A6.2: Summary of Consultation Responses

Table 1: Summary of Consultation Responses

Consultee	Summary of Consultee Feedback	Response
Statutory Consultees		
Health and Safety Executive (HSE)	No specific comments or concerns.	n/a
Historic Environment Scotland (HES) *Screening and Scoping response* *(December 2015)*	**Potential Impacts** In relation to potential impacts, we note that section 13.4 states that '*only those assessed to be of Moderate or higher significance are described below'*. We have assumed that this merely relates to the content of the scoping report as opposed to the proposed scope of the assessment. This is of particular note as the more detailed assessment may alter the level of impact, as could finer route alignment changes. The comments within the scoping report in relation to the potential direct impact on the Scheduled Monument Lower Cullernie, ring-ditch 750m ESE of (Index no. 5201) (Asset no. 100) are noted. In light of the identification of this impact at this stage it welcomed that the detailed route alignment work will have a key focus on avoidance of this asset. We would be happy to discuss issues around this site with you as the route alignment consideration progresses. Furthermore, the predicted effects on both the Auldearn Inventory Historic Battlefield and the scheduled monument Dooket Hill, motte and doocot, Auldearn (Index no. 9293) (Asset no. 314) are noted and we would ask that the environmental statement considers and presents options for mitigation of these impacts. In terms of these impacts and any other significant impacts identified through the detailed assessment of the route alignment we would ask that the assessment be supplemented by photomontages depicting the level of impact.	All potential impacts on cultural heritage assets are considered within the ES and reported within Chapter 14 (Cultural Heritage). Impacts on assets of historical value will be kept to a minimum as far as possible and where necessary mitigation measures are proposed and reported in the ES. Ongoing consultation with HES will continue as the design and assessment progresses. A visualisation viewpoint of the historic battlefield is included as part of the landscape assessment (Chapter 9: Landscape) from Dooket Hill (the centre of the Jacobite lines) towards the Nairn East Junction.
	Sustainable Urban Drainage Schemes and Construction Compounds When finalising the detailed route alignment for the project we would also expect the assessment to consider the type and location of any associated Sustainable Urban Drainage Systems in order to fully understand the impacts on the historic environment. While we recognise the difficulties in predicting areas to be used for construction compounds we would ask that the assessment bears this in mind and puts in place mechanisms by which potential impacts on historic environment assets can be identified and mitigated where appropriate.	The type and location of Sustainable Drainage Systems e.g. Basin and Pond (hereafter referred to as SUDS) are included as part of the proposed Scheme being assessed and reported in the ES. The location of construction compounds would be determined by the appointed contractor and this would take into consideration the locations of designated and undesignated assets. Mitigation would be proposed to avoid impacts on these, with appropriate mitigation being developed, where required.

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	Mitigation We note that the key mitigation measures that were identified in the SEA of the Tier 2 assessment process have been brought forward for this assessment. As the scoping report notes, it will be for this assessment to offer detailed mitigation for identified impacts and to clearly set these requirements out. In line with the mitigation hierarchy the starting point will be the avoidance of impact, followed by measures to reduce the impact. Offsetting measures such as excavation and recording are at the lower end of the mitigation hierarchy.	Proposed mitigation is considered within this ES and reported within Chapter 14 (Cultural Heritage) and summarised within Chapter 20 (Schedule of Environmental Commitments).
Marine Scotland	No specific comments or concerns.	n/a
Scottish Environment Protection Agency (SEPA) *Screening and Scoping response (January 2016)*	**Flood risk** The site should be assessed for flood risk from all sources in line with Scottish Planning Policy (SPP) (Paragraphs 254 to 268). It is clear that any route will have to cross watercourses and as such will require appropriate assessment and in some cases mitigation measures, but the avoidance of these areas where the most significant impacts could have been created is an approach we support. We welcome that it is proposed to submit a Flood Risk Assessment (FRA) and an assessment on each watercourse crossing. The list of surface water features provided in Appendix E generally appears appropriate for the proposed route however it should be confirmed if the Burn of Feddan will be impacted by the development. As such, at this stage, we would suggest that the applicant use the current version of SEPA Flood Map as a screening tool to confirm which areas may require additional flood risk assessment. More detailed information should then be submitted regarding the proposed works that are to take place in each area. Where the proposed development crosses through an area shown to be at risk of flooding, as described in the scoping report, additional information should be provided in order to demonstrate that the development would not result in a loss of flood plain storage or conveyance capacity or result in an increase of flooding elsewhere. We would reiterate that we would seek compensatory storage to be provided for any areas where flood plain capacity is reduced and more detailed flood risk assessments will be required to inform the proposals in those areas. We would strongly advise that any water course crossings follow good practice guidelines and should be adequately sized to enable them to convey the 1 in 200 year design flow at each point without causing constriction of flow or exacerbation to flood risk elsewhere. Additionally, we would recommend that any assessment of flood risk should include an assessment of the proposed capacity of all new and upgraded crossings and how different blockage scenarios might exacerbate flood risk. As such full and partial blockage scenarios should be considered where appropriate.	Potential impacts on flood risk are considered within the ES and reported within Chapter 13 (Road Drainage and the Water Environment). A Flood Risk Assessment (FRA) has been undertaken and is included within the ES as Appendix A13.2 (Flood Risk Assessment). An assessment of each watercourse crossing has been included in Chapter 13 (Road Drainage and the Water Environment) with further details provided in Appendix A13.1 (Baseline Conditions). The Burn of Feddan has been assessed and it is not considered to be impacted by the development. It is over 600m from the proposed Scheme and no drainage anticipated to enter it.

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	Impacts on the Water Environment We require it to be demonstrated that every effort has been made to leave the water environment in its natural state. Engineering activities such as culverts, bridges, watercourse diversions, bank modifications or dams should be avoided unless there is no practicable alternative. Paragraph 255 of SPP deters unnecessary culverting. Where a watercourse crossing cannot be avoided, bridging solutions or bottomless or arched culverts which do not affect the bed and banks of the watercourse should be used. In general SEPA are satisfied with what the Scoping Report proposes, in terms of the water environment as most issues of concern to SEPA appear to have been discussed in detail. We recommend that the applicant develop some guiding principles or guidance document which sets out the types of watercourse crossings they feel would be appropriate for different watercourse sizes or natures. Whilst there are some site specific constraints or flood risk issues which require a site specific solution it would be pragmatic to agree general guiding principles from the outset to reduce the need for discussions on each watercourse crossing along the scheme length. A site survey of existing water features and crossings and a map of the location of all proposed engineering activities in the water environment should be included in the DMRB Stage 3 Assessment. A systematic table detailing the justification for the activity and how any adverse impact will be mitigated should also be included. The table should be accompanied by a photograph of each affected section of water body along with its dimensions. Any surveys should take cognisance of the local area River Basin Management Plan which details measures proposed to improve the status of water bodies in line with the requirements of the Water Framework Directive. For large watercourse crossings or watercourse diversions a hydrogeomorphological assessment may be required to assess scour or erosion impacts. This will also need to detail how the proposals will mitigate impacts upon the watercourse. Where developments cover a large area, there will usually be opportunities to incorporate improvements in the water environment required by the Water Framework Directive within and/or immediately adjacent to the site either as part of mitigation measures for proposed works or as compensation for environmental impact. The Water Framework Directive also requires that small water bodies should be protected and improved as appropriate and should be considered within the proposals. We recommend that the developer discusses the proposals with the relevant Fisheries Board or Trust.	Potential impacts on the water environment are considered within the ES and reported within Chapter 13 (Road Drainage and the Water Environment). Guiding principles on types of watercourse crossings were developed and discussed with SEPA at a meeting on 13 June 2016. Information on the watercourse crossings and engineering activities within watercourses that are to be constructed or modified as part of the proposed Scheme, is provided in Appendix A13.5 (Watercourse Crossings). A full hydrogeomorphological assessment has been undertaken of all effected watercourses. Scour and erosion impacts would be effectively mitigated through the iterative design process. This is reported in the assessment and will be included in the supporting CAR licence supporting information documents. The Findhorn, Nairn and Lossie Fisheries Trust have been consulted as part of the assessment process. This is detailed in the non-statutory consultee list below.

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	Surface Water Drainage SEPA require the inclusion of two levels of sustainable drainage systems (SUDS) (including construction compounds, temporary areas of hardstanding or temporary roads). The SUDS treatment train should be followed which uses a logical sequence of SUDS facilities in series allowing runoff to pass through several different SUDS before reaching the receiving waterbody. SUDS devices should not be located on any existing wetland areas. Where a section of road is close to a designated site it may require additional levels of treatment and this will need to be agreed with Scottish Natural Heritage. Runoff from areas subject to particularly high pollution risk (e.g. yard areas, service bays, fuelling areas, pressure washing areas, oil or chemical storage, handling and delivery areas) should be minimised and directed to the foul sewer, if possible. Comments should be sought from the local authority roads department and the local authority flood prevention unit on the acceptability of post-development runoff rates for flood control.	Sustainable Drainage Systems are considered within the ES and reported within Chapter 13 (Road Drainage and the Water Environment). A minimum of two levels of treatment have been incorporated into the mainline section of the proposed Scheme. We have developed the FRA to support the DMRB Stage 3 process, and it is published as part of the ES. THC will have the opportunity to review and comment on the FRA as part of the statutory consultation process. The proposed Scheme will be subject to further detailed design prior to construction and we would welcome consultation with The Highland Council to inform the detailed design.
	Disruption to Wetlands (Peatlands and Groundwater Dependant Terrestrial Ecosystems (GWDTE)) Chapter 11 (Geology, Soils, Contaminated Land and Groundwater) mentions GWDTEs in sections 11.2.5, 11.3.4, 11.3.5 and 11.4, 11. It is stated that there are areas that are groundwater dependant and that there are some potential impacts but no direct impacts. The report also states that GWDTEs will be assessed further at the DMRB stage 3. SEPA welcome this. As GWDTEs have been identified in Phase 1 survey an NVC and risk assessment is now required any GWDTE within 250metres of excavations below a depth of 1m, or within 100m of excavations <1m in depth. Precise mitigation has not been defined in Chapter 11 but it is mentioned that it will be considered at the 'habitat' level where avoidance, reduction or remediation is not possible. Avoidance of GWDTEs should be the first option, with mitigation being the last, and best practise guidance must be followed. Road drainage design will be important when considering impact on GWDTEs. Please refer to guidance note Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further information on carrying out a detailed risk assessment and the requirements of the detailed long term monitoring condition.	Potential impacts on GWDTE are considered within the ES and are reported in Chapter 12 (Geology, Soil, Contaminated Land and Groundwater). The assessment takes into account the specified guidance.

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	Pollution Prevention and Environmental Management A Schedule of Mitigation should be produced as part of the assessment process. This should cover all the environmental sensitivities, pollution prevention and mitigation measures identified to avoid or minimise environmental effects. A Construction Environmental Management Document is a key management tool to implement the Schedule of Mitigation. This document should form the basis of more detailed site specific Construction Environmental Management Plans which, along with detailed method statements through environmental regulation.	The schedule of mitigation is provided in this ES within Chapter 13 (Road Drainage and the Water Environment) and summarised within Chapter 20 (Schedule of Environmental Commitments). As noted within this chapter a Construction Environment Management Plan (CEMP) shall be prepared by the appointed contractor, in consultation with the relevant competent authorities.
	Fluvial Geomorphology There is no reference to SEPA Good Practice guides in Section 12 of the report. These should be used to inform assessments and so referenced in this section.	Potential impacts on fluvial geomorphology are considered within the ES in Chapter 13 (Road Drainage and the Water Environment). The Good Practice guide has been referred to during design and assessment process.
	Disruption to Wetlands Including Peatlands If there are wetlands or peatland systems present, any submissions is required to demonstrate how the layout and design of the proposal, including any associated borrow pits, hard standing and roads, avoid impact on such areas. If the development impacts on any peatlands, SEPA would expect that the developer considers the document “Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and the Minimisation of Waste” and identifies legitimate on site reuse. SEPA would expect the developer to identify the types and quantities of excavated peats and soils and demonstrates how these materials can be re-used on site. If there is no identified re-use within the development SEPA would expect the developer to consider the possibility for requirement for registering exemptions for use off site or identify recycling/disposal at licensed sites.	Impact on peat has been assessed and reported in Chapter 12 (Geology, Soils, Contaminated Land and Groundwater) and Chapter 17 (Materials) of this ES. SEPA Guidance on the Assessment of Peat Volumes has been taken into account during the assessment.
	Waste Materials SEPA note that part of the proposed route will require the clearing of approx. 30 hectares of woodland. The developer should consider SEPA’s guidance document WST-G-027 Management of Forestry Waste. The developer discusses use of road planings/recycled concrete etc. SEPA has an “end of waste” position for recovered asphalt which is contained within the document Guidance on production of fully recovered asphalt road planings. Quantities of waste materials may be generated from the development and works to existing carriageways including tar planings and roads sub-base. Details of how these will be managed should be included within the DMRB Stage 3 Assessment. Section 10.1 Introduction and Study Area make reference to pollution from post construction runoff and hydrological change which is good, but doesn’t seem to mention construction pollution as a risk. This will need to be addressed in the finalised DMRB Stage 3 assessment.	The assessment takes account of SEPAs Waste Guidance and Waste Materials are reported in Chapter 17 (Materials) of this ES. The potential for pollution impacts during both the construction and operational phases of the proposed Scheme have been addressed in Chapter 13 (Road Drainage and the Water Environment) and includes as assessment from a hydrological and flood risk perspective.

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	Existing Groundwater Abstractions Roads, foundations and other construction works associated with large scale developments can disrupt groundwater flow and impact on groundwater abstractions. To address this risk a list of groundwater abstractions both within and outwith the site boundary, within a radius of i)100 m from roads, tracks and trenches and ii) 250 m from borrow pits and foundations) should be provided. If groundwater abstractions are identified within the 100 m radius of roads, tracks and trenches or 250 m radius from borrow pits and foundations, then either the applicant should ensure that the route or location of engineering operations avoid this buffer area or further information and investigations will be required to show that impacts on abstractions are acceptable.	Impacts to groundwater are reported in Chapter 12 (Geology, Soils, Contaminated Land and Groundwater) and Chapter 17 (Materials) of this ES.
	Water abstraction Where water abstraction is proposed we request that the DMRB Stage 3 Assessment details if a public or private source will be used. If a private source is to be used the information below should be included. • Source e.g. ground water or surface water; • Location e.g. grid ref and description of site; • Volume e.g. quantity of water to be extracted; • Timing of abstraction e.g. will there be a continuous abstraction; • Nature of abstraction e.g. sump or impoundment; • Proposed operating regime e.g. details of abstraction limits and hands off flow; • Survey of existing water environment including any existing water features; • Impacts of the proposed abstraction upon the surrounding water environment. Where excavations and cuttings are to be dewatered this is considered an abstraction under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).	There is no water abstraction proposed as part of the proposed Scheme. Excavations and Cuttings that may require CAR licencing are identified as part of the assessment as reported in Chapter 12 (Geology, Soils, Contaminated Land and Groundwater). The CAR licencing process is proposed to commence post ES publication.
Scottish Natural Heritage (SNH) *Screening and Scoping response* *(December 2015)*	**Designated sites** Section 10.2.2. states that Kildrummie Kames Site of Special Scientific Interest (SSSI) is addressed in section 10.2.1. Whilst this may be the case it should still be listed in 10.2.2. ensuring the list of sites is complete.	Kildrummie Kames is included in the full list of designated sites within the ES as reported in Chapter 11 (Habitats and Biodiversity).
	Protected Species Loch Flemington also contains a record of Slender Naiad (Najas flexilis) a European Protected Species. It should be included in the list of protected species in 10.2.2.c). It should also be considered for inclusion in section 10.5.	Slender Naiad has been included in the assessment and details are reported in Chapter 11 (Habitats and Biodiversity).

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	Geology Section 11.5 outlines the proposed scope of the geology assessment. This section should include glacial landforms, a key component of Kildrummie Kames SSSI. Table 11.2 outlines the sensitivity criteria for geological assessment. Geological Conservation Review sites (GCR) are awarded a sensitivity criteria of 'low', however we consider GCR sites to be of national importance. We accept this is unlikely to impact this section as the GCR site is also a SSSI, however it is a point to note.	Chapter 12 (Geology, Soils, Contaminated Land and Groundwater) makes reference to the glacial landforms with specific reference to the Kildrummie Kames SSSI. GCR Sites were given high sensitivity criteria for the purposes of the assessment.
The Highland Council *Screening and Scoping response (February 2016)*	**General** Outlined the minimum information to be included as part of the description of the development along with consideration of alternatives. The Environmental Statement (ES) must identify the associated projects in the area. It is necessary for the Environmental Impact Assessment (EIA) to include within its scope the role of the existing A96 as part of the overall scheme and recognise the environmental impacts (positive and adverse). The EIA must include the new associated roads that have been incorporated into the design to deal with the issue of severance.	A detailed description of the proposed Scheme is included within Chapter 4 (The Proposed Scheme) of the ES. Any associated projects, the existing A96 and associated roads are considered as part of the assessment.
	Landscape and Visual Impact The Highland Council would expect the ES to have considered the visual impact of the development. This should include the expected impact of on-site borrow pits (if applicable) and access roads. The landscape and visual impact of the road itself will be of primary concern. The potential impact on designated landscapes should be carefully and thoroughly considered and appropriate mitigation measures outlined in the ES. With regard to the visual impact of the development, Viewpoints (VP) for the assessment of impacts of a proposed development must be discussed with The Highland Council in consultation with SNH. The site is not located within any international or regional landscape designations. However, it is in close proximity of a number of features, including but not limited to, Special Landscape Areas (as identified in the Inner Moray Firth Local Development Plan). In addition there are a number of Gardens and Designed Landscapes in the vicinity of the site. These should be given due consideration in preparation of the ES.	The detailed Landscape and Visual Impact assessment (LVIA) was undertaken with reference to the guidance within the Design Manual for Roads and Bridges (DMRB) Interim Advice Note (IAN) 135/10, Landscape and Visual Effects Assessment (The Highways Agency 2010), the third edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) (Landscape Institute 2013) and Fitting Landscapes: Securing more Sustainable Landscapes (Transport Scotland 2014). Visualisations have been developed as part of the Visual assessment and included as Figure 9.7 in the ES. The viewpoint locations were issued to THC and SNH prior to their development. The visualisations aim to illustrate the predicted changes resulting from the proposed Scheme and how the changes would appear in views. They are likely to be a combination of wirelines, photomontages and VRM screen shots (if available). A range of visualisation viewpoints have been identified across the proposed Scheme, all positioned in publically accessible locations. The visualisations have been produced for illustrative purposes only, as they are not required to inform the landscape and visual assessment.

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	Ecology and Ornithology The ES should address the likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. The focus here should primarily be on the impact on the qualifying interests affected by construction. It should provide proposals for any mitigation that is required to avoid these impacts or to reduce them to a level where they are not significant. The ES should provide an account of the habitats present on the proposed development site. It should identify rare and threatened habitats, and those protected by European or UK legislation, or identified in national or local Biodiversity Action Plans. Habitat enhancement and mitigation measures should be detailed. It is expected that the ES will address whether or not the development could assist or impede delivery of elements of relevant Biodiversity Action Plans. The ES should provide a baseline survey of the bird and animals (mammals, reptiles, amphibians, etc) interest on site. All breeding and wintering surveys must take place at the optimal time of the year. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC.	It was agreed with The Highland Council at a meeting in March 2016, that they are content with the approach to the ecological assessment set out in the Screening and Scoping report, as outlined in Chapter 11 (Habitats and Biodiversity)
	Noise It is recommended that monitoring locations be agreed with the Council's Environmental Health section. Micro siting of equipment should ensure results are representative of the amenity area for that location and any others for which the monitoring site is acting as proxy. It is expected that the developer/contractor will employ the best practicable means to reduce the impact of noise from construction activities. Details of any mitigation measures should be provided including proposed hours of operation.	The Highland Council are content with the proposed Noise and Vibration assessment and modelling methodologies, which were undertaken in accordance with the DMRB HD213/11 Rev 1 (Highways Agency, Transport Scotland, Welsh Assembly Government and The Department for Regional Development Northern Ireland 2011) and the Department of Transport's document "Calculation of Road Traffic Noise (CRTN) (The Department of Transport Welsh Office 1988). Noise monitoring locations have been agreed with the Council's Environmental Health section.

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	Cultural Heritage The Historic Environment Team concur with the broad methodology set out in the scoping report. The proposed development area will be subject to a targeted walkover assessment and the findings should be included in the ES. Mitigation measures to reduce impacts should be discussed in detail including both physical (i.e. re-design) and where appropriate, compensatory and offsetting The introduction refers to out-of-date policy - note SPP23 has been superseded by the consolidated SPP and NPPG 5 has been defunct now for many years. Managing Change in the Historic Environment will also be relevant, especially the guidance notes that cover battlefields and setting. Table 13.1: A distinction has been made between the value of A, B and C listed buildings. Note that relevant legislation (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997) does not distinguish between category of listed building with all listed buildings, regardless of category, equally covered by the legislation; predicated impacts to Category C Listed Buildings will be treated no differently to predicted impacts to Category A Listed Buildings. It is unclear from the plan provided whether Auldearn battlefield will be directly impacted by the new road - our understanding from earlier options was that the battlefield would be directly impacted by the road. If this remains the case then we would have expected predicted impacts to be considered greater than moderate. If however it is now expected that direct impacts can be avoided, or at the very least minimised, then a moderate assessment may be appropriate. Although we have not had confirmation of the start or completion of this work, I understand that a geophysical survey and metal detecting survey has already been undertaken to inform the Stage 3 assessment, as per a methodology previously agreed between HET and Jacobs. Should evaluation and/or excavation be necessary, this work will need to be informed by the geophysical survey and will therefore need to take place following processing and interpretation of the results. In general, our preference is that as much archaeological fieldwork is undertaken and completed prior to the start of development to ensure delays to the development schedule are kept to a minimum; if it is possible to undertake a proportion of this work to inform the Stage 3 assessment then so much the better. It is, however, envisaged that most archaeological mitigation will need to take place at a later date.	Reference to the updated policy has been noted. It was noted that the study area is a complex archaeological environment with high potential for buried archaeological remains. The Highland Council are content with the approach to the Cultural Heritage assessment and surveys. The Highland Council were provided with the results of the Metal Detecting and Geophysical surveys to discuss the outcome of the surveys and understand the implication for the assessment. The Cultural Heritage assessment team also liaised with the Landscape team regarding the production of any potential viewpoint visualisations.

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	Effects on All Travellers We note limited reference to Public Transport and highlight that this is a very important aspect that must not be missed out from the EIA. We note the statement that Public Transport will be considered in terms of potential for disruption not only during construction but for the services that will be provided during operation. A Public Transport operator (Stagecoach) is identified on the list of consultees. In addition consultation should also include the Public Transport Team of The Highland Council. The relevant sections of the existing A96 that can be used to provide continuity of NMU routes must be included within the EIA. This should include the urban section of the existing A96 at Nairn. The section of the existing A96 through Nairn does not appear within the EIA Screening and Scoping document. As this section would be retained for local access it is essential that consideration is given to appropriate mitigation that would include speed limit review and also rationalisation/modification of trunk road infrastructure (such as traffic signals, variable message signs and NMU crossing infrastructure). This is an important aspect that needs to be given consideration as part of the EIA. A number of cycle user groups are identified in the consultation section. The Highland Cycle Campaign should be added as a user group consultee. We suggest that the following documents should be added to this list of references: • Designing Streets 2010 (Scottish Government Planning policy that supports place-making agenda). • Cycling Action Plan for Scotland 2010 (provides a framework to help create an environment which is attractive, accessible and safe for cycling). • Cycling by Design 2010 (published by Transport Scotland for use by practitioners throughout Scotland).	Effects on NMU's including public transport are considered in the ES Chapter 16 (Effects on all Travellers) and also detailed in the 'A96 Inverness to Nairn (Including Nairn Bypass) NMU Objective Setting and Context Report' (Jacobs 2016). Subsequent to THC Screening and Scoping response, THC have been engaged through the NMU forum on the development of the NMU design for the proposed Scheme. The Highland Cycle Campaign and Stagecoach were also consulted as part of the design development. Guidance documents noted and taken into consideration in the assessment and NMU design.

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	Hydrology and Ground Conditions It should be noted that SEPA has a policy against unnecessary culverting of watercourses. Schemes should be designed to avoid by preference crossing watercourses, and to bridge watercourses which cannot be avoided. Culverting is the least desirable option. The ES will be expected to identify all water crossings and include a systematic table of watercourse crossings or channelising, with detailed justification for any such elements and design to minimise impact. The table should be accompanied by photography of each watercourse affected and include dimensions of the watercourse. The ES needs to address the aquatic interests within local watercourses, including down stream interests, that may be affected by the development, for example increases in silt and sediment loads resulting from construction works; pollution risk / incidents during construction; obstruction to upstream and downstream migration both during and after construction; disturbance of spawning beds / timing of works; and other drainage issues. This is especially important given the potential connectivity with the Moray Firth SAC. The ES should evidence consultation input from the local fishery board(s). The need for, and information on, abstractions of water supplies for concrete works or other operations should also be identified. The ES should identify whether a public or private source is to be utilised. If a private source is to be utilised, full details on the source and details of abstraction need to be provided. The ES needs to address the aquatic interests within local watercourses, including down stream interests, that may be affected by the development, for example increases in silt and sediment loads resulting from construction works; pollution risk / incidents during construction; obstruction to upstream and downstream migration both during and after construction; disturbance of spawning beds / timing of works; and other drainage issues. This is especially important given the potential connectivity with the Moray Firth SAC. The ES should evidence consultation input from the local fishery board(s). The need for, and information on, abstractions of water supplies for concrete works or other operations should also be identified. The ES should identify whether a public or private source is to be utilised. If a private source is to be utilised, full details on the source and details of abstraction need to be provided. The ES should fully describe the likely significant effects of the development on the local geology including aspects such as borrow pits (if any), earthworks, site restoration and the soil generally including direct effects and any indirect. Proposals should demonstrate construction practices that help to minimise the use of raw materials and maximise the use of secondary.	Noted and covered in Chapter 11 (Habitats and Biodiversity), Chapter 12 (Geology, Soils, Contaminated Land and Groundwater) and Chapter 13 (Road Drainage and Water Environment). The Findhorn, Nairn and Lossie Fisheries Trust have been consulted as part of the assessment process. This is detailed in the non-statutory consultee list below.

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	Forestry The scoping report has identified a number of areas of forestry that will be affected by the development. It is advised that there should be a specific chapter on forestry. The ES should provide a baseline survey of the plants (including fungi, lichens and bryophytes) and trees present on the site to determine the presence of any rare or threatened species. The ES should indicate areas of woodland/forestry plantation which may by felled to accommodate new development (including the access), including any off site works/mitigation. Compensatory woodland is a clear expectation of any proposals for felling, and thereby such mitigation needs to be considered within any assessment. If trees are to be removed, compliance with the Scottish Government's Control of Woodland Removal Policy must be demonstrated. Areas of retained forestry or tree groups should be clearly indicated and methods for their protection during construction clearly described.	In regard to the lower species, as this is one of the driest areas of Scotland, bryophyte diversity is not considered a significant issue. Furthermore, it was agreed that woodland evaluation taking into account higher plant diversity, and any mitigation required to maintain this diversity, would be sufficient to protect existing lower plant communities. It was agreed that the Scottish Government's Control of Woodland Removal Policy (Scottish Government is relevant and impacts on forestry resources are covered in the 'Community and Private Assets' assessment. As such it is not considered necessary for a specific chapter on forestry to be reported in the ES.
	Socio Economics At this stage we would ask that any adverse physical impacts on outdoor access are minimised through accommodation of public access on existing tracks and managing continued access across the site. Appendix 5 of Scottish Natural Heritage's Handbook on environmental impact assessment shows the breadth of outdoor access issues to take into consideration. There is also good advice to be had in their Good Practice During Windfarm Construction as well as their Brief Guide to preparing an Outdoor Access Plan, which may also be useful in regard to this proposal.	It was agreed with The Highland Council that a separate chapter on socio-economics would not be produced as part of the ES but there is a level of consideration of socio-economic issues throughout the DMRB Stage 3 Assessment which is reflected in the overall report. Effects on community and private assets are reported in Chapter 15 (People and Communities: Community and Private Assets).
	Air Quality The ES needs to address existing air quality and the general qualities of the local environment. From baseline data, information on the expected impacts of any development can then be founded, recognising likely impacts for each phases of development including construction and operation. Issues such as dust, air borne pollution and / or vapours can then be highlighted.	This is taken into consideration in the ES within Chapter 7 (Air Quality).

Consultee	Summary of Consultee Feedback	Response
	Flooding and Drainage The route of the road is crossed by a number of watercourses which have been identified in the scoping report and we are satisfied that these have been scoped in to the study. A key stage of the process will be the Flood Risk Assessment (FRA) that is being carried out along the route and we would request that The Highland Council (THC) Flood Risk Management is consulted again as this study progresses. As the impact on the rivers in the study site has been scoped in we would be particularly interested in the conveyance of flow. We note that many of the smaller watercourses have been assessed as having low sensitivity to changes in conveyance due to their size and the fact they are not identified on the SEPA flood maps. We would disagree with this conclusion and ask that the impact on conveyance for the smaller watercourses is given due consideration in the FRA. We request that the impact on flows within the watercourses is assessed for any watercourse receiving discharge from the drainage network of the road. This should look at the impact of discharge for flows from storms up to the 1:200 year plus climate change event. Please see The Highland Council's Supplementary Guidance: Flood Risk and Drainage Impact Assessment for further details of the information we would expect to be included in a Flood Risk Assessment and Drainage Impact Assessment for a project of this size.	We have developed the FRA to support the DMRB Stage 3 process, and it is published as part of the ES. THC will have the opportunity to review and comment on the FRA as part of the statutory consultation process. The proposed Scheme will be subject to further detailed design prior to construction and we would welcome consultation with The Highland Council to inform the detailed design. The proposed Scheme has been developed to achieve a neutral impact on flood risk associated with the 0.5%AEP (200-year) design flood event, including an allowance for climate change impacts. Where a flood risk impact has been identified, consideration has been given to the provision of mitigation measures to achieve a neutral impact, taking cognisance of environmental, engineering and economic constraints. All road surface water runoff from the proposed road will be drained via a Sustainable Drainage System (SUDS) including an end-of-line basin to attenuate and treat flood flows. The end-of-line SUDS basin will be designed, where required, to reduce the peak flow from the new road drainage system during a 1%AEP (100-year) rainfall event, plus a 20% allowance for climate change, to the equivalent 'green-field' runoff associated with a 50%AEP (2-year) rainfall event.
The Moray Council	No specific comments or concerns.	n/a
Non-Statutory Consultees		
Access Panel - Nairn	Do not envisage any pedestrian issues.	n/a
British Deer Society	No response received.	n/a
British Horse Society(BHS)/Horse Society Scotland	Information provided on equestrian crossing points throughout the study area along with paths that are used regularly by equestrians and location of liveries or stables in the area.	Information received and this has been incorporated into the design and assessment where appropriate. Potential impacts on equestrians is reported in Chapter 16 (People and Communities: Effects on All Travellers) of the ES.
British Trust for Ornithology (BTO)	No response received.	n/a

Consultee	Summary of Consultee Feedback	Response
Botanical Society of Britain and Ireland (BSBI)	Provided information and data on Vascular Plant Species of Conservation Concern within the proposed Scheme study area.	Information received and this has been incorporated into the design and assessment where appropriate. Potential impacts on plants species is reported in Chapter 11 (Habitats and Biodiversity) of the ES.
Cairngorms Amphibian and Reptile Group	No specific comments or concerns.	n/a
Centre for Ecology and Hydrology (CEH)	Information received around research undertaken by CEH on Loch Flemington.	Information received and this has been incorporated into the design and assessment where appropriate. Potential impacts on Loch Flemington are reported in Chapter 11 (Habitats and Biodiversity) of the ES.
Council for Scottish Archaeology	No response received.	n/a
Cycling Scotland	Advised that Sustrans, The Highland Council and HITRANS should also be consulted. Also advised that in the respect of the actual design of the route parallel to the bypass 'Cycling by Design' should be utilised, but other guides from Sustrans and London should also be reviewed. Cycling Scotland stated it is imperative the existing conditions within Nairn are changed on completion of the bypass to provide an environment where walking and cycling can be completed within the town.	Sustrans, HITRANS and The Highland Council were also consulted as part of the proposed Scheme development. Guidance documents noted and considered as part of the design development. Effects on NMU's including public transport are considered in the ES Chapter 16 (Effects on all Travellers) and also detailed in the 'A96 Inverness to Nairn (Including Nairn Bypass) NMU Objective Setting and Context Report' (Jacobs 2016). Cycling Scotland have been engaged through the NMU forum on the development of the NMU design for the proposed Scheme.
Cycling UK in Scotland (formerly Cycle Touring Club (CTC) Scotland)	No response received.	n/a
Findhorn, Nairn and Lossie District Salmon Fishery Boards	No response received.	n/a

Consultee	Summary of Consultee Feedback	Response
Findhorn, Nairn and Lossie Fisheries Trust	Provided electrofishing data within the study area and information on invasive non-native species on the River Nairn. The trust confirmed that crayfish were upstream of Howford Bridge in the Geddes Burn. A local fisherman traps at the mouth of the burn which appears to have prevented the spread of the species in large numbers into the Nairn. They advised that there was a major problem with invasive plants along the River Nairn with giant hogweed, Japanese knotweed and Himalayan balsam widespread and skunk cabbage also present. The trust has attempted to control these plants but the removal of hogweed has led to the spread of Himalayan balsam.	Information received and this has been incorporated into the design and assessment where appropriate. Potential impacts on aquatic species and invasive on-native species have been assessed and are reported in Chapter 11 (Habitats and Biodiversity) of the ES.
Forestry Commission	Provided information and data on important woodland areas within the study area.	Information received and this has been incorporated into the design and assessment where appropriate. Potential impacts on woodland and forestry is reported in Chapter 11 (Habitats and Biodiversity) and Chapter 15 (People and Communities: Community and Private Assets) of the ES.
Highland Cycle Campaign	No specific response received.	n/a
Highland and Islands Regional Transport Partnership (HITRANS)	No response received.	n/a
Inverness Airport (Highlands and Islands Airports)	The Airport safeguarding manager provided information around the safeguarding zone in close proximity to the airport which places certain restrictions on development within this zone. They advised the safeguarding team look at a 13km radius from the boundary of the airport in relation to potential bird/wildlife attractant developments i.e. major landscaping schemes and areas or water. A safeguarding 'bubble' for Inverness Airport extends to a radius of 15km from the centre of the airport's main runway. The Airport also advised that the CAP 680 Birdstrike Risk Assessment Guidance had now been superseded by CAP 772 Wildlife Hazard Management at Aerodromes guidance. Ecological information in relation to bird data and management plan were also provided by the Airport.	Information received and this has been incorporated into the design and assessment where appropriate. The information has been utilised in the development of the ecological and landscape mitigation proposals. These are reported in Chapter 9 (Landscape) and Chapter 11 (Habitats and Biodiversity) of this ES.
Inverness Orienteering Club (INVOC)	INVOC examined the route of the proposed A96 and it doesn't appear to impact on any of the forests we have mapped for either training or competition.	n/a
John Muir Trust (JMT)	No specific comments or concerns.	n/a
National Access Forum (NAF)	NAF advised that they do not have any information or details about the particular paths or promotional activity in the study area. They would advise consultation with more local user groups, local authorities, local access forums, recreation and land managers etc.	Local access forums and The Highland Council have also been consulted as part of the DMRB Stage 3 assessment.

Consultee	Summary of Consultee Feedback	Response
National Farmers Union of Scotland (NFUS)	No response received.	n/a
National Trust for Scotland	No response received.	n/a
Paths for All	Consideration should be given to: • the quality of the walking and cycling environment – including the suitability of replacement crossings, bridges or underpasses; • the enhancement of the connectivity of communities in the area for non-motorised users; • protecting and enhancing core paths, other local paths and regional and national walking and cycling routes (e.g. NCN) and green networks; • minimising the impact on, and potential enhancement of, opportunities for active travel and recreational walking and cycling; • opportunities to enhance facilities for non-motorised users – for example implementing aspirational routes; • local consultation on alternative routes, desire lines, aspirational routes and potential new routes; and • mitigation of the impacts on routes and non-motorised users.	These aspects are considered within the design and assessment with impacts on NMUs covered in this ES and reported Chapter 16 (People and Communities: Effects on All Travellers).
Ramblers Scotland	Advised they have no further comments or concerns at this stage.	n/a

Consultee	Summary of Consultee Feedback	Response
Royal Society for the Protection of Birds (RSPB)	Concerns are associated with impacts on the following Special Protection Areas: Inner Moray Firth, Loch Flemington and Nairn Coast. These should be covered in the Environmental Impact Assessment (EIA) to ensure that priority bird species remain protected in the development process. RSPB asked for reassurance that the mudflats adjacent to Inverness would not suffer any further loss or fragmentation if a shortcut was being considered as part of the route development. Wintering feeding and roosting areas must be considered in the EIA as the proposed route corridor is used by a large numbers of migrating wildfowl as a feeding location during peak migration periods. Some adjacent arable fields along the proposed route are also utilised as a feeding area by a smaller wintering population of Icelandic grey geese. During peak hide tides in the Moray Firth some adjacent arable fields are also used as roosting sites for waders particularly Curlew and Oystercatcher. They also advised of the small Corn Bunting population present around the Inverness airport. Corn Bunting is a seriously declining species in Scotland and this small population is very vulnerable to disturbance and changes in habitat connectivity. RSPB provided details of previous Corn Bunting studies in the region and advised potential problems with respect to the proposed Scheme range from: • direct loss of nesting; • direct loss of foraging habitat; • disturbance through construction operations; • Increased disturbance through increased traffic; and • habitat loss and increased disturbance due to associated developments and their long-term impacts (additional settlements, settlement expansion etc.) Barn Owl is protected under schedule one of the Nature Conservation (Scotland) Act 2004. Barn Owl has been highlighted for consideration as part of the EIA assessment and provision must be made to ensure both roosting and breeding sites are protected and preserved and where necessary new alternative artificial sites provided.	Potential impacts on the Inner Moray Firth, Loch Flemington and Nairn Coast Special Protection Areas are assessed and reported in Chapter 11 (Habitats and Biodiversity) of this ES. The proposed Scheme is not anticipated to have any impact on the mudflats adjacent to Inverness. Impacts on Barn Owl and Corn Bunting have been assessed within Chapter 11 (Habitats and Biodiversity) of this ES and appropriate mitigation provided where necessary. Measures are set out within the Mitigation Protocol (Appendix A11.3: Mitigation Protocol) for species detailed above, including but not limited to pre-construction surveys, species protections plans, control of working areas and creation of new habitat.
Scottish Badgers	Provided badger information and data (classified).	Information received and this has been incorporated into the design and assessment where appropriate. Potential impacts on badgers will be reported in Chapter 11 (Habitats and Biodiversity) of the ES.
Scottish Battlefields Trust	Provided information in relation to the historic battlefield of Auldearn. The trust outlined the importance of appropriately assessing the impact of the proposed Scheme on this designated site and provided background information to the site. It was advised that the Dooket viewpoint is the primary location to which visitors to the battlefield are directed and the site from which it is interpreted.	Information received and this has been incorporated into the design and assessment where appropriate. Potential impacts on the battlefield are reported in Chapter 14 (Cultural Heritage) of this ES.

Consultee	Summary of Consultee Feedback	Response
Scottish Disability Equality Forum	No response received.	n/a
Scottish Gamekeepers Association	No response received.	n/a
Scottish Land and Estates	Scottish Land and Estates are primarily concerned about the impact on farming operations and associated properties and trust the detailed discussions Transport Scotland will have with each party will be able to accommodate their concerns regarding these operations and their requirements for the future wellbeing of their businesses. Farming in its broadest sense is arguably the most important element of economic activity along the A96 corridor and those most affected by the preferred route must have confidence that their interests will be safeguarded either by accommodation, compensation or a mixture of both. Finally, and on behalf of our members in the next phases of work on the A96 Dualling, members who are affected by the stages should be consulted generally as well as individually as early as possible to allow maximum influence to be broad to bear on design details.	Each impacted landowner was consulted with as part of the Community and Private Assets assessment. Potential impacts on landowners are reported in Chapter 15 (People and Communities: Community and Private Assets) of this ES.
Scottish Outdoor Access Network (SOAN)	No response received.	n/a
Scottish Raptor Study Group	No specific comments or concerns.	n/a
Scottish Rights of Way and Access Society (ScotWays)	Only one Public Right of Way (PRoW) would be blocked by the proposed route. That is the one at Auldearn which could be brought round to the water pits on the south of the new road.	Potential impacts on PRoW are reported in Chapter 16 (People and Communities: Effects on All Travellers) of this ES.
Scottish Wildcat Association	Advised that there have been relatively consistent sightings of wildcats for the Nairn to Elgin region to the east of our study area, however advised it's likely that work taking place so close to Inverness would not seriously affect pure wildcats.	Potential for wildcats are addressed in Chapter 11 (Habitats and Biodiversity) of this ES. In the course of undertaking DMRB Stage 3 surveys for other ecological features, no evidence to indicate the presence of Scottish wildcat was recorded.
Scottish Wildlife Trust	No response received.	n/a
Sustrans Scotland	Provided information on PRoW and important areas for Non-Motorised Users in the area.	Information received and this has been incorporated into the design and assessment where appropriate. Potential impacts for NMUs are reported in Chapter 16 (People and Communities: Effects on All Travellers) of this ES.

Consultee	Summary of Consultee Feedback	Response
The Architectural and Heritage Society of Scotland	No response received.	n/a
The Scottish Civic Trust	No response received.	n/a
Visit Scotland	No response received.	n/a
Wild Things	1. Reducing the noise impact from the road as far as possible, to maintain and if possible enhance the peaceful nature of the woodland. To this end, the new proposal for putting the dual carriageway in a cutting through the woodland (rather than a raised road) would certainly reduce the noise impact on the remaining woodland, although the construction will take twice as much land area from our woodland. Overall we would favour this option, particularly if the road specification is one with a surface that has a low generation of tyre noise. 2. The woodland has been designed with a high degree of biodiversity in mind. We would wish that the road-cutting banks are planted up with a wide variety of native shrubs and trees to maintain and enhance this aspect.	Potential impacts in relation to noise, habitats and biodiversity and woodland assets are reported in Chapter 8 (Noise and Vibration), Chapter 11 (Habitats and Biodiversity) and Chapter 15 (People and Communities: Community and Private Assets) of this ES.