
Appendix A5.1: Summary of Consultation Responses

- 1.1 This appendix contains a summary of the key environmental input provided by both statutory and non-statutory consultees throughout the consultation and scoping process described in Chapter 5 (Consultation and Scoping).
- 1.2 Table 1 provides a summary of the consultee comments in relation to the proposed scheme.

Table 1: Summary/Response to Consultee Comments

Summary of Consultee Comments/Discussion	Jacobs Response
<p>Falkirk Council</p> <p>A site visit and meeting was undertaken with Falkirk Council and Historic Environment Scotland (HES) on 22 March 2018 to discuss the cultural heritage aspects of the proposed scheme. Discussion took place regarding the previous listed building consent for a piled viaduct replacement proposal (granted by Falkirk Council on 4 August 2009 (reference P/09/0243/LBC)), the process and requirements of the listed building application for the proposed scheme, the Environmental Impact Assessment (EIA), and future consultation. HES stated support for the continued investment in the bridge and advised that it was important that the proposed scheme should be in keeping with its current character. The potential to replace the existing parapets with new parapets (on a like for like basis, where possible) was discussed with Falkirk Council and HES. Jacobs stated that an inspection of the condition of the existing parapets was to be undertaken. The reuse of the existing parapets was preferred by HES and Falkirk Council and the use of like-for-like replacements would require strong justification. The special character of the bridge was emphasised by both Falkirk Council and HES and the requirement to treat the structure as a whole, rather than the piled viaduct in isolation was emphasised, along with safeguarding the character and key features of the bridge.</p> <p>Scoping Report sent to consultee on 19 July 2018 with request for relevant information on any former and current contaminated land use, Private Water Supplies, and licenced fuel storage.</p> <p>Falkirk Council provided a response to the Scoping Report via email on 24 August 2018. Falkirk Council's response included:</p> <ul style="list-style-type: none"> • Falkirk Council noted that the EIA Report should address policies in the National Planning Framework 3 (NPF3 and Scottish Planning Policy (SPP), and noted relevant Falkirk Local Development Plan policies. • Falkirk Council referred to HES's Managing Change in the Historic Environment Guidance note on 'Engineering Structures'. Falkirk Council provided guidance on information to be submitted as part of an application for Listed Building Consent and stated that analysis of potential impacts on the wider setting should also be provided. • Falkirk Council noted that the Scoping Report concluded that there are unlikely to be any significant landscape and visual effects and that standard mitigation would be included in a CEMP (Construction Environment Management Plan) to mitigate any non-significant impacts. As such the assessment of landscape and visual effects would be scoped out. • Falkirk Council noted that, in terms of vegetation and site disturbance during the works, effects of the proposed works on the Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Ramsar and wildlife sites should be assessed. Falkirk Council stated that it had no comment in relation to marine ecology. • Falkirk Council's Archaeologist advised that it is considered that the project would be unlikely to have a direct impact upon sites such as James IV's dockyard at Higgins Neuk. Falkirk Council's archaeologist requested that copies of any borehole results be lodged with the Sites and Monuments Record at Callender House, Falkirk. • Falkirk Council stated that it had no concerns in relation to the flooding content in the Scoping Report. • In terms of contamination, Falkirk Council advised that there are mining, hydrocarbon industries and potentially other contaminative activities within 250m of the site which required to be addressed. • In terms of Roads / Transportation, Falkirk Council stated no comment or objection in relation to the content of the Scoping Report. • In terms of Emergency Planning, Falkirk Council stated no objection. 	<p>The cultural heritage assessment in Chapter 10 (Cultural Heritage) of this EIA Report has taken into account Falkirk Council's comments.</p> <p>Comments provided by Falkirk Council in response to the Scoping Report have been taken into account as follows:</p> <ul style="list-style-type: none"> • A policy compliance assessment is contained in Appendix A4.1. • An application for Listed Building Consent has been submitted to Falkirk Council taking into account the comments received from Falkirk Council. • The assessment in Chapter 9 (Terrestrial Ecology) has taken into account Falkirk Council's comments regarding designated sites. • Potential impacts on cultural heritage assets and the wider setting are considered within the EIA Report and reported within Chapter 10 (Cultural Heritage). • The assessment in Chapter 6 (Geology, Soils and Groundwater) has taken into account Falkirk Council's comments regarding contamination. • Chapter 17 (Schedule of Environmental Commitments) contains a requirement for a Construction Environmental Management Plan to be developed by the Contractor. <p>Falkirk Council Environment Health comments regarding the construction noise assessment have been taken into account in the noise assessment reported in Chapter 12 (Noise and Vibration).</p> <p>Chapter 17 (Schedule of Environmental Commitments) contains environmental commitments relating to Non-motorised Users (NMUs) access.</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<p>On 10 October 2018, a letter was sent to HES, Falkirk Council and Fife Council to provide more detail on the approach to the cultural heritage assessment set out in the Scoping Report. This letter included a list of designated cultural heritage assets outside the 200m study area and within 1km which were proposed to be included in the assessment due to the potential for impacts on their settings. In addition, the letter included a list of designated cultural heritage assets that were identified outside the 200m study area and within 1km upon which, following preliminary assessment, no impacts on their settings were predicted. In an email dated 19 October 2018, Falkirk Council stated that it was content with this approach.</p> <p>Jacobs consulted Falkirk Council Environmental Health on 17 October 2018 regarding the construction noise assessment of the EIA Report. Falkirk Council Environmental Health, by email on 18 October 2018, confirmed no objections to the proposed methodology and provided details of the standard construction hours for works within the Falkirk Council area. Falkirk Council Environmental Health noted that extensions to the standard construction hours can be granted in exceptional circumstances if a case to justify out of hours working is made.</p> <p>On 20 January 2020, Jacobs consulted Falkirk Council's Outdoor Access team by email in relation to Core Paths and public access. Falkirk Council's Outdoor Access team in an email dated 21 January 2020 provided information regarding the Land Reform (Scotland) Act 2003 and the procedure for any closures / diversions. Jacobs in an email dated 16 March 2020 provided more information regarding the anticipated construction activities and the Contractor's requirements when appointed.</p> <p>Jacobs contacted Falkirk Council Environmental Health by email on 21 April 2020 to request health data to inform the human health assessment contained in Chapter 14 (Human Health). Falkirk Council Environmental Health responded by email on 27 April 2020 to advise that this kind of information is not something Falkirk Council Environmental Health have and provided information from Falkirk Council Environmental Planning. The Environmental Planning team provided links with data sources, some of which were used to inform the baseline for the human health assessment.</p> <p>Draft EIA Report Chapter 10 (Cultural Heritage) and Appendix A10.1 (Cultural Heritage Baseline Report) were issued Falkirk Council Planning and Falkirk Community Trust for comment in July 2020 and August 2020 respectively. Falkirk Council Planning advised by email on 03 August 2020 that there were no comments from Falkirk Council at this stage. No response was received from Falkirk Community Trust.</p> <p>Falkirk Council was contacted on 14 September 2020 by email to provide comment on the 'reasonably foreseeable' developments that were identified for the cumulative assessment. Falkirk Council replied on 24 September 2020 to advise that it had no comments.</p>	
<p>Fife Council</p> <p>Scoping Report sent to consultee on 19 July 2018.</p> <p>Response to the Scoping Report from Fife Council on 16 August 2018 enclosing responses from Fife Council services:</p> <p><u>Archaeology</u></p>	<p>Scoping comments provided by Fife Council have been taken into account as follows:</p> <ul style="list-style-type: none"> • The cultural heritage assessment in Chapter 10 (Cultural Heritage) has taken into account Fife Council's comments in respect of archaeology and built heritage. • The air quality assessment within Chapter 11 (Air Quality) has taken into account Fife Council's comments in respect of air quality.

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<p>Fife Council noted that the site occupies reclaimed estuarine mudflat ground in the upper Forth Estuary; that the estuarine mudflats on the Fife side of the Kincardine Bridge are known to offer outstanding conditions for the preservation of Mesolithic and later archaeological deposits; and that well preserved natural historic finds of late Pleistocene date are also well known. Fife Council also noted that the sites ranging from early shell middens to medieval fishtraps and post-medieval wrecks are also well known in this area. Fife Council advised that it would expect the same conditions to be replicated on the south side of the Forth.</p> <p>Fife Council recommended that the EIA Report should feature a cultural heritage assessment that should note:</p> <ul style="list-style-type: none"> the archaeological potential of the site; be alert to the presence of and excellent preservation of organics; and be alert to potential opportunities for environmental sampling by coring. <p><u>Built Heritage</u></p> <p>Fife Council noted that should any damage occur that requires refurbishment of decking or balustrade it should be replaced faithfully to match existing authentic features. Fife Council advised that it appears that the proposed works lie within the jurisdiction of Falkirk Council and would not impact on the bridge as a whole or on that part within Fife Council. Fife Council stated that the risk of any such impacts would appear to be minimal and the works would affect only the South end. Fife Council stated that there is no objection to the proposal on built heritage grounds.</p> <p><u>Air Quality</u></p> <p>Fife Council advised that the nearest Air Quality monitoring location is a Nitrogen Dioxide diffusion tube located approximately 1.2km from the site in Kincardine, Fife at OS grid ref – 293 182 687 527, and should be included in any future assessment. Fife Council advised that any air quality impact assessment should consider:</p> <ul style="list-style-type: none"> short term construction impacts; longer term (operational) transportation impacts; proximity and potential cumulative effects of all existing developments and industrial processes. <p>Fife Council provided a list of appropriate technical guidance to be referenced and advised that evidence should be provided that Statutory Air Quality objectives will not be exceeded at relevant human receptors as a consequence of the proposed development.</p> <p><u>Flooding, Shoreline & Harbours – Comments in relation to flooding and surface water drainage</u></p> <p>In respect of matters relating to flooding and surface water drainage, Fife Council confirmed no comments.</p> <p><u>Environmental Health – Comments in relation to noise</u></p>	<ul style="list-style-type: none"> The noise assessment within Chapter 12 (Noise and Vibration) has taken into account Fife Council's comments in relation to noise. Chapter 17 (Schedule of Environmental Commitments) contains a requirement for a Site Restoration Plan to be developed for the site and detailed within the CEMP. Chapter 17 (Schedule of Environmental Commitments) contains the commitments relating to traffic management requirements. <p>In relation to Fife Council's comment on the draft EIA Report Chapter 10 (Cultural Heritage) regarding archaeology, Jacobs provided a response to Fife Council on 24 September which identified that:</p> <ul style="list-style-type: none"> The approach to the cultural heritage assessment including impacts on Kincardine Bridge (Asset 15), a Category A Listed Building of national importance, reflects the results of consultation. The potential for the presence of unknown archaeological remains and the potential for the presence of significant paleoenvironmental remains was assessed. This assessment is presented in Appendix A10.1 (Cultural Heritage Baseline Report) and paragraphs 10.5.15 to 10.5.18 of Chapter 10. As there will be no impact on known archaeological remains, and based on the evidence of previous disturbance within the proposed scheme (as discussed in Appendix A10.1) and the construction method, potential impacts on unknown archaeological remains can be appropriately mitigated through an archaeological watching brief. <p>The reasonably foreseeable developments with potential for cumulative effect that were highlighted by Fife Council are considered within the cumulative assessment (Chapter 16: Assessment of Cumulative Effects).</p>

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<p>Fife Council advised that there is likely to be noise disturbance throughout the duration of the project that has the potential to affect local residents within Falkirk and Fife local authority areas. Fife Council noted that Section 13 of the Scoping Report makes reference to the guidance contained within British Standard 5228 during construction operations. Fife Council advised that it is expected that Best Practicable Means to protect existing noise sensitive receptors from throughout the duration of the project will be detailed and submitted as part of the Construction Environment Management Plan (CEMP).</p> <p><u>Urban Design – Comments in relation to landscape and visual</u></p> <p>Fife Council advised that having studied Section 10 (Landscape and Visual) in the Scoping Report, it is accepted that there would be localised impacts that would be temporary, reversible, and associated with the construction phase. Fife Council's response noted that from Fife Council's perspective, these impacts would not be significant and can be mitigated through the CEMP, including restoration of the marshland. Fife Council agreed that landscape and visual effects can be scoped out of the EIA.</p> <p><u>Transportation</u></p> <p>Fife Council noted that the proposed working method includes the provision of a temporary bridge to bypass the working area to allow traffic to be maintained across the Kincardine Bridge during the demolition of the existing viaduct and construction of the replacement viaduct. Fife Council noted that there would be closures of the Kincardine Bridge during the tie-in works and stated that these would result in significant increase in traffic through Kincardine on the A977 (Fere Gait and Toll Road) which is a trunk road. Fife Council stated that the possible issues with the short-term significant increase in traffic through Kincardine would be discussed at the regular Trunk Road Liaison Meetings attended by officers from Transport Scotland, Amey (Trunk Road operating company), and Fife Council Roads and Transportation Services. Fife Council suggest that the EIA include a transport appraisal considering the short-term significant increase in traffic through Kincardine.</p> <p>Fife Council Transportation Development Management in an email dated 7 October 2019 advised that the above Transportation response had been reconsidered and that given that the routes through Kincardine (Toll Road, North Approach Road, and Feregait) are all trunk roads, then the request for a transport appraisal was too onerous. Fife Council confirmed that the method for dealing with the short-term increase in traffic through Kincardine as noted in paragraph 5.3.2 from the Scoping Report is acceptable.</p> <p>Paragraph 5.3.2 of the Scoping Report states that:</p> <p><i>'Traffic management will be required during the construction of the proposed scheme, however, as continuous traffic flow across the bridge is proposed to be maintained during construction (with the exception of limited periods of full closure of the bridge for specific short term duration activities) and will be committed to in a CEMP, disruption to vehicle users is likely to be limited. As stated in paragraph 5.3.1, limited short term closure is anticipated to allow connection of the temporary bridge to the existing bridge and its subsequent removal. In order to minimise disruption these could be planned as overnight closures and this would be committed to in a CEMP. During the limited short term closure periods diversions would be put in place via the Clackmannanshire Bridge. Construction phase impacts on Vehicle Travellers are therefore considered unlikely to be significant.'</i></p>	

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<p>Fife Council sent comments on the Scoping Report from Fife Council's in-house ecologist by email on 8 October 2018. Fife Council noted that the Scoping Report generally identifies the key ecological aspects that need to be covered and that the proposed approach to assessment, following appropriate guidelines as listed, is appropriate. In addition, Fife Council advised that there is a requirement to identify enhancement measures. Jacobs contacted Fife Council's in-house ecologist by email on 8 April 2019 and noted that opportunities for enhancement will be explored, particularly through development of a saltmarsh management plan in consultation with SNH.</p> <p>On 10 October 2018, a letter was sent to HES, Falkirk Council and Fife Council to provide more detail on the approach to the cultural heritage assessment set out in the Scoping Report. This letter included a list of designated cultural heritage assets outside the 200m study area and within 1km which were proposed to be included in the assessment due to the potential for impacts on their settings. In addition, the letter included a list of designated cultural heritage assets that were identified outside the 200m study area and within 1km upon which, following preliminary assessment, no impacts on their settings were predicted. On 28 January 2019 Fife Council replied stating that it had no comments regarding the approach to built heritage outlined in the letter.</p> <p>Jacobs contacted Fife Council Environmental Health by email on 21 April 2020 to request health data to inform the human health assessment contained in Chapter 14 (Human Health). Fife Council Environmental Health responded by email on 21 April 2020 to advise that it does not have the data requested and suggested contacting NHS Fife. Jacobs contact NHS Fife as described in the NHS Fife consultation section below.</p> <p>Draft EIA Report Chapter 10 (Cultural Heritage) and Appendix A10.1 (Cultural Heritage Baseline Report) were issued to Fife Council for comment in August 2020. Fife Council responded on 16 September 2020 and advised of no comment with respect to the impact of the proposed scheme on cultural and built heritage assets affected within Fife Council's administrative area, and in an email dated 23 September 2020 confirmed it was content with the assessment of Kincardine Conservation Area. On the 22 September 2020 Fife Council provided comment for archaeology suggesting that the assessment was overly focused on impacts on built heritage and the potential for development to impact on buried archaeology on site and the potential for significant environmental archaeological information to be recovered as part of the project had not been appropriately addressed.</p> <p>Fife Council were contacted by Jacobs on the 14 September 2020 by email to provide comment on the 'reasonably foreseeable' developments that were identified for the cumulative assessment. The Fife Council Planning Services Team replied on 16 September 2020, the response highlighted the potential of cumulative effects to construction traffic from development proposals Fife Council Ref. 17/02330/PP and 19/02331/EIA.</p>	
<p>Historic Environment Scotland (HES)</p> <p>As described above in the Falkirk Council consultation summary section, a site visit and meeting was undertaken with Falkirk Council and Historic Environment Scotland (HES) on 22 March 2018 to discuss the cultural heritage aspects of the proposed scheme.</p> <p>HES responded to the Scoping Report via email dated 17 August 2018, comments included:</p>	<p>Comments provided by HES have been taken into account within the EIA Report and reported within Chapter 10 (Cultural Heritage).</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<ul style="list-style-type: none"> • HES noted that the details had been reviewed in terms of HES’s historic environment interests and in this case, HES’s advice also includes matters related to unscheduled archaeology below Mean High Water Springs (MHWS). • HES confirmed that the relevant local authority archaeological and cultural heritage advisors will also be able to provide advice on the scope of the cultural heritage assessment and provided relevant contacts. • HES confirmed that there are no scheduled monuments, inventory gardens and designed landscapes or battlefields, World Heritage Sites, or historic marine protected areas likely to receive direct physical impacts from the proposed works. • HES advised that there are a number of heritage assets within HES’s remit in the vicinity of the development whose settings have the potential to be adversely impacted by the proposed works. HES stated that for the most part it is satisfied that any setting impacts are unlikely to raise issues of national interest for HES’s remit due to the distances between the proposed works and the historic environment assets and the temporary nature of the works. HES stated that it did have some further comments on potential setting impacts on the Kincardine Bridge itself in the annex to HES’s response to the Scoping Report. • In the annex to HES’s response to the scoping report, HES welcomed that the Scoping Report had identified the potentially significant direct physical impacts of the proposed scheme on the category A listed bridge. HES noted that given the scale of the proposed works, involving the demolition and replacement of a section of the A listed structure HES would expect the full assessment to provide a detailed and robust justification for such significant impacts along with any proposed mitigation for the impacts. • HES welcomed that both the physical impacts and the demolition of the existing piled viaduct structure and the construction of the replacement structure will be assessed. HES noted that it was also satisfied that the potential physical impacts of the temporary bridge structure on the existing bridge structure will be assessed. HES noted however, that there was no suggestion in the Scoping Report that the setting impacts on the category A listed bridge from the construction of the temporary bridge alongside it will be assessed. HES stated that while this is likely to be temporary impact and reversible following the conclusion of the construction phase of the works, it is still likely to have a significant adverse impact on the setting of the A listed bridge during the construction period. HES suggested that this element of the proposed works should be considered for assessment. • HES noted the proposed use of a methodology taking into account the guidance in the Design Manual for Roads and Bridges (DMRB) and that it was for the most part content with this approach to assessment. • HES advised that it was content with the proposed study area for the assessment and welcomed that HES’s Managing Change Guidance Note on Setting was referenced. HES advised that it normally recommended avoiding the use of a specific radius to identify potential setting effects as this may mean that assets with particularly sensitive settings at greater distances may be missed but, in this case, HES noted that it is content with the lists of assets within its remit identified in the baseline of the scoping report. HES noted that it is also content that a detailed assessment as defined by DMRB guidance will be undertaken for the potentially significant effects on both the Kincardine Bridge itself and nearby archaeological remains which may be impacted. • HES noted that the Scoping Report refers to a simple assessment for historic landscapes and that HES’s setting guidance is referenced. HES noted that it was not clear to it, however, whether setting impacts on individual historic environment assets will also be covered or whether a separate setting assessment will be carried out. HES advised that this should be clarified in the assessment. • HES noted that the full assessment should identify that an application for listed building consent will be required for the works associated with the proposed scheme. 	

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<p>• In respect of marine archaeology, HES noted that it is consulted on potential impacts on unscheduled archaeology below MHWS and that the local authority also has responsibility for archaeology between MHWS and Mean Low Water Springs (MLWS) and in this instance HES would expect the local authority to take the lead on the implications for unscheduled archaeology between MHWS and MLWS. HES recommended discussion with on any potential for impacts on unscheduled archaeology from the proposed works with Falkirk Council's archaeology advisor as well as the relevant planning officers.</p> <p>On 10 October 2018, a letter was sent to HES, Falkirk Council and Fife Council to provide more detail on the approach to the cultural heritage assessment set out in the Scoping Report. This letter included a list of designated cultural heritage assets outside the 200m study area and within 1km which were proposed to be included in the assessment due to the potential for impacts on their settings. In addition, the letter included a list of designated cultural heritage assets that were identified outside the 200m study area and within 1km upon which, following preliminary assessment, no impacts on their settings were predicted. In an email dated 18 October 2018, HES stated that it was content with this approach.</p> <p>A meeting was held with HES held on 9 April 2019, comments included:</p> <ul style="list-style-type: none"> • HES stated that it is content with the approach being taken in the assessment of cultural heritage for the EIA Report. • Jacobs advised that a visual inspection of the condition of the parapet panels had been undertaken by Amey (Trunk Road Operating Company) and that this indicated that approximately 25% of the panels (on the piled viaduct section and the sections of the bridge where the temporary bridge would connect to the existing bridge) may require to be replaced with new panels which replicate the existing panels. Jacobs advised that it is intended that all parapet panels, on the existing piled viaduct and the sections where the temporary bridge would tie in with the existing bridge, would be removed and stored and at that that stage they would be fully inspected to determine which panels would be refurbished and which panels would be replaced with new panels which would replicate the existing panels. • HES advised that it was recognised that there needs to be a pragmatic approach to refurbishment works to ensure the bridge will have a sustainable future and that as such there wasn't a requirement that all historic fabric had to be retained. HES advised that changes to the fabric of the bridge required to be justified and explained and that provided that this was done, it would be unlikely that changes to the fabric of the bridge would be objected to by HES. • Jacobs outlined that, due to the nature of the material (reinforced concrete), it would not be possible to reuse the reinforced concrete posts (pilasters) that require to be demolished at the piled viaduct and at the tie-ins with the temporary bridge structure. HES acknowledged that this was unavoidable. • Jacobs advised that the existing lamp posts which are fixed to the reinforced concrete posts (pilasters) had also been inspected by Amey and that this inspection found that the lamp posts were generally in fair condition. Jacobs noted that it was intended that the lamp posts on the piled viaduct and at the tie-in with the temporary bridge structure would be refurbished and reused. • HES provided further general advice regarding the proposed application for the listed building consent. <p>Draft Chapter 10 (Cultural Heritage) and Appendix A10.1 (Cultural Heritage Baseline Report) and accompanying figures were issued to HES for comment in July 2020.</p> <p>HES provided comments on the draft chapter on 14 August 2020, comments included:</p>	

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<ul style="list-style-type: none"> HES advised that relevant local authority archaeological and cultural heritage advisors should be consulted and provided with the draft cultural heritage assessment and in particular potential impacts relating to unscheduled marine archaeology and category B and C listed buildings. HES advised that the use of 'outstanding' in reference to Conservation Areas was no longer in use. It was noted that no detailed information regarding the concrete pilasters and parapet panels and suggested it may be useful for the decision maker to have this information if the Listed Building Consent application is not submitted at the same time as the EIA Report. It was suggested that clarification is provided stating whether replacement pilasters for the removal of four steel reinforced lamp columns/pilasters on the north side of the bridge will be provided. It was recommended that a summary of the justification for the proposed works is provided in the chapter. It was suggested that the chapter makes clear that the LBC will be required through the entirety of the works and that an indication of the information to be included in the LBC as well as when it is to be submitted, may be useful. <p>In general, HES stated that they were largely content with the assessment methodology and that the design principles and mitigation is likely to be sufficient to safeguard the historic interest and special character of the A-listed Kincardine Bridge.</p>	
<p>Marine Scotland – Licensing Operations Team (MS-LOT)</p> <p>MS-LOT advised by email on 10 July 2018 that it is the intention of MS-LOT, acting on behalf of the Scottish Ministers, to direct under Regulation 8(4) of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) that these Regulations do not apply to the proposed scheme on the basis that assessment of any effects on the environment is to be carried out by Transport Scotland, acting on behalf of the Scottish Ministers, in accordance with the requirements of the Roads (Scotland) Act 1984 (as amended). MS-LOT advised that in order to be satisfied that such assessment will be sufficient to meet the requirements of the EIA Directive in relation to marine concerns associated with the works, MS-LOT provided a list of organisations that required to be consulted during the EIA process (including scoping) and MS-LOT required the consultees to be appropriately addressed via Transport Scotland's regulatory approval process. MS-LOT advised that the consultees should be advised that their responses should include any relevant marine concerns that they may have. MS-LOT noted that provided that these requirements have been/will be met, on receipt of the marine licence application, MS-LOT will formally invoke the exemption from The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended). The list of consultees provided by MS-LOT is as follows:</p> <ul style="list-style-type: none"> Scottish Natural Heritage; Scottish Environmental Protection Agency; Historic Environment Scotland; Forth Ports; The Crown Estate; The Royal Yachting Association; Maritime and Coastguard Agency; Northern Lighthouse Board; Whale and Dolphin Conservation; Forth District Salmon Fishery Board; 	<p>This EIA Report has been prepared in accordance with the Roads (Scotland) Act 1984 (as amended).</p> <p>As described in this appendix, Jacobs has consulted with the organisations requested by MS-LOT. The Scoping Report was sent to each consultee by Jacobs on 19 July 2019 with a request for comments. The request for comments noted that the response from the consultee should include any relevant marine issues.</p>

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<ul style="list-style-type: none"> • Fishery Office; • The Royal Society for the Protection of Birds; • Falkirk Council; and • Fife Council. <p>The Scoping Report was issued to MS-LOT on 19 July 2018.</p> <p>MS-LOT advised by email on 14 August 2018 that it would not be providing comments on the Scoping Report and requested copies of the scoping consultation responses.</p> <p>Jacobs sent the consultation responses to the Scoping Report to MS-LOT by email on 24 April 2019.</p> <p>A meeting was held with MS-LOT and SNH on 25 April 2019 to discuss the Marine Licensing process and to provide MS-LOT and SNH with an update on progress of the EIA. This included:</p> <ul style="list-style-type: none"> • MS-LOT provided advice on the Marine Licencing process including pre-application consultation requirements. • SNH advised that where a marine licence is undertaken separate SSSI licence is not required. With regards to the potential area of works above MHWS, SNH noted that if this is also within the SSSI, SNH did not expect that a separate licence would be required provided impacts were fully considered through the EIA. • SNH advised that the primary concern for SNH will be the impact on the saltmarsh habitat area of the works. SNH advised that the main receptors are the SPA site and the SSSI which includes the saltmarsh and anticipates that appropriate mitigation measures will overlap with both designations. • Jacobs provided an update on the marine ecology assessment and advised that a Saltmarsh Survey had been undertaken. <p>MS-LOT advised by email on 20 May 2019, in summary, that:</p> <ul style="list-style-type: none"> • MS-LOT would be able to apply the exemption (to The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended)) on the understanding that Transport Scotland will be considering the marine aspects of the EIA and thus MS-LOT would be able to process the Marine Licence application once it is received. • MS-LOT would not be able to issue any Marine Licence until after a decision on the project has been issued under the Roads (Scotland) Act 1984 (as amended) and that MS-LOT can confirm that the marine aspects have been suitably addressed through the EIA process. <p>MS-LOT were contacted on the 14 September 2020 by email to provide comment on the 'reasonably foreseeable' developments that were identified for the cumulative assessment. MS-LOT replied on 24 September 2020, highlighting the relevant section of the Marine Scotland website that could be reviewed for active or ongoing licence applications. MS-LOT also noted that the assessment should consider the inclusion of Grangemouth Flood Defence Scheme, and work in Dundee Harbour.</p> <p>Jacobs contacted MS-LOT by email on 1 October 2020 to advise that the Marine Scotland website has been used to search for Marine Licence Applications of relevance to the proposed scheme and that the HRA and EIA Report had been updated accordingly. Jacobs acknowledged the works at Dundee Harbour, however noted that it did not consider there to be potential</p>	

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<p>for the proposed scheme to act in combination with the works at Dundee due to the distance between the two projects and the availability of alternative habitat for species to use during the construction phases. Jacobs noted that the Grangemouth Flood Defence Scheme has already been included in the draft assessments and that additional works at Grangemouth were identified following the search for Marine Licence Applications and have been included in the HRA, specifically dredging works at Grangemouth.</p> <p>Scottish Environment Protection Agency (SEPA)</p> <p>Jacobs issued a Technical Note to SEPA on 17 November 2017 outlining the proposed approach to the Road Drainage and Water Environment (RDWE) assessment of the EIA Report and a teleconference was held with SEPA on 14 December 2017. SEPA provided comments in an email on 15 December 2017 which included:</p> <ul style="list-style-type: none"> • SEPA advised that a Flood Risk Assessment (FRA) is unlikely to be required and that it is not considered that the proposal would increase flood risk to existing properties. • SEPA noted that no Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) authorisation is required for construction of the proposed scheme as this would be covered by a Marine Licence. • SEPA advised measures should be put in place to control any silt run-off during construction. • SEPA advised to contact SNH for the Appropriate Assessment for the protected sites and to look at best practice elsewhere. • SEPA recommended Construction Industry Research and Information Association (CIRIA) advice on coastal engineering and that before, during and after photographs of the seaward edge of the saltmarsh are taken. <p>The Scoping Report was issued to SEPA on 19 July 2018 along with a request for relevant details of licenced groundwater abstractions and former and current contaminated land use.</p> <p>SEPA responded to the Scoping Report by email on 15 August 2018:</p> <p><u>Flood risk</u></p> <p><i>As per our previous response, as the proposal is to repair/replacing existing bridge an FRA is not required. At this stage it is not considered that the proposal will increase flood risk to existing properties.</i></p> <p><u>Water Environment</u></p> <p><i>We consider that the scoping report raises no new issues beyond those discussed in our previous response dated 15 December 2017. We would only add that the drainage would be authorised in CAR by way of GBRs. Additionally, in regard to the information request relating to the details of licenced groundwater abstractions and former and current contaminated land use, I can advise that I have not received any information from our Data Request team, however I will follow this up to confirm there is no relevant information to share.'</i></p> <p>On 4 September 2018, SEPA (Data Requests) provided information on CAR licences/permits within 1km of the proposed scheme.</p>	<p>Comments provided by SEPA have been taken into account within the EIA Report and reported within Chapter 6 (Geology, Soils and Groundwater) and Chapter 7 (Road Drainage and the Water Environment).</p> <p>In relation to the comment provided on the EIA Report Chapter 7 (Road Drainage and the Water Environment) regarding SEPA Flood Maps, the flood risk assessment was updated to incorporate the Coastal Flood Boundary Method based on 2017 data and provision to include sea level rise since 2017 to estimate the 0.5% AEP (200-year) and 10% AEP (10-year) events.</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<p>Following further development of likely construction methods for the proposed scheme, a report was issued to SEPA on 14 January 2020 and further confirmation on SEPA's position was sought. SEPA, in an email dated 7 February 2020, noted that SEPA's previous position remain unchanged and that SEPA may request that all levels are returned to existing levels after construction.</p> <p>Draft Chapter 7 (Road Drainage and the Water Environment) and accompanying figures were issued to SEPA for comment in July 2020.</p> <p>SEPA provided comments on the draft chapter on 27 August 2020, including:</p> <ul style="list-style-type: none"> It was highlighted that the SEPA Flood Maps as shown on Figure 7.2 is contradictory to SEPA's terms of use and is not a suitable methodology for a site-specific assessment and the data shown on SEPA Flood Maps is indicative and not suitable for determining flood levels. <p>In general, SEPA stated that they have no major concerns regarding the draft chapter and that they have no objection to the proposed development in terms of flood risk.</p>	
<p>Scottish Natural Heritage (SNH)</p> <p>Jacobs consulted SNH regarding bird survey scope and methods by email on 22 June 2017.</p> <p>SNH responded by email on 10 July 2017, comments included in summary:</p> <ul style="list-style-type: none"> SNH noted that Jacobs correctly identified that the main natural heritage receptors in this area are the birds protected by the Firth of Forth SSSI/SPA/Ramsar designations and that Habitats Regulations Appraisal (HRA) will be required in support of the proposed scheme. SNH noted that its guidance states that two years of survey work is required to inform HRA and that in some cases this can be reduced to a single year if there is suitable contextual data that corroborates the applicant's data. SNH provided advice regarding the proposed survey scope and methods. <p>Subsequently a meeting was held with SNH on 9 November 2017 regarding the bird survey methodology, potential mitigation measures and the HRA methodology. SNH confirmed that if no other survey data is available, SNH require two years of survey data. If other data is available and it can be demonstrated that there is no noticeable difference to the datasets over the years, SNH would accept one years' survey data. SNH suggested that Jacobs compare data collected in winter (2017/18) from the Wetland Bird Survey (WeBS) sector Forth Grangemouth to Kincardine Bridge ('Skinflats', WeBS location 84405) with the previous five years of WeBS data to demonstrate that there are no significant fluctuations between bird numbers this winter to previous years.</p> <p>Since the meeting in November 2017, Jacobs contacted the WeBS coordinator for the Inner Forth Estuary about data collected in this sector. The WeBS coordinator has provided Jacobs with the last five years of WeBS Skinflats winter data (September to March), which includes data for 2012/13, 2013/14, 2014/15, 2015/16, and 2016/17 data.</p>	<p>The assessment in the HRA for the proposed scheme and the assessments in Chapter 8 (Marine Ecology) and Chapter 9 (Terrestrial Ecology) of this EIA Report have taken into account SNH's comments.</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<p>Scoping Report sent to consultee on 19 July 2018.</p> <p>SNH responded to the Scoping Report by email on 14 August 2018, comments included in summary:</p> <ul style="list-style-type: none"> • SNH advised that the proposed structure, method and content of the EIA Report are acceptable and that the Scoping Report seems to accurately reflect the previous discussions with SNH, particularly regarding bird surveys. • SNH noted that the works will directly impact the Firth of Forth SPA and the effect of the proposal on the integrity of the SPA is a main consideration for SNH. SNH advised that the HRA should provide a statement on each qualifying interest, even if simply to say that they are not present and don't need further consideration. SNH advised that it would expect the HRA to be set in the context of the site's conservation objectives and the impact anticipated as a result of the works. • SNH agreed that is correct to include consideration of the River Teith SAC in the EIA Report. • SNH advised that the SSSI is important for mudflats and saltmarsh and that the impact of potential loss of saltmarsh on the SSSI would need to be assessed and mitigation proposed. • SNH provided advice regarding protected species licence requirements. <p>A technical memorandum providing justification for a single year of bird survey was issued to SNH on 27 November 2018 and a response was received on 17 December 2018. SNH supported the conclusion of the technical memorandum that data recorded by Jacobs was appropriate and representative of the area and advised that further bird surveys are not required.</p> <p>Further consultation with SNH was undertaken in November 2019 to confirm whether any additional bird survey data would be required. SNH advised that additional survey data would not be required as the survey data collected to inform the assessment is considered to have a five year lifespan.</p> <p>As described above in the MS-LOT consultation summary section, a meeting was held with MS-LOT and SNH on 25 April 2019 to discuss the Marine Licensing process and to provide MS-LOT and SNH with an update on the project.</p> <p>Further consultation was undertaken with SNH by email on 22 June 2020 regarding the approach to the outline Saltmarsh Management Plan. A response from SNH was received on 10 July 2020. SNH supported the use of biodegradable structures to aid the natural accretion of sediments over the use of active backfill or recharging the saltmarsh. SNH noted that the Forth is sediment heavy and SNH would expect natural accretion to take place at a good rate. SNH also supported the approach of allowing vegetation to naturally recolonise and to monitor for the success of this approach.</p> <p>Draft EIA Report Chapter 8 (Marine Ecology), Chapter 9 (Terrestrial Ecology) and the Habitats Regulations Appraisal (HRA) and accompanying figures and appendices were issued to SNH in July 2020 for comment.</p> <p>SNH provided comments on the draft chapters on 31 July 2020, including:</p> <ul style="list-style-type: none"> • SNH suggested it would be helpful if the terrestrial assessment provided the justification for why the replacement otter holt location was selected. • SNH advised that any consideration of the Firth of Forth SPA should also be applied to the corresponding Ramsar designation and that separate consideration within the HRA is not required. 	

Summary of Consultee Comments/Discussion	Jacobs Response
<p>In general, SNH stated that the draft chapters clearly lay out the relevant information and that they have no major concerns with the assessments.</p> <p>Appendices A8.2 (Outline Saltmarsh management Plan) and A9.4 (Outline Ecological Management Plan) were issued to SNH for comment in August 2020. SNH responded on 07 September 2020 and stated they welcome and support the use of the management plans including the mitigation detailed within.</p>	
<p>British Trust for Ornithology (BTO)</p> <p>The WeBS coordinator provided Jacobs with data for the Skinflats WeBS sector (as described in the summary of consultation with SNH above).</p> <p>Scoping Report sent to consultee on 19 July 2018.</p> <p>BTO advised by email on 15 August that it will not be responding to the Scoping Report consultation and that BTO are happy to provide data for such reports but not commenting on the contents.</p>	<p>No further response required.</p>
<p>Central Scotland Bat Group (CSBG)</p> <p>Scoping Report sent to consultee on 19 July 2018 with request for details of any known roosts within 2km of the Kincardine Bridge and within the bridge itself. No response received from CSBG to date.</p>	<p>No further response required.</p>
<p>Clackmannanshire Council</p> <p>Clackmannanshire Council was contacted on 14 September 2020 by email to provide comment on the 'reasonably foreseeable' developments that were identified for the cumulative assessment. Response was received from the Council on 5 October 2020, in which they highlighted the proposed improvements to the railway line between Alloa and Longannet (West of Fife Enhancement Project) by Network Rail. The Council confirmed they were not aware of any other developments that should be included within the cumulative effects assessment.</p>	<p>The Network Rail West of Fife Enhancement Project has been considered in Chapter 16 (Assessment of Cumulative Effects) of this EIA Report.</p>
<p>Crown Estate Scotland (CES)</p> <p>Bidwells on behalf of CES advised in an email dated 27 February 2018 that its understanding is that the proposed works will not impact on the interests of CES as this area of foreshore is not Crown land and that Crown consent is therefore not required for the works.</p> <p>The Scoping Report was issued by Jacobs to Bidwells (on behalf of CES) on 19 July 2018. Bidwells on behalf of CES advised in an email dated 8 August 2018 that it sees no issues with the Scoping Report and from the drawings provided, it looks like the physical works will be contained within the area of the foreshore around the bridge that is Non-Crown and so no CES consent would be required.</p>	<p>On the basis of the consultation with CES, it is understood by Jacobs that CES consent would not be required for the proposed scheme as the land made available for the proposed scheme is not Crown land.</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<p>Jacobs responded in an email dated 9 August 2018 advising that it is anticipated that the proposed physical works and the construction working areas around the works will be contained within the area shown as 'indicative area required for temporary works and construction' in Figure 1 and 2 of the Scoping Report and on this basis it is understood that CES consent would not be required for these works.</p>	
<p>Fishery Office</p> <p>Scoping Report sent to consultee on 19 July 2018.</p> <p>The Fishery Office responded by email on 16 August 2018. The response stated that: <i>'there are no registered, licenced fishing vessels based as far up the Firth of Forth at Kincardine/Alloa area. Our most westerly based vessel works out of Rosyth. As a consequence of this, I would not think that this proposed refurbishment work will affect any of our commercial fishing fleet. I cannot comment on any possible salmon station work that might take place in the area under review.'</i></p>	<p>No further response required.</p>
<p>Forth District Salmon Fishery Board (FDSFB)</p> <p>Scoping Report sent to consultee on 19 July 2018.</p> <p>In an email from FDSFB on 23 July 2018, FDSFB advised that it would respond to the Scoping Report in due course and noted:</p> <p><i>'There is an active salmon fishing right (Higginsneuk) on this stretch of the estuary. I am unsure if the works will impact on the owners ability to fish and whether there would be a loss associated with this (it is a netting station). I only have an address so if you send me a paper copy of your enquiry I can forward it on.'</i></p> <p>FDSFB responded to the Scoping Report by email on 21 August 2018:</p> <p><i>'This response is from the Forth District Salmon Fishery Board which has a statutory remit to protect, conserve and enhance salmon and sea trout in the Forth District which covers all rivers draining into and including the Estuary and Firth. The proposed works are proposed on the inward and outward migration routes from the River Forth and its tributaries Allan Water and Teith, the most important salmon and sea trout fishery in the District as well as the Rivers Devon and Black Devon above the site and possible impact on the River Carron below. Salmon stocks are currently under considerable pressure and the Forth Estuary is categorised by Marine Scotland as having unsustainable stock to allow any taking of fish. It is critical therefore that the works do not have a negative impact on these species.'</i></p> <p><i>We note that you are planning to consider the Teith SAC, life stages of migratory fish including sea trout, salmon, lamprey and spurling and to assess impacts in both construction and operational phases. We look forward to being consulted on this when it is complete and assume that it is covering all life stages.</i></p> <p><i>The assessment should also include the possibility of brown trout that display intermediate behaviour between freshwater residency and sea migration. These "type" of fish move daily with the tide and utilised exposed/flooded habitats in the</i></p>	<p>The assessment in Chapter 8 (Marine Ecology) has taken into account FDSFB's comments in relation to potential impacts on fish species.</p> <p>The proposed scheme would not require any dredging at Grangemouth Harbour.</p> <p>Jacobs sent an email to FDSFB on 8 October 2018 with a consultation letter addressed to the owner of the fishing right for FDSFB to forward on to the owner of the fishing right.</p> <p>Jacobs have not received a response from the owner of the fishing right to date.</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<p><i>fresh/estuarine zones. This is observed in other parts of the district, and these fish may be disproportionately affected by the works compared with other fish that transition through the area of the proposed development in discrete seasonal patterns.</i></p> <p><i>If not sufficiently mitigated this work could have profound impact on a fish population already under significant pressure.</i></p> <p><i>Has any consideration been made on whether the works would require any additional dredging at Grangemouth harbour. Any additional dredging would have further impacts on the fish species within the Estuary and Firth, particularly smolts if not undertaken at the correct time of year.</i></p> <p>FDSFB advised that there is a hereditary salmon fishing right at this point on the south side of the estuary. FDSFB advised that the owner should be contacted about the works before they commence as it may affect his ability to fish the area.</p>	
<p>Forth Estuary Forum (FEF)</p> <p>Scoping Report sent to consultee on 19 July 2018.</p> <p>Email from FEF dated 13 August 2018 stated that there is a meeting of FEF management committee on 14 August 2018 and if there are any comments that they wish to make they will be forwarded on. No further response has been received from FEF to date.</p>	<p>No further response required.</p>
<p>Forth Ports</p> <p>Scoping Report sent to consultee on 19 July 2018.</p> <p>Forth Ports responded by email on 13 August 2018, comments included:</p> <ul style="list-style-type: none"> • A works licence will be required from Forth Ports Limited prior to any works being undertaken as this falls within its area of jurisdiction. • The applicant should also liaise with Forth Ports' Forth and Tay Navigation Department to provide all relevant information to allow Notice to Mariners and other relevant paperwork to be issued in connection with the works. 	<p>Chapter 17 (Schedule of Environmental Commitments) contains the commitments relating to the works licence and the requirement to liaise with Forth Ports' Forth and Tay Navigation Department.</p>
<p>Forth Valley Local Bird Group (FVLBG)</p> <p>An online FVLBG contact form was completed on 6 August 2018 requesting contact details to send a consultation letter to.</p> <p>No response received to date.</p>	<p>No further response required.</p>
<p>Maritime and Coastguard Agency (MCA)</p> <p>Scoping Report sent to consultee on 19 July 2018.</p>	<p>As described above, Forth Ports have been consulted regarding the proposed scheme and as noted in Chapter 5 (Consultation and Scoping), pre-application consultation has been undertaken in relation to the Marine</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<p>The MCA responded by email on 17 August 2018:</p> <p><i>'We note Chapter 14 on Navigation, and that the works will mostly take place near the shore area, and in the view of the developer will have low impact on the total navigable area or the safety of marine users. We also note that the developer has already engaged with statutory consultees, however we would suggest that identified local users (Forth Ports, local yacht clubs, RNLI etc) are contacted early on to obtain their input and identify any local concerns.</i></p> <p><i>The MCA is a statutory consultee to Marine Scotland and therefore anticipate that we will be further consulted with at the final Marine Licence application stage. Based on the evidence so far submitted and reviewed by MCA Navigation Safety Branch, we are unlikely to object to the works, subject to some of our standard risk mitigation measures being followed (i.e. issuing local Notices to Mariners, notifying HM Coastguard, updating the UKHO if applicable, etc).'</i></p>	<p>Licence Application in order to identify any comments of interested local stakeholders.</p> <p>Chapter 17 (Schedule of Environmental Commitments) contains the commitments relating to complying with conditions of the Marine Licence</p>
<p>Northern Lighthouse Board (NLB)</p> <p>Scoping Report sent to consultee on 19 July 2018.</p> <p>NLB replied by email on 19 July 2018 and noted that on existing navigation charts, the bridge is marked as carrying electricity cables and queried whether this will still be the case after the viaduct renewal, or will they be removed.</p> <p>NLB provided its response to the Scoping Report via email on 20 July 2018:</p> <p><i>'As has been highlighted within the scoping report, the majority of traffic that transits that part of the Forth is recreational in nature, and is predominantly concentrated on the north side of the channel. The area highlighted within the scoping report to be impacted by these works is situated within mudflats that are not practicably navigable, and does not infringe on the navigational channel.</i></p> <p><i>Furthermore, the temporary structure is to be constructed directly adjacent to the existing viaduct, which itself is not navigationally marked, and as such, there would be no requirement for the temporary structure to be marked.</i></p> <p><i>Northern Lighthouse Board has no objections to the proposals contained within the scoping report, and recommends the following:</i></p> <ul style="list-style-type: none"> • <i>Transport Scotland, or their delegated contractor, should liaise with Forth Ports with regard to the dissemination of Navigation Warnings and Notice to Mariners concerning the works.</i> • <i>Any permanent alterations to be communicated to the UK Hydrographic Office for update of the relevant British Admiralty chart.'</i> 	<p>Electrical cables will be present on the piled viaduct replacement structure following completion of the proposed scheme works.</p> <p>Chapter 17 (Schedule of Environmental Commitments) contains the commitments relating to liaising with Forth Ports with regards to the dissemination of Navigation Warnings and Notice to Mariners concerning the works and that any permanent alterations will be communicated to UK Hydrographic Office for update of the relevant British Admiralty chart.</p>
<p>Royal Society for the Protection of Birds (RSPB)</p> <p>Jacobs contacted RSPB Skinflats Reserve via email on 14 September 2017 with a request to provide bird survey data and any other information considered relevant. RSPB responded by email on 20 October 2017 and suggested contacting BTO for WeBS data.</p>	<p>The assessment in the HRA for the proposed scheme and the assessments in Chapter 8 (Marine Ecology) and Chapter 9 (Terrestrial Ecology) of this EIA Report have taken into account RSPB's comments; a summary of responses to RSPB's main comments are below.</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<p>Scoping report sent to consultee on 19 July 2018.</p> <p>RSPB responded by email on 13 August 2018, comments included:</p> <ul style="list-style-type: none"> RSPB stated that the Scoping Report has identified how important this area is for wintering wildfowl and waders, which has been recognised with both national and international designations. RSPB welcomed the production of a Habitats Regulations Appraisal (HRA), which will assess what the impacts of the development would be on the Firth of Forth SSSI, SPA, and Ramsar site and noted that the HRA needs to consider impacts such as loss of saltmarsh and disturbance to SPA species during the construction works. RSPB noted that the HRA should consider mitigation measures such as timing of work and alternative designs to minimise these impacts, but also the potential need for compensation, if there is a permanent loss of saltmarsh habitat as a result of the development. RSPB noted that peregrines are a fully protected species of Annex 1 of the EU Birds Directive (70/409) and under Schedule 1 of the Wildlife and Countryside Act (1981), as amended. RSPB noted that this means that it is illegal to intentionally or recklessly disturb them when nesting. RSPB advised that work cannot begin during the breeding season (March to July inclusive) when there is a danger of disturbing the birds. RSPB advised that peregrines are often associated with working quarries and can be very successful. They can habituate to activity but some level of activity needs to be present prior to the start of the breeding season to allow time for the peregrines to adjust to the increase in activity at the site or allow them to choose an alternate nesting site. RSPB advised therefore that timing of the works will be an important part of the mitigation proposals to limit disturbance during construction and that this and other forms of mitigation should be presented in the EIA Report. RSPB advised that they look forward to commenting on the EIA and HRA when they are produced. <p>RSPB provided a further consultation response on 5 December 2019. RSPB noted concern at the potential for the development to impact on the Firth of Forth SPA/ SSSI/ Ramsar site through loss of habitat and disturbance of notified features. RSPB commented that the Scoping Report broadly covers the topics and methodologies that RSPB would expect to be assessed as part of the EIA, and noted further comments including:</p> <ul style="list-style-type: none"> RSPB would expect to see bird data showing through-the-tide counts, taken over the winter months from a suitable vantage point. RSPB recommend the use of Wetland Bird Surveys (WeBS) data and that the local WeBS coordinator be consulted. RSPB advised that in order to avoid adverse effects on the integrity of the SPA, it should be assumed that no works should be undertaken during the autumn and winter months, September – March inclusive. RSPB advised that it wished to see specific peregrine surveys implemented during the breeding season and if birds are confirmed as breeding a suitable exclusion zone should be put in place during construction to avoid impacts on this species. RSPB would be concerned if the works were to result in temporary or permanent loss or damage to saltmarsh or intertidal mudflats, due to the importance of these habitats as part of the Firth of Forth SPA/SSSI. RSPB advised every measure must be taken to prevent these impacts. RSPB stated RSPB would expect this development to require an Appropriate Assessment and the EIA should provide sufficient information for this to be undertaken. 	<p>Through the tide count (TTTC) surveys were undertaken over a full calendar year (April 2017 to April 2018, inclusive), from suitable vantage points. Survey methods were developed in consultation with SNH and methods were based on the Wetland Bird Surveys (WeBS) core counts methodology. Goose roost surveys were also undertaken over winter as a known roost is located to the south of the proposed scheme, to identify the importance of this site. Detailed survey methods and baseline conditions can be found in Chapter 9 (Terrestrial Ecology) and the HRA for the proposed scheme.</p> <p>A technical memorandum providing justification for a single year of survey was presented to SNH on 27 November 2018 and a response was received on 17 December 2018. SNH supported the conclusion that data recorded by Jacobs was appropriate and representative of the area and advised that further bird surveys are not required.</p> <p>Mitigation is proposed within Chapter 9 (Terrestrial Ecology) of the EIA Report and the HRA to avoid adverse effects on the integrity of the SPA. These mitigation measures have been informed by the SNH guidance document Habitats Regulations Appraisal (HRA) on the Firth of Forth- A Guide for developers and regulators.</p> <p>An Appropriate Assessment has been undertaken, and the survey data that has been undertaken has been used in the appraisal process. The habitat loss (both temporary and permanent) is minimal and saltmarsh will be reinstated following a saltmarsh management plan (Appendix A8.2). This management plan will include measures to reduce damage and encourage recovery of the saltmarsh.</p> <p>Mitigation is proposed within Chapter 9 (Terrestrial Ecology) of the EIA Report to protect peregrine, which includes timing works to avoid the peregrine breeding season.</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<p>Jacobs emailed RSPB on 10 January 2020 and noted RSPB's concerns over the sensitivities of the Firth of Forth SPA, SSSI, and Ramsar site and breeding peregrine in particular. Jacobs noted that with regard to the Firth of Forth SPA and Ramsar site specifically, an HRA is being prepared and as part of the consultation process the HRA would be submitted to SNH for their comment and review. With regard to peregrine, Jacobs noted mitigation measures are being developed as part of the EIA process to avoid disturbance to breeding peregrine.</p>	
<p>Scotways (Scottish Rights of Way & Access Society)</p> <p>Scoping Report sent to consultee on 19 July 2018.</p> <p>Scotways responded by email on 27 August 2018, comments included:</p> <ul style="list-style-type: none"> Scotways requests that right of way CF97 is kept open and free from obstruction during and after the proposed construction works. Scotways recommend liaising with Falkirk Council's access team regarding the impact on Right of Way CF97. 	<p>Scoping comments provided by Scotways have been taken into account as follows:</p> <ul style="list-style-type: none"> Chapter 17 (Schedule of Environmental Commitments) contains environmental commitments relating to Non-motorised Users (NMUs) access. As described in the Falkirk Council consultation summary section Jacobs has consulted with the Falkirk Council access officer.
<p>Sustrans Scotland (Sustrans)</p> <p>Scoping Report sent to consultee on 19 July 2018.</p> <p>Sustrans responded by email on 20 July 2018, comments included:</p> <ul style="list-style-type: none"> Sustrans advised that on the basis of the text form paragraph 5.3.1 of the Scoping Report the proposals seem fine. Sustrans advised that if diversions are going to be put in place then Sustrans request that it would be contacted in advance to look at the proposals so that Sustrans' website could be updated to notify users that a diversion would be in place. 	<p>Scoping comments provided by Sustrans have been taken into account as follows:</p> <ul style="list-style-type: none"> Chapter 17 (Schedule of Environmental Commitments) contains environmental commitments relating to Non-motorised Users (NMUs) access.
<p>The Royal Yachting Association Scotland (RYA Scotland)</p> <p>Scoping report sent to consultee on 19 July 2018.</p> <p>Email from RYA Scotland dated 26 July 2018 informing that RYA Scotland agrees that navigation can be scoped out of the EIA.</p>	<p>No further response required.</p>
<p>The Wildlife Information Centre (TWIC)</p> <p>Scoping Report sent to consultee on 19 July 2018 with request for details of protected and notable species or habitats within 2km of the bridge.</p> <p>Email from TWIC 19 July 2018 enclosed a data request form so that TWIC can provide a quote for the request.</p>	<p>Jacobs has reviewed the National Biodiversity Network (NBN) Atlas to see what data TWIC may be able to provide. The records on NBN are for birds; Jacobs has undertaken extensive bird surveys and received five years' worth of data from BTO. Therefore, TWIC would not be providing any additional information, so it was not necessary to respond further to TWIC and submit the data request form.</p>

Summary of Consultee Comments/Discussion	Jacobs Response
<p>Whale and Dolphin Conservation (WDC)</p> <p>Scoping report sent to consultee on 19 July 2018.</p> <p>Email from WDC dated 14 August 2018. WDC has no comments on the present scoping document.</p>	<p>No further response required.</p>
<p>Owner of Hereditary Salmon Fishing Right</p> <p>As described in the FDSFB summary consultation section above, Jacobs sent an email to FDSFB on 8 October 2018 with a consultation letter addressed to the owner of the fishing right for FDSFB to forward on to the owner of the fishing right.</p> <p>Jacobs have not received a response from the owner of the fishing right to date.</p>	<p>No further response required.</p>
<p>NHS Fife</p> <p>Jacobs contacted the NHS Fife Health Protection team by email on 21 April 2020 to request health data to inform the human health assessment contained in Chapter 14 (Human Health).</p> <p>No response received from NHS Fife to date.</p>	<p>No further response required.</p>