



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Environmental Impact Assessment Record of Decision

A96 Dualling Inverness to Nairn (including Nairn Bypass)

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1. Record of Decision under Paragraph 7 of Schedule 1 of the Roads (Scotland) Act 1984

The Scottish Ministers have considered whether to carry out works to dual the A96 Aberdeen – Inverness Trunk Road between Seafield Roundabout, Inverness and Wester Hardmuir in the vicinity of Nairn, Nairnshire by the construction of approximately 31km of new dual carriageway, predominately off the line of the existing A96 including a bypass of Nairn (hereafter referred to as the Project).

An Environmental Impact Assessment (EIA) has been undertaken for this Project.

In making this decision the Scottish Ministers have taken into consideration:

- a) the Environmental Statement (ES) for this Project published on 29 November 2016;
- b) Representations by consultation bodies and other persons, including objections, made to the ES and draft Orders during the six-week statutory consultation period following the draft Order publication, commencing on 29 November 2016 and closing on 31 January 2017; and
- c) The evidence presented to the Public Local Inquiry (PLI) for the Project to consider the extant objections, and the Reporters' conclusions and recommendations as set out in Chapter 9 of the Inquiry Report dated 17 October 2019.
- d) The project did not appear to the Scottish Ministers to be likely to have a significant effect on a European Economic Area (EEA) State and no EEA State indicated a wish to participate in the EIA procedure.

2. Description of the Project

The Project comprises the provision of approximately 31km of new dual carriageway, which would mainly be constructed off the line of the existing A96. Sections of the existing A96 would be de-trunked and reclassified as a local road to maintain local access. The Project would also incorporate:

- the provision of shared use paths suitable for Non-Motorised Users (NMU) totalling approximately 30km in length;
- six grade-separated junctions;
- 25 principal structures including a crossing of the River Nairn and three structures over the Aberdeen to Inverness Railway Line;
- local diversions and the provision of new private means of access; and
- utility diversions.

In 2011 the Scottish Government, through the Infrastructure Investment Plan (IIP), announced the commitment to dual the A96 between Inverness and Aberdeen by 2030, providing a number of benefits including improved journey times and reliability, delivering economic growth, improved connectivity and reducing the rate and severity of accidents.

Prior to this commitment being announced, design and assessment work had commenced on the dualling of the A96 between Inverness and Nairn in response to the investment priorities outlined in the final report of the Strategic Transport Projects Review (STPR) published in 2009.

The design and assessment of the Project has progressed through Design Manual for Roads and Bridges (DMRB) Stage 2 (route option assessment), taking into account the commitments outlined in the IIP, and a preferred option was announced in October 2014. The preferred option was developed and assessed through DMRB Stage 3 in 2015 and 2016.

Transport Scotland's published objectives for the project are as follows:

- to improve the operation of the A96 and inter-urban connectivity;
- to improve safety for motorised and non-motorised users;
- to provide opportunities to grow the regional economies in the corridor;
- to facilitate active travel in the corridor;
- to facilitate integration with public transport facilities; and
- to minimise the environmental effect on the communities in the corridor.

In accordance with the Roads (Scotland) Act 1984, which was in force throughout the EIA process, an EIA screening exercise was undertaken in November 2015 determining that the project fell within Annex I of Council Directive 85/337/EEC, on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive No. 97/11/EC and Council Directive No. 2003/35/EC. It was therefore necessary to conduct an EIA and publish an ES.

The outcome of the screening exercise was set out in a Record of Determination published by Transport Scotland on 29 November 2016.

Whilst the EIA provisions in the Roads (Scotland) Act 1984 (the 1984 Act) relevant to trunk road projects in Scotland were amended in May 2017, the Project was subject to EIA scoping procedures and determination prior to the relevant transitional date of the amending legislation of 16 May 2017, and the EIA was therefore undertaken in accordance with the previous provisions of the 1984 Act.

An ES was published on 29 November 2016 along with draft Orders for the Project, including publication on the Transport Scotland website:

<https://www.transport.gov.scot/projects/a96-dualling-inverness-to-aberdeen/a96-inverness-to-nairn-including-nairn-bypass/a96-inverness-to-nairn-including-nairn-bypass/#45304>

Through the PLI process, the Reporters examined the ES and were satisfied that the information and analysis therein could be accepted. They also examined all other environmental information, including submissions from objectors and the views of consultees. Where there were objections relating to the promoter's environmental information or the conclusions drawn using this information, they found that the objections were not sufficient to convince that the environmental information was deficient or that the methods or conclusions were erroneous.

3. Decision

On 16 February 2021 the Scottish Ministers decided to proceed with the Project and to make the following Orders, subject to certain specified modifications:

1. The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) Compulsory Purchase Order
2. The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (Trunking & Detrunking) Order
3. The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (Side Roads) Order
4. The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (Extinguishment of Public Rights of Way) Order

4. Considerations and Reasons for Decision

In making the decision to proceed with this Project and make Orders the Scottish Ministers took account of the following material considerations;

- the need, justification, and environmental impact of the Project;
- the objections to the draft Orders which were made and not withdrawn;
- all opinions made by consultation bodies in relation to the ES and the project;
- all of the evidence presented to the inquiry;
- the Report of the Reporter at the PLI and the Reporters' reasoned conclusions and recommendations.

The Scottish Ministers accept the findings, conclusions and recommendation of the Reporters in full, as detailed in the PLI report dated 17 October 2019. To summarise, these conclusions are:

- The proposed dualling of the A96 (Inverness to Nairn (including Nairn Bypass)) has been justified and evolved through numerous iterations of national economic, transport and planning strategy and policy. The Project has also formed a significant part of thinking for local/regional planning, economic and transport policy over much of the last two decades as part of a wider strategy for growth of the Inverness City Region.
- The policy, safety and operational advantages have been considered, including through a sound transport modelling process, and the rationale for the Project is sound. The Project reflects a variety of objectives that are in the wider public interest.
- The design of the Project, including its alignment and junctions, and the processes that led up to the chosen design (modelling, engagement etc.) conform to the requirements and guidance of the DMRB and Scottish Transport Appraisal Guidance (STAG); with appropriate levels of public engagement during each stage of design.
- The environmental information has been thoroughly considered and the assessment has been undertaken robustly. The Project would have a wide range of environmental effects, and considerable effort has gone into iterating/modifying designs to avoid and/or limit these potential effects or to subsequently mitigate them. However, significant residual effects would remain in some instances.
- Although some residual significant effects are inevitable with a scheme such as this, those that are predicted in this instance would not be so severe as to render the Project unacceptable or to compromise the wider public interest. None of the route alternatives that had been proposed would have a clear overall advantage over the Project.
- The works will provide a number of benefits including improved journey times and reliability, economic growth, improved connectivity and reduced rates and severity of accidents.
- The mitigation and monitoring measures as set out in Sections 10, 12 and 13 of this decision will be fully implemented and incorporated into contracts, where appropriate.
- With respect to the Roads (Scotland) Act 1984, the Project has taken into consideration the requirements of local and national planning, including the requirements of agriculture and industry. Appropriate consideration has been given to the environmental impacts and effects of the Project.

5. Public Participation in Decision-Making

The arrangements taken to ensure the public had the opportunity to participate in the decision-making procedures included landowner consultation throughout the assessment process which informed the Project's design. Information gathered through landowner consultation has also been utilised in the land use assessment in Chapter 15 (People and Communities: Community and Private Assets). The assessment work for the Project also included a rolling programme of regular engagement with local communities and other stakeholders, which started with public exhibitions held in February 2012 and November 2013. The DMRB Stage 2 assessment culminated in public exhibitions in October 2014 to present the preferred option for the Project. On 26 and 27 August 2015, two 'Meet the Team' events were held in Culloden and Nairn. Representatives from Transport Scotland's A96 Dualling team and the appointed project team, including Stakeholder Co-ordinators, were available to answer questions on the design and assessment work being carried out as part of the DMRB Stage 3 design development process. In February 2016 a series of drop-in sessions were held in Culloden and Nairn with over 750 people attending.

Notices in respect of the ES, draft Compulsory Purchase Orders, Trunking & Detrunking Order, Side Roads Order and Extinguishment of Public Rights of Way Order were published in the Edinburgh Gazette on 29 November 2016 and are available on the Transport Scotland website:

<https://www.transport.gov.scot/projects/a96-dualling-inverness-to-aberdeen/a96-inverness-to-nairn-including-nairn-bypass/a96-inverness-to-nairn-including-nairn-bypass/#45304>

These notices intimated a statutory consultation period of six weeks ending on 31 January 2017.

Transport Scotland published notice of the ES on 29 November 2016. The notice included the following:

- that the Scottish Ministers, as the relevant roads authority, are considering implementing the project;
- the proposed location and nature of the project;
- that the project is subject to EIA;
- that a copy of the ES is available for viewing on the Transport Scotland website;

- that copies of the ES can be obtained by writing to Transport Scotland at a charge of £250 for a hard copy or £10 for the DVD format. Requests for further information about the project may be sent to Transport Scotland;
- that any person wishing to make representations about the project and the EIA could have done so in writing to Transport Scotland stating the title of the Order and the grounds of objection and that any such notice must have been received on or before 31 January 2017; and
- that the Scottish Ministers would take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.

A total of 44 statutory objections and 87 non-statutory objections to the project together with 26 representations were received. Not all of these objections were withdrawn and arrangements were made for the holding of a PLI. A pre-inquiry meeting was held on 5 June 2018 to consider the arrangements and procedures for the inquiry. It was confirmed that three inquiry sessions and ten hearing sessions would be held. However, two participants withdrew prior to commencement of proceedings. Another objector withdrew following negotiations during an adjournment of proceedings. The oral procedures ran from 30 October until 20 November 2018.

6. Summary of the Environmental Assessment in ES

The ES for this project contained the following information.

The ES Chapter 21 (Summary of Significant Residual Effects) summarises the residual impacts which result as a consequence of the operation of the Project, after implementation of the mitigation as set out in Chapter 20 (Schedule of Environmental Commitments).

In the ES, residual effects are generally defined as ‘significant’ when they are assessed to be “Moderate” or greater in significance, in the context of The Environmental Impact Assessment (Scotland) Regulations (2011). Within the ES, significant and non-significant residual effects are identified according to the methodology provided for each environmental topic within Chapters 6 to 18. The assessment of environmental parameters reported in the ES found that there are no significant adverse residual effects to the following topics as a result of the Project:

- Air Quality (Chapter 7);
- Habitats and Biodiversity (Chapter 11);
- Geology, Soils, Contaminated Land and Groundwater (Chapter 12);

- Road Drainage and the Water Environment (Chapter 13); and
- Policies and Plans (Chapter 18).

The Noise and Vibration assessment in Chapter 8 has found that with proposed mitigation, immediately after opening, out of the 8,187 receptors modelled, there are predicted to be 2,522 dwellings that would experience an increase in noise level of at least 1 decibel and 2,826 dwellings that would experience a decrease in noise level of at least 1 decibel.

The Landscape assessment in Chapter 9 has found that with proposed mitigation, there are predicted to still be residual significant direct effects for four of the thirteen Local Landscape Character Areas identified in the study. There would be no residual effects to any locally designated landscapes in the study area.

The Visual assessment in Chapter 10 has found that with proposed mitigation, impacts include views of new structures, traffic and moving headlights. Approximately half of the built receptors (e.g. houses) assessed would experience a significant visual impact in the winter of the year of opening, before the mitigation measures such as planting have been fully established. In the long-term, when all mitigation would be fully established, the number of built receptors experiencing a significant visual impact would be reduced by half. For the outdoor receptors assessed, comprising roads, rail, paths, cycle route and recreational locations, approximately half would experience a significant visual impact in the winter of the year of opening. In the long-term when all mitigation would be fully established, the number of outdoor receptors experiencing significant visual impact would be reduced by a third.

The Cultural Heritage assessment in Chapter 14 has found that with proposed mitigation, the presence of the new dual carriageway would affect the views and setting of two assets, namely the Isle View Ring Cairn Scheduled Monument and the Auldearn Battlefield. These are indirect significant impacts, although proposed landscape mitigation will be designed to help soften the impact of the Project on these views.

The 'People and Communities - Community and Private Assets' assessment in Chapter 15 has found that there are a large number of assets which are impacted/benefited by the Project with varying residual impact significance ("Substantial adverse" to "Beneficial"), covering residential land and property, commercial and industrial land and property, community impacts and wider socio-economic impacts, development land and planning applications and agricultural, sporting and forestry interests.

The 'People and Communities - Effects on all Travellers' assessment in Chapter 16 has found that with proposed mitigation, significant beneficial impacts for pedestrians

and cyclists have been identified in the assessment, with the provision of the shared use paths for NMUs between Inverness and Nairn. From an equestrian perspective a slight beneficial effect is predicted as the new shared use paths would provide safe crossing of the trunk road, which is not currently experienced. Overall, residual impacts of the project on NMUs during operation are considered to be beneficial. This assessment also considered vehicle travellers in relation to changes to views from the road. It is predicted that overall, vehicle travellers would experience an improvement in views from the project in comparison with the views experienced from the existing A96. Driver stress is also expected to reduce with the project providing for improved safety, reduction in congestion and improved connectivity between Inverness and the communities to the east.

The Materials assessment in Chapter 17 has found that with proposed mitigations, the potential for impacts relating to the management of natural resources and waste by the appointed contractor is not considered to be significant. The magnitude of the Project's carbon emissions associated with construction and operation was estimated to be 'major'.

The policy assessment conducted as part of the ES process considered the Project's compliance with national and local policy as demonstrated in Chapter 16 (Policies and Plans) and Appendix 18.2 (Assessment of Development Plan Policy Compliance). It concludes that the project will comply with the majority of policies and policy aims, but results in a conflict with a small number of specific local policies. It is noted, however, that potential non-compliance should be balanced against the overarching benefits of the project, as referred to above, such as improving connectivity, enhancing safety for all users, and promoting social and regional economic opportunities.

7. Other Information

The Project would affect the habitats of several protected species (including European Protected Species - EPS). NatureScot (formerly Scottish Natural Heritage (SNH)) has confirmed that Transport Scotland would need to apply for the relevant licences with regards to the protected species affected by the Project.

Compliance with the Water Framework Directive (WFD) has been assessed under the Water Environment (Controlled Activities) (Scotland) Regulations 2013 (as amended) (CAR) (Scottish Government, 2013) and regulated through the CAR licencing process with Scottish Environment Protection Agency (SEPA).

No marine licensable activities are associated with the Project.

No listed building consents are associated with the Project.

8. Habitats Regulations Appraisal

A Habitats Regulations Appraisal (HRA) was undertaken which determined that the Project would be likely to have a significant impact on the qualifying interests of a Natura 2000 site. It concluded a need for an appropriate assessment and that various measures could resolve the impact. NatureScot (as SNH) accepted and agreed with these conclusions.

The Scottish Ministers have carried out an Appropriate Assessment under the terms of The Conservation (Natural Habitats, etc.) Regulations 1994, as amended. The Appropriate Assessment concluded, in December 2017, that the project would not result in an adverse effect on site integrity on the Inner Moray Firth Special Protection Area (SPA) or Ramsar site; Moray and Nairn Coast SPA or Ramsar site; or Loch Flemington SPA.

9. Results of Consultation and Information Gathered

During the preparation of the ES, consultation activities were undertaken with statutory consultees, other relevant bodies/organisations, and members of the public. ES Chapter 6 (Consultation and Scoping) describes the consultation undertaken in relation to the environmental aspects of the Project prior to publication of the ES. ES Chapter 6 is supported by ES Appendix A6.2 (Summary of Consultation Responses).

A summary of consultation responses received following publication of the ES, and how these have been considered, is provided below. The representations from Scottish Government agencies are also included in Appendix 3 of the Reporters' Report following the PLI.

i. NatureScot

NatureScot sent a letter on 1 February 2017 in relation to views that the project will not adversely affect the integrity of identified SPA or Ramsar sites; the need to provide preliminary Species Protection Plans and pre-construction surveys; and the licensing requirements. Transport Scotland reviewed the points raised and responded on 31 July 2017.

ii. Historic Environment Scotland

Historic Environment Scotland responded on 1 February 2017 in relation to access arrangements to land; changes in legislative and policy background; alignment of assessment with DMRB Stage 3 Environmental Impact Assessment; an error with Asset 163 Brackley; removal of Category B Listed Building Boath House Dovecot; and Auldearn Battlefield. Transport Scotland reviewed the points raised and responded on 31 July 2017.

iii. SEPA

SEPA sent an email and letter on 31 January 2017 raising points in relation to the land made available; compliance with the Environmental Standards Tests; ground water dependent terrestrial ecosystems; flood risk; design of watercourse crossings; hydromorphological and river engineering; surface water drainage; the Site Waste Management Plan; the Peat Management Plan; groundwater and private water supplies; invasive non-native species; air quality; and contaminated land. Transport Scotland reviewed the points raised and responded on 31 July 2017.

iv. The Highland Council

The Highland Council responded on 27 January 2017, 31 January 2017 and 20 February 2017 in relation to NMU access/location; core paths; effects on all travellers; and the overall residual impact significance of the Project. Transport Scotland reviewed the points raised and responded on 31 July 2017.

v. HIAL

Highlands and Islands Airports Limited (HIAL) sent two emails dated 30 January 2017 in relation to glare and lighting issues; noise and vibration impacts; proposed improvements to the Tributary of Ardersier Burn; and bird activity around Inverness airport. Transport Scotland reviewed the points and responded on 31 July 2017. Another response was provided by HIAL on the 14 August 2018 confirming that all the matters of objection in relation to the project had been addressed to their satisfaction, other than one objection in relation to the Inverness airport radar installation. The outstanding objection was addressed by Transport Scotland in a responding letter on 12 September 2018, with an agreement being reached between both parties.

vi. HITRANS

Highlands and Islands Transport Partnership (HITRANS) sent an objecting letter on 31 January 2016 and a meeting was held with HITRANS and Transport Scotland. Transport Scotland reviewed the comments raised in relation to a future platform on the south side of the proposed Inverness Airport rail station and responded in a letter on 31 July 2017.

vii. Balloch Community Council

Balloch Community Council sent a letter to Transport Scotland on 24 January 2017 outlining their objections regarding the selected route option; noise impacts and mitigation; visual impacts and mitigation; wildlife casualties; and NMU access. Transport Scotland reviewed the points and sent a response letter on 31 July 2017.

viii. Croy & Culloden Moor Community Council

Croy & Culloden Moor Community Council sent an email on 25 January 2016 outlining their objections in relation to the extent of arable land required for the project. Transport Scotland reviewed the points raised and responded in a letter dated 31 July 2017.

ix. Auldearn Community Council

Auldearn Community Council objected on 28 January 2017 and sent an additional letter on 30 January 2017 in relation to noise impacts and mitigation and amenity and property values. Transport Scotland reviewed the points raised and responded in a letter on 31 July 2017.

x. Findhorn, Nairn and Lossie Fisheries Trust

Findhorn, Nairn and Lossie Fisheries Trust sent a letter on 30 January 2017 objecting in relation to box culverts and dewatering/electrofishing; Invasive Non-Native Species; and Environmental Forum. Transport Scotland reviewed the points raised and responded on 31 July 2017.

10. Conditions to which the Decision is Subject

The decision to proceed with the Project is subject to the following conditions.

The design of the Project has been progressed taking account of identified environmental constraints and considerations, enabling reduction or avoidance of potential environmental impacts where practicable. The whole ES, including the schedule of environmental commitments in ES Chapter 20 which are considered necessary to avoid, reduce or offset potential impacts and all identified mitigation and agreed accommodation works will form part of future contract documents and be contractual requirements on the Contractor (or Transport Scotland where applicable).

Following the publication of the ES, Transport Scotland confirmed with consultees that the following conditions will be met :

Transport Scotland Rail Directorate: Compulsory Purchase Order reduction at Dalcross to accommodate proposed Dalcross Station.

Historic Environment Scotland: Commitment to increase the minimum distance between the Project and Asset 163 Brackley scheduled monument.

Findhorn, Nairn & Lossie Fisheries Trust: Commitment to prepare an Auldearn Burn Monitoring Plan and to consult with the Fisheries Trust about the plan.

The Reporters' reasoned conclusions and recommendations were that Orders be confirmed, subject to there being a favourable outcome from any Appropriate Assessment. The Scottish Ministers accepted the Reporters' findings, conclusions and recommendations in full, and noted that the Appropriate Assessment had been undertaken by Transport Scotland. The Scottish Ministers, as Competent Authority, concluded that the project as proposed will not adversely affect the integrity of the Natura 2000 sites.

11. Reasoned Conclusion

The reasoned conclusion by the Scottish Ministers on the significant effects of the Project on the environment, taking into account the results of the examination by the Scottish Ministers of the information presented in the ES and the other environmental information set out above, including in relation to consultation as set out in sections 6 and 9, is that the effects on the environment of the Project proceeding will be as follows:

- An EIA has been undertaken as set out in the ES and has concluded that, with mitigation and monitoring measures in place, there will be no significant adverse residual effects in the following areas as a result of the proposed works:
 - Air Quality (Chapter 7);
 - Habitats and Biodiversity (Chapter 11);
 - Geology, Soils, Contaminated Land and Groundwater (Chapter 12);
 - Road Drainage and the Water Environment (Chapter 13); and
 - Policies and Plans (Chapter 18).
- Significant residual adverse effects are predicted for the following topics:
 - Noise and Vibration (Chapter 8);
 - Landscape (Chapter 9);
 - Visual (Chapter 10);
 - Cultural Heritage (Chapter 14);
 - People and Communities – Community and Private Assets (Chapter 15); and
 - Materials (Chapter 17).
- Significant residual (beneficial) effects are predicted in relation to:
 - People and Communities – Effects on all Travellers (Chapter 16).

The Assessment completed under The Conservation (Natural Habitats, etc.) Regulations 1994 as amended, concluded that, with mitigation, the Project would not result in an adverse effect on site integrity on the Inner Moray Firth SPA or Ramsar site, Moray and Nairn Coast SPA or Ramsar site or Loch Flemington SPA.

The Scottish Ministers are satisfied that the reasoned conclusion is still up to date whereby, having regard to current knowledge and methods of assessment, the reasoned conclusion addresses the likely significant effects of the project on the environment.

12. Features of the Project and Measures to Avoid, Prevent or Reduce and, if possible, offset Likely Significant Adverse Effects on the Environment

The assessments contained in the ES were carried out as part of an iterative design process and incorporated features within the design to limit or avoid anticipated

environmental effects. This includes features such as cuttings and earth bunds to limit noise and visual impacts, and SuDS to manage drainage, flood risk and water pollution.

Other mitigation measures have been proposed to limit impacts or resolve them, such as landscape and ecological planting to blend the Project into the landscape, to replace lost vegetation, to provide new habitat and to provide visual screening.

The Project will include a construction environmental management plan (CEMP) to limit disturbance and disruption during the construction phase. ES Chapter 20 (Schedule of Environmental Commitments) collates the mitigation measures identified in the ES. These are mitigation and environmental commitments that have been identified as general requirements which shall help to avoid, reduce or offset potential impacts that have been detailed in a number of the ES technical assessments.

13. Monitoring Measures

The Schedule of Environmental Commitments set out in Chapter 17 of the ES contains specific monitoring and compliance requirements for the environmental mitigation measures. These monitoring measures are to be implemented.

14. Right of Challenge

Any person aggrieved by the following Orders, or of any provision contained therein, on the grounds that it is not within the powers of the Roads (Scotland) Act 1984 or that any requirement of that Act or of any Regulations made under that Act has not been complied with in relation to the Order, may, within six weeks of 12 March 2024 make an application as regards that validity to the Court of Session:

1. The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (Trunking & Detrunking) Order 2024
2. The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (Side Roads) Order 2024

Any person aggrieved by the A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) Compulsory Purchase Order 2024 who wants to question its validity or any provision of it on the ground that authorisation of the Order is not empowered to be granted under the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 or the Roads (Scotland) Act 1984, or on the ground any requirement of the 1947 Act or any regulation made under it, has not been complied with, may make an application to the Court of Session within six weeks of 12 March 2024.

Any person wishing to question the validity of the decision to make the A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (Extinguishment of Public Right of Way) Order 2024, or any of its provisions, may make an application as regards that validity to the Court of Session, within such time period as that Court in its discretion will allow.



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