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Environmental Impact Assessment Record of Determination

A9 Ruthven to River Spey – Resurfacing Works

Contents

Project Details

Description

BEAR Scotland, on behalf of Transport Scotland, has been commissioned to undertake resurfacing works on the A9, east of Kingussie (Figure 1; National Grid Reference NH 76563 00844 to NN 76053 99730).

The works will consist of carriageway resurfacing and reinstatement of road markings over a length of 1,230m (approximately 0.861ha). Exact depths are yet to be confirmed; however resurfacing will likely include areas of partial reconstruction and areas where deeper inlay will be utilised.

The resurfacing procedure is as follows:

- Set up traffic management (TM) and mark out site.
- Mill out old surface course.
- Lay new surface course.
- Roll surface and allow it to go off.
- Mark out lining schedule on site.
- Remove TM and open road.
- Lining/studding may be carried out at a later date under mobile TM or lane closures.

The scheme is currently programmed to be completed within the first half of the 2023/2024 financial year, with a proposed start date being 14th August 2023. Works are expected to be completed over three nights, operating between the hours of 19:00 and 07:00; however, changes in the programme may result in the need for daytime works.

Traffic management (TM) will be in the form of single lane closures facilitated by 2-way temporary traffic lights (TTLs) and convoy system. If the programme changes, this may result in amendments to the exact TM requirements. Where required, alternative pedestrian routes will be included in the TM setup.

Location

The scheme is located on the A9, east of Kingussie, in the Highland Council region (Figure 1). The scheme has the following National Grid References (NGRs):

- Scheme Start: NH 76563 00844
- Scheme End: NN 76053 99730

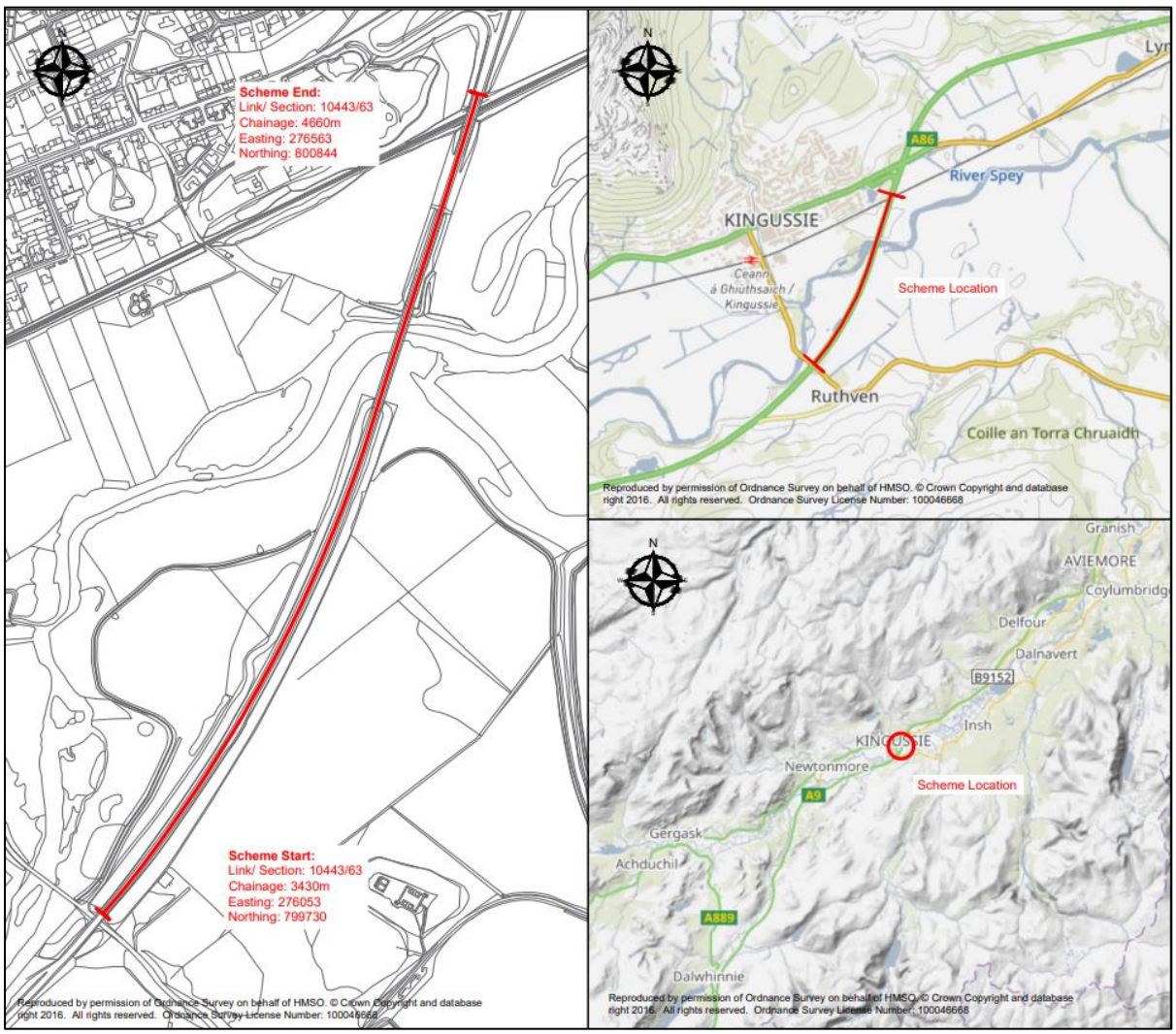

Figure 1. Location and scheme extent of the proposed resurfacing works at A9 Ruthven to River Spey. Source: BEAR Scotland. F108 – Environmental Assessment Request (Scheme ref: 23-NW-0103-147).

Description of local environment

Air quality

The scheme does not fall within any Air Quality Management Areas (AQMA) (Air Quality Scotland) declared by the Highland Council. No Air Quality Monitoring Stations are located within 10km of the works (Air Quality Scotland). The scheme extent is located within a semi-rural setting, and as such pollution levels are not expected to be high.

No sites registered on the Scottish Pollutant Release Inventory (SPRI) (Scotland's Environment) for air pollutant releases are located within 10km of the works.

Average Annual Daily Flow (AADF) for the A9 carriageway approximately 1.3km south of the scheme extents accounted for 7,232 vehicles in 2021, of which 14.4% were heavy goods vehicles (HGV) (Road Traffic Statistics).

Baseline air quality is likely to be primarily influenced by traffic along the A9 trunk road, with secondary sources likely to arise from nearby agricultural practices and urban activities associated with Kingussie. The Highland Main Railway Line is spanned by the trunk road within the scheme extents. Railway movements will also have an impact on the local air quality.

Cultural heritage

One Scheduled Monument and numerous Historic Environmental Records (HERs) and Canmore features lie within 300m of the scheme (PastMap).

Scheduled Monument 'Ruthven Barracks, Kingussie' (SM90255) consists of the ruins of a small 18th-century fort, known as Ruthven Barracks, and lies 130m east of the scheme. There is no connectivity between the scheme and the Scheduled Monument (PastMap).

The nearest of the HERs and Canmore features are set-back at least 70m from the scheme and have no connectivity to the trunk road.

There are no World Heritage Sites, Listed Buildings, Garden and Designed Landscapes, Conservation Areas or Inventory Battlefields identified within 300m of the scheme.

All works are restricted to the trunk road, with only 'like-for-like' replacement of road surface being undertaken, therefore the works do not include any alterations that would affect the historic and architectural character of any feature of cultural heritage interest. It has been determined that the proposed project does not carry the potential to cause direct or indirect impact to features of cultural heritage importance.

As such, impact has been assessed as being 'no change' and has been scoped out of requiring further assessment.

Landscape and visual effects

The scheme is located within the Cairngorms National Park (CNP) (SiteLink), which has the following special qualities:

1.0 General Qualities

- Magnificent mountains towering over moorland, forest and strath.

- Vastness of space, scale and height.
- Strong juxtaposition of contrasting landscapes.
- A landscape of layers, from inhabited strath to remote, uninhabited upland.
- 'The harmony of complicated curves'.
- Landscapes both cultural and natural.

2.0 The Mountains and Plateaux

- The unifying presence of the central mountains.
- An imposing massif of strong dramatic character.
- The unique plateaux of vast scale, distinctive landforms and exposed, boulder strewn high ground.
- The surrounding hills.
- The drama of deep corries.
- Exceptional glacial landforms.
- Snowscapes.

3.0 Moorlands

- Extensive moorland, linking the farmland, woodland and the high tops.
- A patchwork of muirburn.

4.0 Glens and Straths

- Steep glens and high passes.
- Broad, farmed straths.
- Renowned rivers.
- Beautiful lochs.

5.0 Trees, Woods and Forests

- Dark and venerable pine forest.
- Light and airy birch woods.
- Parkland and policy woodlands.
- Long association with forestry.

6.0 Wildlife and Nature

- Dominance of natural landforms.
- Extensive tracts of natural vegetation.
- Association with iconic animals.
- Wild land.

- Wildness.

7.0 Visual and Sensory Qualities

- Layers of receding ridge lines.
- Grand panoramas and framed views.
- A landscape of many colours.
- Dark skies.
- Attractive and contrasting textures.
- The dominance of natural sounds.

8.0 Culture and History

- Distinctive planned towns.
- Vernacular stone buildings.
- Dramatic, historical routes.
- The wistfulness of abandoned settlements.
- Focal cultural landmarks of castles, distilleries and bridges.
- The Royal connection.

9.0 Recreation

- A landscape of opportunities.
- Spirituality.

The scheme does not lie within a National Scenic Area (NSA) (Scotland's Environment).

The Landscape Character Type (LCT) within the scheme extents is categorized as 'Upland Glen – Cairngorms' (no. 127) (Scottish Landscape Character Types), which is characterised by:

- Large, broad, flat bottomed strath, with some narrower pinch-point sections.
- Valley floor with the meandering River Spey and frequent lochs and marshes.
- Meadows and wetlands prone to flooding on the valley floor.
- Mixed pastures and broadleaved woodland in more undulating areas.
- Wetlands flanked by mixed woodland and conifer forests.
- Main communication corridor housing A9 trunk road and railway.
- Estate houses and policy landscapes in many parts of the strath.
- A well-settled area with a series of settlements occurs along the northern side of the strath at bridging points over the River Spey. They are popular tourist destinations serving the Cairngorms National Park. Elsewhere farms and houses are frequent along main and minor roads.

- Views to the Cairngorm mountains.
- Noise and activity from busy A9.

Historic Environment Scotland's HLAMap (HLAMap) has highlighted that the surrounding landscape is dominated by pastoral farmland with urban development and some woodland further afield.

Biodiversity

A desktop study using NatureScot SiteLink (SiteLink) has identified the following designated sites within 300m of the A9 Ruthven to River Spey scheme extents:

- **River Spey Special Area of Conservation** (SAC) (SiteLink). The A9 within the scheme extents spans the River Spey Special SAC.
- **Insh Marshes SAC** (SiteLink). The A9 within the scheme extents spans the Insh Marshes SAC.
- **River Spey – Insh Marshes Special Protection Area** (SPA) (SiteLink). The A9 within the scheme extents spans the River Spey – Insh Marshes SPA.
- **River Spey – Insh Marshes RAMSAR site** (SiteLink). The A9 within the scheme extents spans the River Spey – Insh Marshes RAMSAR site.
- **River Spey – Insh Marshes Site of Special Scientific Interest** (SSSI) (SiteLink). The A9 within the scheme extents spans the River Spey – Insh Marshes SSSI.
- **Insh Marshes National Nature Reserve** (NNR) (SiteLink). The Insh Marshes NNR lies either side of the A9 trunk road at the scheme extent. The Insh Marshes NNR covers an approximately 11km^2 area of the River Spey floodplain between Kingussie and Kincraig in Badenoch and Strathspey. The NNR encompasses much of the same area as the other 'Insh Marshes' and 'River Spey – Insh Marshes' designated sites and is an important wetland area for the qualifying features for which these sites are designated.

BEAR Scotland carried out a Habitats Regulations Appraisal (HRA) to assess potential impacts of a range of maintenance activities (including resurfacing) on the River Spey SAC and associated European Sites (as listed above).

The NBN Atlas holds records of additional bird species within 2km over a 10-year period. Under the Wildlife and Countryside Act 1981, all wild birds and their active nests are protected.

There are no records of invasive non-native species (INNS), as listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) (WCA), found using the same search criteria. The following records of injurious weeds, as listed under the Weeds Act 1959, and invasive native perennials, as listed in the Trunk Road Inventory Manual were found using the same search criteria:

- Common ragwort (*Jacobaea vulgaris*).
- Rosebay willowherb *(Chamaenerion angustifolium).*
- Creeping thistle *(Cirsium arvense).*
- Spear thistle *(Cirsium vulgare).*

None of the noted invasive and injurious plant species lie within the scheme extents.

A search with Transport Scotland's Asset Management Performance System (AMPS) did not identify any invasive or injurious plant species within the scheme extents.

Habitats in the surrounding area are dominated by agriculturally improved, re-seeded and heavily fertilised grassland (Scotland's Environment). Freshwater habitat is provided by the River Spey, which is spanned by the trunk road 20m to 80m from the scheme extents. Tree cover is limited to small pockets of woodland flanking the trunk road and local road network and thin tree belts along the River Spey banks. Overall, suitable habitat for terrestrial mammal species in proximity to the scheme is compromised due to the lack of suitable shelter, the presence of urban development and intensive sheep and cattle farming. There are some habitats for semi aquatic protected species and nesting birds during the breeding period (March – August inclusive).

No woodland noted on the Ancient Woodland Inventory (AWI) (Scotland's Environment) has been identified within 300m of the scheme.

Due to the works being limited to the A9 trunk road carriageway surface and the lack of nearby suitable habitat for shelter, it is deemed unlikely that any protected mammal species shelter will be associated with the immediate surrounding area of works and potential for disturbance is negligible. As such, a desktop study has been deemed sufficient for this assessment, and no ecological surveys have been carried out.

Geology and soils

The scheme does not lie within a Geological Conservation Review Site (GCRS) or geological SSSI (SiteLink).

The Generalised Soil Type at the scheme location is identified as alluvial soils and mineral podzols (Scotland's Soils).

A desktop study using the British Geological Survey Map (BGS GeoIndex) identifies the local geology type as a combination of the following:

Bedrock Geology:

- Loch Laggan Psammite formation (psammite, micaceous), which is a metamorphic bedrock.

Superficial Deposits:

- Glaciofluvial Sheet Deposits (sand, gravel and boulders), which is a sedimentary superficial deposit.
- Alluvium (clay, silt, sand and gravel), which is a sedimentary superficial deposit.

As a result of the works taking place strictly within made ground within the A9 carriageway boundary, it has been determined that the proposed project does not carry the potential to cause direct or indirect impact to geology or soils. As such, impact has been assessed as being 'no change' and has been scoped out of requiring further assessment.

Material assets and waste

The proposed works will include removal and reinstatement of carriageway surface course. Materials used will consist of:

- Asphaltic material.
- Road-marking paint.
- Bituminous emulsion bond coat.
- Milled in road studs.

Wastes are anticipated to be planings from the carriageway surface course, which will be fully recovered for re-use in line with BEAR Scotland's Procedure 126: The Production of Fully Recovered Asphalt Road Planings. The Contractor is responsible for the disposal of road planings and this has been registered in accordance with a Paragraph 13(a) waste exemption issued by SEPA, as described in Schedule 3 of the Waste Management Licensing Regulations 2011 (exemption number: WML/XS/2006086).

A Site Waste Management Plan (SWMP) will be produced for these works.

Noise and vibration

The scheme extent lies within a semi-rural area, east of Kingussie within the Highland Council region.

The works do not fall within a Candidate Noise Management Area (CNMA) as defined by the Transportation Noise Action Plan (Road Maps) (Transportation Noise Action Plan (TNAP)).

Scotland's strategic noise map does not report data for the A9 within the scheme extents, however the night-time noise levels on the A9 approximately 50m north of the scheme range between 60 and 65 decibels (Scotland's Noise Scotland's Environment). Due to the proximity and similarities in noise emitters, it can be assumed that noise levels within the scheme extents will be similar to the noise levels reported north of the scheme.

Baseline noise levels at the scheme location are likely to be primarily influenced by traffic along the A9 trunk road, with secondary influences from the agricultural activities, urban activities associated with Kingussie and the Highlands Mainline railway line, which lies is spanned by the trunk road within the scheme extents.

Population and human health

The scheme lies on the periphery of Kingussie and as such numerous residential and commercial properties lie within 300m of the scheme. The nearest of these lie 150m west of the scheme extents and have limited screening from the scheme provided by intermittent thin tree belts. Properties further afield have suitable acoustical and visual screening from the scheme provided by intervening properties and tree belts. Two access points to farmlands lie within the scheme extents.

There are no National Cycle Network (NCN) routes (OS Maps), core paths (Scotland's Environment) or walking routes as listed on WalkHighlands (WalkHighland) within the scheme extents. There are also no paved footpaths, bus stops, or other pedestrian facilities along the A9 within the scheme extent. One lay-by lies adjacent to the A9 southbound carriageway within the scheme extents, and an off-slip is located on the northbound carriageway immediately north of the scheme.

The A9 Trunk Road, within the North West NMC, connects Perth with Thurso. It commences immediately north of Inveralmond Roundabout in Perth leading generally northwards for a distance of 357 kilometres to its junction with an unclassified road leading to Holborn Head lighthouse at Scrabster. The A9 is a

mixture of single carriageway, '2+1' carriageway and stretches of two-lane dual carriageway. The A9 at the scheme location is a single carriageway.

Road drainage and the water environment

The A9 trunk road spans the River Spey (Spey Dam to Loch Insh) (ID: 23142), which is a classified waterbody by the Scottish Environment Protection Agency (SEPA) under the Water Framework Directive 2000/60/EC (WFD), 20m and 80m from the scheme extents (SEPA water environmental hub). River Spey (Spey Dam to Loch Insh) is a river in the River Spey catchment of the Scotland river basin district which has been classified by SEPA as having an overall status of 'Moderate' (SEPA water environmental hub). The main stem is approximately 34.8km in length. The water body has been designated as a heavily modified water body on account of physical alterations that cannot be addressed without a significant impact on water storage for hydroelectricity generation.

There are numerous minor waterbodies (unclassified) which lie in proximity to the scheme (SEPA water environmental hub).

The scheme falls within 'Strathnairn, Speyside and Cairngorms' and 'Upper Spey Sand and Gravel' groundwater bodies which were classified by SEPA in 2020 as having an overall status of 'Good' (SEPA water environmental hub).

The scheme is located within a Drinking Water Protection Area (Ground) (DWPA).

The A9, within the scheme extents has not been highlighted as having surface water flooding, however surrounding land, at the scheme, has been highlighted as having high risk of river flooding, which means that each year, these areas have a 10% chance of flooding (SEPA Flood Map).

Climate

The Climate Change (Scotland) Act 2009 sets out the target and vision set by the Scottish Government for tackling and responding to climate change (The Climate Change (Scotland) Act 2009). The Act includes a target of reducing CO_2 emissions by 80% before 2050 (from the baseline year 1990). The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the Climate Change (Scotland) Act 2009 to bring the target of reaching net-zero emissions in Scotland forward to 2045 (Climate Change (Emissions Reduction Targets) (Scotland) Act 2019).

The Scottish Government has since published its indicative Nationally Determined Contribution (iNDC) to set out how it will reach net-zero emissions by 2045, working to reduce emissions of all major greenhouse gases by at least 75% by 2030

(Scotland's contribution to the Paris Agreement: indicative Nationally Determined Contribution - gov.scot (www.gov.scot)). By 2040, the Scottish Government is committed to reducing emissions by 90%, with the aim of reaching net-zero by 2045 at the latest.

Transport Scotland is committed to reducing carbon across Scotland's transport network and this commitment is being enacted through the Mission Zero for Transport (Mission Zero for transport | Transport Scotland). Transport is the largest contributor to harmful climate emissions in Scotland. In response to the climate emergency, Transport Scotland are committed to reducing their emissions by 75% by 2030 and to a legally binding target of net-zero by 2045.

Policies and plans

This Record of Determination (RoD) has been undertaken in accordance with all relevant regulations, guidance, policies and plans, notably including the Environment and Sustainability Discipline of the Design Manual for Roads and Bridges (Design Manual for Roads and Bridges (DMRB)) and Transport Scotland's Environmental Impact Assessment Guidance (Guidance - Environmental Impact Assessments for road projects (transport.gov.scot)).

Description of main environmental impacts and proposed mitigation

Air quality

Construction activities associated with the proposed works have the potential to temporarily cause local air quality impacts. Activities undertaken on site may cause dust and particulate matter to be emitted to the atmosphere. However, taking into account the nature and scale of the works and the following mitigation measures, the risk of significant impacts to air are considered to be low.

- Activities which may result in dust creation (such as cutting/breaking out works) will be appropriately managed to reduce emissions, including use of on-tool extraction systems or dampening down where required.
- All plant, machinery and vehicles associated with the scheme will be maintained to the appropriate standards and will be switched off when not in use.
- All delivery vehicles carrying material with dust potential will be covered when travelling to or leaving site, preventing the spread of dust beyond the work area.
- Material stockpiles will be reduced as much as is reasonably practicable by using a ‘just in time’ delivery system. All material will also be stored on made ground.
- Green driving techniques will be adopted, and effective route preparation and planning shall be undertaken prior to works.
- Any stockpiled material on site will be monitored daily to ensure no risks of dust emissions exists.
- Materials shall be removed from site as soon as is practicable.
- Good housekeeping will be employed throughout the work.

With the above mitigation measures in place, it is anticipated that any air quality effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

Landscape and visual effects

There is potential for minor, temporary visual impacts to the local landscape during the construction phase as a result of obstructed views due to vehicles and machinery. However, proposed works will be restricted to like-for-like resurfacing of

the A9 carriageway and will be carried out over 3-nights and land use will not change as a result of the works. Therefore, the works will not create any significant change to the local landscape. No significant impacts to the Cairngorms National Park are expected, and no consultations are required. In addition, the following mitigation measures will be put in place during works:

- Throughout all stages of the works, the site will be kept clean and tidy, with materials, equipment, plant and wastes appropriately stored, reducing the landscape and visual effects as much as possible.
- The working area will be appropriately reinstated following works.
- Works will avoid encroaching on land and areas where work is not required or is not permitted. This includes general works, storage of equipment/containers and parking.
- Where applicable, upon completion of the works, any damage to the local landscape shall be reinstated as much as is practicable.
- The site will be left clean and tidy following construction.

With the above mitigation measures in place, it is anticipated that any landscape and visual effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

Biodiversity

Designated Sites

The A9 within the scheme extents spans River Spey SAC, River Spey – Insh Marshes SPA, Insh Marshes SAC, River Spey – Insh Marshes RAMSAR, River Spey – Insh Marshes SSSI. The Insh Marshes NNR also lies either side of the A9 trunk road at the scheme extent. BEAR Scotland carried out a Habitats Regulations Appraisal (HRA) to assess potential impacts of a range of maintenance activities (including resurfacing) on the River Spey European Sites and produced an HRA Proforma document. The HRA Proforma outlines standard good practice measures to reduce the risk of pollution or disturbance to qualifying features of these designated sites. The HRA Proforma concluded that the maintenance activities (including resurfacing) would not result in Likely Significant Effects (LSE) on the qualifying features of the European Sites and was approved by Transport Scotland in 2023. All standard good practice measures will be adhered to. These measures will be detailed in the Site Environmental Management Plan (SEMP) and adhered to during works. As such, the works are not expected to result in LSE on the qualifying features of the River Spey European Sites (including Insh Marshes NNR and SSSI) by virtue of the following factors:

- All works are restricted to the A9 carriageway surface, with only 'like-for-like' replacement of road surface being undertaken. There will be no in-stream works; therefore, no direct impacts to any of these sites are anticipated.
- There is no requirement for land take (or resources) or site clearance from within the sites and no works are required within any part of the site boundaries.
- The works will not involve any in-stream works or any discharges to the natural water environment, and therefore there will be no change to water quality or impact on qualifying features.
- Works will not promote the known negative pressure on the various designated species.
- Given the relatively rural location and limited suitable habitat of the scheme it is anticipated that designated species would easily avoid the works area if any disturbance was created from noise, as there is an abundance of alternative habitat present in the landscape suitable for foraging.
- No significant dust, particulate matter, and exhaust emissions (DPMEE) sources will be introduced by the works, and standard pollution prevention measures will be in place during works.

Terrestrial Ecology

Although the Insh Marshes NNR is not included in the HRA Proforma, the standard good practice measures to reduce the risk of pollution or disturbance to qualifying features of the other European sites will also be applicable for this site. As all works are restricted to the A9 carriageway surface, no direct impacts on the NNR are expected.

During road resurfacing, activities undertaken on site could potentially have a temporary adverse impact on biodiversity in the area as a result of an increased vehicle presence and the potential for disturbance to protected species and pollution of habitats. However, any protected species in the area are likely to be accustomed to traffic noise on the A9. Pollution controls and good practice measures to reduce impacts of works on the local environment will be detailed in the SEMP and adhered to on site. Therefore, with the following mitigation measures in place, the risk of significant impacts on biodiversity are considered to be low:

- Works will be strictly limited to areas required for access and completion of works. Unnecessary encroachment onto terrestrial or aquatic areas will not be tolerated.
- No tree felling or in-stream works will be permitted.

- All construction operatives will be briefed through toolbox talks prior to works commencing. The toolbox talks will provide information on the legislation, general ecology, and best practice measures for relevant protected species and INNS.
- Site personnel shall remain vigilant for the presence of any protected species throughout the works period. Should a protected species be noted during construction, works shall temporarily halt until the species has sufficiently moved on. Any sightings of protected species shall be reported to the BEAR Scotland Environmental Team.
- Artificial lighting (if required) will also be directed away from road verges, woodland, and waterbodies as far as is safe and reasonably practicable.
- Site personnel will remain vigilant for the presence of potentially unrecorded instances of INNS or injurious weeds in road verges throughout the works period. Should any INNS be identified in working areas, no works will take place within 7m of these areas until the BEAR Scotland Environmental Team can provide further advice on additional mitigation measures.
- A 'soft start' will be implemented on site each day. This will involve switching on vehicles and checking under/around vehicles and the immediate work area for mammals prior to works commencing to ensure none are present and that there is a gradual increase in noise. Any excavations, exposed pipes/drains, or areas where an animal could become trapped (e.g., storage containers) will be covered over when not in use, at the end of each shift, and following completion of the works to avoid animals falling in and becoming trapped.
- If fencing is utilised at any point during the works, a gap of 200mm from ground level will be provided, allowing free passage for mammals and preventing entrapment.

With the above mitigation measures in place, it is anticipated that any biodiversity effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

Material assets and waste

There is potential for impacts as a result of resource depletion through use and transportation of new materials. However, materials will be sourced locally where possible and the following mitigation measures will be put in place:

- Materials will be sourced from recycled origins as far as reasonably practicable within design specifications.
- Care will be taken to order the correct quantity of required materials to prevent the disposal of unused materials.

- Where possible, minimal packaging shall be requested on required deliveries to reduce unnecessary waste and production of packaging materials.
- There is potential for impacts during works as a result of the improper storage or disposal of waste. The following mitigation measures will be put in place:
- The waste hierarchy (Reduce, Reuse, Recycle and Dispose) will be employed throughout the construction works.
- The subcontractor will adhere to waste management legislation and ensure they comply with their Duty of Care.
- Containment measures will be in place to prevent debris or pollutants from entering the surrounding environment.
- Road planings will be re-used or recycled under a SEPA Paragraph 13(a) waste exemption and in line with BEAR Scotland's Procedure 126: The Production of Fully Recovered Asphalt Road Planings.
- All wastes and unused materials will be removed from site in a safe and legal manner by a licensed waste carrier upon completion of the works, unless otherwise stated. The appointed waste carrier will have a valid SEPA waste carrier registration, a copy of which will be provided to and retained by BEAR Scotland as early as possible.
- All appropriate waste documentation will be present on site and be available for inspection. A copy of the Duty of Care paperwork will be provided and filed appropriately in accordance with the Code of Practice (as made under Section 34 of Environmental Protection Act 1990 as amended).
- Re-use and recycling of waste shall be encouraged, and the subcontractor will be required to fully outline their plans and provide documentary evidence for waste arising from the works (e.g. waste carrier's licence, transfer notes, and waste exemption certificates).
- Staff will be informed that littering will not be tolerated. Staff will be encouraged to collect any litter seen on site.
- Where applicable, all temporary signage will be removed from site on completion of the works.

With the above mitigation measures in place, it is anticipated that any material assets and waste effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

Noise and vibration

Construction activities associated with the proposed works have the potential to cause noise and vibration impacts through the use of equipment and construction

vehicles for the proposed activities. The works are anticipated to take place overnight, however there are no residential or commercial properties in proximity to the scheme extents. The proposed scheme is anticipated to result in temporary minor adverse noise impacts. The following mitigation measures will be put in place:

- The Best Practice Means, as defined in Section 72 of the Control of Pollution Act 1974, will be employed at all times to reduce noise to a minimum.
- The Environmental Health Officer (EHO) from the Highland Council will be notified of works.
- The noisiest works (e.g. planing) will be programmed to be completed before 23:00 each night, where reasonably practicable.
- All site personnel will be fully briefed in advance of works regarding the need to minimise noise during works and of the site-specific sensitivities.
- On-site construction tasks will be programmed to be as efficient as possible, with a view to limiting noise disruption to local sensitive receptors.
- All plant, machinery and vehicles will be switched off when not in use.
- All plant will be operated in such a way that minimises noise emissions and will have been maintained regularly to the appropriate standards.
- Where fitted, and where permitted under Health and Safety requirements, white noise reversing alarms will be utilised during construction.
- Where ancillary plant such as generators are required, they will be positioned so as to cause minimum noise disturbance. Where deemed necessary, acoustic screens will be utilised.

With the above mitigation measures in place, it is anticipated that any noise and vibration effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

Population and human health

During construction, activities undertaken on site may have temporary adverse impacts on vehicle travellers and non-motorised road users (NMUs) as a result of vehicle noise and delays due to traffic management measures. The residential and commercial receptors are set-back at least 150m of the scheme and have a degree of screening from the A9 carriageway provided by tree belts. Road users will be informed of works through a media release, which will provide details of construction dates and times. The works will be of short duration (3-nights) and will move progressively along the full scheme extent. With the following mitigation measures in place, the risk of significant impacts on population and human health is considered to be low:

- Where ancillary plant such as generators are required, they will be positioned so as to cause minimum noise disturbance.
- Any changes of schedule will be communicated within the local area throughout the programme.
- Appropriate provisions / measures shall be implemented within the traffic management to allow the safe passage of NMUs of all abilities through the site (if required).
- Journey planning information will be available for drivers online at the trafficscotland.org website. Journey planning information will also be available for drivers online through BEAR's social media platforms.

With the above mitigation measures in place, it is anticipated that any population and human health effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

Road drainage and the water environment

During these works, there is potential for temporary impacts on the water environment. Potential changes in water quality from pollution events (either by accidental spillage of sediments, particulate matter, chemicals, fuels or by mobilisation of these in surface water caused by rain or tidal movements) during works have the potential to have a direct or indirect effect on the surrounding waterbodies. The following mitigation measures will be put in place to reduce the risk of pollution incidents as a result of works:

- Standard working practices to comply with The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) for works near water are detailed in the SEMP and will be adhered to on site.
- The scheme will not entail any in-stream works.
- No discharges into any watercourses or drainage systems are permitted. Appropriate containment measures will be in place to prevent any loss of construction materials into the water environment.
- An incident response (contingency) plan will be put in place to reduce the risk from pollution incidents or accidental spillages. All necessary containment equipment, including suitable spill kits (for oil and chemicals) will be available on site, quickly accessible if needed, and staff trained in their use.
- All spills will be logged and reported. In the event of any spills into the water environment, all works will stop, and the incident will be reported to the project manager and the BEAR Scotland Environmental Team. SEPA will be

informed of any such incident as soon as possible using the SEPA Pollution Hotline.

- All plant and equipment will be regularly inspected for any signs of damage and leaks. A checklist will be present to make sure that the checks have been carried out.
- Storage of hazardous material, oil and fuel containers shall be distanced more than 10m away from any watercourses.
- If required, a designated refuelling area will be identified. Fuel bowsers will be stored on an impermeable area and be fully bunded. This shall be distanced more than 10m from any watercourses.
- During refuelling of smaller mobile plant, a funnel will be used, and drip trays will be in place. Care will be taken to reduce the chance of spillages. The ground / stone around the site of a spill will be removed, double bagged and taken off site as special contaminated waste.
- Generators and static plant may have the potential to leak fuel and / or other hydrocarbons and will have bunding with a capacity of 110%. If these are not bunded, then drip trays shall also be supplied beneath the equipment with a capacity of 110%.

With the above mitigation measures in place, it is anticipated that any road drainage and the water environment effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

Climate

Construction activities associated with the proposed scheme works have the potential to cause local air quality impacts as a result of the emission of greenhouse gases through the use of vehicles and machinery, material use and production, and transportation of materials to and from site. The following mitigation measures will be put in place:

- BEAR Scotland will adhere to the Carbon Management Policy.
- The requirement for additional lighting will be reduced as far as reasonably practicable.
- Local contractors and suppliers will be used as far as practicable to reduce fuel use and greenhouse gas emitted as part of the works.
- Where possible, materials will be sourced locally to reduce greenhouse gas emissions associated with material movement, and waste will be disposed at local landfill.

With the above mitigation measures in place, it is anticipated that any climate effects associated with the proposed works are unlikely to be significant. This receptor is not considered further in this RoD.

Major Accidents and Disasters

There are no surface water flooding issues noted at A9 carriageway within the scheme extents.

Works are restricted to the made ground of the A9 carriageway and traffic management will be designed in line with existing guidance. The proposed works are anticipated to last 3-nights. TM will consist of single lane closures facilitated by 2-way TTLs and a convoy system.

A Traffic Management Plan (TMP), which includes measures to avoid or reduce disruption to road traffic, will be produced in accordance with the Traffic Signs Manual (Department of Transport 2009). The TMP will ensure that there is no severance of community assets, access routes or residential development.

These measures, along with mitigation measures and standard working practices, will be detailed in the SEMP and adhered to on site. The vulnerability of the project to risks of major accidents and disasters is considered to be low.

Assessment of cumulative effects

The proposed works are not anticipated to result in significant environmental effects. Due to the nature of the proposed works, no cumulative effects are anticipated with any other developments in the vicinity.

A search of the Highland Council Planning (Map Search) Portal did not identify any planning applications within 300m of the scheme location.

A search of the Scottish Roads Works Commissioner website (Map Search) has identified that no other roadworks are currently ongoing, or noted as being planned, on the trunk road at the same time as this scheme. There are also no local authority road networks in proximity to the scheme. Due to the nature of the proposed works, no cumulative effects are anticipated with any other developments in the vicinity.

BEAR Scotland programme all of their proposed works in line with appropriate guidance and contractual requirements. All schemes are programmed to take into account existing and future planned works, with a view of limiting any cumulative effects relating to traffic management. As a result of this exercise, where a potential for cumulative impacts is identified, BEAR will reprogramme schemes to avoid / limit any cumulative effects or will utilise existing traffic management to complete multiple

schemes at once. This approach allows BEAR Scotland to effectively manage the potential cumulative effects as a result of traffic management, resulting in minimal disruption to users of the Scottish trunk road network.

Overall, it is unlikely that the proposed works will have a significant cumulative effect with any other future works in the area.

Assessments of the environmental effects

As detailed in the Description of Main Environmental Impacts and Proposed Mitigation section within this Record of Determination, there are no significant effects anticipated on any environmental receptors as a result of the proposed works.

Statement of case in support of a Determination that a statutory EIA is not required

This is a relevant project in terms of section 55A(16) of the Roads (Scotland) Act 1984 as it is a project for the improvement of a road and the completed works (together with any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps, or other such facilities or stores required during the period of construction) is situated in whole, or in part, within the Cairngorms NP, River Spey SAC, Inch Marshes SAC, River Spey – Inch Marshes SPA, River Spey – Inch Marshes RAMSAR and River Spey – Inch Marshes SSSI, which are noted as sensitive areas within the meaning of regulation 2(1) of the Environmental Impact Assessment (Scotland) Regulations 1999.

The project has been subject to screening using the Annex III criteria to determine whether a formal Environmental Impact Assessment (EIA) is required under the Roads (Scotland) Act 1984 (as amended by The Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017). Screening using Annex III criteria and review of available information has not identified the need for a statutory EIA.

The projects will not have significant effects on the environment by virtue of factors such as:

Characteristics of the scheme:

- Construction activities are restricted to the <1ha area of existing carriageway boundary.
- There are no pedestrian facilities located within the scheme extents.
- Works are restricted to like-for-like replacement of worn road surface, with all works restricted to made-ground on the A9 carriageway surface.
- The works will be temporary, localised, transient and completed during night-time hours, when the traffic count is at its lowest levels.
- A full road closure is not required.

- Containment measures of the working area will be in place to prevent debris or pollutants from entering the surrounding environment.
- In the event that INNS are found on site, measures to prevent potential INNS spread will be implemented.
- Works are not expected to result in significant disturbance to protected species that may be present in the wider area.
- No in-combination effects have been identified.
- The risk of major accidents or disasters is considered to be low.
- By removing the carriageway defects this will provide these parts of the A9 carriageway with another life cycle, and significantly improve the ride quality, which will result in safer conditions for road users.

Location of the scheme:

- Works will not result in any residual visual change, and as such will have no change to the special qualities for which the Cairngorms NP is designated.
- Although the works span River Spey SAC, Inch Marshes SAC, River Spey – Inch Marshes SPA, River Spey – Inch Marshes RAMSAR and River Spey – Inch Marshes SSSI the HRA Proforma concluded that the works would not result in any LSE on the qualifying features of these sites.
- The works at A9 carriageway will not result in any direct impact on Insh Marshes NNR.
- The scheme will be confined within the existing carriageway boundary and as a result will not require any land take or alter any local land uses.
- Any impacts to the local landscape during the construction phase will be minor, temporary and not considered significant. In addition, no operational impacts are anticipated.

Characteristics of potential impacts of the scheme:

- Any potential impacts of the works are expected to be temporary, short-term, non-significant, and limited to the construction phase.
- Measures will be in place to ensure appropriate removal and disposal of waste.
- The SEMP will include plans to address environmental incidents.
- No impacts on the environment are expected during the operational phase as a result of works. The works are expected to result in positive impacts on road users during the operational phase.

- As the works will be limited to the like-for-like replacement of the structural components, there is no change to the vulnerability of the road to the risk or severity of major accidents/disasters that would impact on the environment.
- Mitigation measures detailed above (and in the SEMP) will be put in place with the objective to prevent and, if required, subsequently control any potential impacts on sensitive receptors.

Annex A

"sensitive area" means any of the following:

- land notified under sections 3(1) or 5(1) (sites of special scientific interest) of the Nature Conservation (Scotland) Act 2004
- land in respect of which an order has been made under section 23 (nature conservation orders) of the Nature Conservation (Scotland) Act 2004
- a European site within the meaning of regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994
- a property appearing in the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage
- a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979
- a National Scenic Area as designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997
- an area designated as a National Park by a designation order made by the Scottish Ministers under section 6(1) of the National Parks (Scotland) Act 2000.

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