

5 Consultation and Scoping

5.1 Introduction

- 5.1.1 This chapter describes the consultation undertaken with consultees, relevant bodies and organisations, and members of the public in relation to the environmental aspects of the proposed scheme. A summary of the key issues raised and how these have been considered through the Environmental Impact Assessment (EIA) process is also provided.
- 5.1.2 This chapter is supported by Appendix A5.1 (Summary of Consultation Responses) which is cross referenced where relevant.

5.2 Approach and Methods

- 5.2.1 As best practice, stakeholder engagement has been encouraged and actively sought as part of the progression of the proposed scheme. Where appropriate, issues raised through the public consultation process are taken into consideration as part of the environmental assessment process. Consultation was ongoing throughout the EIA process.
- 5.2.2 The main aims of consultation undertaken during the EIA process are as follows:
- ensure that consultees, other bodies with a particular interest in the environment, and members of the public are informed of the proposals and provided with an opportunity to comment;
 - collate baseline information regarding existing environmental conditions;
 - obtain input to the identification of potential impacts and the development of appropriate mitigation; and
 - inform the scope of the environmental assessment and EIA reporting.
- 5.2.3 Consultation has been undertaken in cognisance with guidance provided in Revision 1 of PAN 1/2013: Environmental Impact Assessment (Scottish Government 2017). Cognisance has also been taken of PAN 3/2010: Community Engagement (Scottish Government 2010) and the National Standards for Community Engagement (Communities Scotland 2016).
- 5.2.4 Consultation as part of the Marine Licensing process has been undertaken in accordance with The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013.

Identification of Consultees

- 5.2.5 Consultees relevant to the proposed scheme were identified as follows:
- review of consultees involved in previous Kincardine Bridge refurbishment schemes;
 - consultation with Marine Scotland – Licensing Operations Team (hereafter referred to as MS-LOT); and
 - identification by the environmental specialists on the project team of organisations and local environmental groups of importance to their area of expertise.
- 5.2.6 A full list of consultees identified through this process and summary of the relevant information provided by the consultees is detailed in Appendix A5.1 (Summary of Consultation Responses).

Key Stages of EIA Consultation

5.2.7 The key stages of consultation undertaken for the EIA are set out below. It should be noted that consultation is undertaken as required and therefore is an iterative and on-going feature of the project and will continue beyond that as reported in this EIA Report.

Initial Consultation

5.2.8 Initial consultation was undertaken to provide consultees with an initial opportunity to provide any baseline information and identify key issues that should be considered in the EIA. It should be noted that Scottish Natural Heritage (SNH) changed name to NatureScot as of 24 August 2020. However, in this EIA Report the organisation is referred to as SNH. Initial consultation was undertaken with the following consultees:

- Scottish Natural Heritage (SNH);
- Scottish Environment Protections Agency (SEPA);
- Historic Environment Scotland (HES);
- Falkirk Council;
- Royal Society for the Protection of Birds (RSPB);
- British Trust for Ornithology (BTO);
- Crown Estate Scotland; and
- MS-LOT.

5.2.9 The responses received from the initial consultation and the subject of consultations are summarised in Appendix A5.1 (Summary of Consultation Responses).

Scoping Report

5.2.10 As described in Chapter 4 (Overview of the Assessment Process), a scoping exercise was undertaken to inform the approach to the EIA Report. The main objectives of the scoping exercise were as follows:

- to review existing scheme information and reports;
- to identify environmental constraints relevant to both the construction and/or operation of the project and which should be addressed in more detail as part of the EIA Report;
- to identify where additional environmental surveys and data gathering were required; and
- to summarise the scope of the environmental assessments which should form part of the EIA Report.

5.2.11 The Scoping Report (Jacobs 2018) was issued to consultees for review and feedback was requested on the proposed approach and methodology of the assessment. As agreed with MS-LOT, the consultees were advised that responses should include any relevant marine concerns. Feedback from the consultees was used to develop the assessment process and the mitigation requirements where appropriate. The responses received and how they have been considered in the EIA process are summarised in Appendix A5.1 (Summary of Consultation Responses).

5.2.12 The Scoping Report (Jacobs 2018) 'scoped in' the following topics to be considered in the EIA for the proposed scheme:

- Geology, Soils and Groundwater;
- Road Drainage and the Water Environment;
- Marine Ecology;

- Terrestrial Ecology;
- Cultural Heritage;
- Air Quality;
- Noise and Vibration; and
- Materials.

5.2.13 The following topics were 'scoped out' in the Scoping Report (Jacobs 2018) on the basis that significant environmental effects are not considered likely:

- People and Communities – Community and Private Assets;
- People and Communities – Effects on All Travellers;
- Landscape and Visual Impacts;
- Navigation; and
- Major Accidents and Disasters.

5.2.14 A summary of the rationale for 'scoping out' the topics referred to in paragraph 5.2.13 as outlined in the Scoping Report (Jacobs 2018) is provided in Table 5.1.

Table 5.1: Rationale for ‘Scoping Out’ Environmental Topics (Summary of Scoping Report July 2018)

Environmental Topic	Summary Rationale for ‘Scoping Out’ Environmental Topic
People and Communities – Community and Private Assets	<p>There are no impacts anticipated on any residential, commercial and industrial properties, community facilities, community land or development land. There are no property demolitions expected and access is expected to be maintained during construction and unaffected during operation.</p> <p>Non-prime agricultural land has the potential to be directly affected by the proposed scheme. However, this land is not currently utilised as productive agricultural land and no compulsory purchase of land is required as any land-take would be temporary during the construction period only. Due to the temporary nature of the land-take, it being non-prime agricultural land and that it is not being used for agricultural production, this impact is not expected to result in a significant effect.</p> <p>The Construction Environmental Management Plan (CEMP) will include a commitment to maintain access to land adjacent to the land required for temporary works and construction.</p>
People and Communities – Effects on All Travellers	<p>It is expected that construction phase impacts on non-motorised users (NMUs) are unlikely to result in a significant effect.</p> <p>As the NMU routes across the Kincardine Bridge will be reinstated as per the existing routes and there will be no change to views or access, no impacts on NMUs would occur during operation.</p> <p>Construction phase impacts on vehicle travellers are considered unlikely to result in a significant effect.</p> <p>As the proposed scheme design is generally the same as the existing bridge design and no changes to traffic in terms of levels or speeds are anticipated as a result of the proposed scheme, no impacts on vehicle travellers are anticipated during operation.</p> <p>The CEMP will include a commitment to the maintenance of NMU and vehicular access across the Kincardine Bridge, and other NMU route access, during construction (with the exception of limited periods of full closure of the bridge when it is required for specific short-term duration activities).</p>
Landscape and Visual	<p>It is anticipated that there would be no significant effects on the landscape during operation.</p> <p>Given the temporary nature of the construction phase impacts, their short duration and the low sensitivity of the receiving landscape, they are predicted to be minor and would not result in any significant effects.</p> <p>The visual impact of the proposed scheme during operation would be limited and is considered unlikely to result in a significant effect. Construction phase visual impacts are considered unlikely to result in a significant effect.</p> <p>The CEMP will include a commitment to the following mitigation measures:</p> <ul style="list-style-type: none"> • As far as practicable, construction plant and materials storage areas will be appropriately sited to minimise their landscape and visual impact. • The construction site will be kept tidy (e.g. free of litter and debris). • Work during hours of darkness will be avoided as far as practicable, and where necessary, directed lighting will be used to minimise light pollution/glare. Light levels will be kept to the minimum necessary for security and safety. • A Site Restoration Plan should be developed for the site and detailed within the CEMP.
Navigation	<p>No pathways to effect on navigation safety have been identified from the proposed scheme; either in the construction or operation phase.</p>

Environmental Topic	Summary Rationale for 'Scoping Out' Environmental Topic
Major Accidents and Disasters	The proposed scheme is not anticipated to result in greater risk of major accidents or disasters during construction or operation. The proposed scheme is not located within a geographical region that is subject to natural disasters. Flooding effects, including consideration of climate change predictions, is considered within Chapter 7 (Road Drainage and the Water Environment). With the implementation of appropriate signage and traffic management, road users will be made aware of works during construction. It is considered that there will be no significant effects resulting from the proposed scheme on the environment which could result from the vulnerability of the proposed scheme to major accidents or disasters.

Review of Scope

- 5.2.15 As described in Chapter 4 (Overview of Assessment Process), new DMRB guidance was published in 2019 and 2020 which was considered for its potential impact on the scope of the EIA. LA 112 'Population and human health' replaced DMRB Volume 11, Section 3, Part 6 (Land); Volume 11, Section 3, Part 8 (Pedestrians, Cyclists, Equestrians and Community Effects) and Volume 11, Section 3, Part 9 (Vehicle Travellers). The DMRB updates do not change the position of the Scoping Report summarised in Table 5.1 that there are unlikely to be any significant effects in relation to the two topics (People and Communities - Community and Private Assets; and People and Communities - Effects on All Travellers) and they are therefore scoped out of this EIA Report.
- 5.2.16 DMRB LA 107 'Landscape and visual effects' replaced DMRB Volume 11, Section 3, Part 5 and DMRB Interim Advice Note (IAN) 135/10 Landscape and Visual Effects Assessment. The DMRB updates do not change the position of the Scoping Report summarised in Table 5.1 that there are unlikely to be any significant effects and an assessment of landscape and visual effects will be scoped out and not undertaken for the EIA.
- 5.2.17 The Climate topic and the Human Health topic were added as assessments to be reported in separate chapters in the EIA Report. The Climate topic is considered in Chapter 15 (Climate) of the EIA Report and the Human Health topic is informed by the assessments in Chapter 6 (Geology, Soils and Groundwater), Chapter 7 (Road Drainage and the Water Environment), Chapter 11 (Air Quality), Chapter 12 (Noise and Vibration), and reported in Chapter 15 (Human Health) of the EIA Report.
- 5.2.18 At the scoping stage of the EIA process, as summarised in Table 5.1, it was anticipated that the compulsory purchase of private land was not required for the proposed scheme. As the proposed scheme and EIA has progressed permanent land-take has been confirmed as being required, with 0.07ha of land to be acquired by permanent compulsory purchase of private land, which is required in order to facilitate temporary construction works. The land subject to compulsory purchase is of unknown land ownership and there is no active land use at the location of the land subject to compulsory purchase.
- 5.2.19 The total area of the land made available for temporary works and construction is 3.87ha. A total of 2.42ha of the land made available is owned by the Scottish Ministers and 0.07ha is the land subject to compulsory purchase of unknown ownership. It is anticipated that in agreement with the landowners, the remaining 1.38ha of land will be acquired temporarily for the works and returned to the landowner on completion of construction and environmental mitigation.
- 5.2.20 Land being temporarily acquired by agreement and the compulsory purchase of 0.07ha of land of unknown ownership does not result in a significant effect and therefore the position of the Scoping Report that there are unlikely to be any significant effects in relation to People and Communities – Community and Private Assets remains and this topic is therefore scoped out of the EIA Report. The land made available including compulsory purchase order land-take for the proposed scheme is shown on Figure 3.10 (Proposed Scheme Land take).
- 5.2.21 As described in Chapter 4 (Overview of Assessment Process), mitigation commitments were reported in the Scoping Report to mitigate any non-significant impacts of the People and Communities – Community and Private Assets, People and Communities – Effects on All Travellers, and the Landscape and Visual topics. Mitigation measures in relation to these topics are reported in Table 17.12 of Chapter 17 (Schedule of Environmental Commitments) of this EIA Report. Table 17.11 of Chapter 17 (Schedule of Environmental Commitments) contains environmental commitments which have been raised by consultees during the scoping exercise and which do not form part of the mitigation measures specific to the environmental topics.

Public Exhibition

5.2.22 As part of the Marine Licensing process a pre-application consultation drop-in session was held on 29 October 2019. Members of the public, relevant bodies and organisations, and consultees were able to provide comment and feedback on the proposed licensable marine activity elements of the proposed scheme prior to the submission of the application for a Marine Licence. No significant comments pertinent to the design or principle of the proposed scheme were received during or in response to this event, and so no changes to the design have been considered as a direct result of this consultation. Feedback received at this event is summarised in the Pre-Application Consultation Report that forms part of the application for a Marine Licence.

5.3 Consultation Summary

Consultee Communication

5.3.1 Table 5.2 presents a summary of the key consultation meetings held as part of the EIA. This presents the key meetings only, not all of the on-going consultation undertaken as part of the EIA. As previously noted, consultation is undertaken as required and therefore is an iterative and ongoing feature of the proposed scheme, so will continue beyond that which is reported within the EIA Report.

Table 5.2: Summary of Key EIA Consultation Meetings

Consultee	Topic/Purpose	Date
SNH	Meeting to discuss bird survey methodology, potential mitigation measures and the Habitats Regulations Appraisal (HRA) methodology.	9 November 2017
HES and Falkirk Council	Site visit and meeting to discuss the previous listed building consent for the piled viaduct replacement proposal granted by Falkirk Council in 2009, the process and requirements for the listed building application associated with the proposed scheme, the cultural heritage assessment methodology for the EIA, and future consultation.	22 March 2018
HES	Meeting to discuss the cultural heritage assessment for the EIA and the listed building application.	9 April 2019
SNH and MS-LOT	Meeting to discuss the marine licensing process and to provide MS-LOT and SNH an update on progress of the EIA.	25 April 2019

5.4 Key Consultee Responses to EIA Scoping Consultation

5.4.1 Further details of the key input provided by consultees in relation to environmental issues are provided in Appendix A5.1 (Summary of Consultation Responses). This also includes a response to key queries/comments and, where appropriate, explains how these were taken into account as part of the EIA process, with cross references provided to the relevant chapters of the EIA Report.

5.5 References

Communities Scotland (2016). National Standards for Community Engagement

Highways Agency, The Scottish Office Development Department, The Welsh Office and The Department of the Environment Northern Ireland (1993a). The Design Manual for Roads and Bridges Volume 11, Section 3, Part 8, Pedestrians, Cyclists, Equestrians and Community Effects.

Highways Agency, The Scottish Office Development Department, The Welsh Office and The Department of the Environment Northern Ireland (1993b). The Design Manual for Roads and Bridges Volume 11, Section 3, Part 9, Vehicle Travellers.

Highways Agency, Scottish Executive Development Department, The National Assembly for Wales and the Department for Regional Development Northern Ireland (2001). Design Manual for Roads and Bridges Volume 11, Section 3, Part 6, Land Use.

Highways Agency, Transport Scotland, Welsh Assembly Government, and the Department for Regional Development Northern Ireland (2010). Design Manual for Roads and Bridges (DMRB) Interim Advice Note 135/10 Landscape and Visual Effects Assessment.

Highways England, Transport Scotland, Welsh Government, and Department for Infrastructure Northern Ireland (2020a). Design Manual for Roads and Bridges, LA 107 Landscape and visual effects, Revision 2.

Highways England, Transport Scotland, Welsh Government, and Department for Infrastructure Northern Ireland (2020b). Design Manual for Roads and Bridges, LA 112 Population and human health, Revision 1.

Jacobs (2018). A985 Kincardine Bridge Refurbishment Scoping Report.

Scottish Government (2010). Planning Advice Note (PAN) 3/2010: Community Engagement

Scottish Government (2017). Planning Advice Note (PAN) 1/2013: Environmental Impact Assessment (Revision 1)