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Environmental Impact Assessment Record of Determination

A95 Lower Lagyie to Tullochgorum Lodge (Resurfacing)

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Project Details

Description

Resurfacing works are required to maintain the safety and integrity of a stretch of the A95 carriageway, from Lower Lagyie to Tullochgorum Lodge, Highlands. The carriageway is presenting signs of continual deterioration.

Construction activities and the associated plant and machinery required are as follows:

- Implementation of Traffic Management (TM) and marking out site;
- Removal of existing surfacing and milling to agreed depths (planer, wagon, lorries);
- Inlay resurfacing to depths of 40mm and 150mm, with areas of grid reinforcement. AC binder and AC base will be used (paver, roller);
- Additional works including siding out of the verges will be undertaken;
- Reinstatement of road markings, linings, and studs (lorries/wagons and plant); and,
- Removal of TM.

The proposed construction is programmed to be undertaken and completed within this financial year (April 2025 to March 2026), currently programmed for June, for a duration of five nightshifts.

Traffic management (TM) will involve of a full road closure during nighttime hours for the duration of the works. A diversion route using B9153 and A938 will be in place.

The scheme is approximately 0.88km long, and approximately 0.5 hectares (ha) in area.

Location

This section of the A95 is a single two-lane carriageway, located northeast of Boat of Garten village, Highland within the Cairngorms National Park. The proposed scheme is located at the following National Grid References (NGRs) (Figure 1):

- Scheme start: NH 95775 20733
- Scheme end: NH 96391 21358

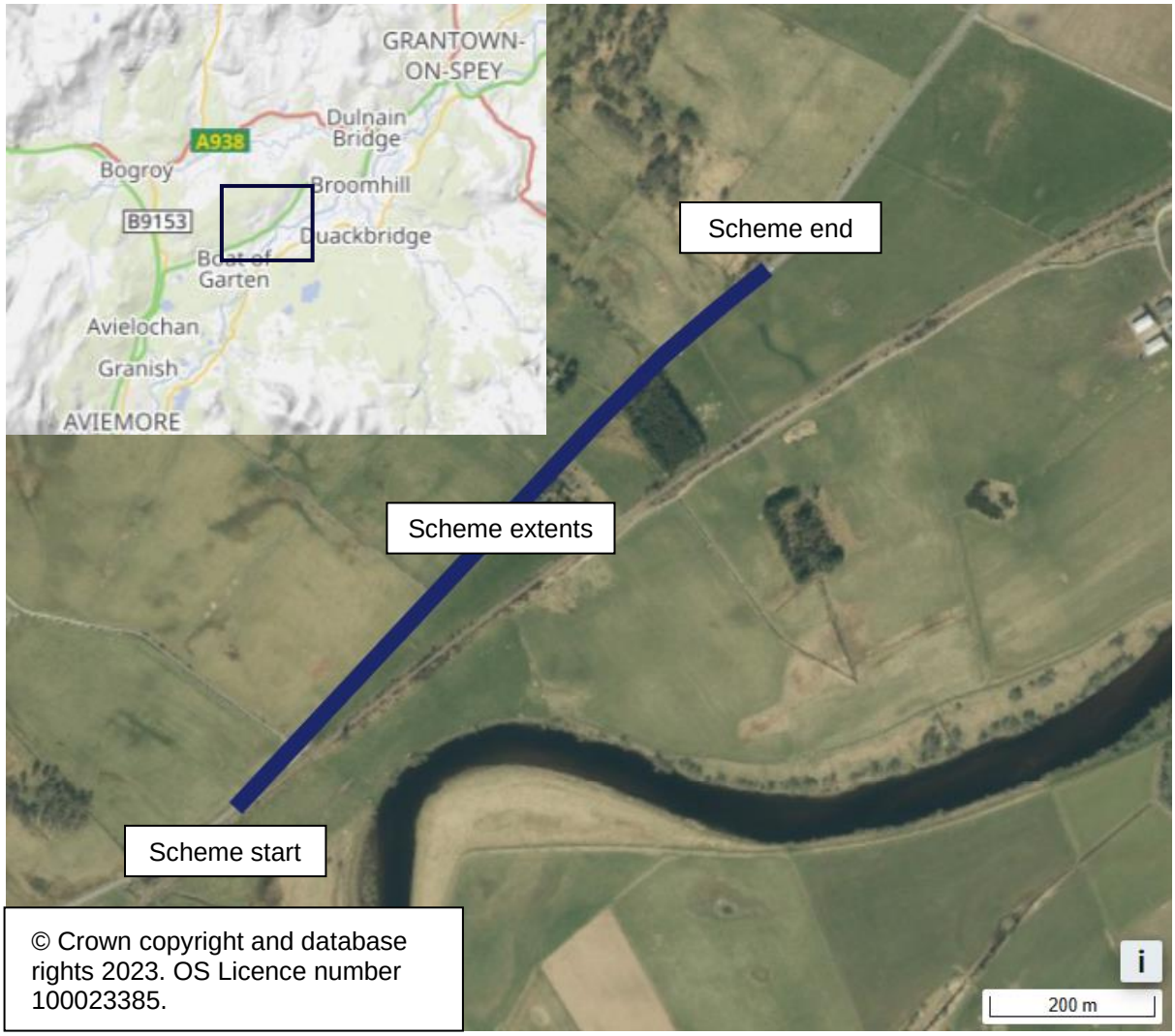

Figure 1. Scheme Location Map.

Description of local environment

Air quality

The scheme is located along a rural stretch of the A95 carriageway, with sporadic rural properties in the surrounding landscape. Land surrounding the scheme is dominated by areas of open grazing and mixed woodland.

Baseline air quality surrounding scheme extents is likely to be influenced by high traffic flow along the A95 trunk road and surrounding agricultural activities. Annual Average Daily Flow (AADF) in 2023 within the scheme extents (site number: 1056) was estimated at 6,785 total vehicles with 9% Heavy Goods Vehicles (HGVs).

Highland Council have not declared any Air Quality Management Areas (AQMAs).

There are no sites registered on the Scottish Pollutant Release Inventory (SPRI) within 1km of the scheme.

There are approximately four residential properties located within 200m. The closest receptor is a residential property located approximately 7m south (NGR NH 96133 21089).

Cultural heritage

A desktop study using Historic Environmental Scotland Designations Map Search has not identified any designated cultural heritage assets (Listed Buildings, Scheduled Monuments, Conservation Areas, World Heritage Sites or Inventory Battlefields) within 300m. There are no non-designated cultural heritage assets within 200m of the scheme extents.

As such, this section has been scoped out of requiring further assessment.

Landscape and visual effects

The scheme is located within the Upland Strath Landscape Character Type (LCT 127) with the following key characteristics:

- Large, broad, flat-bottomed strath, with some narrower pinch-point sections.
- Valley floor with the meandering River Spey and frequent lochs and marshes.
- Meadows and wetlands prone to flooding on the valley floor.
- Mixed pastures and broadleaved woodland in more undulating areas.

- Wetlands flanked by mixed woodland and conifer forests.
- Main communication corridor housing A9 trunk road and railway.
- Estate houses and policy landscapes in many parts of the strath.
- A well-settled area with a series of settlements occurs along the northern side of the strath at bridging points over the River Spey.
- They are popular tourist destinations serving the Cairngorms National Park. Elsewhere farms and houses are frequent along main and minor roads.

No Tree Preservation Orders immediately surround or will be impacted by the work. Various areas of woodland classified under the Ancient Woodland Inventory (AWI) surround scheme extents, however, works will be contained to made-ground and existing engineered layers within the carriageway boundary with no land take or vegetation clearance is required.

The scheme is located within the Cairngorms National Park (site code: 8623). The National Park has the following List of Special Qualities:

- The Mountains and Plateaux – presence if the central mountains, which strong character and distinct landforms including deep corries, glacial landforms and snowscape;
- Moorlands - Extensive moorland, linking the farmland, woodland and the high tops;
- Glens and Straths – landscape features including steep glens, renowned rivers and beautiful lochs;
- Trees, Woods, and Forests – long established forestry, including dark and venerable pine forests, and light and airy birch woods;
- Wildlife and Nature - Dominance of natural landforms, and extensive vegetation with habitats for iconic animals, including wildness;
- Visual and Sensory Qualities – great panoramic views including the dominance of natural sounds;
- Culture and History; and
- Recreation.

Biodiversity

NatureScot Sitelink resource identified the following European designated sites within 2km of the scheme:

- Abernethy Forest Special Protection Area (SPA) (NatureScot Site Code: 8461) 1.2km southeast.

- River Spey Special Area of Conservation (SAC) (NatureScot Site Code: 8356) 92m southeast.
- Cairngorms SAC (NatureScot Site Code: 8217) is located 1.65km southeast.

Due to the distance, nature of the works, and potential for Likely Significant Effects (LSE) on these sensitive areas and their qualifying features, a Habitats Regulations Appraisal (HRA) has been undertaken. The assessment concluded that there will be no LSE on the three designated sites.

There are no locally or nationally designated biodiversity sites located within 300m of the scheme (such as Sites of Special Scientific Interest (SSSIs), or National Nature Reserves) (SiteLink).

A potentially favourable surrounding habitat for protected species was identified in the scheme surroundings, however, such areas are suitably separated from the works area with the immediate area largely open grazing agricultural land and as the works are contained within the existing carriageway boundary, and immediate roadside verges, the requirement for a Preliminary Ecological Walkover (PEW) has been scoped out by a qualified ecologist.

National Biodiversity Network (NBN) Atlas and Transport Scotland's Asset Management Performance System (AMPS) have not recorded any Invasive Non-Native Species (INNS) within 500m of extents.

Geology and soils

The scheme does not lie within or have connectivity to any Geological Conservation Review Sites (GCRS), geological SSSIs, or Local Geodiversity Sites (LGS) (SiteLink).

The local soil type within scheme extents is recorded as humus-iron podzols (Scotland's Soils).

Bedrock geology (British Geological Survey Geology Viewer) within scheme extents is comprised of:

- Grampian Group - Psammite, micaceous. Metamorphic bedrock formed between 1000 and 541 million years ago between the Tonian and Ediacaran periods.

Superficial deposits comprise of:

- Glaciofluvial Sheet Deposits, Devensian - Sand, gravel and boulders. Sedimentary superficial deposit formed between 116 and 11.8 thousand years ago during the Quaternary period.

- Hummocky (moundy) Glacial Deposits, Devensian - Diamicton, sand and gravel. Sedimentary superficial deposit formed between 116 and 11.8 thousand years ago during the Quaternary period.
- Glaciofluvial Ice Contact Deposits, Devensian - Gravel, sand and silt. Sedimentary superficial deposit formed between 116 and 11.8 thousand years ago during the Quaternary period.

Works are contained to the existing carriageway boundary and as such there is no anticipated impact to the surrounding geology or soils. Therefore, geology and soils has been scoped out of requiring further assessment.

Material assets and waste

The proposed works are required to inlay resurface the A95 carriageway displaying surface defects, with additional construction activities involving reinstating road markings and studs.

Materials

Materials required will consist of:

- Surfacing, binder and base materials (TS2020 aggregate, AC/EME binder, and AC/EME base); and,
- Road marking materials (thermoplastic road marking paint) and studs.

Wastes

Wastes are anticipated to be planings from the carriageway surface course and following on-site coring investigations and testing, coal-tar was identified within the scheme extents.

There will also be verge material (‘green waste’) arising from the minor siding out works.

This scheme value is in excess of £350,000 and therefore a Site Waste Management Plan (SWMP) will be prepared prior to the works.

Noise and vibration

Baseline noise levels surrounding scheme extents is likely to be influenced by traffic flow along the A95 road and surrounding rail and agricultural activities. For AADF details, please refer to the ‘Air Quality’ section above.

There are four Noise Sensitive Receptors (NSRs) located within 300m, which are residential properties. The closest receptor is a residential property located approximately 7m south, with no natural, or man-made screening from the works area.

The works do not fall within a Candidate Noise Management Area (CNMA), as defined by the Transportation Noise Action Plan (Road Maps) Transportation Noise Action Plan (TNAP).

Modelled day-evening-night noise levels (Lden) for the A95 carriageway within scheme extents are >75 to 80dB. Modelled night noise levels for the same extents are >65 to 70dB. (Scotland's Noise Map).

Population and human health

There are four residential receptors located within 300m of the scheme extents, the closest is located approximately 7m south (NGR NH 96133 21089).

Access/egress to approximately four residential receptors from the A95 carriageway is within the scheme extents.

Cairngorms National Park Core Path (LBS1g) (Highland Council) is located adjacent to the A95 carriageway within the scheme extents which has been designated as a Public Right of Way (PRoW) providing pedestrian access to local towns and facilities.

Due to the presence of numerous holiday accommodations and various walking/cycling routes in the surrounding areas, it is assumed that this area is frequently used by tourists.

The scheme extents are not street-lit.

Road drainage and the water environment

Surface water

The River Spey (ID: UK0019978) classified under the Water Framework Directive (WFD) is located 100m southeast of the scheme extents and classified as having an overall poor water quality (SEPA Water Classification Hub). There are several unnamed tributaries from the River Spey located within 500m of the scheme.

Groundwater

The scheme is located within the 'Upper Spey Sand and Gravel' (ID: 150814) groundwater body, which was classified by SEPA in 2022 as having an overall status of 'Good' (SEPA Water Classification Hub).

The scheme also falls within an area designated as Drinking Water Protected Area (DWPA) (surface water).

The scheme does not fall within a Nitrate Vulnerable Zone (NVZ).

Flood Risk

Small, localised areas of A95 carriageway within the scheme extents are recorded as being at low to high risk (0.1%-10% chance of flooding each year) of surface water flooding. Due to the proximity of the scheme to the River Spey, there is river flooding with 500m of the scheme extents, this is at high (10%) chance of flooding each year (SEPA Flood Maps).

Climate

Carbon Goals

The Climate Change (Scotland) Act sets out the target and vision set by the Scottish Government for tackling and responding to climate change. The Act includes a target of reducing CO_2 emissions by 80% before 2050 (from the baseline year 1990).

The Scottish Government has since published its indicative Nationally Determined Contribution (NDC) to set out how it will instead reach net-zero by 2045, working to reduce emissions of all major greenhouse gases by at least 75% by 2030. By 2040, the Scottish Government is committed to reduce emissions by 90%, with the aim of reaching net-zero by 2045 at the latest.

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

Amey's Company Wide Carbon Goal is to achieve Scope 1 and 2 net-zero carbon emissions, with a minimum of 80% absolute reduction on our emissions by 2035. Amey is aiming to be fully net-zero, including Scope 3 emissions, by 2040.

Policies and Plans

This Record of Determination (RoD) has been undertaken in accordance with Roads (Scotland) Act 1984 (Environmental Impact Assessment) Regulations 2017 (RSA EIA Regulations) along with Transport Scotland's Environmental Impact Assessment Guidance (Guidance – Environmental Impact Assessments for road projects (transport.gov.scot)). Relevant guidance, policies and plans accompanied with the Design Manual for Roads and Bridges (Design Manual for Roads and Bridges (DMRB)) LA 101 and LA 104 were used to form this assessment.

Description of main environmental impacts and proposed mitigation

Air quality

Construction activities associated with the proposed works have the potential to temporarily cause local air quality impacts surrounding the scheme location. Activities undertaken on site may cause dust and particulate matter to be emitted to the atmosphere and increased prolonged vehicle, plant and non-road mobile machinery (NRMM) presence. However, considering the nature and scale of the works and the following mitigation measures, the risk of significant impacts to air quality are considered to be low, and will be for the duration of the works only.

Best practice and measures as outlined in the 'Guidance on the assessment of dust from demolition and construction (January 2024)' published by the institute of Air Quality Management (IAQM), which includes the following mitigation relevant to this scheme will be followed:

- Site layout will be planned (including plant and vehicles) so that machinery and dust causing activities are located away from receptors, as far as reasonably practicable;
- Materials that have a potential to produce dust will be removed from site as soon as possible, unless being re-used on site (cover or fence stockpiles to prevent wind whipping);
- Drop heights from conveyors and other loading or handling equipment will be minimised;
- Vehicles entering and leaving the work area will be covered/sheeted to prevent escape of materials during transport;
- Equipment will be readily available on site to clean any dry spillages, and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods; and
- When not in use, plant and vehicles will be switched off and there will be no idling vehicles.

Further measures to minimise emissions will also be followed, such as:

- All plant and fuel-requiring equipment utilised during construction will be well maintained to minimise emissions.
- Green driving techniques will be adopted, and effective route preparation and planning undertaken prior to works.

No significant air quality impacts are anticipated. Therefore, in accordance with DMRB Guidance document LA 105: Air Quality no further assessment is required.

Landscape and visual effects

There will likely be a short-term impact during the construction phase only on the landscape character and visual amenity of the site as a result of the presence of construction plant, vehicles, and TM.

There will be no significant visual change to the landscape, including the character and visual amenity of the Cairngorms National Park. There will be a small temporary visual impact during construction. The Cairngorms National Park Authority (NPA) has been notified of the works and has made no comments.

Upon completion of the works, no residual impacts are anticipated, as once complete the visual appearance will remain largely unaffected, with a renewed, improved road surface, and minorly cut back road verges being the only discernible change.

In addition, the following mitigation measures will be put in place during works:

- Throughout all stages of the works, the site will be kept clean and tidy, with materials, equipment, plant and wastes appropriately stored, reducing the landscape and visual effects as much as possible.
- Works will avoid encroaching on land and areas where work is not required or not permitted. This includes general works, storage of equipment/containers and parking.
- If required, upon completion of the works, any damage to the local landscape will be reinstated as much as is practicable.

With the above mitigation measures in place, no significant effects are predicted on landscape and visual effects. Therefore, in accordance with DMRB Guidance document LA 107: Landscape and Visual Effects no further assessment is required.

Biodiversity

Construction activities such as using a roller wagon and paver planer to remove defects have the potential to cause a temporary adverse impact on biodiversity in the area as a result of vehicle presence and the potential for disturbance to protected species within close surroundings; and potential to pollute habitats from noise and artificial site lighting.

Siding out works will be required along the scheme extents; however, no INNS have been recorded within 500m, and furthermore no permanent (or temporary) land-take,

accommodation works are required, and there is no requirement to import topsoil. As such, there is limited potential to spread or introduce INNS or injurious flowering plant species.

A HRA has been undertaken due to the potential for LSE to three European designated sites and their qualifying features. It has been assessed that the works will not result in LSE as:

- The habitat area of the European Sites will not be reduced as a result of the scheme.
- There will be no long-term disturbance to key species as a result of the scheme.
- No habitat or species fragmentation will occur as a result of the scheme.
- There will be no reduction in species density as a result of the scheme.
- There will be no change in the key indicators of conservation value.
- The scheme works will not reduce the ability of the designated site to cope with climate change.

Additionally, no construction activities will take place within the designated sites, and standard industry best practice will be implemented onsite throughout the construction period, including pollution prevention measures.

The following standard mitigation measures will be in place:

- A ‘soft start’ will be implemented on site each day. This involves switching on plant/vehicles simultaneously as opposed to instantaneously, to ensure a gradual increase in noise for minimal disturbance.
- Site lighting will be directional and aimed away from sensitive ecological receptors including trees and watercourses.
- Should a protected species be encountered onsite, works will be temporarily stopped until Amey’s Environmental Team can provide advice.
- Amey’s Environmental Team will be contacted if:
  - There are any sightings of protected species on, or within close surroundings of the active works area;
  - Unforeseen site clearance, or additional construction activities are required; or
  - INNS are found within the work area.
- An Invasive Species Toolbox Talk will be delivered on site to make operatives aware of any potential INNS on site.
- Plant, vehicles and materials will, as far as is reasonably practicable be contained to the carriageway and not stored on grass verges, other than that required to facilitate the siding out works. If required, reinstatement of any damaged areas will be undertaken upon completion of the scheme.

Please see Road Drainage and the Water Environment section below for further mitigation measures in relation to pollution prevention and control.

With best practice mitigation measures in place, no significant effects are predicted for biodiversity. Therefore, in accordance with DMRB Guidance document LA 108: Biodiversity no further assessment is required.

Material assets and waste

There is potential for impacts as a result of resource depletion through use and transportation of new materials; however, due to the scale and scope of works no significant impacts are anticipated for material assets and waste.

Furthermore, materials will be sourced locally where possible and the design life for the TS2010 surfacing proposed is estimated to be 20 years, thus reducing the requirement for maintenance to this section of road over this period.

A SWMP will be prepared prior to the works commencing which details how resource use and waste arising from the works will be managed throughout the scheme. This will help control and reduce the amount of waste produced. Furthermore, waste materials will primarily be recycled at a licenced facility, thereby reducing the amount sent to landfill and promoting circular economy practices. All waste will be transported by suitable licenced contractor and have a valid Waste Transfer Note (WTN).

The Contractor is responsible for the disposal of road planings, and this will be registered in accordance with a Paragraph 13(a) waste exemption issued by the Scottish Environment Protection Agency (SEPA), as described in Schedule 3 of the Waste Management Licensing Regulations 2011.

Road planings with coal tar will be treated as special waste. All special waste will be transported by suitably licenced contractor and be accompanied by a correctly completed special waste consignment note (SWCN) providing information about the waste source, hazardous properties and disposal/treatment facility. The SWCN will be retained for three years with the Site Manager being responsible for ensuring these are retained on site. Special waste will be segregated from general waste and other recyclables.

The following mitigation measures will be put in place:

- Materials will be derived from recycled, secondary, or re-used origin as far as practicable within the design specifications to reduce natural resource depletion and associated emissions.
- Waste will be stored in suitable containers and covered.

- Where possible, different waste streams will be separated at the source. This includes the segregation of special waste from non-hazardous waste.
- The waste hierarchy (Reduce, Reuse, Recycle and Dispose) will be employed throughout the construction works.

With best practice mitigation measures in place, no significant effects are predicted for Material Assets and Waste. Therefore, in accordance with DMRB Guidance document LA 110: Material Assets and Waste, no further assessment is required.

Noise and vibration

Construction activities associated with the proposed works have the potential to cause noise and vibration impacts through the use of machinery and vehicles. The works will take place during night-time working hours. This potential disturbance will likely influence NSRs adjacent to and surrounding the scheme extents, and along the proposed diversion route, therefore will likely increase noise levels from ambient night levels, however, this is not anticipated to be significant due to the scale and duration of the scheme and with mitigation measures in place.

Operationally, surrounding NSRs will benefit from improved road surfacing as a result of the scheme and improved noise levels.

The relevant Best Practicable Means outlined in British Standard (BS) 5228:2009+A1:2014 ‘Code of practice for Noise and Vibration Control on Construction and Open Sites’ will be implemented and followed in order to reduce noise and vibration disturbance. The BS provides specific detail on suitable measures for noise control in respect to construction operations; which includes:

- Where reasonably practicable, quiet working methods will be employed, including use of the most suitable plant, reasonable hours of working for noisy operations, and economy and speed of operations.
- Effects from noise will be kept to a minimum through the use of appropriate mufflers and silencers fitted to machinery. All exhaust silencers will be checked at regular intervals to ensure efficiency.
- A ‘soft start’ will be implemented, whereby plant and equipment is started sequentially.
- Electrically powered equipment will be used where feasible instead of diesel or petrol alternatives.
- Regular maintenance of plant and machinery will be undertaken to prevent excessive noise from worn parts or inefficient operation.
- On-site construction tasks will be programmed to be as efficient as possible, with a view to limiting noise disruption to local sensitive receptors. Where night-works

are to be undertaken, the noisiest works, i.e. the noisiest works such as milling will be undertaken before 23:00 where practicable.

Furthermore, an environmental briefing on Noise and Vibration will be delivered to all site operatives prior to works commencing, a letter drop will be delivered to residents within 300m to notify them of upcoming works, timings and duration.

The Highland Council Environmental Health Team have been notified of the works.

With best practice mitigation measures in place, no significant effects are predicted for noise and vibration. Therefore, in accordance with DMRB Guidance document LA 111: Noise and Vibration and no further assessment is required.

Population and human health

During construction, activities undertaken on site will have temporary adverse impacts on local residents and vehicle travellers, and walkers, cyclists, horse riders (WCHs) as a result of construction presence, and associated noise and delays due to TM. This may include longer journey times for those travelling within the surrounding area, in particular due to the full road closure and diversion route in place.

There will be a temporary adverse impact to receptors of PRoWs due to the road restrictions and TM. This will include increased travel times to access such community facilities from nearby towns.

With the following mitigation measures in place, the risk of significant impacts on population and human health is considered to be low:

- Local residents and businesses will be informed of the proposed working schedule, in particular the times and durations of the works. This will include:
  - Notification via a letter drop will be issued to local residents prior to commencement of the works, in particular due to night-time programming and road restrictions;
  - Pre-construction notice of the works and journey planning via social media and on approach to the scheme extents.
- Residential access will be provided where and when required throughout the works period.
- Appropriate provisions and measures will be implemented within the TM to allow the safe passage of WCH through the site, or alternative WCH routes will be implemented and advertised on approach.

With best practice mitigation measures in place, no significant effects on population and human health are predicted. Therefore, in accordance with DMRB Guidance document LA 112: Population and Human Health, no further assessment is required.

Road drainage and the water environment

During the works, there is potential for temporary impacts on the water environment. Potential changes in water quality from pollution events (either by accidental spillage of fuels or waste material or by mobilisation of these in surface water) during works could have a direct and / or indirect effect on the surrounding water environment.

The following mitigation measures will be implemented:

- All operatives will be made aware of SEPA's Guidance for Pollution Prevention (GPP) documents.
- The Contractor will implement measures to minimise the risk of debris, dust, sediment, and accidental spillages entering the road drainage system. This will be via the use of drain covers or similar to ensure full segregation of the works from the road drainage system.
- All debris which has the potential to be suspended in surface water and wash into the local water environment will be cleaned from the site both during and following the works.
- All site operatives 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. Spill kits will also be available within all site vehicles and will be replenished onsite when required.
- The Amey control room will be contacted if any pollution incidences occur (24 hours, 7 days a week).
- In the event of a pollution incident, SEPA will be notified immediately.
- Weather reports will be monitored prior to and during the works with all construction activities temporarily halting in the event of adverse weather/flooding event. The works will only continue when it is deemed safe to do so and run-off/drainage can be adequately controlled to prevent pollution.
- All storage areas (fuels, machinery, plant, materials) where required will be located/stored:
  - Away (>10m) from watercourses and surface water drainage systems;
  - Away from areas that see high vehicular movement (as far as reasonably practicable) to prevent damage by collision or extremes of weather; and
  - Fuels stored within a drip tray, bund or other form of secondary containment.
- Amey's Water Pollution Prevention environmental toolbox talk will be delivered to site operatives prior to works commencing.

With the above mitigation measures in place, it is anticipated that any road drainage and the water environment effects associated with the proposed works are unlikely to be significant. Therefore, in accordance with DMRB Guidance document LA 113: Road drainage and the water environment no further assessment is required.

Climate

Construction activities associated with the proposed works have the potential to cause local air quality impacts as a result of the emission of greenhouse gases (GHGs) through the use of vehicles and machinery, material use and production, and transportation of materials to and from site. However, by undertaking the proposed works the life of the carriageway is increased. This promotes 'Build Less' principles outlined within the carbon reduction hierarchy. Furthermore, the execution of timely repairs to the road surface reduces the number of future maintenance interventions and hence this leads to an overall reduction in traffic disruption, construction and material-related carbon emissions.

The following mitigation measures will be in place:

- Where possible, materials and suppliers will be sourced locally to reduce GHG emissions associated with travel distance, materials movement, and waste will be removed to a local facility.
- Further actions and considerations for this scheme are detailed in the above Material Assets and Waste section.

With best practice mitigation measures in place, no significant impacts are anticipated on Climate. Therefore, in accordance with DMRB Guidance document LA 114: Climate, no further assessment is required.

Vulnerability of the project to risks

The A95 carriageway within the scheme has small, localised patches identified at risk of surface water flooding. Works will be programmed as far as is reasonably practicable to avoid periods of adverse weather or heavy rainfall.

Works are contained within the carriageway boundary and thus there will be no change in vulnerability of the road to risk, or in severity of major accidents/disasters that would impact on the environment. Improvement of the road surface will enhance skid resistance, and thus overall road safety on completion of the scheme.

The vulnerability of the project to risks of major accidents and disasters is considered to be low.

Assessment cumulative effects

During construction, activities associated with the works may have minor temporary disturbances such as changes to noise and vibration and air quality. However, these impacts will be temporary in nature and are not anticipated to result in a significant cumulative effect.

The Highland Council Planning Portal has not highlighted any works or relevant proposed developments or planning applications during the proposed timescale at the location of the works.

The Scottish Road Works Commissioner's Interactive Map has not highlighted any works or relevant proposed developments or planning applications during the proposed timescale at the location of the works.

At present, Amey's North East programme of works has not highlighted any other works on the A95 that will be undertaken in conjunction with the scheme. Any future schemes will be programmed to consider already programmed works, and as such any effect (such as from TM arrangements and potential construction noise) will be limited.

Assessments of the environmental effects

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

A Habitats Regulations Appraisal undertaken concluded no LSE on the three designated sites, Abernethy Forest SPA, River Spey SAC and Cairngorms SAC.

The Cairngorms National Park Authority (NPA) have been notified of the works.

Highland Council Environmental Health Team have been notified of the works.

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

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

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

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

Characteristics of the scheme:

- Works are not expected to result in significant disturbance to nearby receptors or protected species that may be present in the wider area.
- No INNS have been recorded within the scheme extents, or within 500m.
- The risk of major accidents or disasters is considered to be low.

- Any potential impacts of the works are expected to be temporary, short-term, non-significant, and limited to the construction phase.
- By improving the road surface this will provide this part of the A95 carriageway an extended life cycle, and improve road safety, thus having positive operational impacts for road users. Furthermore, improved road surface will reduce the road noise levels and in turn will reduce disruption to the receptor located in proximity to the scheme.

Location of the scheme:

- The scheme is located within the Cairngorms National Park Authority. No significant change to the visual landscape is anticipated on completion of the works.
- The scheme is located within 2km, to three Natura 2000 sites which are:
  - Abernethy Forest Special Protection Area (SPA) (NatureScot Site Code: 8461) 1282m southeast.
  - River Spey Special Area of Conservation (SAC) (NatureScot Site Code: 8356) 92m southeast.
  - Cairngorms SAC (NatureScot Site Code: 8217) 1650m southeast.
- A HRA concluded no LSE to the designated sites as a result of the works.
- The scheme will be located within the existing A95 carriageway boundary, with minimal verge siding out works required. No site clearance or tree/shrub vegetation removal will be required.

Characteristics of potential impacts of the scheme:

- Measures will be in place to ensure appropriate removal and disposal of waste.
- Works are programmed to be completed over approximately five nights, with nosiest works to be completed by 23:00.
- In the event that INNS are found on site, measures to prevent potential INNS spread will be implemented.
- Containment measures of the working area will be in place to prevent debris or pollutants from entering the surrounding environment.
- No in-combination effects have been identified.

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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Published by Transport Scotland, May 2025

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