A1.1 Record of Determination

Transport Scotland
MTRIPs

EC DIRECTIVE 97/11
ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 1999 (as amended)
Roads (Scotland) Act 1984

RECORD OF DETERMINATION

Name of Project:	**Location:**
A96 Dualling Inverness to Nairn (including Nairn Bypass)	The preferred option starts east of the roundabout for Inverness Retail Park, approximately 850m east of Raigmore Interchange, continuing approximately 30km east and ends at Hardmuir, 3.5km to the east of Auldearn.

Description of Project:

The Strategic Transport Projects Review (STPR), published in 2008, set out the Scottish Government's transport investment priorities to 2032. Specific trunk road interventions that emerged from the review included upgrading the A96 between Inverness and Nairn to dual carriageway and a bypass of Nairn.

On 6 December 2011, the then Cabinet Secretary for Infrastructure and Capital Investment launched the Infrastructure Investment Plan (IIP) which provides an overview of the Scottish Government's plans for infrastructure investment over the coming decades. Contained within the document is a commitment to complete the dualling of the A96 between Inverness and Aberdeen by 2030, thus completing the dual carriageway network between all Scottish cities. The delivery of the scheme forms part of such dualling programme commitment.

The Route Options Assessment for the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme took place between 2013 and 2014 on behalf of Transport Scotland, with the Preferred Option presented to the public at a series of public exhibitions in October 2014. The Environmental Assessment of route options is presented in Part 3 of the DMRB Stage 2 Scheme Assessment Report, Volume 1 (Jacobs, 2014).

The preferred option was selected based on the outcome of the DMRB Stage 2 Scheme Assessment and is a combination of Option 1C (MV) (Inverness to Gollanfield) and Option 2E (Nairn Bypass). The preferred option starts east of the roundabout for Inverness Retail Park, approximately 850m east of Raigmore Interchange, and continues approximately 30km east and ends at Hardmuir, 3.5km to the east of Auldearn. The study area runs between the Moray Firth to the north and the rolling Drummosie Muir to the south.

The land within the vicinity of the existing A96 Aberdeen – Inverness Trunk Road is generally flat and low-lying in nature. The land within the study area is principally agricultural and comprises open fields used for both grazing and crops. However, there are several industrial estates, communities and settlements located within the study area.

Description of Local Environment

The sections below provide brief descriptions of the local environment within a study area of 500m (unless otherwise stated) from the preferred option. The baseline information is based on a review of currently available information; primarily the findings of the DMRB Stage 2 Scheme Assessment report (Jacobs, 2014).

Community and Private Assets
The land within the study area is principally agricultural and comprises open fields used for both grazing and crops. However, there are several industrial estates, communities and settlements located within the study area.

The majority of community facilities are located outside of the general 500m study area, particularly in the communities of Nairn, Culloden, Balloch and Smithton. However, there are a number of community facilities which are located within the study area including Balloch Primary School, Balloch Village Hall, Curling Pond at Kerrowaird Wood, Petty Parish Church of Scotland, War Memorial near Tornagrain and the Breachlich Cemetery, along with those in within Auldearn including a church, a post office and a primary school.

There are a number of commercial and industrial properties located along the length of the preferred option. In addition there are residential properties in the study area, primarily associated with the main communities surrounding the preferred option. There are also areas of community land and development land allocations within 500m of the preferred option.

Geology, Soils, Contaminated Land and Groundwater
The Kildrummie Kames Site of Special Scientific Interest (SSSI) (also known as Flemington Kames or Flemington

Eskers) is located approximately 250m south of the preferred option close to Gollanfield. This is designated for an assemblage of glacial landforms, a system of large braided eskers with intervening kettleholes, kames and outwash terraces. The site demonstrates a series of well defined, glacially derived, landforms.

Three extensive areas of peat are present within and to the north of the Kildrummie Kames SSSI (Kildrummie Kames, Blar nam Fiadh and the BGS peat area). These features are considered likely to be groundwater dependent and potentially supporting Groundwater Dependent Terrestrial Ecosystems (GWDTE).

Bedrock geology for the preferred option generally comprises the Inverness Sandstone Group (Middle Old Red Sandstone). Also present are the Forres Sandstone Group (Upper Old Red Sandstone) in the north eastern limits of the study area and Auldearn Granite Pluton to the south of Auldearn and Household. Superficial geological deposits include made ground, peat, alluvial deposits, a variety of Flandrian and Late Devensian raised marine deposits and Late Devensian glacial deposits.

There are a number of active and disused quarries, primarily associated with sand and gravel quarrying, within the study area. British Geological Survey (BGS) mineral resources information does not indicate any specific future mineral resource exploitation but suggests that the area has general mineral resource potential. Ninety nine potentially contaminated land sources were identified within 500m buffer of the preferred option.

The sandstone bedrock underlying the majority of the preferred option (Middle Old Red Sandstone) is classified as a moderately productive aquifer, which locally yields small amounts of groundwater. The sandstone bedrock underlying the eastern end of the preferred option, in the Nairn Bypass section (Upper Old Red Sandstone) is classified as a moderately productive, regionally important aquifer, with moderate yields.

Quaternary sands and gravels superficial deposits located across the study area are classified as a locally important aquifer. In the Nairn Bypass section, areas of alluvium around the River Nairn constitute a concealed aquifer of limited or local potential. In addition, to the south of Auldearn, intrusive rocks are present (Auldearn Grante pluton) and characterised as a low productivity aquifer.

There are 27 surface water features within 500m of the preferred option. Loch Flemington is located west of the western extent of the Kildrummie Kames peat bog and is a Special Protection Area (SPA), situated within Kildrummie Kames SSSI.

Road Drainage and the Water Environment
There are a number of watercourses in close proximity to the Preferred option. Analysis of aerial photography suggests that most of the watercourses are small and heavily modified, with the exception of the River Nairn. The River Nairn is a large river with a relatively natural meandering channel course.

The River Nairn was designated as a salmonid fishery under the recently repealed Freshwater Fish Directive (2006/44/EC) along with a number of its tributaries within the study area, including an unnamed tributary of the River Nairn, Auldearn Burn, Burn of Feddan, Geddes Burn and an unnamed tributary of the Geddes Burn. These watercourses are now Protected Areas for Freshwater Fish under the WFD.

The coastline to the north of Nairn is a Protected Area for European Commission Bathing Water and the River Nairn along with a number of its tributaries discharge into this area.

All of the watercourses within the study area discharge into the Moray Firth Special Area of Conservation (SAC) (either directly or indirectly).

The preferred option to the west of the A939 (which runs in a northerly direction to meet the existing A96 within Nairn) is located above the Nairn bedrock and localised sand and gravel aquifers, to the east of the A939 lays the Forres bedrock and localised sand and gravel aquifers.

Baseline conditions also include several sources of flood risk in the location of the preferred option, such as fluvial and surface water flooding. However, a review of the Scottish Environment Protection Agency (SEPA) online flood maps indicates the majority of the preferred option is outside of fluvial and surface water flood risk.

Ecology and Nature Conservation
Eight statutory designated sites lie within the study area, all of which have been designated for their biological interest, these comprise:

- Inner Moray Firth SPA;
- Inner Moray Firth Ramsar site;
- Moray Firth SAC;
- Loch Flemington SPA;
- Kildrummie Kames SSSI;
- Longman and Castle Stuart Bays SSSI.

- Moray and Nairn Coast Ramsar site; and,
- Culbin Sands, Culbin Forest and Findhorn Bay SSSI.

Longman and Castle Stuart Bays SSSI forms part of the Inner Moray Firth SPA/Ramsar site and only parts of these sites fall within the study area. Loch Flemington SPA falls within the Kildrummie Kames SSSI and only a portion of both these sites falls within the study area. The Inner Moray Firth SPA and Ramsar site are coincident and both are designated for supporting important populations of seabirds. The Ramsar site is additionally designated for supporting a variety of important wetland habitats. The Moray and Nairn Coast SPA and Ramsar are designated for providing foraging grounds for breeding osprey. It also supports an internationally important wintering population of bar-tailed godwit, greylag goose and redshank and an assemblage of over 20,000 waterfowl. The Ramsar site also supports a variety of important wetland features.

There are a number of non-statutory designated sites located within the study area, including sites on the Ancient Woodland Inventory (AWI) and a site classed as an Important Bird Area (IBA) (Moray Basin Firths and Bays IBA).

A search of National Biodiversity Network (NBN) gateway was conducted for protected species using a short list of priority species identified with reference to the Inverness and Nairn LBAP (Inverness and Nairn Biodiversity Group, 2004). The search identified the presence of the following protected species both within the study area and in a radius of up to 10km from the study area; bats (various species), badger, otter, pine marten, red squirrel, Scottish wildcat (Felis silvestris); and great crested newt (Triturus cristatus). Atlantic salmon (Salmo salar), brown trout (Salmo trutta), European eel (Anguilla anguilla), and brook lamprey (Lampetra planeri) have been recorded within the Nairn catchment (Laughton, 2011). Sea lamprey (Petromyzon marinus) and river lamprey (Lampetra fluviatilis) may also be present.

Landscape and Visual
The Sutors of Cromarty, Rosemarkie and Fort George Special Landscape Area (SLA) has been designated by The Highland Council, and is in close proximity to the preferred option. A section of this SLA includes the Inner Moray Firth, taking in Fort George and Whiteness Head. The area is designated for some of the key landscape features of the Inner Moray Firth, including the twin headlands at North and South Sutor and the low lying promontories at Chanonry and Forth George which reach out into the water and mark the entrance to the Inner Moray Firth.

Historic Environment Scotland publishes an Inventory of Gardens and Designed Landscapes which lists nationally important gardens and designed landscapes. Two of these sites fall within the study area. Culloden House, a 17th century designed landscape, lies to the south of the preferred option at Culloden and Dalcross Castle, which comprises 18th century formal gardens and parkland and lies to the south of the preferred option at Dalcross.

Eight distinctive Local Landscape Character Areas (LLCAs) were identified within the study area during the DMRB Stage 2 route options assessment along with nine Historic Conservation Areas.

The predominant type of vegetation cover in the study area comprises improved grassland and arable land, coniferous woodland, small amounts of native deciduous woodland and areas of moor and heath. There are fifteen Tree Preservation Orders (TPOs) located along the length of the study area, situated in Balloch, Culloden, Nairn and Auldearn.

The DMRB Stage 2 route options assessment identified a total of 93 built receptor groups consisting of approximately 382 individual receptors (predominantly residential dwellings and agricultural outbuildings with a small number of industrial units), and 29 outdoor receptor locations (roads and footpaths) within the study area.

Cultural Heritage
Along with information gathered from the DMRB Stage 2 Scheme Assessment Report (Jacobs, 2014), additional information was obtained from:

- Historic Environment Scotland for information on designated sites comprising World Heritage Sites, Scheduled Monuments, Listed Buildings, Conservation Areas, sites included on the Inventory of Gardens and Designed Landscapes in Scotland and the Inventory of Historic Battlefields; and,
- The Highland Council's Historic Environment Record (HER).

From the sources listed above a total of 225 cultural heritage assets have been identified within a 200m buffer of the preferred option. These included:

- 146 archaeological remains;
- 56 historic buildings; and
- 23 historic landscape types.

Air Quality
The preferred option is located within the jurisdiction of The Highland Council (THC). Under Local Air Quality Management (LAQM), THC periodically review and assess the status of air quality within their area. From the 2014

Air Quality Progress Report, the existing baseline in the vicinity of the preferred option is as follows:

- New monitoring data indicates that the Annual Mean Objective for NO_2 is being exceeded in the Oldtown area of Inverness. A detailed assessment for this pollutant was undertaken by THC throughout 2013, which confirmed that the NO_2 AQO (Air Quality Objective) may not be achieved. THC will therefore proceed to declare an air quality management area (AQMA), and undertake Further Assessment and the formulation of an Air Quality Action Plan;
- There are no historically designated AQMAs within the study area;
- The closest continuous analyser monitoring station to the Preferred option is located at Telford Street, in the centre of Inverness;
- THC operates a passive diffusion tube network at 21 locations in Inverness and Dingwall, although none of the locations are in the vicinity of the preferred option; and,
- A review of the estimated background concentration data published by Defra (http://laqm.defra.gov.uk/review-and-assessment/tools/background-maps.html) indicates that background concentrations around the preferred option are below the AQOs for PM_{10}.

Noise and Vibration
Much of the area through which the preferred option passes is rural and likely to have a relatively low baseline noise climate. Where there are more populated areas, including Nairn itself, the existing noise climate is likely to be higher, with road traffic noise a significant contributor. The Aberdeen to Inverness railway line follows a similar route as the preferred option and may contribute to the baseline noise climate at nearby noise sensitive receptors (NSRs). Inverness Airport is located to the north of the preferred option near Tornagrain and intermittent aircraft noise is likely to form part of the baseline noise climate in the surrounding area.

A review of the Transportation Noise Action Plan, prepared by the Transportation Noise Working Group, has been undertaken and no Candidate Noise Management Areas (CNMAs) were identified within the study area for the preferred option.

Effects on All Travellers
There are eighteen core paths within 500m of the preferred option, some of which provide direct links to the existing A96. There are also a number of local paths and aspirational core paths in the study area.

There is one public right of way (in the Nairn Bypass section of the study area. This runs directly through farmland via specially sign posted dirt tracks and provides access to, from and across the existing A96 leading to the centre of Auldearn.

National Cycle Route NCR1 intersects the Inverness to Gollanfield section of the study area briefly in the village of Balloch, and approaches Nairn from the east, passing through the town centre and then southwards through rural areas to the south of Nairn.

Materials
As part of the DMRB Stage 2 assessment, the following baseline information was estimated:

Table 1: Estimated quantity (m^3) of materials to be imported*

Bulk Earthworks**	Pavement: Sub Base	Pavement: Bituminous Material	Total
Inverness to Gollanfield			
1,865,000	62,000	101,000	2,028,000
Nairn Bypass			
894,000	67,000	111,000	1,072,000

* All volumes are provided to the nearest 1,000 m_3 **Includes topsoil and subsoils.

Table 2: Estimated volumes (m^3) of materials imported (Inverness to Gollanfield)

Section	Materials Imported (m3) (nearest 1,000 m3)
Inverness to Gollanfield	2,028,000
Nairn Bypass	1,072,000

Table 3: Potential sources of waste (Inverness to Gollanfield)

Est. No of Buildings Demolished	Est. Area Woodland Lost (ha)	Est. No of Contaminated Land Sites (direct interaction)
Inverness to Gollanfield		
-	8.3	8
Inverness to Gollanfield		
-	21.8	6

Description of the main environmental impacts of the project and proposed mitigation

This section provides an overview of the main anticipated environmental impacts and this information is taken from the outcome of the DMRB Stage 2 assessment.

General mitigation measures are outlined in the DMRB Stage 2 Scheme Assessment Report (Jacobs, 2014). Additional mitigation measures will be developed in conjunction with the DMRB Stage 3 design and as part of the DMRB Stage 3 EIA process.

Community and Private Assets
The preferred option is expected to have the following potential impacts:

- Land-take and access impacts for residential, commercial and industrial land/facilities;
- Land-take and access impacts for agricultural and forestry land;
- Land-take of development land and amenity impacts; and,
- Minimal community severance.

No impacts on community land or facilities were recorded during the DMRB Stage 2 route options assessment. No properties were identified as being demolished and impacts on likely future business viability on commercial land/facilities were not identified. This will all be reassessed as part of the DMRB Stage 3 assessment.

Geology, Soils, Contaminated Land and Groundwater
The following potential impacts are expected, prior to implementing mitigation measures:

- Potential impact on groundwater quality as a result of spillage incidents, potentially adversely impacting on water quality for 27 surface waters (via a groundwater pathway route) and 9 Private Water Supply (PWS);
- Potential dewatering effect as a result of proposed cuttings, generating a localised groundwater drawdown and potentially impacting on groundwater – linked receptors (i.e. potential impact on 9 surface water features and 5 PWS);
- Potential direct disturbance of 14 contaminated land sites; and,
- Potential indirect disturbance of 12 contaminated land sites.

On the other hand, the DMRB Stage 2 route options assessment suggested no direct impact on the Kildrummie Kames SSSI, peat deposits and GWDTE), however this will need to be confirmed with the additional information to be gathered during the DMRB Stage 3 assessment.

Road Drainage and the Water Environment
The preferred option has the potential to cause impacts to Hydrology and Flood Risk, Fluvial Geomorphology and Water Quality. The potential impacts prior to mitigation are outlined below.

Construction impacts include:

- Increases in fluvial flood risk due to construction works within the floodplain;
- Increases in surface water flood risk due to the creation of temporary site compounds etc. within natural surface water catchments;
- Alterations to channel morphology during the construction of crossing structures and associated channel modifications and disturbance/release of sediment;
- Siltation of SWFs during soil-stripping, compound preparation, soil storage and other earthworks, due to loosening of sediment; and,
- Impact on water quality due to accidental release of oils, fuels and chemicals from mobile or stationary plant or disturbance of potentially contaminated land.

Operational impacts include:

- Should the preferred option involve the construction of any permanent works within the floodplain, the preferred option has the potential to increase the risk of fluvial flooding due to the alteration of natural flood storage mechanisms and flow regimes;
- Introduction of new impermeable areas to the catchment area could potentially increase the volume and peak flow of surface runoff, as less would be lost to infiltration into the ground;
- Increased flow and sediment discharges potentially leading to downstream erosion and/or deposition.
- Localised alteration/removal of river banks and flow patterns caused by outfall structures;
- There are a wide range of pollutants found in road runoff which may have an effect on the receiving waters and associated ecology; and,
- Changes to the sediment regime, through culverting and channel realignments, could impact on water quality by releasing previously locked contaminants into the water. Changes in turbulence can also affect atmospheric oxygenation of the water.

Mitigation measures will be considered at DMRB Stage 3, including input to the design to inform aspects such as provision of Sustainable Drainage Systems (SuDS). A range of best practice measures will also be required during construction to avoid or reduce potential for impacts on the water environment.

Ecology and Nature Conservation

Based on the DMRB Stage 2 assessment, the main impacts on ecology and nature conservation are anticipated to be disturbance and habitat loss (associated with badger, otter, wintering birds), transfer of invasive plant species (Himalayan balsam and giant hogweed) along a number of watercourses and potential pollution to a number of watercourses which could alter water quality and result in direct mortality of certain species.

Mitigation measures will be considered at DMRB Stage 3 and are likely to include habitat replacement, due consideration for seasonal constraints and adherence to standard best practice and guidelines to mitigate potential pollution incidents.

A Habitat Regulations Appraisal (HRA) screening exercise has been completed to determine if the scheme is likely to have a significant effect on a Natura 2000 site and therefore should be subject to an Appropriate Assessment (AA) of its implications for the site in view of the site conservation objectives. The screening exercise concluded it will be necessary to undertake a HRA of the specimen design on the potential effects of the proposed scheme on the conservation objectives of the following five Natura 2000 sites in relation to over-wintering birds and Slavonian grebe, to ensure that there will be no adverse effect on site integrity:

- Inner Moray Firth SPA;
- Loch Flemington SPA;
- Moray & Nairn Coast SPA;
- Inner Moray Firth Ramsar site; and,
- Moray & Nairn Coast Ramsar site.

Landscape and Visual
Due to the scale of construction works associated with the preferred option, potential impacts on landscape character and visual amenity are likely. Prior to mitigation, impacts include, but are not limited to:

- damage to vegetation;
- vehicles moving machinery and materials to and from the site;
- traffic management measures;
- machinery, potentially including heavy excavators and earth moving plant;
- exposed bare earth over the extent of the proposed works;
- structures, earthworks, road surfacing and ancillary works during construction;
- temporary site compound areas including site accommodation and parking;
- temporary soil storage heaps and stockpiles of construction materials;
- lighting associated with night-time working and site accommodation; and,
- traffic congestion during work.

During operation, the preferred option would have an impact on landscape character and visual amenity. There would be potential impacts on the following LLCAs due to the introduction of the route alignment (including associated infrastructure and earthworks):

- Coastal Lowlands Intensive Farming
- Enclosed Farmed Landscapes
- Inverness Urban Fringe and Culloden

- Coastal Lowlands Forest Edge Farming

There is also potential for visual impacts to a number of built receptor groups and outdoor receptors.

Mitigation measures will be considered at DMRB Stage 3, and are likely to include:

- retention of existing trees and vegetation wherever possible and incorporation with new planting proposals in order to enhance the experience of travelling along the road;
- enhancement of biodiversity through use of native species which are adapted to local conditions;
- planting to replace trees lost during the construction of the proposed route options;
- planting to provide screening to reduce visual impacts of the road, structures and lighting;
- high quality hard landscaping and environmental barrier design to enhance townscape; and,
- reinstatement/replacement of open space areas lost or severed by the route.

Cultural Heritage
Construction of the preferred option would impact on a number of Cultural Heritage assets:

- The preferred option alignment following the outcome of the DMRB Stage 2 assessment would result in the partial removal of the southern and eastern parts of Cullernie Ring Ditch, a Scheduled Monument.
- New sources of noise and visual intrusion temporarily affecting the setting of Castle of Auldearn (Motte).
- A further 13 assets would be removed or partially removed as reported in the DMRB Stage 2 Assessment.

During operation the preferred option would result in the following impacts:

- Impact on the setting of the Castle of Auldearn (Motte), Scheduled Monument due to the presence of infrastructure in mainly rural views to the west of the asset.
- Impact on Boath Dovecot, a Category B Listed Building as a result of the introduction of a significant new visual element in mainly rural views to the west of the asset.
- Impact on Cairnlaw Buildings (Asset 37) as a result of the obstruction of all round views.

Construction and operation of the preferred option would reinforce the existing separation of Boath House from other elements of the Auldearn Battlefield, such as Dooket Hill and the land to the west of the village that was the route of the advance of the Covenanter army.

The preferred mitigation for cultural heritage assets is to preserve them in-situ. Where this is not possible, the alternative is preservation by record. Preservation by record comprises recording works in advance of or during construction, for example archaeological excavation, watching brief, historic building recording, and the dissemination of the results of these works to provide a permanent record of the impacted cultural heritage asset. This reduces the amount of information that would otherwise be lost. During the operational phase, mitigation for the route options could potentially include landscaping to reduce impacts on the setting of cultural heritage assets.

Air Quality
The construction phase of this development has the potential to lead to dust nuisance associated with construction activities and haul routes. During operation the preferred option is likely to lead to changes in vehicle emissions of oxides of nitrogen (NOx), nitrogen dioxide (NO_2), and particulate matter (PM10), which has the potential for sensitive receptors located in the vicinity of the preferred option alignment to experience a change in air quality pollutant concentrations. The proposed bypass of Nairn has the potential to lead to a reduction in air quality concentrations at sensitive receptors within Nairn centre (i.e. an improvement in air quality). The preferred option may also result in changes in NOx at designated habitat sites. Emissions of PM2.5 are screened out of the assessment, as specified in guidance set out in Interim Advice Note 174/13. This is supported by measured concentrations of the coarser PM10 fraction in Inverness, and modelled PM10 concentrations for the options appraisal, being below the PM2.5 annual mean air quality objective.

During construction, mitigation measures are likely to be required, following best practice for aspects such as dust control.

Noise and Vibration
During construction, there is the potential for significant noise and vibration impacts at Noise Sensitive Receptors (NSRs) in the vicinity of the preferred option. This would be dependent on the type of construction works undertaken, the proximity to NSRs, the duration of the works and their timing. Construction noise impacts would be temporary in nature and are likely to occur only for those receptors near to the preferred option.

Once constructed and in operation, the preferred option is likely to result in reduced road traffic flows on some parts of the local road network, particularly in Nairn, and hence a number of receptors are likely to experience noise benefits as a consequence of the preferred option. In other areas, the preferred option would introduce a new noise source that would pass relatively near to NSRs and could result in significant adverse noise impacts. Operational noise impacts would be permanent in nature.

Overall, a total of 658 sensitive receptors are expected to experience perceptible noise increases as a result of the preferred option (in either the short-term or long-term or both), without mitigation. Of these, 287 fall within the moderate or major adverse noise impact category and should be considered as the priority for mitigation.

During the construction phase, potential mitigation measures will include the use of 'best practicable means' during all construction activities. During the operational phase, potential mitigation measures for the route options are likely to include:

- Siting the preferred option within cuttings where the surrounding topography and constraints allow. This provides a degree of noise screening and can be an effective noise mitigation measure.
- The use of earth bunding or noise barriers as a form of screening.

Effects on All Travellers
The preferred option would have the potential to significantly impact on a number of local paths, core paths and a Public Right of Way within the study area. The potential adverse impacts on these paths are all as a result of changes in amenity and severance, and in most of these cases access to and from the existing A96 to the path is expected to be stopped-up.

Mitigation measures will be considered at Stage 3, and will include; consideration for the timing of construction works; maintaining and improving access for NMUs through various provisions; high quality hard landscaping, street furniture and environmental barrier design; and traffic management.

Materials
Based on the Stage 2 assessment potential impacts on materials may include:

- site remediation / preparation impacts (e.g. depletion of finite natural resources);
- demolition impacts resulting in the generation of waste; and,
- site construction impacts including disturbance of contaminated soils, potential flooding impacts, creation of nuisance, and the poor management of materials.

Mitigation measures will be considered at Stage 3, and will include responsibly sourced materials and the development of a Construction Environmental Management Plan (CEMP) during the detailed design phase. In addition, though not mandatory in Scotland, a Site Waste Management Plan (SWMP) may be developed and updated regularly during construction.

Policies and Plans
Compliance with individual policies and plans will be considered at Stage 3. Due to potential significant impacts noted above there is potential for non-compliance with elements of the Highland Wide Local Development Plan and the Inner Moray Firth Local Development Plan.

Extent of EIA work undertaken and details of consultation

To date, the preferred option has been identified following a DMRB Stage 2 assessment, including consideration of potential environmental impacts. DMRB Stage 3 design and full EIA is being progressed.

Environmental screening and scoping has been undertaken in accordance with the framework set out in the Environmental Impact Assessment (Scotland) Regulations 2011 under amendments to the Roads (Scotland) Act 1984 and is reported in the Environmental Screening and Scoping Report (Jacobs, 2015).

Public and statutory consultations have been previously undertaken during the DMRB Stage 2 assessment, as reported in the Dualling Inverness to Nairn (including Nairn Bypass): DMRB Stage 2 Scheme Assessment Report, Volume 1 – Main Report, Part 3 (Jacobs, 2014). Consultation is due to get underway as part of the DMRB Stage 3 process. Consultation letters to inform the Stage 3 assessment are due to be issued to a range of statutory and non-statutory consultees.

Statement of case in support of a Determination that a formal EIA and Environmental Statement is required:

Screening Determination:
This screening assessment was informed by the Design Manual for Roads and Bridges (DMRB) Volume 11, Section 2, Part 3 (HD 47/08) 'Screening of Projects for Environmental Impact Assessment'.

Annex 1 of the EIA Directive states EIA is mandatory for all schemes involving:

"…Construction of a new road of four or more lanes, or 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, or realigned and/or widened section of road would be 10 km or more in a continuous length."

This preferred option consists of 30km of new dual carriageway. As this would create four lanes in total, over a continuous length of more than 10km, the above Annex 1 thresholds are met and an EIA would be mandatory.

Key elements of the works:

- New dual carriageway road approximately 30km in length, primarily off line from the existing A96
- Various new grade separated junctions.
- Upgrade to road drainage.
- Revisions to local access.
- Diversions to utility pipelines.

Location of the scheme: The preferred option starts east of the roundabout for Inverness Retail Park, approximately 850m east of Raigmore Interchange, and continues approximately 30km east and ends at Hardmuir, 3.5km to the east of Auldearn. The study area runs between the Moray Firth to the north and the rolling Drummosie Muir to the south.

References of supporting documentation:

Inverness & Nairn Biodiversity Group, 2004. Inverness & Nairn Biodiversity Action Plan. September 2004.

Laughton, R., 2011. River Nairn Juvenile Fish Survey 2010. Spey Foundation Report 01/11 for Findhorn, Nairn and Lossie Fisheries Trust.

Jacobs, 2014. A96 Dualling Inverness to Nairn (including Nairn Bypass): DMRB Stage 2 Scheme Assessment Report, Volume 1 – Main Report, Part 3 – Environmental Assessment. October 2014

Jacobs, 2015. A96 Dualling Inverness to Nairn (including Nairn Bypass) DMRB Stage 3: Environmental Impact Assessment - Screening and Scoping Report

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I have determined, following discussions with the MTRIPS Project Manager that an EIA/ ES is required for this project.

SIGNATURE Transport Scotland Environmental Advisor.....

Date ...03 November 2016...

Authorisation to publish Notice of Determination

SIGNATURE Director, MTRIPs.....

Date .....10/11/16.....