

## NOTICE OF DECISION

### A9/A96 INSHES TO SMITHTON ENVIRONMENTAL IMPACT ASSESSMENT PARAGRAPH 7 OF SCHEDULE 1 OF THE ROADS (SCOTLAND) ACT 1984

The Scottish Ministers give notice that they have decided to proceed with the A9/A96 Inshes to Smithton Project. The Project comprises approximately 3.2km of new single carriageway (mainline and side roads) and 0.7km of extended lane gain on the line of the existing A9, to improve the road network between the existing A9 and A96. The Project would also incorporate:

- a lane gain/lane drop arrangement on the A9 southbound carriageway, forming a third lane between Raigmore Interchange and the Inshes junction;
- two at-grade roundabouts;
- local road diversions, the provision of new means of access and access for maintenance purposes;
- two principal structures comprising one crossing of the A9 and one of the Highland Main Line Railway;
- 12 culverts, including ten culvert crossings and two flood relief culverts;
- the provision of approximately 7.3km of new paths for pedestrians and cyclists (referred to as Non-Motorised Users or NMUs) and which have been developed collaboratively with The Highland Council to complement the Inverness East Development Brief; and
- utility works.

The Scottish Ministers have complied with paragraph 7(1A) of schedule 1 of the Roads (Scotland) Act 1984 by taking into consideration–

(a) the Environmental Impact Assessment Report (EIAR). This is available at <https://www.transport.gov.scot/publication/draft-orders-and-environmental-impact-assessment-report-a9a96-inshes-to-smithton/>; and

(b) the opinions on the Project which were expressed in writing by: Historic Environment Scotland (HES); Scottish Environment Protection Agency (SEPA); NatureScot; The Highland Council; Inverness Access Panel; Mobile and Access Committee Scotland; Scottish Badgers; Scottish Raptor Study Group – Highland Branch; Scottish Water; ScotWays; Smithton and Culloden Community Council; Stagecoach; Sustrans Scotland; Botanical Society of Britain & Ireland (BSBI); and other persons.

Transport Scotland published notice of the EIAR on 13 September 2019. Following the end of the statutory objection period (13 September 2019 to 25 October 2019) five statutory and eleven non-statutory objections were received. All five statutory objections were withdrawn, leaving 11 non-statutory objections remaining. The Scottish Ministers considered these 11 outstanding non-statutory objections and the correspondence with them and reached a conclusion that they had sufficient information to reach a balanced and informed decision that a Public Local Inquiry (PLI) is not necessary, and dispensed with having an inquiry.

The Scottish Ministers have taken into consideration (a) and (b) by –

- Reviewing the EIAR and residual effects as set out in the EIAR Chapter 21 (Summary of Significant Residual Effects) which concluded that with proposed mitigation the following factors had significant residual impacts: Noise and Vibration (Chapter 8), Landscape (Chapter 9), Visual (Chapter 10), Ecology and Nature Conservation (Chapter 11), Road Drainage and Water Environment (Chapter 13), Cultural Heritage (Chapter 14), People and Communities – Community and Private Assets (Chapter 15), People and Communities – All Travellers (Chapter 16) and Cumulative Impacts (Chapter 19). The other factors including Air Quality (Chapter 7), Geology, Soils, Contaminated Land and Groundwater (Chapter 12) and Materials (Chapter 17) had no significant residual impacts.
- Reviewing the collated mitigation and monitoring requirements as set out in the EIAR Chapter 20 (Schedule of Environmental Commitments) and ensuring that the agreed requirements are incorporated into the construction contract(s), where appropriate.
- Reviewing the responses from the consultation bodies detailed in point (b), acknowledging comments and incorporating requirements into the Employer's Requirements, where applicable. A summary of consultation responses received following publication of the EIAR, and how these have been considered is provided in Sections 2C and 5 of the Environmental Impact Assessment Record of Decision'.
- Reviewing other environmental information such as the Assessment carried out under The Conservation (Natural Habitats, etc.) Regulations 1994, as amended, which concluded that the Project, either alone or in-combination with other plans and projects, would have No Likely Significant Effects on the Inner Moray Firth Special Protection Area (SPA), Inner Moray Firth Ramsar and Moray Firth proposed SPA and therefore the need to undertake further stages of the Habitats Regulations Assessment (HRA) process is not required.

## **Reasons for Decision**

The Scottish Ministers have decided to proceed with the Project for the following reasons –

- The works will improve the strategic road network in the area, improving its operation for longer distance and local journeys. It will complement the increased capacity of the A96 when the proposed dualling is complete and improve efficiency of journey times on the local road network.
- The Project has been committed within the Inverness and Highland City-Region Deal package of investments to promote sustainable and inclusive growth.
- The environmental information has been thoroughly considered and the assessment has been undertaken robustly. The Project would have a range of environmental effects, and considerable effort has gone into iterating/modifying designs to avoid and/or limit these potential effects or to subsequently mitigate them. However, significant residual effects would remain in some instances.
- An EIA has been undertaken as set out in the EIAR and has concluded that, with mitigation and monitoring measures in place, there will be no significant adverse residual effects to the following environmental factors:
  - Air Quality (Chapter 7);
  - Geology, Soils, Contaminated Land and Groundwater (Chapter 12); and
  - Materials (Chapter 17).
- Although some residual significant effects are inevitable with a project such as this, those that are predicted in this instance would not be so severe as to render the Project unacceptable or to compromise the wider public interest.
- The Assessment completed under The Conservation (Natural Habitats, etc.) Regulations 1994, as amended concluded that the Project, either alone or in-

combination with other plans and projects, would have no likely significant effects on the Inner Moray Firth SPA, Inner Moray Firth Ramsar and Moray Firth proposed SPA and therefore the need to undertake further stages of the HRA process is not required.

- Consultation with stakeholders was undertaken, following publication of the EIAR as set out in Sections 2c and 5 of the Environmental Impact Assessment Record of Decision, and no statutory objections remain.
- The mitigation and monitoring measures as set out in Sections 2a, 5, 6 and 7 of the Environmental Impact Assessment Record of Decision will be fully implemented and incorporated into the construction contracts, where appropriate.

A full copy of the Scottish Ministers' decision is available at  
<https://www.transport.gov.scot/projects/a9a96-inshes-to-smithton/>

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



L. SHACKMAN  
A member of the staff of the Scottish Ministers

Transport Scotland  
Major Projects  
2nd Floor  
36 North Hanover Street  
Glasgow  
G1 2AD  
14 May 2024