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Environmental Impact Assessment Record of Determination

A9 Braes of Nuide 2+1 Section (Newtonmore) - Resurfacing

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Project Details

Description

BEAR Scotland has been commissioned by Transport Scotland to carry out resurfacing works on a section of the A9 trunk road east of Newtonmore (see Figures 1 and 2 below). The works involve the resurfacing of the A9 northbound (NB) and southbound (SB) carriageways at the scheme extents noted below.

These resurfacing works are proposed to be undertaken within the 2025/26 Financial Year and are currently programmed to begin on the 23rd of June 2025 for a duration of 6 nights, with working hours between 19.00-06.00. Changes to the programme may see changes to these exact dates/durations.

Traffic management (TM) will consist of single lane closures with two-way temporary traffic lights and a convoy system in place (between 19.00-06.00). There is one local land access point which will be accommodated within TM if required. There are no other access points, junctions, parking facilities or pedestrian requirements within the scheme extents and any non-motorised road users (NMRU's) will be accommodated within TM.

Location

The scheme is located on a semi-rural stretch of the A9 east of Newtonmore and approximately 4km south of Kingussie in the Highland Council Local Authority area (national grid reference (NGR): NN 71240 97428 - NN 73072 98370).



Figure 1: Scheme location



Figure 2: Scheme extents

Description of local environment

Air quality

There are no <u>Air Quality Management Areas</u> (AQMAs) within 10km of the scheme extents.

There are no registered sites on the <u>Scottish Pollutant Release Inventory (SPRI)</u> located within 10km of the schemes.

There are no Air Quality Monitoring Stations (<u>AQMS</u>) within 10km of the scheme extents.

Due to the rural location of the works, baseline air quality is likely to be primarily influenced by traffic travelling along the A9; with secondary sources likely derived by the nearby land management activities and the nearby railway line.

Cultural heritage

The following cultural heritage features are recorded within 300m of the schemes (<u>PastMap</u>):

• 4 National Records of the Historic Environment (NRHE), the closest of which is 'Nuide Building' (reference 117385) which lies approximately 5m north of the scheme.

• 5 Historic Environment Records (HER's), the closest of which is 'Nuide Building' (reference MHG27192) which lies approximately 5m north of the scheme.

None of the above listed features are designated protected assets.

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

Any features of cultural heritage are likely to have been discovered during the construction of the A9 trunk road. As works are restricted to the A9 trunk road boundary, it is unlikely that any unrecorded features of cultural heritage interest will be discovered and any potential impacts on cultural heritage will be negligible. Therefore this feature has not been considered further and has been scoped out of this assessment.

Landscape and visual effects

The scheme is located wholly within the Cairngorms National Park (Site ID: <u>8623</u>) which is designated for the following general special qualities:

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

The scheme is not located within a National Scenic Area or any other site designated for its landscape and visual character (<u>SiteLink</u>).

The scheme is located on a semi-rural stretch of the A9 east of Newtonmore and approximately 4km south of Kingussie. The surrounding land is dominated by montane scrubland; arable land; grazing pastures; scattered pockets of woodland; and freshwater habitat, with the River Spey a dominant landscape feature. The A9 trunk road and Highland Railway line are also dominant landscape features, as well as scattered residential settlements.

The scheme is located within the Landscape Character Type (LCT's) 'LCT 127-Upland Strath' (<u>NatureScot</u>) which has the following key characteristics:

• Large, broad, flat-bottomed strath, with some narrower pinch-point sections.

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

The A9 Trunk Road connects Perth with Thurso. It commences immediately north of Inveralmond Roundabout in Perth leading generally northwards for a distance of 357 kilometres to its junction with an unclassified road leading to Holborn Head lighthouse at Scrabster. The A9 is a mixture of single carriageway, '2+1' carriageway and stretches of two-lane dual carriageway. The A9 is a 2+1 carriageway at the scheme extent.

Biodiversity

The scheme lies 100m east, at its closest point, of the River Spey Special Area of Conservation (SAC) (Site ID: <u>8365</u>), Insh Marshes SAC (Site ID: <u>8274</u>), River Spey-Insh Marshes Special Protection Area (SPA) (Site ID: <u>8571</u>) and River Spey-Insh Marshes Ramsar (Site ID: <u>8452</u>).

The River Spey-Insh Marshes Site of Special Scientific Interest (SSSI) (Site ID: <u>1364</u>) overlaps with the SAC's, SPA and Ramsar at a distance of 100m west of the scheme.

The <u>National Biodiversity Network (NBN) Atlas</u> holds several records of bird species within 2km of the schemes (the search criteria included only records during the past ten years, and which have open-use attributions (OGL-CC0-CC-BY)). Under the Wildlife and Countryside Act 1981 (as amended), all wild birds and their active nests are protected, with certain species receiving additional protections.

The NBN Atlas holds the following records of injurious weeds (as listed in the Network Management contract (NMC)) under the same search criteria:

• Creeping thistle (*Cirsium arvense*)

- Broad leaved dock (*Rumex obtusifolius*)
- Common ragwort (Jacobaea vulgaris)
- Spear thistle (*Cirsium vulgare*)
- Rosebay willowherb (Chamerion angustifolium)

There are no records of invasive non-native species (INNS) on the NBN Atlas under the same search criteria. Additionally, the Transport Scotland Asset Management Performance System (AMPS) holds no records of INNS or injurious weeds within 300m of the scheme extent.

Habitat in the surrounding area is dominated by montane scrubland; arable land; grazing pastures; scattered pockets of woodland; and freshwater habitat.

There are several areas of woodland as listed on the <u>Ancient Woodland Inventory</u> (<u>AWI</u>) within 300m of the scheme and overlapping the scheme extent, all of which are of 'ancient (of semi-natural origin)'.

There are no areas of trees covered by a Tree Preservation Order (<u>TPO</u>) by Highland Council within 300m of the scheme.

Geology and soils

There are no Geological Conservation Review Sites (GCRS's) or SSSI's designated for geological features within 300m of the scheme (<u>SiteLink</u>).

Component soils throughout the scheme extent comprise the following soil types (<u>Scotland's Soils</u>):

- Humus-iron podzols
- Mineral alluvial soils with peaty alluvial soils

Soils in the area around the scheme extent are comprised of Class 0 mineral soils, and peatland habitats are not typically found on such soils (<u>Carbon and Peatland</u> <u>Map 2016</u>).

Bedrock geology within the scheme extent is comprised of the following (<u>Scottish</u> <u>Geology Trust</u>):

- Ardverikie Till Formation- Diamicton
- Head- gravel, sand, silt and clay
- Alluvial Fan Deposits- gravel, sand, silt and clay
- Alluvium- sand, gravel and boulders

• Glaciofluvial Sheet Deposits- sand, gravel and boulders

Material assets and waste

The proposed resurfacing works are required to resurface the worn carriageways (northbound and southbound), remove the surface course and repair structural defects. Road markings and studs will also be installed. Materials used will consist of:

- Asphaltic materials (TS2010 surface course and warm mix AC20 binder course and warm mix AC32 base course)
- Milled in road studs
- Thermoplastic road marking paint
- Bituminous emulsion bond coat

Due to the scheme value, there is no requirement for a Site Waste Management Plan. The contractor is responsible for the disposal of road planings and this has been registered in accordance with the Paragraph 13 (a) waste exemption issued by SEPA, as described in Schedule 3of the <u>Waste Management Licensing Regulations</u> <u>2011</u> (exemption number: WML/XS/2008309).

Coal tar has not been identified on site and no site compound is required for these works. Storage of plant and equipment will be within TM on the A9 carriageway.

Noise and vibration

For residential, community and commercial receptors refer to the 'Population and Human Health' section below.

The works do not fall within a Candidate Noise Management Area (CNMA) as defined by Transport Scotland's Transportation Noise Action Plan (TNAP) 2019-2023.

Modelled noise data for the A9 at the scheme extent shows that the day, evening and night levels (Lden) fall between 65-75dB (<u>SpatialData.gov.scot</u>).

Due to the semi-rural location of the scheme, baseline noise levels are likely to be primarily influenced by traffic travelling along the A9; with secondary sources derived from nearby land management activities and the nearby railway line.

Population and human health

The scheme lies on a semi-rural stretch of the A9 east of Newtonmore and approximately 4km south of Kingussie. There are 5 residential properties within proximity to the scheme, all located to the west of the NB carriageway. The closest of these is located 25m from the trunk road with minimal screening from a narrow strip of trees.

There is one land management access junction located adjacent to the SB carriageway within the scheme extent. There are no other junctions, access points or laybys within the footprint of the scheme.

The Highland Mainline Railway runs parallel to the west of the A9 at a distance of 410m at its closest point.

In 2024, the annual average daily flow (AADF) of traffic was estimated on the A9 trunk road at the scheme extent (Site ID: 0000JTC00352) accounted for 9737 vehicles, with 25.1% of these heavy goods vehicles (HGVs) (Transport Scotland Traffic Count Data).

TM will involve night-time single lane closures with two-way traffic lights and a convoy system in place.

Road drainage and the water environment

The scheme extent and surrounding area is underpinned by the Upper Spey Sand and Gravel groundwater (ID: 150814). This is 252.4 square kilometres in area and in 2023 was assigned 'Good Ecological Potential' by the Scottish Environment Protection Agency (SEPA) under the Water Framework Directive (WFD) (<u>SEPA</u>).

The River Spey-Spey Dam to Loch Insh is a river (ID: 23142) in the River Spey catchment of the Scotland river basin district. The main stem is approximately 34.8 kilometres in length and it lies 100m west of the scheme at its closest point. The water body has been designated as a heavily modified water body on account of physical alterations that cannot be addressed without a significant impact on water storage for hydroelectricity generation. In 2023, the it was assigned 'Moderate Ecological Potential' by SEPA under the WFD (<u>SEPA</u>).

There are several unclassified waterbodies, drains, springs and culverts in proximity to the scheme and culverted under the A82 within the scheme extent (<u>SEPA</u>).

<u>SEPA Flood Map</u> has highlighted a high risk of surface water and small watercourses flooding in small areas throughout the scheme extent (i.e. a 10%

chance of flooding each year). There is no risk of river water flooding within the scheme extent.

Climate

The <u>Climate Change (Scotland) Act 2009</u> ('The Act'), and its subsequent amendment under the <u>Climate Change (Emissions Reduction Targets) (Scotland)</u> <u>Act 2019</u>, sets the framework for the Scottish Government to address climate change. The Act has an ambitious target to reach Net Zero greenhouse gas emissions by 2045, with any residual emissions balanced by removing carbon dioxide from the atmosphere. This is five years earlier than the rest of the UK due to the greater potential for carbon sequestration in Scotland.

The Act was amended to replace interim targets with carbon budgets. Carbon budgets are legally binding caps on greenhouse gas emissions in Scotland over five-year periods. In line with the Act, the Climate Change Committee (CCC) published advice on the level of Scotland's four carbon budgets, covering the period 2026 to 2045, recommending what the Scottish Government sets its carbon budgets at for annual average levels of emissions. These recommendations are based on an ambitious but credible route to Net Zero for Scotland by 2045.

Emissions reductions from surface transport are the largest contribution to meeting the first two carbon budgets. The pathway for surface transport emission reduction is primarily driven by the uptake of electric vehicles, in addition to measures to enable a shift from car use to public transport and active travel, which all play a role in reducing emissions from fossil fuel cars. Ensuring efficiency of existing transport infrastructure and improving/providing new active travel facilities is therefore important to support these carbon reduction budgets.

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

Policies and plans

This Record of Determination has been undertaken in accordance with all relevant regulations, guidance, policies and plans, notably including the Environment and Sustainability Discipline of the Design Manual for Roads and Bridges (<u>Design</u> <u>Manual for Roads and Bridges (DMRB</u>)) and Transport Scotland's Environmental

Impact Assessment Guidance (<u>Guidance - Environmental Impact Assessments for</u> road projects (transport.gov.scot)).

Description of main environmental impacts and proposed mitigation

Air quality

Construction activities associated with the proposed works have the potential to temporarily cause local air quality impacts. The main sources are likely to be dust generated by breaking out of materials or cold milling in preparation for carriageway resurfacing, as well as exhaust emissions from ancillary plant and vehicles. As a result, there is potential for dust, particulate matter, and exhaust emissions to be emitted to the atmosphere. However, taking into account the nature and scale of the works and the following mitigation measures, the risk of significant impacts to air quality are considered to be low.

- A water-assisted dust sweeper will sweep the carriageway after dustgenerating activities, and waste will be contained and removed from site as soon as is practicable.
- Materials that have a potential to produce dust will be removed from site as soon as possible, and vehicles that remove cold-milled material from site will have sheeted covers.
- Ancillary plant, vehicles and non-road mobile machinery (NRMM) will have been regularly maintained, paying attention to the integrity of exhaust systems.
- Ancillary plant, vehicles and NRMM will be switched off when stationary to prevent exhaust emissions (e.g., there will be no idling vehicles).
- Cutting, grinding, and sawing equipment (if required) will be fitted or used in conjunction with suitable dust suppression techniques e.g., local exhaust ventilation system that fits directly onto tools.
- Regular monitoring (e.g., by engineer or Clerk of Works) will take place when activities generating air pollution are occurring. In the unlikely event that unacceptable levels of air pollution are emanating from the site, the operation will, where practicable, be modified and re-checked to verify that the corrective action has been effective. Actions to be considered include: (a) minimizing cutting and grinding on-site, (b) reducing the operating hours, (c) changing the method of working, etc.
- All delivery vehicles carrying material with dust potential will be covered when travelling to or leaving site, preventing the spread of dust beyond the work area.
- Material stockpiles will be reduced as far as is reasonably practicable by using a 'just in time' delivery system. All material will also be stored on made ground.

- Any stockpiled material on site will be monitored daily to ensure no risks of dust emissions exists.
- Materials will be removed from site as soon as is practicable.
- Good housekeeping will be employed throughout the work.

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

Landscape and visual effects

The scheme is located wholly within Cairngorms National Park. There will be a shortterm impact on the landscape character and visual amenity of the site as a result of the presence of construction plant, vehicles, and TM. However, people, ancillary plant, vehicles, NRMM and materials will be restricted to areas of made/engineered ground on the A9 and the works will be undertaken over 6 nights on a rolling programme. As such, the visual impact of the resurfacing works will be somewhat reduced and there will be no residual impacts i.e. when complete, the visual appearance will remain largely unaffected, with a renewed road surface being the only discernible change.

To mitigate impacts as much as possible, the following measures will be put in place during works:

- The Cairngorms National Park Authority (CNPA) will be notified of the works and any additional mitigation measures, if received, will be adhered to.
- Throughout all stages of the works, the site will be kept clean and tidy, with materials, equipment, plant and wastes appropriately stored, reducing the landscape and visual effects as much as possible.
- Works will avoid encroaching on land and areas where work is not required or not permitted. This includes general works, storage of equipment/containers and parking.
- Where applicable, upon completion of the works, any damage to the local landscape will be reinstated as much as is practicable.
- The site will be left clean and tidy following construction.

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

Biodiversity

The scheme is located 100m east of the overlapping River Spey SAC; Insh Marshes SAC; River Spey-Insh Marshes SPA; and the River Spey-Insh Marshes Ramsar. The River Spey-Insh Marshes SSSI also overlaps with these sites 100m west of the scheme.

Maintenance activities such as resurfacing have been assessed under the existing BEAR 'Roads and Bridges Maintenance Activities within the Drumochter Hills, River Spey and River Spey-Insh Marshes European Sites, Highland Region Habitats Regulations Appraisal Proforma (June 2023)', which concluded that the works would not result in Likely Significant Effects (LSE) on these sites, based on the following factors:

- Works will be restricted to made ground within the trunk road network and will not entail works within the site boundaries.
- Qualifying terrestrial species within the vicinity of the trunk road are likely to be habituated to existing levels of noise and activity due to traffic, and the proposed maintenance activities are unlikely to result in significantly higher levels of noise than baseline levels.
- Standard working practices include robust containment measures to prevent pollution events for terrestrial works.

In general, activities associated with the resurfacing works undertaken on site could potentially have a temporary adverse impact on biodiversity in the wider area as a result of an increased vehicle presence and the potential for noise and light disturbance to protected species and pollution of habitats.

No INNS or invasive perennial records were returned within the scheme extents during the desktop study and, as such, potential disturbance and/or spread of INNS during the works is negligible.

Pollution controls and good practice measures to reduce impacts of works on the local environment will be detailed in the Site Environmental Management Plan (SEMP) and adhered to on site.

To mitigate impacts on biodiversity features throughout works, the following measures will be put in place:

• Works will be strictly limited to areas required for access and to carry out the works. Unnecessary encroachment onto terrestrial or aquatic areas will not be tolerated.

- All construction operatives will be briefed through toolbox talks prior to works commencing, which will be included in the SEMP. The toolbox talks will provide information on the legislation, general ecology, and best practice measures for relevant protected species.
- Site personnel will remain vigilant for the presence of any protected species throughout the works period. Should a protected species be noted during construction, works will temporarily halt until the species has sufficiently moved on. Any sightings of protected species will be reported to the BEAR Scotland Environmental Team.
- Artificial lighting will be directed away from areas of woodland and waterbodies as far as is safe and reasonably practicable.
- Personnel will remain vigilant for the presence of INNS or injurious weeds in road verges throughout the works period. Should any INNS be identified in working areas, works will be restricted to a 7m buffer of any growth where reasonably practicable.
- A 'soft start' will be implemented on site each day. This will involve switching on vehicles and checking under/around vehicles and the immediate work area for mammals prior to works commencing to ensure none are present and that there is a gradual increase in noise.
- Any excavations, exposed pipes/drains, or areas where an animal could become trapped (e.g. storage containers) will be covered over when not in use, at the end of each shift, and following completion of the works to avoid animals falling in and becoming trapped.
- If fencing is utilised at any point during the works, a gap of 200mm from ground level will be provided, allowing free passage for mammals and preventing entrapment.

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

Geology and soils

Excavation is required as part of the resurfacing works; however, this will be restricted to the A9 carriageway and trunk road boundary. To mitigate any adverse impacts on geology and soils, the following measures will be in place:

- The parking of machinery/personnel and storage of equipment on road verges will be minimised as far as is reasonably practicable.
- Upon completion of the works, any damage to the local landscape (i.e. damage to grass verges) will be reinstated as much as is practicable.
- Mitigation measures to prevent contamination of soils through loss of containment will be strictly adhered to.

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

Material assets and waste

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

- Materials will be sourced from recycled origins as far as reasonably practicable within design specifications.
- Care will be taken to order the correct quantity of required materials to prevent the disposal of unused materials.
- Where possible, minimal packaging will be requested on required deliveries to reduce unnecessary waste and production of packaging materials.

There is potential for impacts during works as a result of the improper storage or disposal of waste. The following mitigation measures will be put in place:

- The waste hierarchy (Reduce, Reuse, Recycle and Dispose) will be employed throughout the construction works.
- The subcontractor will adhere to waste management legislation and ensure they comply with Duty of Care.
- Containment measures will be in place to prevent debris or pollutants from entering the surrounding environment.
- Road planings will be re-used or recycled under a SEPA Paragraph 13(a) waste exemption and in line with BEAR Scotland's Procedure 126: The Production of Fully Recovered Asphalt Road Planings.
- All wastes and unused materials will be removed from site in a safe and legal manner by a licensed waste carrier upon completion of the works. The appointed waste carrier will have a valid SEPA waste carrier registration, a copy of which will be provided to and retained by BEAR Scotland as early as possible.
- All appropriate waste documentation will be present on site and be available for inspection. A copy of the Duty of Care paperwork will be provided and filed appropriately in accordance with the Code of Practice (as made under Section 34 of Environmental Protection Act 1990 as amended).
- Re-use and recycling of waste will be encouraged and the subcontractor will be required to fully outline their plans and provide documentary evidence for waste arising from the works (e.g., waste carrier's licence, transfer notes, and waste exemption certificates).

- Staff will be informed that littering will not be tolerated. Staff will be encouraged to collect any litter seen on site.
- Where applicable, all temporary signage will be removed from site on completion of the works.

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

Noise and vibration

Construction activities associated with the proposed scheme have the potential to cause noise and vibration impacts through the use of equipment and construction vehicles for the proposed activities. However, the works are not located within a CNMA and the proximity of road space suggests that residents within the local area will have a degree of tolerance to noise and disturbance. there are no residential or commercial properties within 300m of the scheme extents. Works will be conducted over a period of 6 nights on a rolling programme, with working hours between 19.00-06.00 and the aim to complete the noisiest works by 23.00. Works with the potential to induce worst-case scenario noise and vibration will also be intermittent, temporary, transient and short-lived.

The road surface is in a poor condition, with a series of defects. Replacing the lifeexpired surface course with TS2010 road surfacing affords the benefits of a reduction in mid-to-high frequency traffic noise and a reduction in ground vibrations. As a result, upon completion of the work, noise associated with the movement of vehicles on the trunk road should decrease post construction.

The following mitigation measures will be put in place:

- Where possible, the noisiest work operations (e.g., cold milling, using breakers (jackhammers), chipping hammers, use of rollers, etc.) will be completed before 23.00.
- The Environmental Health Officer (EHO) from Highland Council will be notified of the works.
- Local residents (i.e., those within 300m) will be notified in advance of the works, likely by a letter drop, which will contain details of the proposed timings and duration of the works, in addition to contact details for the Site Supervisor.
- The Best Practicable Means, as defined in Section 72 of the Control of Pollution Act 1974, will be employed at all times to reduce noise to a minimum. On-site construction tasks will be programmed to be as efficient as possible, with a view to limiting noise disruption to local sensitive receptors.

- All site personnel will be fully briefed in advance of works regarding the need to minimise noise during works and of the site-specific sensitivities.
- Operatives will be briefed using the 'Being a Good Neighbour' toolbox talk prior to commencement of the works.
- Drop heights from vehicles and NRMM will be kept to a minimum to minimise noise when unloading.
- All plant, machinery and vehicles will be switched off when not in use.
- All plant will be operated in such a way that minimises noise emissions and will have been maintained regularly to the appropriate standards.
- Where fitted, and where permitted under Health and Safety requirements, white noise reversing alarms will be utilised during construction.
- Where ancillary plant such as generators are required, they will be positioned so as to cause minimum noise disturbance. Where deemed necessary, acoustic screens will be utilised.

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

Population and human health

During construction, activities undertaken on site may have temporary adverse impacts on local residents, vehicle travellers, and non-motorised road users (NMUs) as a result of construction presence, and associated noise and delays due to traffic management measures. The closest residential property lies 25m west of the A9 trunk road and there is one local access point adjacent to the SB carriageway within the scheme extent; therefore, local access will be granted where required.

Road users will be informed of works through a media release, which will provide details of construction dates and times. The works will be of limited duration and will move progressively along the full scheme extent. With the following mitigation measures in place, the risk of significant impacts on population and human health is considered to be low:

- Notification will be issued to local residents and local public transport operators prior to commencement of the works, advising of any proposed works and expected restrictions.
- Local access will be granted as required.
- Any changes of schedule (e.g. change from night-time works to day-time works) will be communicated to local residents and the Local Authority throughout the programme.

- Appropriate provisions / measures will be implemented within the traffic management to allow the safe passage of NMUs of all abilities through the site.
- Journey planning information will be available for drivers online at the trafficscotland.org website. Journey planning information will also be available for drivers online through BEAR's social media platforms.

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

Road drainage and the water environment

There is potential for temporary impacts on the water environment due to operation of plant within proximity to watercourses, which may lead to potential changes in water quality from pollution events (either by accidental spillage of sediments, particulate matter, chemicals, fuels or by mobilisation of these in surface water caused by rain). No in-water works will take place and there is no requirement for the abstraction or transfers of water from, or discharges to, a waterbody. As such, the potential for a direct pollution incident within a waterbody is unlikely. Experience gained from BEAR maintenance schemes elsewhere on the network has shown that where standard good working practice is adopted (e.g., adherence to SEPA good practice guidance, utilisation of drain covers or similar, etc.), water quality is protected.

The works may result in potential direct or indirect effects on surrounding waterbodies. The following mitigation measures will be put in place to reduce the risk of pollution incidents as a result of works:

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

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

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

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

Climate

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

- BEAR Scotland will adhere to their Carbon Management Policy.
- Local contractors and suppliers will be used as far as practicable to reduce fuel use and greenhouse gas emitted as part of the works.
- Where possible, materials will be sourced locally to reduce greenhouse gas emissions associated with materials movement, and waste will be removed to local waste management facilities.

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

Vulnerability of the project to risks

There will be no change to the likelihood of flooding on the A9 within the scheme extents upon completion of the works.

Works are restricted to areas of made ground on the A9 trunk road, with access to the scheme gained via the A9. TM will involve single lane closures with two-way temporary traffic lights and a convoy system in place. NMUs will be accommodated within the TM setup.

The works will not result in any change in vulnerability of the A9 carriageway or active travel route to risk, or in severity of major accidents/disasters that would impact on the environment.

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

Assessment cumulative effects

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

A search of the <u>Highland Council Planning Portal</u> identified no approved planning applications within 300m of the scheme within the last six months.

A search of the Scottish Roads Works Commissioner website (<u>Map Search</u>) has identified that there are no roadworks planned for the same period as the proposed works and no cumulative effects are anticipated with any other developments in the vicinity.

BEAR Scotland programme all of their proposed works in line with appropriate guidance and contractual requirements. All schemes are programmed to take into account existing and future planned works, with a view of limiting any cumulative effects relating to traffic management. As a result of this exercise, where a potential for cumulative impacts is identified, BEAR will reprogramme schemes to avoid / limit any cumulative effects or will utilise existing traffic management to complete multiple schemes at once. This approach allows BEAR Scotland to effectively manage the potential cumulative effects as a result of traffic management, resulting in minimal disruption to users of the Scottish trunk road network.

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

Assessments of the environmental effects

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

Resurfacing works are covered under the existing 'Roads and Bridges Maintenance Activities within the Drumochter Hills, River Spey and River Spey-Insh Marshes European Sites, Highland Region Habitats Regulations Appraisal Proforma, June 2023' and no further assessment is required.

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

This is a relevant project in terms of section 55A(16) of the Roads (Scotland) Act 1984 as it is a project for the improvement of a road and the completed works (together with any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps, or other such facilities or stores required during the period of construction) are situated in whole within the Cairngorms National Park, which is a sensitive area within the meaning of regulation 2(1) of the Environmental Impact Assessment (Scotland) Regulations 1999. Additionally, the works are over 1ha in area.

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

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

Characteristics of the scheme:

- Works will be of short duration and will be conducted on a night-time rolling programme for a period of 6 nights.
- Works are not expected to result in significant disturbance to nearby receptors or protected species that may be present in the wider area.
- No INNS have been recorded within the scheme extents.

- The risk of major accidents or disasters is considered to be low.
- Any potential impacts of the works are expected to be temporary, short-term, non-significant, and limited to the construction phase.
- Residual impacts are considered to be beneficial for the travelling public which may use this stretch of carriageway. In addition, improved road surface will reduce the road noise levels and in turn will reduce disruption to the receptor located in proximity to the scheme.

Location of the scheme:

- The scheme will be located within the existing A9 trunk road boundary.
- The scheme is located within the Cairngorms National Park. Resurfacing works entail like-for-like resurfacing and no change to the visual landscape is expected.
- There are 5 residential properties in proximity to the scheme, the closest of which lies 25m west of the A9 trunk road boundary.
- The site compound will be located on made ground within TM.
- Although works are located within proximity of various European designated biodiversity sites, a HRA concluded that no Likely Significant Effects would occur as a result of the scheme completion.

Characteristics of potential impacts of the scheme:

- Measures will be in place to ensure appropriate removal and disposal of waste.
- Works are programmed to be of short duration during nighttime working hours. The works will be completed on a rolling programme with the aim to complete noisiest works by 23.00.
- The SEMP will include plans to address environmental incidents.
- Mitigation measures detailed above and in the SEMP will be put in place with the objective to prevent and, if required, subsequently control any potential impacts on sensitive receptors.
- In the event that INNS are found on site, measures to prevent potential INNS spread will be implemented.

Annex A

"sensitive area" means any of the following:

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



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