

Director Low Carbon Economy

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Your ref:

Our ref:
A96 Dualling
Inverness to Nairn

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Dear Roy

THE ROADS (SCOTLAND) ACT 1984 AND THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947 A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)

THE SCOTTISH MINISTERS' DECISION

1. This letter contains the Scottish Ministers' decision on the draft Orders listed below in connection with the A96 Dualling Inverness to Nairn (including Nairn Bypass). The Scottish Ministers have decided that the Orders should be made with modifications as proposed by Transport Scotland.

Background

2. Transport Scotland, the promoter of the scheme published four draft Orders relating to the proposed dualling under The Roads (Scotland) Act 1984. The draft road and Compulsory Purchase Orders were published on 29 November 2016. The draft Orders are as follows;

- The A96 Trunk Road Inverness to Nairn (including Nairn Bypass) Compulsory Purchase Order 201[]
- The A96 Trunk Road Inverness to Nairn (including Nairn Bypass) (Trunking and Detrunking) Order 201[]
- The A96 Trunk Road Inverness to Nairn (including Nairn Bypass (Side Roads) Order 201[]
- The A96 Trunk Road Inverness to Nairn (including Nairn Bypass) (Extinguishment of Public Rights of way) Order 201[]

3. The proposed scheme is for the provision of 31 kilometres of dual carriageway on the A96 between Inverness and Nairn (including the Nairn bypass). The proposed scheme would run from Inverness Seafield Roundabout eastwards to Hardmuir (east of Nairn). This is the first of several proposed phases to dual the whole of the A96 from Inverness to Aberdeen. The



upgrade of the A96 to dual carriageway would help assist economic growth through improved access to the wider strategic transport network and enhance access to jobs and services.

4. Entrance and exit to the new dual carriageway will only be possible via six grade-separated junctions. With the exception of the section running between Seafield Roundabout and Smithton Interchange, the proposed scheme is for a wholly new dual carriageway from Smithton Interchange to Hardmuir via the proposed Nairn Bypass. Between Seafield and Smithton the existing A96 would form one of the carriageways, thereafter the proposed scheme would be a new, offline dual carriageway. Several new or improved side roads and multiple new points of access are also proposed to overcome severance or other issues that would be caused by the proposed dual carriageway.

5. A total of 43 statutory objections and 84 Non-statutory objections together with 27 representations and arrangements were made for the holding of a Public Local Inquiry (PLI). A pre-inquiry meeting was held on 5 June 2018 by David Buylla BA (Hons) MRTPI and Nick Smith BSc (Hons) MRTPI to consider the arrangements and procedures for the inquiry. It was confirmed that three inquiry sessions and ten hearing sessions would be held. However, two participants withdrew prior to commencement of proceedings. Another objector withdrew following negotiations during an adjournment of proceedings. The oral procedures ran from 30 October until 20 November 2018. A copy of the report of the PLI is enclosed.

Evidence at the Inquiry

6. The background to the scheme and need for the Orders, the environmental impact of the scheme, objections considered and Transport Scotland's responses are contained in Chapters 1– 8 of the Report.

Considerations by the Reporters

7. The Reporters reasoned conclusions and recommendations contained in Chapter 9 are that subject to there being a favourable outcome from any Appropriate Assessment that the Orders be confirmed, subject to the modifications proposed by Transport Scotland as shown in the attached Annex.

8. Since the Reporter's recommendations, no correspondence has been received by the Scottish Government regarding the A96 Dualling Inverness to Nairn (including Nairn Bypass) proposals that would affect the Scottish Ministers' decision.

The Scottish Ministers' Decision

9. The Scottish Ministers have carefully considered:

- the objections to the draft Orders which were made and not withdrawn
- all of the evidence presented to the inquiry, the Reporter's reasoned conclusions and recommendations
- the need, justification and environmental impact of the scheme

10. The Scottish Ministers accept the Reporter's findings, conclusions and recommendations in full.

11. The Appropriate Assessment referred to above has been undertaken and has concluded that the project as proposed will not adversely affect the integrity of the Natura sites.

12. Scottish Ministers have also considered the requirements of local and national planning, including the requirements of agriculture and industry. They are satisfied that all the necessary requirements of the Roads (Scotland) Act 1984 have been met.

13. Having taken into account all relevant matters, the Scottish Ministers have decided that on the grounds of improving the operation and safety of this strategic route that the Orders should be made, subject to the proposed amendments tabled at the PLI. The proposed dualling of the whole A96 corridor between Inverness and Aberdeen, of which this scheme forms an integral part, has been justified and evolved through numerous iterations of national economic, transport and planning strategy and policy. The proposed scheme reflects a variety of objectives that are in the wider public interest. The environmental information has been thoroughly considered and that the assessment has been undertaken robustly. The design of the proposed scheme, including its alignment and junctions conform to the requirements and guidance of the DMRB and STAG and would cater adequately for the scale of development envisaged in the region.

Information regarding the right to challenge the validity of the decision

14. The foregoing decision by the Scottish Ministers is final but any person wishing to question the validity of the decision, under the provisions of Schedule 2 to the Roads (Scotland) Act 1984 and Part 4 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, may do so by application to the Court of Session. Such an application must be made within 6 weeks of the date on which the notice of the making of the Orders is first published.

15. A copy of this letter is being sent to all parties who made objections or representations within the objection period.

16. This decision letter and the Reporter's report will also be made available on the Transport Scotland website www.transportscotland.gov.uk . Paper copies may be obtained by e-mailing specialprojects@scotland.gsi.gov.uk .

Yours sincerely



Stuart Greig
Director

Modifications to Draft Orders Proposed by Transport Scotland

Order Ref.	Party	Issue	Proposed change to Orders
CPO Plot 149	Network Rail	Plot not required after changes in the design	Plot 149 will be removed from the made order.
CPO Plot 203	Unknown	Reduction of plot size reflecting changes in design	Plot 203 will be reduced in size in the made order. The change to this Plot is a result of the design changes which also led to the removal of Plot 204 and the removal of New Means of Access 341 (both referenced below).
CPO Plot 204	Mr John and Mrs Anne Callum	Plot not required after changes in design	Plot 204 will be removed from the made order.
CPO Plot 207	Mr John and Mrs Anne Callum	Plot not required after changes in design	Plot 207 will be removed from the made order. This change is a result of the removal of New Means of Access 341 (referenced below).
CPO Plot 303	Mrs Jane Bradley and Mr Colin Cumming	Plot not required after changes in design	Plot 303 will be removed from the made order. This change is a result of the removal of New Means of Access 345 (referenced below).
CPO Plot 1123	Representation from Historic Environment Scotland affecting land owned by Moray Estates Development Company Ltd	Adjustment of plot boundary to avoid Scheduled Monument	Plot 1123 will be reduced in size in the made order to avoid encroaching into Scheduled Monument.
CPO Plot 1315	Mr Oliver Mackintosh	Reduction of plot size to allow continued use of an existing field access.	Plot 1315 will be reduced in size in the made order.
CPO Plots 1828, 1829, 1830	Objection from John R Mackintosh and Co affecting land owned by R D Gordon and A M Gordon	Reduction of plot size to allow continued use of septic tank soakaway	Plots 1828, 1829 and 1830 will be reduced in size in the made order. The reduction in size of Plots 1829 and 1830 is necessary to allow continued use by the Gordons of an existing access track which provides access to the septic tank soakaway.

Order Ref.	Party	Issue	Proposed change to Orders
CPO Plot 2203	Mr James Downie	Reduction of plot size to tie-in with the changes associated with the proposed additional field access.	Plot 2203 will be reduced in size in the made order.
Side Road Order Plan SR1 – New Means of Access 341	Mr John and Mrs Anne Callum	New Means of Access to be removed from design.	Side Road Order will be amended to remove New Means of Access 341 on Side Road Order Plan SR1. This change is a result of feedback from The Highland Council rather than as a result of an objection.
Side Road Order Plan SR3 – New Means of Access 345	Mrs Jane Bradley and Mr Colin Cumming	New Means of Access to be removed from design	Side Roads Order will be amended to remove New Means of Access 345 on Side Roads Order Plan SR3. This change is a result of feedback from The Highland Council rather than as a result of an objection.
CPO Plots 1216, 1219 and 1604	in respect of Network Rail	These were included at Section 13 of Craig Cameron's precognition for Inquiry Session 1 as plots which may be removed from the made CPO if a deed of servitude is granted through voluntary agreement with Network Rail.	However, the removal of these plots from the CPO should not be treated as committed changes as this is subject to reaching a voluntary agreement with the landowner. The Promoter has signed a letter of comfort with Network Rail committing to pursuing such an agreement but meantime these plots must remain in the made CPO to ensure delivery of the proposed scheme.