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Environmental Impact Assessment Record of Determination

A68 North of Humbie

Contents

Project Details

Description

BEAR Scotland has been commissioned by Transport Scotland to carry out resurfacing works, as well as partial reconstruction, on the A68 carriageway. The works will consist of carriageway resurfacing to a maximum depth of 160mm, partial reconstruction to a maximum depth of 325mm, and reinstatement of road markings for a length of up to approx. 1.8km (1.1ha).

Construction activities for the resurfacing procedure are as follows:

- Set up traffic management (TM) and mark out site,
- Milling of existing bituminous material by road planer,
- Jackhammer and compressor for breaking up surfaces not accessible by planer (e.g., around gullies),
- Loader/excavator used to collect and move excess material,
- Sweeper to collect loose material and provide clean laying surface,
- Milled out/excavated materials all taken off site,
- Base material laid and compressed by paver (where required),
- Material compacted using a heavy roller,
- Tack/bond coat laid,
- Binder material laid and compressed by paver (where required),
- Material compacted using a heavy roller,
- Tack/bond coat laid,
- New bituminous surface course material laid by paver,
- Material compacted using a heavy roller,
- Mechanical sweeper to collect loose material,
- HGV for removal and replacement of material,
- Road markings and studs applied where necessary, and
- Remove TM and open road.

The works are programmed to be completed within the 2026/2027 financial year with works expected to begin on 15th June 2026. Works will be undertaken over eight nights (19:30-06:00). Traffic Management (TM) is currently programmed to be in the

form of a full nighttime road closure with a signed diversion. The diversion will take drivers via B6458, A7 and A6091.

Location

The scheme lies on the A68 carriageway to the south and west of Fala Village within the Midlothian Council area and is surrounded by agricultural land and woodland (Figure 1).

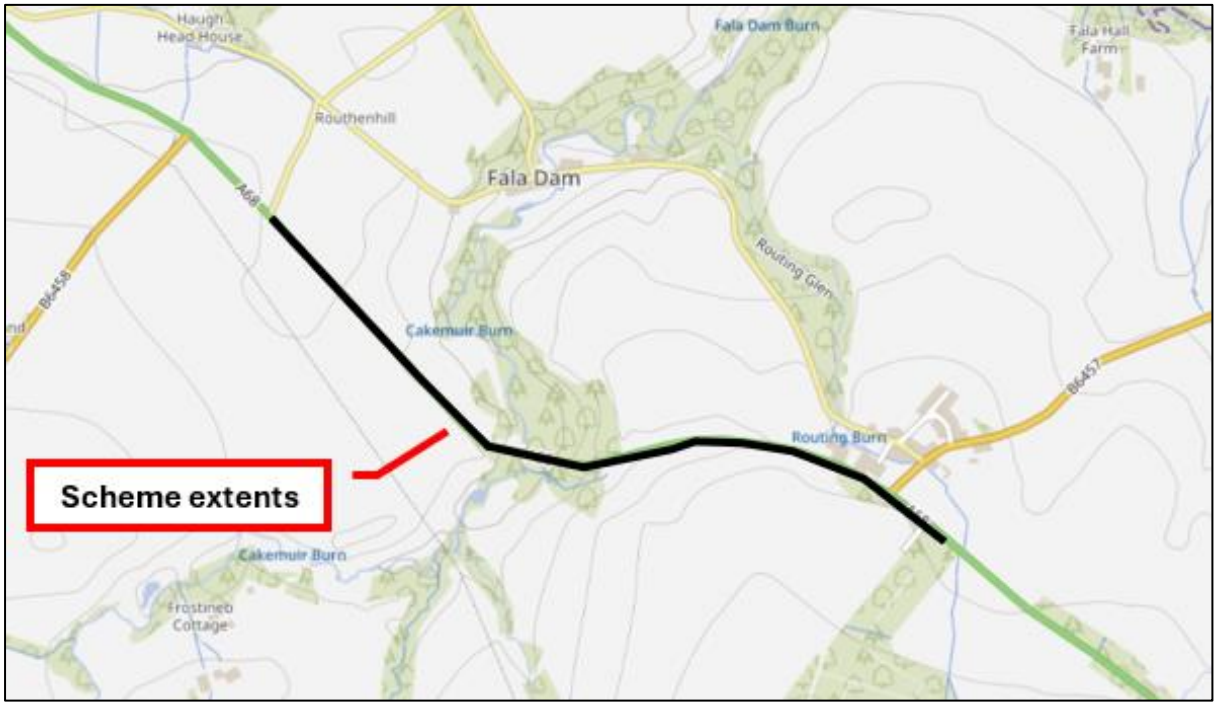

Figure 1. Extents of the Works. - Source: Asset Management Performance System (AMPS). © Europa Technologies Ltd. Contains Ordnance Survey data © Crown copyright and database right 2018.

Description of local environment

Air quality

Properties within 300m of the scheme – refer to 'Population and Human Health'.

A search of the Air Quality in Scotland online mapping tool records show air quality monitoring sites in the wider area with bandings in the 'green zone' (Low Index 1-3).

The scheme lies within the boundary of the Midlothian Council which has no active Air Quality Management Areas (AQMAs). The nearest AQMA, 'High St, Musselburgh', lies approx. 40km northwest of the scheme and has been declared for nitrogen dioxide (NO_2).

There are four sites registered on the Scottish Pollutant Release Inventory (SPRI) for pollutant releases to air within 10km of the scheme within the last 10 years. These are:

- Interflex Ltd., Mayfield Industrial Estate, Dalkeith – Other activities declared for non-methane volatile organic compounds (NMVOCs), located approx. 8.5km west of the scheme extents.
- East Lothian Eggs at Howden Farm – Intensive livestock production and aquaculture declared for ammonia, located approx. 9km northwest of the scheme extents.
- Howden Farm – Intensive livestock production and aquaculture declared for ammonia, located approx. 9.6km northeast.
- Charles River Laboratories Edinburgh Ltd. – Waste and waste-water management declared for cadmium, located approx. 9.8km north of the scheme extents.

Baseline air quality in the study area is mainly influenced by vehicles travelling along the A68. Secondary sources are likely derived from vehicles travelling along the local road network, as well as surrounding agricultural, urban and woodland land management activities.

Cultural heritage

The PastMap and Historic Environment Scotland (HES) online mapping tools record the following designated cultural heritage features within 300m of the scheme extents:

- An approx. 250m long section of the easternmost scheme extents lie within the Fala Flow Conservation Area (Conservation Areas in Midlothian).
- Three Listed Buildings (LB), including:
  - BLACKSHIELS INN (NOW FARM-HOUSE) (LB7441) a category B LB lies approx. 10m northeast of the scheme extents, separated only by a footpath and grass verge.
  - COTTAGE NO 31, FALA (LB7440) a category B LB lies approx. 90m northeast.
  - FALA MANSE, FALA (LB7439) a category B LB lies approx. 0.2km northeast.
- 'Saughland enclosure ESE of' Scheduled Monument (SM6262) lies approx. 0.12km southwest of the scheme extents, and it is screened from the scheme extents by a hedgerow and separated by arable agricultural land.

Of lesser cultural heritage value, two undesignated cultural heritage assets (UCHAs), 'Fala Tunnel' National Record of the Historic Environment (NRHE) (ref 320265) and 'Fala Tunnel' Historic Environment Record (HER) (ref MEL10367), lie within the scheme extents. Both of these pertain to the existing road infrastructure, namely a culvert.

Approx. 39 UCHAs lie within 300m of the scheme extents. The nearest of which UCHAs, other than those listed above, border the southbound A68, and these are:

- 'Bleak Law, Saughland' NRHE (ref 54807) pertains to a cist(s) (bronze age), cinerary urn(s) (bronze age).
- 'Bleak Law, Saughland' HER (ref MEL54807) pertains to cist; findspot.
- 'Bleak Law, Saughland' HER (Ref MEL8598) pertains to linear feature; quarry.

All remaining UCHAs lie ≥10m from the scheme extents. The next nearest records are:

- 'Hamilton Hall' NRHE (ref 251529) and HER (ref MEL6869), which lie approx. 10m northeast of the scheme extents.

Construction of the A68 carriageway is likely to have removed any archaeological remains that may have been present within the trunk road boundary. The potential for the presence of unknown archaeological remains in the study area is therefore assessed to be low.

Landscape and visual effects

The scheme is not situated within 300m of a National Scenic Area or National Park (NP).

The Landscape Character Type (LCT) within the study area is 'Upland Fringes - Lothians' (no. 269) (Scottish Landscape Character Types). The key characteristics given for LCT no. 269 are:

- Broadly undulating, landforms forming a series of smooth rounded hills and slopes, some steep-sided and some gently sloping, shelving gradually from the Uplands northward to merge with rolling farmlands.
- Occasional hills where underlying geology incorporates harder strata.
- Varied scale, openness and land use reflecting transitional nature between upland and lowland.
- Incised watercourses have etched v-shaped valleys into the slopes, often forming deep cleughs.
- Occasional larger rivers flow through similar, but larger-scale, v-shaped channels.
- Remnant heather moorland and rough grassland on high ground gives way to improved grassland and then to arable land on the lowest elevations, with a parallel transition from post and wire fence and walls to beech and hawthorn hedges.
- Some areas of extensive coniferous forest, but tree cover is more frequent in the form of shelterbelts.
- Deciduous woodland is restricted to steeper land in river channels, though this includes some important ancient woodlands.
- Dispersed settlement pattern of farmsteads and clusters of cottages, with occasional small villages.
- Distinctive character of rural road network, dense in places, including local features such as fords and bridges.
- Quarries, overhead lines and busy A roads which have localised influence in some parts of the landscape.
- Clearly transitional landscape between lowland and upland characters.
- Views across the lowland, and to the coast in the east, backed by the ridge lines of the hills to the south.

Land use within 300m of the scheme is categorised into the following:

- Rectilinear Fields and Farms.
- Managed Woodland.
- Plantation.
- Rough Grazing.
- Urban Area.

The national scale land capability for agriculture classifies land surrounding the scheme as being:

- 'Class 3.1' - Land capable of producing consistently high yields of a narrow range of crops and/or moderate yields of a wider range. Short grass leys are common.
- 'Class 4.1' – Land capable of producing a narrow range of crops, primarily grassland with short arable breaks of forage crops and cereal.

Within 300m of the scheme extents, the following areas of woodland are registered on the Native Woodland Survey of Scotland (NWSS):

- Approx. 0.6ha of native upland oakwood woodland which borders the northbound A68 within the scheme extents.
- Approx. 1.4ha of native upland birchwood woodland which borders the northbound A68 at the eastern extent of the scheme.
- Approx. 5.5ha of various parcels of connected native woodland, located between approx. 25m and 300m north and northeast of the scheme extents.
- Approx. 14.4ha of plantation on ancient woodland sites (PAWS) woodland, which is located approx. 80m northeast of the scheme extents.

The following areas of woodland are registered on the Ancient Woodland Inventory Scotland within 300m of the scheme extents:

- Approx. 1.2ha of woodland, recorded as 'ancient (of semi-natural origin)', which borders the southbound A68 at Fala Tunnel.
- Approx. 4ha of woodland, recorded as 'other (on Roy map)', which borders either side of the A68 within the scheme extents.
- Approx. 18.35ha of woodland, recorded as "long-established (of plantation origin)" which borders the A68 northbound at the eastern extent of the scheme.

Additionally, there are approx. 1.6ha of assumed woodland and approx. 2.2ha of conifer woodland bordering the northbound A68 within the scheme extents.

There are no trees covered by a Tree Preservation Order (TPO) within 300m of the scheme extents. However, all trees within the Fala Village Conservation Area are protected.

The existing trunk road is a prominent linear landscape feature. The trunk road corridor, for example, has a distinct character shaped by fast-flowing traffic, road markings, safety barriers, signage, landscaping etc. The scale of the trunk road detracts from the quality and character of the wider landscape.

Biodiversity

The NatureScot Sitelink online mapping tool identifies that the scheme is situated within 2km of, and within the buffer zone of several of the qualifying species of,

'European Sites' designated for biodiversity features. These include Fala Flow Special Protection Area (SPA) and Ramsar Site, Firth of Forth SPA and Ramsar Site, Outer Firth of Forth and St Andrews Bay Complex SPA, and Gladhouse Reservoir SPA and Ramsar Site.

There are no Local Nature Conservation Sites (LNCS) (Spatialhub Web Map), Sites of Special Scientific Interest (SSSI) or Local Nature Reserves (LNRs) designated for biodiversity features within 300m of the scheme extents. However, the Fala Flow SPA is underpinned by the Fala Flow SSSI. The Firth of Forth SPA is also underpinned by the Firth of Forth SSSI.

The National Biodiversity Network (NBN) Atlas holds records of numerous bird species within 2km over a ten-year period. Under the Wildlife and Countryside Act 1981 (as amended), all wild birds and their active nests (typically active March to August inclusive) are protected. No other species of conservation concern have been recorded within 2km of the scheme (within the last 10 years). Only records with open-use attributions (OGL, CC0, CC-BY) were included in the search criteria.

A search of the NBN online mapping tool records no plant species, as listed within the Network Management Contract (NMC), within 2km of the scheme extents (within the last 10-years).

A search of the Asset Management Performance System (AMPS) online mapping tool found five records of rosebay willowherb (*Chamaenerion angustifolium*), an invasive native perennial, within the scheme extents.

Habitat immediately bordering the trunk road tends to be of low intrinsic value because the existing road verge is subject to cyclic maintenance e.g., grass cutting, weed control, tree, and shrub cut-back etc. The roadside verges therefore comprise a homogenous species-poor semi-improved grassland. Roadside vegetation generally offers low ecological habitat due to its limited scale, fragmented nature and high potential for disturbance owing to cyclic trunk road landscape maintenance, and the proximity of the trunk road (with its fast-flowing traffic). The presence of the trunk road also restricts continuity of, and connectivity between, habitats either side of the trunk road boundary.

Additionally, the A68 passes through Fala Village which has properties bordering the southbound A68 within the scheme extents. A footpath is present adjacent to the southbound A68 throughout most of the scheme extents. Locally, given the built-up nature of the surrounding area at Fala Village, it is considered to have low ecological value.

Outwith the trunk road boundary, there are extensive areas of agricultural land which form a pattern of open and exposed fields containing mainly arable land. The result

of this intensive agricultural land management is to restrict the occurrence of semi-natural and natural vegetation types. Most field boundaries are post-and -wire fencing, with vegetative features further delineating field boundaries e.g., shrub hedgerow, rough grassland, ruderal herb stands, scrub and tree shelterbelt. Linear features at field boundaries have wildlife value, both as corridors in an intensively managed landscape, and as habitats for birds and other small animals.

In addition, approx. 5.5ha of native riparian woodland borders the centre of the scheme extents and extends alongside the Cakemuir Burn. Plus, approx. 2ha of native broadleaved woodland borders the northbound A68 at the eastern extent of the scheme. These habitats will have wildlife value, both as commuting corridors in an intensively managed agricultural landscape, and as foraging grounds and habitat for birds and animals.

Geology and soils

There are no geological SSSIs or Geological Conservation Review Sites within 300m of the scheme extents (SiteLink). Additionally, there are no Local Geodiversity Sites (LGS) with connectivity to the scheme extents.

The National Soil Map of Scotland online mapping tool records the Generalised Soil Types within the scheme extents as:

- Brown Soils.
- Mineral Gleys.

The Major Soil Groups are recorded as:

- Brown Soils.
- Gleys.

The British Geological Survey online mapping tool records that the superficial geology in the scheme extents is comprised of:

- Glaciofluvial deposits (gravel, sand and silt).
- Till (Devensian – Diamicton).
- Alluvium (clay, silt, sand and gravel).
- Superficial theme not mapped (unknown/unclassified entry).

The bedrock geology in the scheme extents is recorded as:

- Inverclyde Group (mudstone, siltstone and sandstone).

- Stratheden Group and Inverclyde Group (undifferentiated – interbedded sandstone and (subequal/subordinate) argillaceous rocks.

There is no evidence of historical industrial processes or the storage of hazardous materials that could have given rise to significant land contamination.

Given the restriction of the works to the A68 carriageway and the lack of any excavation works, local geology and soils are unlikely to be affected by the proposed works. Therefore, “Geology and Soils” has been scoped out of further environmental assessment.

Material assets and waste

The proposed works are required to resurface/reconstruct the worn carriageway and reinstate road markings. Materials used will consist of:

- TS2010 Surface Course, 10mm aggregate Site Class 1/3.
- AC20 Dense Binder 40/60.
- AC32 Dense Base 40/60.
- Tack/Bond coat, paving grade bitumen to seal vertical faces.
- Eurolite Thermoplastic Road Markings.
- Embedded Road Studs.

The scheme has a value greater than £350,000. As a result, a Site Waste Management Plan (SWMP) is required.

The scheme involves removal of the surface course, as well as areas of binder and base. The main waste produced during the works will be approx. 11,075m^2 of road planings (bituminous materials), which will be removed from site, 143 tonnes of which is classified as hazardous material containing coal tar.

Noise and vibration

Receptors - refer to ‘Population and human health’.

Works are not located within a Candidate Quiet Area (CQA).

The Day, Evening and Night modelled noise level (LDEN) ranges between 65 decibels (dB) and 75dB within the scheme extents, reducing to between 45dB and 70dB at the nearest noise sensitive receptor (NSR) (residential) (Scotland's Environment Scotland's Noise). Noise levels are mainly influenced by vehicles travelling along the trunk road.

Secondary sources are likely derived from vehicles travelling along the local road network, as well as surrounding agricultural, urban and woodland land management activities.

Population and human health

Several residential properties, all located within the village of Fala, lie within 300m of the scheme extents. The nearest property, a Bed and Breakfast, is located <5m northeast of, and has no screening from, the scheme extents. Approx. two additional residential properties have no screening from the scheme extents and are located approx. 20m and 30m from the scheme. The remaining properties within 300m are screened by intervening properties, walls, hedgerows and/or topography.

Of note, a children's nursery is located approx. 150m northeast of the scheme extents within the village of Fala. This is screened from the scheme extents by intervening properties.

A Midlothian core path (ID: 7-48), which connects Fala with Brothershiels and the Borders Core Path Network via Fala Moor, terminates at the northbound A68 within the scheme extents.

There is a local footpath bordering the southbound A68 throughout the majority of the scheme extents.

Additionally, there are two bus stops within the scheme extents:

- Village Access (southbound) at NGR NT 43601 60936.
- Village Access (northbound) at NGR NT 43656 60892.

Otherwise, there are no non-motorised user or community facilities with connectivity to the scheme.

Street lighting is absent within the scheme extents.

The A68 is a single lane carriageway with a national speed limit applying throughout, although there are signs to reduce speed at the bends. The Average Daily Traffic (ADT) flow on the A68 is low (7,972 motor vehicles (ID: ATCSE013, 2026 data)).

Road drainage and the water environment

The Scottish Environment Protection Agency (SEPA) River Basin Management Plan online mapping tool records one classified surface waterbody within 300m of the scheme extents which is spanned by the A68. The details of which are as follows:

- Cakemuir Burn aka Keith Water/Fala Dam Burn (ID: 4011), is separated by ≥5m wide section consisting of narrow grass verge with vehicle restraint system (VRS) and steep slope with mature broadleaved trees on either side of the carriageway. Keith Water is a river in the Tyne catchment of the Scotland river basin district, with a main stem of 14.0km. It has been given an overall status of 'poor', an overall ecology of 'poor', and a fish barrier status of 'poor'.

Four small minor unclassified surface waterbodies are located within 300m of the scheme extents. These include:

- Drain1, a drainage channel located approx. 25m south/southwest, oriented parallel to the A68 and separated by narrow grass verge, VRS, approx. 1m high stone wall, steep wooded slope and open agricultural land.
- Drain2, which is culverted beneath the A68 approx. 30m southeast of the scheme extents at its nearest point, and is separated by open agricultural land and properties on the edge of Fala. It is known as Routing Burn further downstream.
- Drain3, which is a drainage channel located approx. 180m north of the western extent of the scheme. It is separated from the scheme extents by arable agricultural land and a single-track road.
- Drain4, which is likely culverted beneath the A68 trunk road approx. 280m northwest of the scheme extents. It is separated from the trunk road by managed grass verges and a footpath adjacent to the southbound carriageway.

These waterbodies are considered to be too small (in terms of catchment area) to be classified as main stem waterbodies by SEPA under the WFD.

A search of the SEPA online Flood Risk Management Maps tool records that over an 800m long stretch of the A68 carriageway, there are locally narrow sections of the road at low to medium likelihood of surface water flooding (i.e. each year there is a 0.1% to 0.5% chance of flooding).

A search of the Scotland's Environment (SE) online mapping tool determined that the trunk road, within the scheme extents, lies on the 'Haddington', 'Tyne Sand and Gravel' and 'Gifford' groundwaters, which have all been classified as 'Good'.

A search of the SE online mapping tool determined that the trunk road, within the scheme extents, lies within the 'Edinburgh, East Lothian and Borders' Nitrate Vulnerable Zone.

Climate

The Climate Change (Scotland) Act 2009 ('The Act'), and its subsequent amendment under the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, 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 net-zero 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 (Design Manual for Roads and Bridges (DMRB)) and Transport Scotland's Environmental Impact Assessment Guidance (Guidance - Environmental Impact Assessments for road projects).

Description of main environmental impacts and proposed mitigation

Air quality

During the construction phase, activities undertaken on site could potentially have some minor localised and short-term air quality impacts in proximity to the works. The construction phase will, for example, require a range of ancillary plant, vehicles, and non-road mobile machinery (NRMM) which will contribute to local dust and air pollutants. The main sources are likely to be dust generated by cold milling in preparation of carriageway resurfacing/reconstruction, as well as exhaust emissions from ancillary plant and vehicles. As a result, there is potential for impacts to local air quality.

However, considering the nature and duration of the scheme, along with implementation of mitigation detailed below, the proposed works' impacts on local air quality levels during the construction period are assessed to be temporary, minor adverse in magnitude.

Upon completion of the works, no residual air quality impacts are anticipated.

Air quality mitigation measures:

- Careful consideration will be given to the siting and orientation of ancillary plant, vehicles, and NRMM, so that it is located, as far as is possible, away from receptors. Activities which have the potential to produce air pollution (e.g., cutting and grinding of materials) will also, if possible, be undertaken away from any surrounding properties.
- A water-assisted dust sweeper will sweep the carriageway after dust-generating 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 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).
- Where practicable, if powered generators are required, the use of mains electricity ancillary plant will be considered in place of diesel or petrol alternatives.

- 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 that have the potential to impact local air quality are occurring. In the unlikely event that unacceptable dust or exhaust emissions 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.

Cultural heritage

The scheme extents are located partially within the Fala Flow Conservation Area, and within 10m of Blackshiels Inn (LB7441), a Category B LB, which is separated from the scheme extents by only a footpath and grass verge. However, the works are restricted to the A68 carriageway, consisting of like-for-like replacement of the carriageway surface. As such, the likelihood of potential impacts to these cultural heritage features is considered low. Nevertheless, best practice mitigation measures will be implemented to minimise impacts.

Given the nature of the scheme, and with the implementation of mitigation detailed below, the proposed works' impacts on cultural heritage during the construction period are assessed to be temporary, negligible adverse in magnitude.

Upon completion of the works, no residual impacts on cultural heritage are anticipated.

Cultural heritage mitigation measures:

- Site operatives will be made aware of the location and sensitivity of the 'Blackshiels Inn' LB.
- Site operatives will be made aware of the location and sensitivity of the Fala Flow Conservation Area.
- People, ancillary plant, vehicles, NRMM and materials will be restricted to areas of made / engineered ground (as much as is reasonably practicable). Where access outwith made / engineered ground is required for the safe and effective completion of the scheme, the area will be reduced as much as is possible and ideally will be accessed on foot.
- If a change to the construction programme onsite is required that necessitates vegetation clearance or earthworks, BEAR Scotland's Environmental Team will be contact prior to undertaking these activities.

Landscape and visual effects

During construction, there will be a short-term 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 are restricted to areas of made/engineered ground on the A68, and construction works are programmed to be undertaken at night (eight nights). As such, the visual impact of the works will be somewhat reduced.

Considering the nature, duration, size, and scale of the scheme, and with implementation of mitigation detailed below, impacts on landscape and visual effects are assessed as temporary, negligible adverse in magnitude.

Upon completion of the works, no residual impacts on landscape and visual effects are anticipated e.g., when complete the visual appearance will remain largely unaffected, with a renewed road surface being the only discernible change.

Landscape and visual effects mitigation measures:

- The site will be monitored regularly for signs of litter and other potential contaminants, and litter will be removed before and after works take place.
- The site will be left clean and tidy following construction.
- Where possible, construction vehicles will not be left in places where soil or vegetation can be damaged. If damage to road verge occurs it will be lightly cultivated or graded (upon completion of the works) to allow natural recolonization by local species and promote integration with existing landscape character.

Biodiversity

The scheme is located within 2km of, and within the buffer zones of some qualifying features of, European Sites, as such a Habitats Regulations Appraisal (HRA) was undertaken. Given that the scheme is not located upstream of designated sites, the distance separating the scheme from the designated sites, coupled with the nature and duration of the works, and restriction to the A68 carriageway, the HRA determined no likely significant effects (LSE) on the qualifying features of the designated sites.

A temporary short-term increase in noise levels may cause disturbance to local wildlife if present in the vicinity of the works. However, the works will be undertaken on a rolling programme over a period of eight nights and will be restricted to the A68 carriageway limiting the potential for impacts in any one area. Providing the mitigation measures detailed below are adhered to the risk is considered to be low.

Rosebay willowherb, an invasive native perennial (as listed in the NMC), was noted as present within the verges surrounding the scheme. However, all works will be restricted to resurfacing and reconstruction of the existing A68 carriageway, as such, providing the mitigation detailed below is adhered to there is limited potential to spread or introduce INNS, invasive native perennials, or injurious flowering plant species.

Considering the nature, duration, size, and scale of the scheme, and with implementation of mitigation detailed above, the proposed works' impacts on biodiversity throughout the construction period are therefore assessed to be temporary, minor adverse in magnitude.

Upon completion of the works, no residual impacts are anticipated in relation to biodiversity.

Biodiversity mitigation measures:

- Given the presence of rosebay willowherb (an invasive native perennial), within the scheme extents, Toolbox Talk TTN-009 'Working with Injurious Weeds & Invasive Plants', will be briefed prior to works commencing.
- Given the records of a protected species within the scheme extents, Toolbox Talk TTN-139 'Protected Species' will be briefed to all staff prior to the commencement of works.
- Where possible, artificial lighting used during night works will be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring habitat (e.g., locations adjacent to tree shelterbelt, woodland, Cakemuir Burn etc.) to ensure minimal impact on nocturnal species.
- The works are not permitted to disturb or destroy any active birds' nests. If an active bird's nest is identified onsite that will be impacted by works, BEAR Scotland's Environmental Team will be contacted.
- All site workers will have received adequate training relevant to their role prior to working on the site, including specific environmental inductions and 'toolbox talks' as required.
- Site personnel will remain vigilant for protected species and will not approach or touch any animals seen on site. Any sightings of protected species will be reported to BEAR's Environmental Team. Should a protected species be encountered or move within 50m of the active works, works will be temporarily halted until the animal(s) move at least 50m away from the construction site, or until BEAR's Environmental Team can provide advice.
- The Contractor will employ 'soft start' techniques for all noisy activity to avoid sudden and unexpected disturbance during works. Each time the activity is started up after a period of inactivity, the noise levels will be gradually increased over a period of 30 minutes to permit animals (including birds) to move away from the disturbance.

- All equipment stored onsite, if necessary, will be checked at the start of each workday to ensure mammal species are not present. Any storage containers/plant within the compound will also be secured overnight to prevent exploration by mammal species. Any areas where an animal could become trapped (e.g., storage containers) will also be covered at the end of each working day.
- People, ancillary plant, vehicles, NRMM and materials will be restricted to areas of made/engineered ground (as much as is reasonably practicable). If during works unforeseen access to the surrounding environment is required, works will cease in this area and BEAR Scotland's Environmental Team will be contacted to allow consideration of potential environmental effects.
- BEAR Scotland's Environmental Team will be contacted to allow consideration of potential environmental effects if:
    - unforeseen site clearance is required,
    - unplanned works are be undertaken out with the carriageway boundary,
    - there is any deviation from the agreed plan, programme and/or method of working,
    - nesting birds are found onsite.
- BEAR Scotland's Control Room will be contacted if there is a pollution incident.

Material assets and waste

Minimising impacts arising from construction materials are focussed upon making the most efficient use of materials onsite to reduce the need for imported primary materials and minimise the creation and disposal of waste through (i) reduction, (ii) re-use, and (iii) recycling. Potential impacts have been assessed for both the construction and operational phases of this scheme. It is anticipated that most material impacts are likely to arise during construction, though long-term residual impacts could occur post construction during the operational phase e.g., during the disposal of materials arising from routine maintenance operations.

However, the detailed design will reduce the requirements for primary materials e.g., the carriageway surfacing, and subbase will be carefully considered to minimise the requirements for importing primary material. Materials will also be derived from recycled, secondary, or re-used origin as far as practicable within the design specifications to reduce natural resource depletion. Specifying TS2010 surface course also allows a wider array of aggregate sources to be considered when compared to typical stone mastic asphalt (SMA). As a result, the use of TS2010 should reduce the usage of imported aggregates and increase the use of a wider range of sustainable aggregate sources. The design life for the TS2010 surfacing is also estimated to be 20 years. The enhanced durability of TS2010 therefore reduces

reoccurring routine maintenance and associated levels of traffic disruption to this section of road over the period.

Considering the nature, duration, size, and scale of the scheme, and with implementation of the mitigation detailed below, the proposed works' impacts on material assets and waste throughout the construction period are therefore assessed to be temporary, negligible adverse in magnitude. Upon completion of the works, no residual impacts are anticipated on materials or waste.

Material assets and waste mitigation measures:

- The waste hierarchy (Reduce, Reuse, Recycle and Dispose) will be employed throughout the construction works.
- A SWMP will be completed by the Designer and Contractor as required. The SWMP will provide details of the following:
  - The quantity and type of waste that will be produced.
  - How waste will be minimised, reused, recycled, recovered, or otherwise diverted from landfill.
  - How materials that cannot be reused, recycled, or recovered will be removed from site and consigned, transported and disposed of in full accordance with all relevant UK legislation.
- Good materials management methods (e.g., 'just-in-time' delivery) will be implemented wherever possible.
- The Contractor will comply with all 'Duty of Care' requirements, ensuring that any surplus materials or waste are stored, transported, treated, used, and disposed of safely without endangering human health or harming the environment. Waste transfer notes and/or waste exemption certificates (if required) will also be completed and retained.
- The Contractor is responsible for the recycling / disposal of non-hazardous road planings and will operate in line with the SEPA's Environmental Authorisations (Scotland) Regulations (EASR) 2025 Regulatory Position Statement - Low Risk Waste Activities WAS-PS-07.
- For removal of coal tar contaminated planings the following will be undertaken:
  - Coal tar contaminated road planings will be classified as Special Waste.
  - Special waste consignment notes (SWCN) will be obtained from SEPA to allow the movement of the contaminated planings.
  - All waste will be appropriately segregated, with coal tar contaminated planings being kept separate from uncontaminated planings.
  - Coal tar contaminated road planings will be transported by a registered waste carrier to an appropriate waste recovery facility and accompanied by a SEPA-issued consignment note or code. The approx. 143 tonnes being disposed of

will be sent to a facility that holds suitable EASR Permits. Copies of consignment notes will be retained for a period of three years

  - SEPA will be notified at least 72 hours before (and no longer than one month before) Special Waste leaving site.
  - Waste will be transported in a safe and secure manner to prevent the release of contaminated material en-route.
- Designated areas will be identified within which all materials and personnel, including construction compounds, where necessary, will be contained to limit environmental disturbance during construction works. This will include a designated area (if required) for segregation and reuse of waste materials.
- The selection of areas for materials stockpiling will avoid sensitive locations such as road drainage. Stockpiled materials with leachate potential, for example, will be stored away from road drainage to prevent cross-contamination with other materials, wastes, or groundwater.
- Materials will be stored with the appropriate security to prevent loss, theft, or vandalism.
- All temporary road signs and traffic cones will be removed from site on completion of works.
- Wastewater from welfare facilities (if required) will be subject to effluent treatment followed by tanker removal.
- If hazardous substances are used onsite, each substance will be subject to assessment under the Control of Substances Hazardous to Health (COSHH) Regulations 2002. Hazardous substances will also be clearly labelled, and disposed of, in line with relevant waste regulations. Special waste will also not be mixed with general waste and/or other recyclables.

Noise and vibration

Activities undertaken on site could potentially have some localised and short-term noise impacts in proximity to the works. The road works will, for example, require a range of ancillary plant, vehicles and NRMM for cold milling in preparation for carriageway resurfacing and reconstruction. Noise will also be generated by using breakers (jackhammers), chipping hammers, and rollers, etc. As a result, there is potential for noise and vibration effects to residential properties within the local area, the closest of which is located <5m northeast of the scheme extents.

However, the works are not located within a CQA, and works will also be completed over eight nights, with the aim being to complete the noisiest works by 23:00. In addition, the proximity of road space suggests that local residents have a degree of tolerance to noise and disturbance.

The road surface is in a poor condition, with a series of defects. Replacing the life-expired surface course with TS2010 road surfacing affords the benefits of a reduction

in mid-to-high frequency traffic noise and a reduction in the 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.

Considering the likely sources of noise and vibration, with the nature, duration, size, and scale of the scheme, and with implementation of the mitigation detailed below, it is unlikely that noise and vibration associated with the works will lead to significant impacts, disruption and/or complaints. The proposed scheme is therefore anticipated to result in temporary, minor adverse noise impacts.

Noise and vibration mitigation measures:

- Wherever possible, careful consideration will be given to the siting and orientation of particularly noisy items of NRMM so that they are located away from surrounding properties. Activities which have the potential to produce excessive noise e.g., cutting and grinding of materials will also, if possible, be undertaken away from surrounding properties.
- The local authority environmental health department will be notified of nighttime working by BEAR Scotland's design engineer.
- 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.
- If unacceptable noise is emanating from the site the operation will, where possible, 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) repositioning equipment, (d) changing the method of working etc. Corrective actions will be actioned through the non-conformance reporting procedure, which ensures a root-cause analysis is carried out on each incident. The non-conformance procedure also ensures that appropriate corrective and preventative action measures are agreed and implemented in a timely fashion with all parties, and are recorded and actioned through to closeout, and fully auditable and traceable.
- Ancillary plant, vehicles and NRMM with directional noise characteristics will (where practical) be shut down in intervening periods between site operations.
- The use of paving breakers (jackhammers), chipping hammers, etc. will be avoided (except where there is an overriding justification), and if used will be fitted with mufflers or silencers of the type recommended by the manufacturer.
- Drop heights from vehicles and NRMM will be kept to a minimum to minimise noise when unloading.
- All ancillary plant, vehicles and NRMM used onsite will have been regularly maintained, paying attention to the integrity of silencers and acoustic enclosures.
- All compressors will be 'sound-reduced' models fitted with properly lined and sealed acoustic covers which will be kept closed when in use.

- HGV, site vehicles and NRMM will be switched to the minimum setting required by HSE and, where possible, will utilise 'broadband non-tonal' or 'directional sound reversing' alarms. Speed limits will also be reduced through the works.

Population and human health

During construction, activities undertaken on site have the potential to have temporary adverse impacts on local residents and road users. A number of residential properties lie within 300m of the scheme and as such, there is potential for impacts to local residents and a bed and breakfast in the form of noise/vibration impacts, visual disturbance and delays due to traffic management. However, TM will only be in place for eight nights (when traffic flows will be at a minimum), as such no congestion issues are noted during the proposed construction hours. Providing mitigation measures detailed below and those listed within the noise and vibration section are adhered to, the impacts are assessed to be somewhat reduced.

A children's nursery lies approx. 150m northeast of the scheme extents. Given the works are taking place at night, the nursery will be closed and therefore no disruption to the nursery is anticipated.

A Midlothian core path (ID: 7-48) terminates at the northbound A68 within the scheme extents. Additionally, there is a local footpath bordering the southbound A68 throughout the majority of the scheme extents. All works will be confined to the carriageway and therefore will be separated from the paths.

Two bus stops are located within the scheme extents, and these will therefore be closed during the road closure. Given that works are taking place at night, this should minimise disruption to public transport.

Considering the nature, duration, size, and scale of the scheme, and with implementation of the mitigation described above, impacts on population and human health are assessed as temporary, minor adverse in magnitude.

Upon completion of the works, there will be a beneficial impact in relation to population and human health due to the improvement of usability and safety provided by the new carriageway surface and reconstructed carriageway.

Population and human health mitigation measures:

- The local authority environmental health department will be notified of nighttime working by BEAR Scotland's design engineer.
- Advanced signage will be strategically placed on the trunk road to notify stakeholders of the road closure and diversion at least seven days in advance.

- Given the proximity of neighbouring properties, Toolbox Talk TTN-042 'Being a Good Neighbour' must be briefed to all site personnel prior to works commencing.
- Construction lighting will take into account the need to avoid illuminating surrounding properties to avoid a nuisance at night, and non-essential lighting will be switched off at night.
- Where appropriate, a communication strategy (e.g., social media, consultation with local authority and other stakeholders, letter drop (for night-time works), etc.) will be initiated to keep local residents and businesses informed of the proposed working schedule, particularly the times and durations of noisy construction activities. The communication strategy will also provide a 24-hour contact number for the BEAR Scotland Control Room.
- A Traffic Management Plan (TMP), which includes measures to avoid or reduce disruption to road traffic, will be produced in accordance with the Traffic Signs Manual (Department of Transport 2009). The TMP will ensure that there is no severance of community assets, access routes or residential development.
- 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 BEARs social media platforms.

Road drainage and the water environment

During resurfacing and reconstruction works, there is potential for temporary adverse impacts on the water environment. Potential changes in water quality e.g., from pollution events (either by accidental spillage of sediments, particulate matter, chemicals, fuels or by mobilisation of these in surface water caused by rain) during works have the potential to have a direct or indirect effect on surrounding waterbodies.

There is one classified surface waterbody, Cakemuir Burn aka Keith Water/Fala Dam Burn (ID: 4011), spanned by the A68 within the scheme extents. There are also two unclassified waterbodies, Drain1 and Drain2, located within 50m of the scheme extents.

Although Cakemuir Burn, Drain1 and Drain2 are found within 50m, there will be no 'in-water' works required, therefore there will be no change in the hydrological regime or water quality within surrounding waterbodies. All land outwith the trunk road boundary is also considered out-of-bounds to all construction staff during the works. There is also no requirement for the abstraction or transfers of water from, or discharges to a waterbody. The potential for a direct pollution incident within a waterbody is also unlikely e.g., experience gained from BEAR maintenance schemes elsewhere on the network has shown that where standard best working practice is adopted (e.g., adherence to SEPA GPPs), water quality is protected.

Considering the nature, duration, size, and scale of the scheme, and with implementation of the mitigation detailed below, the proposed works' impacts on the road drainage and water environment are assessed as temporary, negligible adverse in magnitude.

Upon completion of the resurfacing and reconstruction works, no residual impacts are anticipated in relation to the road drainage and water environment.

Road drainage and the water environment mitigation measures:

- All site operatives will be made aware of the proximity of Cakemuir Burn, Drain1 and Drain2.
- No work has been identified that would require entering any surface waterbodies. If such a need were identified onsite, BEAR Scotland's Environmental Team will be contacted (before works commence) to allow consideration of potential environmental effects.
- The abstraction or transfers of water from, discharges to, or the washing of tools in surface waterbodies will not be permitted.
- The Contractor will implement measures to minimise the risk of sediment or accidental spillages entering the road drainage system e.g., prior to works commencing any roadside gullies within 10m of work activities will be protected (e.g., utilisation of drain covers or similar) to ensure full segregation of the works from the road drainage system. The Contractor will inspect these periodically to ensure that they have not been removed, damaged, or interfered with and they will be cleaned of silt and debris as necessary.
- Appropriate measures will be implemented during resurfacing and reconstruction operations to limit the potential for wastes (i.e. road planings) and materials (i.e. new asphalt) to enter any gullies present on site. On completion of resurfacing and reconstruction operations, any gullies present on site will be visually checked to ensure they have not become blocked as a result of the scheme.
- All site personnel will be made aware of site spillage response procedures and in the event of a spill, all works associated with the spill will stop, and the incident reported to the Site Supervisor. Small spills that did not leave the site boundary and are cleaned up without material environmental harm or residual environmental impact would most likely not be required to be notified to SEPA or other authorities. However, all such incidents will be recorded and reported to BEAR Scotland's Environmental Team. In the event of a 'serious incident', SEPA will be notified without delay. Such notification will include: (i) the time and duration of the incident, (ii) a description of the cause of the incident, (iii) any effect on the environment as a result of the incident, and (iv) any measures taken to minimise or mitigate the effect and prevent a recurrence.
- All waste, vehicles, ancillary plant, NRMM and fuels will be stored in the compound(s) or laydown area and will be secured and located, if space is available, at least 10m from drainage entry points and Cakemuir Burn, in order to comply with GPP 5 'works and maintenance in or near water'. Refuelling will only

be undertaken at designated refuelling areas (e.g., on hardstanding, with spill kits available, and >10m from drainage entry points and Cakemuir Burn, where practicable). Spill kits will also be available within all site vehicles and spill kits will be replenished onsite when required. Only designated trained and competent operatives will be authorised to refuel plant. Generators, and other ancillary plant and NRMM, where there is a risk of leakage of oil or fuel, will have internal bunding or will have a secondary containment system placed beneath them that meets 110% capacity requirements. Containment systems will also be emptied regularly. All waste, vehicles, ancillary plant, NRMM and fuels will also be stored in a manner that ensures they are protected from damage by collision or extremes of weather.

- Regular visual pollution inspections of the designated laydown area and work site (particularly near road drainage entry points) will be conducted (e.g., site walkover by engineer or Site Supervisor), especially during periods of heavy rain.
- All vehicles and NRMM onsite will have been regularly maintained, paying attention to the integrity of oil tanks, coolant systems, gaskets etc. A checklist will be present to make sure that the checks have been carried out.

Climate

BEAR Scotland, working on behalf of Transport Scotland, undertake carbon monitoring of major projects and operational activities. Emissions from activities are recorded using Transport Scotland's Carbon Management System. BEAR Scotland also undertakes resource efficiency activities to manage and reduce emissions contributing to climate change. The works will also extend the maintenance intervals required for future works. In doing so, the service life of the trunk road is also extended.

During works there is potential for impacts as a result of the emission of greenhouse gases through the use of equipment, vehicles, and NRMM, material use and production, and transportation of material/waste. However, considering the nature, duration, size and scale of the scheme, and the mitigation detailed below, the risk of significant impacts to climate are considered to be negligible and adverse in magnitude.

Upon completion of the proposed scheme no residual impacts are anticipated on the climate.

Climate mitigation measures:

- Use of warm mix asphalt as standard.
- Local contractors and suppliers will be used as far as practicable to reduce fuel use and greenhouse gases emitted as part of the works.
- BEAR Scotland will adhere to its Carbon Management Policy.

- Where possible, waste will be removed to local waste management facilities.

Vulnerability of the project to risks

There will be no change to the likelihood of flooding on the A68 within the scheme extents upon completion of the works.

Works are restricted to areas of made ground on the A68 carriageway, with access to the scheme gained via the A68 mainline. As such, the proposed works' impacts on road traffic accidents are assessed to be of negligible magnitude.

A Site Environmental Management Plan (SEMP) will be produced by BEAR Scotland which sets out a framework to reduce the risk of adverse impacts from construction activities on sensitive environmental receptors. The Contractor will comply with all conditions of the SEMP during works and may be subject to audit throughout the contract.

Considering the above, the vulnerability of the project to of major accidents and disasters is considered to be low.

Assessment of 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 Scottish Road Works Commissioner's website (map search) has identified that no other road works are currently ongoing, or noted as being planned, on the A68 trunk road or surrounding roads in proximity to the scheme, which will be undertaken at the same time.

In addition, a search using Midlothian Council 'Simple Search' identified two planning applications within 300m of the scheme extents within the last two years:

- 25/00576/WTT - Pruning of a tree within Fala Conservation Area, which has been decided with no objections and is located approx. 100m northeast of the scheme.
- 25/00635/DPP - Subdivision of existing dwellinghouse to form two dwellinghouses, which has been granted with conditions and is located approx. 130m northeast of the scheme extents.

While it is not possible to gain an understanding on the timing or duration of the above granted planning applications, it is considered that even in the event that the above planning applications were being progressed at the same time as the planned BEAR Scotland resurfacing and reconstruction works, given the minor nature of the planning applications couple with the minor nature of the BEAR Scotland works, no in-combination effects are expected.

Assessments of the environmental effects

The A68 North of Humbie scheme lies within 2km of Fala Flow SPA and Ramsar Site, and also within the buffer zone of qualifying species of the Firth of Forth SPA and Ramsar Site, Outer Firth of Forth and St Andrews SPA, and Gladhouse Reservoir SPA and Ramsar Site. A HRA has concluded that the works will not result in LSE on any of the qualifying species of the European Sites, and as such an Appropriate Assessment (AA) is not required.

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

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) exceed 1 hectare in area and are not situated in whole or in part in a sensitive area within the meaning of regulation 2(1) of the Environmental Impact Assessment (Scotland) Regulations 1999.

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 are restricted to like-for-like replacement of worn/damaged road surface, with all works restricted to made ground on the A68 carriageway surface.
- Works are not expected to result in significant disturbance to protected species that may be present in the wider area.
- The risk of major accidents or disasters is considered to be low.
- By removing the carriageway defects, this will provide this section of the A68 carriageway with another life cycle, and significantly improve the ride quality, which will result in safer conditions for road users.
- Any potential impacts of the works are expected to be temporary, short-term, not significant, and limited to the construction phase.

Location of the scheme:

- The scheme is located within 2km of Fala Flow SPA and Ramsar Site, and within the disturbance buffer zone of qualifying species of the Firth of Forth SPA and Ramsar Site, Outer Firth of Forth and St Andrews SPA, and Gladhouse Reservoir SPA and Ramsar Site. However, a HRA has been undertaken which has confirmed that the works will not result in LSE on any of the European Designated Sites.
- The scheme will not have any impact on the Blackshiels Inn LB as they will be restricted to the existing A68 boundary.
- The scheme will not have an impact on the Fala Village Conservation Area as they consist of the like-for-like replacement of the existing carriageway surface.
- The scheme is not located within any areas designated for landscape interests.
- Land use will not change as a result of the works.
- The works do not require any private land acquisition.
- The scheme does not lie within any sites designated for geology or soils
- The scheme is not located within a densely populated area.

Characteristics of potential impacts of the scheme:

- The waste hierarchy will be followed to reduce waste to landfill.
- Works are programmed to take eight nights to complete on a rolling programme, with the aim being to complete the noisiest works by 23:00.
- With good practice pollution prevention measures implemented onsite, there is a negligible risk of a pollution event e.g., compliance with the SEMP.

References of supporting documentation

A68 North of Humbie Habitats Regulations Appraisal.

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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