; create an unacceptable noise burden on the house and amenity areas; damage its economic prospects and its residential amenity, and harm the estate's interests overall. The Reporter concluded that cultural heritage, noise, planning considerations and economic impacts have been adequately considered in the ES, mitigation was appropriate and that impact on estate operations during construction would be a matter for compensation, outwith the scope of the inquiry. The Reporter also noted that the Schedule of CPO Modifications reflected the majority of measures included in the draft Undertaking with House of Urrard.
- **Old Faskally House:** The objectors (OBJ031 and OBJ032) contended that the Project would impact on Old Faskally House, its access (including an underpass below the Project dual carriageway) and perceived long-term outlook. The Reporter concluded that the setting of the Category B listed Old Faskally House

would not be adversely affected; that a predicted reduction in noise would not be perceptible and that as it was below intervention levels noise mitigation was not required; that potentially significant adverse impacts associated with construction noise are unlikely to arise and any that do would be short-term; that the design of the Old Faskally Underpass is appropriate; and that access to Old Faskally House will be maintained during the period when the existing underpass requires to be closed.

- ***Druimuan House:*** The objectors (OBJ006 & OBJ161) contend that the Project would affect amenity, including that of their house, holiday home and access, and there would be noise impacts. The Reporter concluded that there was appropriate mitigation provided in the ES to maintain the amenity of the access and the visual impacts from Druimuan House and the Secret Bothy holiday accommodation. The Reporter also accepted the expert evidence from Transport Scotland that change in operational noise levels at the property would be imperceptible and that appropriate mitigation will safeguard unacceptable construction noise impacts.
- ***Old Manse of Blair:*** The objectors (OBJ139) contend that the Project would result in visual impacts, noise impacts, loss of earnings, loss of opportunity, affect commercial viability/jobs, affect community and heritage assets and that mitigating losses by leasing the property to the appointed contractor during construction was inappropriate. The Reporter concluded that the distance between the property and the Project, together with intervening woodland, would minimise visual impacts; that increase in predicted noise level would be imperceptible and specific noise mitigation for the property is not required; and that mitigation would safeguard against unacceptable construction noise impacts. Whilst accepting that the objectors concerns regarding potential business impacts were genuinely held, the Reporter noted that the business was currently affected by the A9 and it was unlikely that the Project would undermine the attractiveness of the location.
- ***The Killiecrankie Hotel:*** The objectors (OBJ166 & OBJ178) raised matters relating to noise, disturbance during construction, visual impacts and impacts on the hotel business. The Reporter found in relation to noise that predicted impacts were slight/moderate adverse and accepted that no additional site-specific noise mitigation is required beyond the provision of low noise road surfacing. The Reporter concluded that all reasonable measures have been designed to minimise construction impacts on the hotel and that the prediction of slight (not significant) visual impacts at the property was a reasonable prediction of likely impacts. The Reporter acknowledged that the objectors concerns in relation to likely impacts on the business during construction were genuinely held as construction impacts were inevitable, but he noted that there was appropriate mitigation where necessary and possible and any consideration of compensation was outwith the scope of the inquiry.

ix Other site-specific impacts

The Reporter considered evidence from five other objectors on site specific impacts.

- **Rattray (OBJ082):** Objection relating to the compulsory purchase of the drive and road for the property. The Reporter concluded that the acquisition of the access is required for landscape and ecological mitigation works and he was satisfied that access to the property would be maintained and that no works to the access are proposed, other than maintenance of the surface should that prove necessary.
- **McKenna (OBJ090):** Objection to various matters including access during construction, impacts on private water supplies and noise. The Reporter concluded that the mitigation provided in the ES and the design of the Project in accordance with DMRB was appropriate and reasonable and that the Environmental Statement accurately predicts effects.
- **Perry (OBJ140):** Objection to various matters including impact on private water supplies, junction design, road drainage, surface water management, noise, visual impacts and air quality. The Reporter concluded that the mitigation provided in the ES and the design of the Project in accordance with DMRB was appropriate and reasonable and that the Environmental Statement accurately predicts effects.
- **Campbell (OBJ011):** Objection relating to impacts on a bed & breakfast business during construction. The Reporter concluded that the overall indirect socio-economic impact for businesses in Killiecrankie would be mixed and appropriate mitigation measures applicable to the construction stage are set out in the ES and which the appointed contractor would be required to implement.
- **Ramsay (OBJ124):** Objection relating to disruption during construction and visual impact. The Reporter concluded that the overall indirect socio-economic impact for businesses in Killiecrankie would be mixed and residual visual impacts would be slight (not significant).

10. Conditions to which the Decision is Subject

The decision to proceed with the project is subject to the following conditions.

The design of the Project has been progressed taking account of identified environmental constraints and considerations, enabling reduction or avoidance of potential environmental impacts where practicable. Chapter 21 (Schedule of Environmental Commitments) of the ES summarises the additional mitigation

measures identified in the ES, which are considered necessary to avoid; reduce; or offset potential impacts. The mitigation measures stipulated in Chapter 21 will form contractual requirements on the Contractor (or Transport Scotland where applicable).

Transport Scotland, following discussions with Objectors agreed modifications to the draft CPO and the draft Side Roads Order. These are set out in the [Schedule of Agreed Modifications to Draft CPO](#) and [Schedule of Agreed Modifications to Draft Side Roads Order](#). These also reflect Statutory Undertakings and/or Agreements with landowners, including implementation of Section 53 of the Roads (Scotland) Act 1984 agreements, servitude agreements, developed design, offers of land buy back in accordance with Crichton Down rules, and other additional detailed and explicit measures specific to each landowner.

Undertakings and/ or Agreements have been concluded with the following Objectors:

1. Hunting Stalcair S.A.R.L. and Dalnacardoch Estate Limited
2. SSE plc and SSE Generation Limited
3. The Bruar Trust – Atholl Estates
4. Network Rail Infrastructure Limited

The Reporter in Chapter 9 (Overall Conclusions and Recommendations) of his Report to Scottish Ministers has stated that notwithstanding that appropriate assessments have been carried out for the River Tay SAC and Tulach Hill and Glen Fender Meadows SAC, in accordance with the Conservation (Nature Habitats, &c.) Regulations 1994 (as amended), it is for the Scottish Ministers as the competent authority to undertake the appropriate assessments and that these should be undertaken by Scottish Ministers.

The Scottish Ministers confirm the Appropriate Assessment (Habitats Regulations Appraisal – HRA) referred to has been undertaken and has concluded that the Project will not adversely affect the integrity of the Natura Sites.

The Reporter in Chapter 9 (Overall Conclusions and Recommendations) of his Report to Scottish Ministers has recommended to Scottish Ministers that the Orders be confirmed subject to the Schedule of Agreed Modifications to Draft CPO and Schedule of Agreed Modifications to Draft Side Roads Order.

No further correspondence has been received by the Scottish Government regarding the A9 Killiecrankie to Glen Garry proposals that would affect the Scottish Ministers' decision.

II. Reasoned Conclusion

The reasoned conclusion by the Scottish Ministers on the significant effects of the Project on the environment, taking into account the results of the examination by the Scottish Ministers of the information presented in the ES and the other environmental information set out above, including in relation to consultation as set out in Sections 5 and 9, is that the effects of the Project proceeding on the environment will be as follows:

- An EIA has been undertaken as set out in the published ES and has concluded that, with mitigation and monitoring measures in place, the Project will not result in significant adverse residual impacts on the following environmental factors:
 - Air Quality (Chapter 16);
 - Materials (Chapter 18).
- Significant residual adverse impacts are predicted for the following topics:
 - Community and Private Assets (Chapter 8);
 - Effects on All Travellers (Chapter 9);
 - Geology, Soils and Groundwater (Chapter 10);
 - Road Drainage and the Water Environment (Chapter 11);
 - Ecology and Nature Conservation (Chapter 12);
 - Landscape and Visual (Chapter 13 and Chapter 14);
 - Cultural Heritage (Chapter 15);
 - Noise and Vibration (Chapter 17); and
 - Cumulative Impacts (Chapter 20).
- Significant residual (beneficial) effects are predicted in relation to:
 - People and Communities - Community and Private Assets (Chapter 8);
 - People and Communities – All Travellers (Chapter 9); and
 - Road Drainage and the Water Environment (Chapter 11).

The Reporter reviewed the ES and reports his overall conclusions and recommendations in Chapter 9 of his Report. He concludes that the Project has been subject to robust environmental impact assessment and an iterative design process in accordance with the Environmental Impact Assessment (Scotland) Regulations 1999, the Design Manual for Roads and Bridges, and other relevant guidance and good practice.

The Reporter finds that beneficial and adverse impacts have been appropriately considered and, where practicable, appropriate mitigation has been incorporated into

the scheme design. The proposed mitigation would go some way to addressing many of the predicted significant impacts and whilst it is inevitable with a project of this nature and scale that there will be significant noise, vibration and visual impacts during construction, mitigation has been proposed which is likely to mitigate these impacts to an acceptable degree.

The Reporter also noted that the Project encroaches into a number of statutorily designated sites of international and national importance and as such, in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended in Scotland), an Appropriate Assessment was required to establish whether there would be adverse effects on the integrity of the designations affected.

An Appropriate Assessment was completed, and this concluded that the Project would not result in an adverse effect on site integrity on the River Tay SAC and Tulach Hill and Glen Fender Meadows SAC. The Reporter, having regard to the evidence before him, had no reason to disagree with the conclusions already reached in this matter.

The Reporter concluded that the Environmental Statement accurately predicts impacts, and that Ministers are entitled to rely on its findings in making their decision on the Project.

The Scottish Ministers, having regard to the current knowledge and methods of assessment are satisfied that this reasoned conclusion is still up to date and addresses the likely significant effects of the Project on the environment.

12. Features of the Project and Measures to Avoid, Prevent or reduce and, if possible, offset Likely Significant Adverse Effects on the Environment

The ES Chapter 4 (Iterative Design Development) outlines the iterative DMRB Stage 3 design and environmental review processes that has informed the development of the Project, the principal aim being to ensure that a range of potential environmental impacts could, in the first instance, be addressed or avoided by embedding mitigation through iterative design revisions.

A total of seven interim design fixes were issued, each a refinement of earlier design, having been informed by environmental, engineering/technical and consultation input.

Design fixes typically included refinements to:

- horizontal alignment (i.e. altering the precise route of the road);
- vertical alignment (i.e. altering the road height relative to existing ground);
- structures design (e.g. bridge and retaining wall design including pier locations, and culvert positioning);
- routeing of access tracks, side roads and NMU provision;
- positioning of drainage features and associated outfalls; and
- gradients of earthworks slopes (embankments and cuttings).

Statutory consultees were able to advise and influence various aspects of the draft DMRB Stage 3 design. Statutory consultee input to draft designs for this project include, for example:

- gradient of sides slopes and earthworks along the route;
- the approach to mitigating flood risk;
- the drainage design;
- landscape and ecology mitigation;
- Essangal Underbridge; and
- treatment of the rock cuts at Glen Garry Site of Special Scientific Interest (SSSI).

The design has also been informed by discussions with landowners and the owners of affected properties. These discussions have influenced:

- Refinement of access tracks to the properties at Clunebeg, adjacent to the Aldclune Junction, to Shierglas Quarry, to Garrybank, under the A9 to fields and the Aldclune Invervack Meadows SSSI, to a SuDS feature and to Tomban farmhouse.
- Design of the proposed landscape and ecology planting to reduce potential impacts on existing land use whilst maintaining the essential mitigation requirements of the proposed planting.

Some of the key design considerations that have been embedded into the design of the Project are:

- Reducing loss of areas designated as the River Tay SAC, particularly at Invervack where there is historical bank erosion;
- Avoiding the demolition of Shierglas farmhouse and a category B listed building;

- Design of Essangal Underbridge to reduce ecological and landscape impacts;
- Avoiding the Clach na h'lobairt Standing Stone scheduled monument; and
- Reducing the loss of AWI and native woodland through design of SuDS features at 6 locations.

As detailed in ES Chapter 6 (Overview of Assessment Process) as well as this embedded mitigation, the residual effects assessed in the ES include: Standard A9 Mitigation - typical best practice items that will be applied and referenced across all A9 Dualling projects; and Project Specific Mitigation - items that are further required to mitigate Proposed Scheme impacts, such as landscape proposals and management plans, that must be implemented to avoid, reduce or offset identified impacts.

The Schedule of Environmental Commitments (Chapter 21) of the ES specifies A9 Standard, Embedded Mitigation and Project Specific Mitigation for each environmental topic. These have either been incorporated in the Project design (Embedded) or will be implemented during the construction and/or operation (A9 Standard and Project Specific) of the Project. There are 94 Standard Mitigation items and 159 Embedded and Project Specific Mitigation items identified for the Project and the Contractor will be contractually required to implement these during construction/operation, including obtaining appropriate consents and licences.

The application of mitigation reduces potential impacts as follows:

- *Community and Private Assets:* Community Liaison team to consult with local communities and residents and maintaining access to properties and businesses throughout construction.
- *All Travellers:* Reinstatement of lost vegetation and planting of additional trees and scrub along diverted and new non-motorised user (NMU) routes and adjacent to the Project to improve amenity for NMU and vehicle travellers. Safer junctions and provision of safe overtaking will benefit and reduce driver stress.
- *Geology, Soils and Groundwater:* Protection of groundwater and private water supplies; best practice pollution, sediment, material management, and soil management.
- *Road Drainage and the Water Environment:* Design of the Essangal Underbridge scour protection, protection of the Project from potential channel migration and erosion from the River Garry; maintaining natural channel migration and natural movement of sediment in watercourses; provision of Sustainable Drainage Systems (SuDS) to remove road pollutant runoff, to

provide attenuation and storage during flooding, and to afford opportunities for improved wildlife habitat and increased biodiversity.

- *Ecology and Nature Conservation:* Provision of riverbed material in culverts to support fish passage; provision of dry mammal underpasses; and restoration of habitats directly affected during construction and further tree planting to mitigate loss of woodland (including Ancient Woodland).
- *Landscape and Visual:* Design of the Essangal Underbridge with a low profile to reflect the existing structure form and limit the level of change; stone treatments to new structures, including Tulach Hill Underpass; and planting of native trees, shrubs, and grasses to blend with the surrounding landscape and screen visual receptors.
- *Cultural Heritage:* Historic building recording; mapping of historic earthworks; archaeological excavation where preservation in situ is not possible; monitoring of areas of potential archaeology during construction by archaeologists to identify and record archaeological remains; and sensitive planting of trees and other screening vegetation as appropriate to protect the setting of cultural heritage sites.
- *Air Quality:* Application of appropriate dust control measures during construction such as covering of stockpiles, wheel-washing and use of site speed limits.
- *Noise and Vibration:* Provision of low noise road surfacing on the mainline dual carriageway and at junctions.
- *Materials:* application of material and waste management principles that will minimise use of construction materials and products that consume large amounts of energy in their extraction, processing and manufacturing; minimise purchasing of key construction materials and products from suppliers who cannot demonstrate that they have been produced sustainably; minimising use of virgin aggregates produced from naturally occurring mineral deposits and used for the first time; and minimising the generation of surplus materials and waste, and the permanent disposal of these materials to landfill through promoting re-use, recycling and recovery options.

Implementation of this mitigation will assist with avoiding and reducing potential significant adverse effects on the environment to only those detailed in Section 6 and Section 11 of this Record of Decision and providing the significant beneficial effects on the environment also detailed in these sections.

13. Monitoring Measures

The Schedule of Environmental Commitments tables presented in the ES at Chapter 21 (Schedule of Environmental Commitments) contain specific monitoring, consultation and approval requirements for each of the 214 mitigation items. These monitoring measures are to be implemented and will be detailed where appropriate in any necessary consents, licences and management plans.

Environmental Clerk of Works (EnvCoW) (i.e. professionally qualified in a relevant environmental discipline) will be appointed by the Contractor, be present on site as required during the construction period, and will monitor the implementation of the mitigation measures identified to ensure that construction activities are carried out in such a manner to prevent or reduce impacts on the environment. Specific monitoring measures identified as mitigation during construction include, but are not limited to, monitoring:

- ground gas where pollutant pathways for ground gas have been identified;
- groundwater and surface water features to protect the water environment;
- continuous water quality (including for turbidity and for leaks/spills) in strategically important areas downstream of the working areas;
- private water supplies to ensure infrastructure is not damaged and supplies are maintained;
- river levels in the immediate vicinity and in the wider catchment to identify flood risk during periods of heavy rainfall or extended periods of wet weather;
- restoration of notable habitats affected during construction, including those for protected species and breeding birds;
- location of black grouse lek sites to mitigate disturbance during lekking;
- vibration levels at Shierglas farmhouse and
- noise and vibration levels as agreed with the Environmental Health Officer Department.

Post construction monitoring identified specifically within the ES Chapter 21 (Schedule of Environmental Commitments) for the Project include:

- *SMC-G12*: If ground gas issues are identified during construction, further post construction monitoring will be undertaken and/or appropriate gas protection measures will be incorporated into the final design.
- *P05-W20*: Water quality monitoring one year post construction, the monitoring regime to include monthly laboratory analysis, visual inspections and real time monitoring.
- *P05-W21*: PWS water quality monitoring programme post construction.

- *P05-E43*: Post construction monitoring of mammal crossing points, including culverts with mammal provision and dry mammal underpasses to determine the effectiveness of the crossing structures.

14. Right of Challenge

Any person aggrieved by the following Orders, or of any provision contained therein, on the grounds that it is not within the powers of the Roads (Scotland) Act 1984 or that any requirement of that Act or of any Regulations made under that Act has not been complied with in relation to the Order, may, within six weeks of 18 October 2024 make an application as regards that validity to the Court of Session:

1. The A9 Trunk Roads (Killiecrankie to Glen Garry) (Trunking) Order 2024,
2. The A9 Roads (Killiecrankie to Glen Garry) (Side Roads) Order 2024

Any person aggrieved by The A9 Trunk Roads (Killiecrankie to Glen Garry) Compulsory Purchase Order 2024 who wants to question its validity or any provision of it on the ground that authorisation of the Order is not empowered to be granted under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 or the Roads (Scotland) Act 1984, or on the ground any requirement of the 1947 Act or any regulation made under it, has not been complied with, may make an application to the Court of Session within six weeks of 18 October 2024.

Any person wishing to question the validity of the decision to make The A9 Trunk Roads (Killiecrankie to Glen Garry) (Extinguishment of Public Rights of Way) Order 2024, or any of its provisions, may make an application as regards that validity to the Court of Session, within such time period as that Court in its discretion will allow.



**TRANSPORT
SCOTLAND**

CÒMHDHAIL ALBA

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