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Environmental Impact Assessment Record of Determination

M8 Claylands to Hermiston Hard Shoulder Eastbound

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Project Details

Description

BEAR Scotland has been commissioned by Transport Scotland to carry out resurfacing works on the M8 carriageway with works restricted to the hard shoulder / bus lane. The project brief is to undertake carriageway resurfacing to a maximum depth of 180mm. Road markings and studs will be reinstated across a length of approx. 4.76km (1.926ha).

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,
- Tack/bond coat laid,
- Binder material laid and compressed by paver (where required),
- Material compacted using a heavy roller,
- 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 3rd August 2026. Works will be undertaken over 10 nights (20:30-06:00). TM will consist of a full night time road closure of the M8 Eastbound (EB) between Junction (Jct) 2 and Jct 1 with signed diversion in place. Traffic will be diverted via M8 Jct 2 EB Offslip, M9 Jct 1 NB Offslip, A8 EB to Gogar Roundabout, A720 EB, A720 EB Hermiston Offslip where traffic will join Hermiston Gait roundabout.

Location

The scheme lies on the M8 carriageway west of Hermiston, within the City of Edinburgh Council boundary, and is surrounded predominantly by agricultural land (Figure 1).

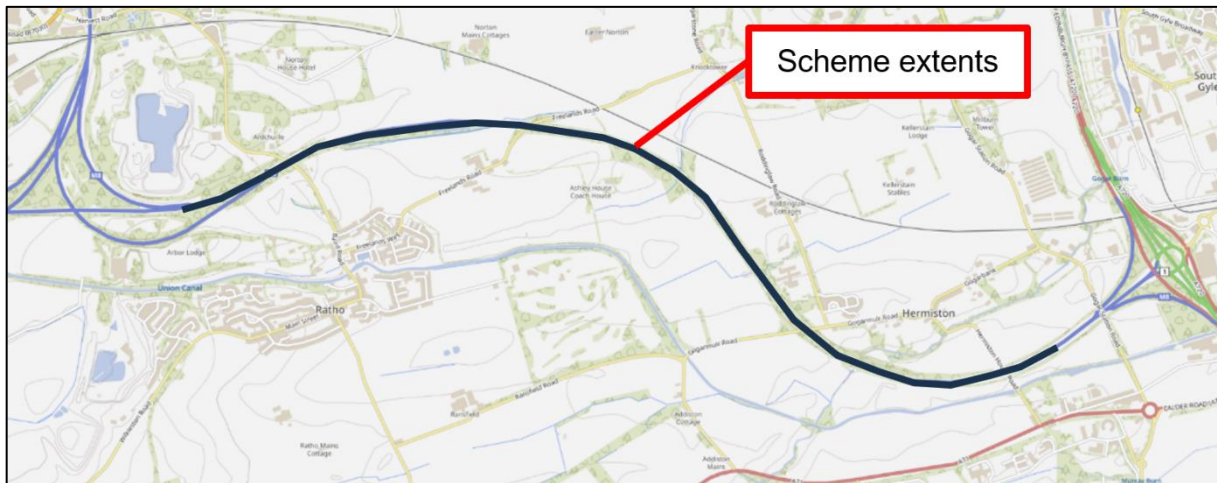


Figure 1. Extents of the Works. - Source: Asset Management Performance System (AMPS). © Europa Technologies Ltd. Contains Ordnance Survey data © Crown copyright and database right 2018.

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 areas recording bandings within the ‘green zone’ (Low Index 1-3).

The scheme is located within the City of Edinburgh Council boundary which reports five active [Air Quality Management Areas \(AQMAs\)](#) within its administrative boundary. The closest AQMA, “Glasgow Road 2013” is located approx. 1km northwest of the scheme extents and is declared for nitrogen dioxide (NO₂).

There are 12 sites registered on the Scottish Pollutant Release Inventory ([SPRI](#)) for air pollutant releases within 10km of the scheme extents in the last 10 years. Their details are as follows:

- “Gogarbank Poultry, Corstorphine, Edinburgh” - Intensive livestock production and aquaculture – declared for ammonia and PM₁₀ – located approximately 0.6km north of the scheme extents.
- “Hillwood Quarry, Ratho, Midlothian” – Mineral industry – declared for carbon dioxide and particulate matter <10 microns in diameter (PM₁₀) – located approximately 0.7km north of the scheme extents.
- “Clifton Poultry Farm, Clifton Road, Newbridge” - Intensive livestock production and aquaculture – declared for ammonia – located approximately 1.9km west of the scheme extents.
- “Ravelrig Quarry Kirknewton, Midlothian” – Mineral industry – declared for PM₁₀ and PM_{2.5} – located approximately 3.8km south of the scheme extents.
- “Clapperton Poultry Complex, Broxburn, West Lothian” - intensive livestock production and aquaculture – declared for ammonia, PM₁₀, and total particulate matter – located approximately 4.1km southwest of the scheme extents.
- “Kaimes Quarry Landfill Site, Kirknewton” – Waste and waste-water management – declared for methane – located approximately 4.7km south of the scheme extents.
- “MacFarlan Smith Limited, Wheatfield Road, Edinburgh” – Chemical industry – declared for NMVOCs and toluene – located approximately 5.3km east of the scheme extents.
- “North British Distillery, Wheatfield Road, Edinburgh” – Animal and vegetable products from the food and beverage sector – declared for carbon dioxide, HFCs, and NMVOCs – located approximately 5.4km northeast of the scheme extents.

- “Dalmeny Hound Point, South Queensferry” – Energy sector – declared for non-methane volatile organic compounds (NMVOCs) – located approximately 5.4km north of the scheme extents.
- “Balerno Poultry Farm, Lanark Road West, Balerno” – Intensive livestock production and aquaculture – declared for ammonia – located approximately 5.5km south of the scheme extents.
- “API Foils, Houston Ind Est, Livingston” - Other activities – declared for non-methane volatile organic compounds (NMVOCs) (t) and toluene (kg) – located approximately 7km southwest of the scheme extents.
- “Wyman Gordon Ltd, Livingston” - Production and processing of metals – declared for carbon dioxide (kt) – located approximately 7km southwest of the scheme extents.

Baseline air quality within the scheme extents is likely to be primarily influenced by traffic along the M8 carriageway. Secondary sources are most commonly derived from motor vehicles travelling along local network roads and day-to-day agricultural activities. The Edinburgh to Falkirk railway line is located approx. 90m north of the scheme at the nearest point therefore occasional train movements will also have an impact.

Cultural heritage

The [PastMap](#) and [Historic Environment Scotland](#) (HES) online mapping tools record 17 designated cultural heritage assets within 300m of the scheme extents, one conservation area and one scheduled monument.

- The “Hermiston” Conservation Area lies approx. 80m south of the scheme extents at its closest point.
- The “Union Canal, Fountainbridge to River Almond” Scheduled Monument lies approx. 80m south of the scheme extents at its closest point.
- There are 14 Listed Buildings located within 300m of the scheme extents, the closest of which is located 80m south.
- The “Ratho” Conservation Area lies approx. 270m south of the scheme extents at its closest point.

Of lesser concern, there are in excess of 50 undesigned cultural heritage assets (UCHAs) are located within 300m of the scheme extents. Of these, two lie within the scheme extents:

- The “Roddinglaw” Historic Environment Record (HER) (Classification: pit; standing stone).
- The “Roddinglaw” NRHE (Classification: pit (period unassigned), standing stone (prehistoric)).

Construction of the M8 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 has therefore been assessed to be low.

Given that the works will be restricted to the existing M8 carriageway boundary and depth, that no designated cultural heritage features are located within 80m of the scheme, the potential for impacts to cultural heritage have been deemed negligible. As such cultural heritage has been scoped out of further environmental assessment.

Landscape and visual effects

The scheme is not situated within a [National Park](#) (NP) or [National Scenic Area](#) (NSA).

The [Landscape Character Type \(LCT\)](#) within the scheme extents is categorised as “Lowland Plain” ([LCT – 274](#)), “Lowland Plain” has the following key characteristics:

- Smoothly rolling, large scale agricultural plain with local interruptions of volcanic hills forming visual foci.
- Rivers cut through the farmland in incised valleys.
- High quality agricultural land with a predominantly rural character, divided into a strong pattern of large arable fields by fences, hedges, occasional walls and a network of shelterbelts.
- Policy woodlands and shelterbelts associated with designed landscapes, mansions, gatehouses and boundary walls contributing to character.
- Numerous villages and hamlets, including industrial settlements.
- Substantial but localised urban fringe influence around Edinburgh Airport, motorways and settlement expansion.
- Gentle sinuous sweep of the Union Canal as it leaves Edinburgh and heads north west.
- Industrial heritage legacy, with prominent quarrying, landfill and shale bing impacts.
- Important setting for western Edinburgh.

The Historic Land-use Assessment ([HLA](#)) classifies the land-use within 300m of the scheme extents as:

- Motorway and Major Roads,
- Rectilinear Fields and Farms,
- Quarry,

- Rough Grazing,
- Urban Area,
- Designed Landscape, and
- Industrial or Commercial Area.

The [national scale land capability for agriculture](#) classifies land surrounding the scheme as being:

- “Class 2” - Land capable of producing a wide range of crops.
- “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.

Woodland with connectivity to the trunk road within the scheme extents consists of:

- Approx. 9.2ha of broadleaved woodland, approx. 3.5ha of which is recorded on the [Native Woodland Survey Scotland](#) (NWSS), which borders the EB carriageway within the scheme extents.
- Approx. 0.6ha of young tree woodland which borders the EB carriageway within the scheme extents
- Approx. 0.8ha of conifer woodland which borders the EB carriageway within the scheme extents
- Approx. 6.2ha of broadleaved woodland, approx. 3.5ha of which is recorded on the NWSS, which borders the WB carriageway within the scheme extents.
- Approx. 1.8ha of young tree woodland which borders the WB carriageway within the scheme extents
- Approx. 1.2ha of conifer woodland which borders the WB carriageway within the scheme extents
- Numerous additional areas of woodland are located within 300m of the scheme.

There are no areas of ancient woodland recorded on the [Ancient Woodland Inventory](#), with connectivity to the scheme extents, or any individual trees or areas of woodland covered by a [Tree Preservation Order \(TPO\)](#) within 300m of the scheme extents. However, all trees with a trunk diameter greater than 75mm in the Ratho and Hermiston CA's 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 tools identifies that the:

- The Firth of Forth Special Protection Area (SPA) – EU Site Code: [UK9020316](#) and Ramsar Site – EU Site Code: [UK13017](#) are located approx. 7.2km north of the scheme extents at their closest point.
- The Outer Firth of Forth and St Andrews Bay Complex SPA – EU Site Code: [UK9020316](#) is located approximately 7.2km north of the scheme extents at its closest point.
- The Westwater SPA – EU Site Code: [UK9004251](#) and Ramsar Site – EU Site Code: [UK13060](#) are located approximately 18.8km south of the scheme extents at their closest point.

The scheme is not situated within 2km of, and does not share connectivity with, any other ‘European Site’ designated for biodiversity features e.g., Special Area of Conservation (SAC), SPA, Ramsar.

Additionally, the Firth of Forth and Westwater SPAs are underpinned by Sites of Special Scientific Interest (SSSIs).

There are no SSSIs within 300m of the scheme extents.

Three [Local Biodiversity Sites \(LBSs\)](#) lie within 300m of the scheme extents:

- The “Union Canal – Ratho to Hermiston” LBS lies approx. 45m south of the scheme extents at its closest point.
- The “Gogar Burn – Union Canal to Fairview” LBS is spanned by the M8 within the scheme extents.
- The “Union Canal - Wilkie's Basin to Ratho” – LBS is located approx. 300m south of the scheme at the nearest point.

The NBN atlas holds records of numerous bird species within 2km over a ten-year period. Under the Wildlife and Countryside Act 1981 (as amended) (WCA), all wild birds and their active nests are protected.

A search of the NBN online mapping tool records the following plant species as listed within the Network Management Contract (NMC) within 2km of the scheme extents (within the last 10-years):

Invasive Non-Native Species (INNS):

- Giant hogweed (*Heracleum mantegazzianum*).

Invasive Native Perennials:

- Rosebay willowherb (*Chamaenerion angustifolium*).

The closest of these to the scheme extents relates to that of giant hogweed which is located approx. 300m east of the scheme extents at its closest point.

A search of the Asset Management Performance System (AMPS) online mapping tool records the following plant species as listed within the NMC within the verge surrounding the scheme extents:

Invasive Non-Native Species (INNS):

- Giant hogweed (*Heracleum mantegazzianum*).

Injurious weeds:

- Broad Leafed Dock (*Rumex obtusifolius*).

Invasive Native Perennials:

- Rosebay willowherb (*Chamaenerion angustifolium*).

The habitat immediately bordering the M8 EB consists primarily of agricultural land and semi-mature broadleaved shelterbelts, with more agricultural fields, Hillwood Quarry and the Hermiston Gait industrial area in the wider area.

Outwith the trunk road boundary, agricultural land surrounding the scheme forms a pattern of open and exposed fields containing predominantly 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.

Geology and soils

There are no geological SSSIs or Geological Conservation Review Sites within 300m of the scheme extents ([SiteLink](#)). Additionally, there is one [Local Geodiversity Sites](#) (LGS) within 300m of the scheme extents. Ratho LGS is located approx. 250m west of the western scheme extents.

The [National Soil Map of Scotland](#) online mapping tool records that the Generalised Soil Types within the study area are:

- Mineral gleys.
- Alluvial soils.
- Brown soils.

The Major Soil Groups within the study area are:

- Gleys.
- Alluvial soils.
- Brown soils.

The [British Geological Survey](#) online mapping tool records that the superficial geology within the scheme extents is comprised of:

- Glaciofluvial Ice Contact Deposits - gravel, sand and silt.
- Till - Devensian (Diamicton).
- Alluvium - Clay, Silt, Sand and Gravel.

The bedrock geology within the scheme extents is recorded as:

- Dinantian To Westphalian Sills of Lothians and Fife-Mafite.
- Calders Member-Sedimentary rock cycles, Strathclyde Group type.
- Midland Valley Sill-Complex-Quartz-microgabbro.
- Gullane Formation-Sedimentary rock cycles, Strathclyde Group type.

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 M8 carriageway boundary, and the lack of any earthworks, 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 the worn carriageway and reinstate road markings. Materials used will consist of:

- TS2010.

- AC20 Dense Binder.
- Approx. 1260 tonnes of CI948 (Ex-situ cold recycled bound material).
- Bitumen Emulsion.
- Hot Bitumen.
- Marker Paint.
- Cold Bitumen Sealant.
- Petrol.
- Tar Glue Remover.
- Thermoplastic.
- Road Markings.
- Milled 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 and localised areas of binder. The main waste produced during the works will be bituminous materials which will be removed from site, none of which is classified as hazardous material containing coal tar.

While no coal tar will be removed, the scheme will use 1,260 tonnes of coal tar bound planings from a separate BEAR Scotland scheme (M8 Jct 3 EB Offslip) which will undergo ex-situ recycling. The recycled planings will be used as binder material and will have surface course laid on top.

Noise and vibration

For properties within 300m of the scheme refer to “Population and Human Health.

The works do not fall within a Candidate Quiet Area ([CQA](#)).

The nighttime noise levels (LNGT) modelled within the scheme extents is greater than 80 decibels (dB), decreasing to between 75 and 80dB at the nearest noise sensitive receptor (residential) ([Scotland’s Noise](#)).

Baseline noise and vibration in the study area is mainly influenced by vehicles traveling along the M8 trunk road. Secondary sources are derived from vehicles travelling along nearby local network roads and day-to-day agricultural activities. The Edinburgh to Falkirk railway line is located approx. 90m north of the scheme at the nearest point therefore occasional train movements will also have an impact.

Population and human health

Numerous residential and commercial properties and one farmstead are located within 300m of the scheme extents. There are no residential properties within 50m of the scheme, with the closest located approx. 60m east of the scheme extents. Only two properties (closest located 70m north) are visible from the scheme extents and all other properties within 300m of the scheme are screened from the scheme extents by a combination of roadside shelterbelts, raised roadside embankments and woodland.

A bus lane is present alongside the eastbound carriageway replacing the hard shoulder throughout the majority of the scheme extents. There are no other non-motorised user (NMTU) or community facilities with connectivity to the scheme extents.

Street lighting is absent throughout the scheme extents.

The scheme extents are located on the M8 carriageway, which is a motorway with the national speed limit applying throughout. The Average Daily Traffic (ADT) flow is moderate (34,309 motor vehicles (ID: CTC00007, 2026 data) ([Transport Scotland](#))).

Road drainage and the water environment

There are two [SEPA](#) classified waterbodies within 300m of the scheme extents:

- Gogar Burn (Union Canal to River Almond) (ID: 3004), main stem is approx. 8.9km in length. The water body has been designated as a heavily modified waterbody on account of physical alterations that cannot be addressed without a significant impact on the drainage of agricultural land and from an increased risk of subsidence or flooding and has an overall classification “Poor ecological potential”. It is culverted beneath the trunk road within the scheme extents.
- Union canal (Craigton to Murray Burn) (ID: 8), main stem is approx. 19.8km in length. The waterbody has been designated as an artificial water body on account of physical alterations that cannot be addressed without a significant impact on navigation and has an overall classification of Good ecological potential. It is located approx. 80m south of the scheme extents at its closest point.

There are several unclassified waterbodies within 300m of the scheme extents. Only five are located within 50m of the scheme:

- Waterbody1 is culverted beneath the trunk road within the scheme extents and is separated by raised roadside embankment and tree shelterbelt.

- Waterbody2 is culverted beneath the trunk road within the scheme extents and is separated by raised roadside embankment and tree shelterbelt.
- Waterbody3 is culverted beneath the trunk road within the scheme extents and is separated by raised roadside embankment and tree shelterbelt.
- Pond 1 is located approx. 10m south of the scheme and is separated by raised roadside embankment and tree shelterbelt.
- Drain1 is located approx. 20m south of the scheme (at the nearest point) and is separated by raised roadside embankment and tree shelterbelt.

A search of the [SEPA Flood Map](#) online mapping tool shows that the majority of the M8 within the scheme extents is at an increased flood risk. Most of the hard shoulder within the scheme extents have a flood risk ranging between low and high likelihood of flooding each year (0.1% - 10% chance).

The scheme extents lie within the “Livingston” groundwater body (ID: 150711), which was given an overall classification of “Poor”.

A search of the [Scotland's Environment \(SE\)](#) determined that the trunk road, within the scheme extents, does not lie within a Nitrate Vulnerable Zone (NVZ).

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, 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, negligible adverse in magnitude.

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

Air quality mitigation measures:

- 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).
- 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.

Landscape and visual effects

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 will be restricted to areas of made/engineered ground on the M8, and construction works are programmed to be undertaken at night (10 nights). Furthermore, the M8 is largely screened from the surrounding landscape by raised roadside embankments and tree shelterbelt, 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 Firth of Forth SPA and Ramsar Site are located approx. 7.2km north of the scheme extents at their closest point, the Outer Firth of Forth and St Andrews Bay Complex SPA is located approximately 7.2km north of the scheme extents at its closest point and the Westwater SPA and Ramsar Site are located approximately 18.8km south of the scheme extents at their closest point. Given that the scheme is located within the buffer zones of some qualifying features of these European Sites a Habitat Regulations Appraisal (HRA) was undertaken. Given the distance separating the scheme from the designated sites, coupled with the nature and duration of the

works, and restriction to the M8 carriageway the HRA determined no likely significant effects (LSE) on the qualifying features of the designated sites.

Three LNCS are located within 300m of the scheme extents however only two are located within 50m of the scheme the “Union Canal – Ratho to Hermiston” LBS lies approx. 45m south of the scheme extents at its closest point and the “Gogar Burn – Union Canal to Fairview” LBS is spanned by the M8 within the scheme extents. Given the proximity of the works to the two LNCS, there is potential for temporary disturbance of any wildlife within these sites during the works. However, given the limited nature of the works and with the mitigation implemented below, negligible impacts are anticipated to the LNCS as a result of the resurfacing works.

A temporary short-term increase in noise levels may cause disturbance to local wildlife if present in the vicinity of the works. The works will, for example, require a range of ancillary plant, vehicles and NRMM which will emit noise and create potential disturbance. The works will also require delivery of materials and the presence of personnel to facilitate the improvements to the road surface. However, the number of construction vehicles and construction operatives required onsite is low given the scale and scope of works.

INNS giant hogweed is recorded along the verge of the M8 within the scheme extents. However, works are limited to resurfacing and will be restricted to the M8 carriageway, as such there will be no requirement to enter the verge at this location and therefore no potential for spread of the INNS providing mitigation is adhered to.

Of lower concern, injurious weed broad leafed dock and rosebay willowherb, an invasive native perennial (as listed in the Trunk Road Inventory Manual), is present within the verges surrounding the scheme. However, all works will be restricted to resurfacing of the existing M8 carriageway boundary, as such, providing the mitigation detailed below is adhered to there is limited potential to spread these 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:

- All site personnel will be made aware of the proximity and sensitivity of the Union Canal – Ratho to Hermiston and Gogar Burn – Union Canal to Fairview LBS.

- Given the presence of giant hogweed, broad leafed dock and rosebay willowherb within the scheme extents, Toolbox Talk TTN-009 Working with Injurious Weeds & Invasive Plants, will also be briefed prior to works commencing.
- The following mitigation will be implemented to prevent the spread of giant hogweed:
 - All site workers will be made aware of the location and presence of giant hogweed within the scheme extents.
 - Where possible, site operatives will avoid entering the carriageway verge at the location of the known giant hogweed.
 - No equipment, signage, materials or waste are permitted to be stored within the verge at the location of the giant hogweed.
 - In the event there is a requirement for entry into the verge at the location of the giant hogweed this will be limited as far as is possible. Site operatives will be appropriately protected from the giant hogweed and there will be no disturbance of soil.
- Given the suitable habitat and records of protected species within proximity to the scheme extents, Toolbox Talk TTN-139 'Protected Species', will be briefed to all site operatives 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, etc.) to ensure minimal impact on nocturnal species.
- The works are not permitted to disturb or destroy any active birds nests. If an active birds 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 BEARs 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 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. In addition, the re-use of coal tar bound materials from a separate BEAR Scotland scheme will see a reduction in the volume of materials going to landfill.

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 EASR Regulatory Position Statement - Low Risk Waste Activities WAS-PS-07.
- BEAR Scotland's subcontractor Tarmac will gain any necessary permissions under EASR from SEPA prior to the commencement of works.
- The re-use of the coal tar bound planings will be undertaken in line with SEPA's Position Statement on Cold Recycling – Treatment Storage and Use of Asphalt Waste Containing Coal Tar WAS-PS-06.
- 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. 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 the residential property within the local area, located approx. 60m east of the scheme extents.

However, the works are not located within a CQA, they will also be completed over 10 nights, with the aim being to complete the noisiest works by 23:00 and will be undertaken on a rolling programme and as such will not be operating adjacent to the residential property for the entirety of the schemes duration.

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:

- 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. Numerous residential properties are located within proximity to the scheme and as such, there is potential for impacts to local residents in the form of noise/vibration impacts, visual disturbance and delays due to traffic management. However, no properties are located within 50m of the scheme and TM will only be in place for 10 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.

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 positive impact in relation to population and human health due to the improvement of usability and safety provided by the new carriageway surface.

Population and human health mitigation measures:

- The local authority environmental health department will be notified of nighttime working by BEAR Scotland's design engineer.
- Construction lighting will take into account the need to avoid illuminating adjacent 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.
- 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.
- 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 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.

Several surface waterbodies are located within 300m of the scheme extents, however only six are located within 50m of the scheme extents. Although Gogar Burn, Waterbody1, Waterbody2, Waterbody3, Pond1 and Drain1 are found within 50m, there will be no 'in-water' works and all land outwith the trunk road boundary is

also considered out-of-bounds to all construction staff during the works. 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 Guidelines for Pollution Prevention (GGPs)), 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 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 Gogar Burn, Waterbody1, Waterbody2, Waterbody3, Pond1 and Drain1.
- 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 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 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, 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, 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.

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 M8 within the scheme extents upon completion of the works.

Works are restricted to areas of made ground on the M8 carriageway surface, with access to the scheme gained via the M8 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 BEAR Scotland will potentially be undertaking lighting replacement works on the M8 surrounding the scheme however these works will be undertaken at the same time as the resurfacing scheme to utilise the same TM set up, reducing the impact to road users.

In addition, a search using [City of Edinburgh Council 'Simple Search'](#) identified 12 planning applications within 300m of the scheme extents within the last two years.

- 25/05145/TELE - Prior Approval for electronic communication code operators. – located approx. 15m north of the scheme.

- 24/04157/TELE - Removal of 14.5m lattice mast, 2 No. antennas, 1 No. dish, 1 No. equipment cabin and all ancillary development and installation of 25m lattice mast with 12 No. antennas, cabinets and all ancillary development. – located approx. 40m west of the scheme.
- 25/03112/OBL - Application for the Discharge of the Planning Obligation associated with planning permission reference 20/03901/FUL – located approx. 60m north of the scheme.
- 25/03978/PAN - AI data centre campus with a 200MW demand utility capacity with car parking, landscaping, roads, access and associated works. - located approx. 100m south of the scheme.
- 25/02924/SCR - Construction of a Data Centre Campus.- located approx. 100m south of the scheme.
- 25/05576/SCR - Request for EIA Screening Opinion. Proposed construction of a data centre campus - located approx. 100m south of the scheme.
- 26/00527/LBC - internal and external alterations to enable conversion to short term let use - located approx. 170m south of the scheme.
- 25/06716/FUL - Change of use from office (Class 4 / E(c)) to indoor sport / fitness studio (Class 11 / E(d)).- located approx. 180m east of the scheme.
- 25/03293/LBC - Application to make further minor variations to listed building consent. This application mirrors the previous non-material variation applications submitted - located approx. 230m south of the scheme.
- 25/01266/TCO - 1 x Norway Spruce 3 x Sycamore - As per report. - located approx. 230m south of the scheme.
- 18/03095/VAR4 - Non-Material Variation- 1. Replacement of previously proposed glass balustrade to roof terrace with purpose made decorative metal balustrade - (Approved drawings R7883 P-005 Rev 6 and P-007 Rev 5). 2. Adjustment to previously proposed vent positions to South and East elevations - (Approved drawings R7883 P-005 Rev 6 and P-007 Rev 5). Location Plan R7883 P-001 Rev 1, together with amended drawings R7883 P-005 Rev 7 and P-007 Rev 6 and Detailed Specification of External Materials Rev 5, submitted to reflect proposed changes - located approx. 245m south of the scheme.
- 24/03589/VARY - Non Material Variation - Three windows have changed design / appearance (No. 1, 2 & 3, transoms removed) - located approx. 270m south of the scheme.

While it is not possible to know the exact timings for the above planning applications, the resurfacing works will be restricted to the M8 carriageway and undertaken on a rolling programme therefore, it is unlikely that the proposed works will have a significant cumulative effect with any other future works in the area.

Assessments of the environmental effects

The M8 Claylands to Hermiston Hard Shoulder Eastbound scheme lies within the buffer zone of qualifying species of the Firth of Forth SPA and Ramsar Site, the Outer Firth of Forth and St Andrews Bay Complex SPA and the Westwater 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 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 1ha.

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 M8 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 M8 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:

- A HRA has been undertaken which has confirmed that the works will not result in LSE on the qualifying features of the designated sites.
- The scheme does not lie within any sites of historical, cultural, or archaeological significance.
- 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 10 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

M8 Claylands to Hermiston 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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