

The Highland Council
Planning Development and Infrastructure Committee
25 January 2017

Agenda Item	13
Report No	PDI/ 10/17

A96 Dualling – Response to the Publication of Draft Orders

Report by Director of Development and Infrastructure

Summary

This report provides an update on the A96 Dualling of the 31km section between Inverness and Nairn, including a Nairn Bypass. A draft response is provided for Committee to consider, and subject to any comments or additions, to approve for submission to Transport Scotland before the deadline of 31 January 2017.

1 Background

- 1.1 Route Options for the A96 Dualling scheme were presented to members of the public in November 2013. Following conclusion of the route options assessment process (including consideration of feedback) the Preferred Option was announced in October 2014. The consultant to take forward the design and assessment was appointed in May 2015.
- 1.2 Since February 2016 a series of meetings and dialogue between Council Officers and Transport Scotland and their consultant have been undertaken. Transport Scotland has concluded the development and assessment of the Preferred Option.
- 1.3 Draft Orders and Environmental Statement were published on 29 November 2016. The draft Orders define the line of the proposed new road and side roads, and the Environmental Statement outlines the anticipated effects of the scheme, both positive and negative, on the environment. Members of the public, landowners and stakeholders have the opportunity to formally comment on the draft Orders. The deadline for receipt of such formal comments or objections is 31 January 2017.
- 1.4 The preparation of this report has involved a number of different officers across different roles. Community Services - Local Roads and Development & Infrastructure – Planning/Transport Planning/Access. This report presents a draft formal response for Committee to consider.

2 Scheme Description

- 2.1 The proposed Scheme comprises the provision of approximately 31km of new dual carriageway away from the existing A96, which starts approximately 850m east of Raigmore Interchange and continues in a north-easterly direction to Hardmuir, 3.5km to the east of Auldearn, where it connects with the existing A96 single carriageway. The existing A96 will be detrunked and reclassified as a local road to maintain local access as appropriate. These roads will be added to the List of Public Roads at an appropriate future date by Highland Council (after opening to through traffic). A separate report is to be submitted to the Community Services Committee on 15 February 2017 about detrunking and

changes to the List of Public Roads. However, the strategic principles for de-trunking from the Council perspective will be highlighted in the proposed response at **Appendix 3** to this report.

2.2 The proposed Scheme also incorporates:

- the provision of a shared use path suitable for pedestrians, cyclists and equestrians (referred to in the Environmental Statement as Non-Motorised Users (NMUs)), approximately 30km in total length;
- six grade-separated junctions, which do not disrupt the traffic flow on the main dual carriageway;
- twenty five principal structures including a crossing of the River Nairn and three structures over the Aberdeen to Inverness Railway Line;
- twenty four new culverts where the proposed Scheme crosses local watercourses;
- local road diversions and the provision of new private means of access; and
- utility diversions including major diversions for Scottish Gas Networks and CLH Pipeline Systems.

2.3 Access to the proposed Scheme would be by six new grade-separated junctions, which do not disrupt the flow on the main dual carriageway. These junctions are proposed at Smithton, Balloch, Mid Coul, Brackley, Nairn West and Nairn East.

2.4 A number of existing roads and Rights of Way will be stopped up and/or diverted through the Draft Orders. Side roads would be upgraded, as necessary, to provide access to the existing road network, and to the proposed Scheme, via the new junctions. This includes, where appropriate, new infrastructure for vehicles to turn. The aspect of Core Paths has been discussed with Transport Scotland, and for completeness is covered within the proposed response.

2.5 Facilities for NMUs are an integral feature of the proposed Scheme, with provision of improved access and safer crossings for pedestrians, cyclists and equestrians. Proposed facilities include approximately 30km of new shared use path, with various links and accesses being provided to facilitate movement. Unfortunately, there are two particular aspects which give concerns to Officers. The first one relates to the proposal for NMU between Balloch and Tornagrain. It is considered that a more desirable route to the one proposed between Balloch and Tornagrain should be taken forward as part of the scheme. The three reasons for this position are: important community benefit (access to Ardersier, Castle Stuart and beyond); support the aspirational long distance coastal trail; and would have a similar construction cost to the proposed route. Drawings showing the A96 Dualling proposals between Balloch and Tornagrain are presented at **Appendix 1**. The second relates to the design and layout at the Mid Coull junction. Discussions with Transport Scotland about the NMU arrangements at this junction resulted in some minor changes. However, given the key role for access between the new Tornagrain Town, Inverness Airport Business Park, and Inverness Airport Railway Station this particular NMU route should be grade separated with priority given to active travel users along this route. On this point we raise an objection on the grounds that the proposed infrastructure for NMU at this key location does not meet the mode hierarchy and design principles as set out in Designing Streets Policy (in this case 'Streets' means local roads: Streets should be designed to be safe and attractive Places; Streets should be easy to move around for all users and

connect well to existing movement networks). A copy of the Mid Coull junction layout plan is attached at **Appendix 2**.

- 2.6 As part of the Environmental Impact Assessment (EIA) process the potential impacts of the proposed Scheme on NMU have been assessed by Transport Scotland's consultant. At the time of writing this report the full review of the NMU impacts has not been concluded by Council officers. At this stage it is proposed to highlight to Transport Scotland that the aspect of access and Core Path legislation needs further consideration and dialogue.
- 2.7 Transport Scotland estimates the timescale of three to four years for the construction works to be completed over the full length of the scheme, although it may be possible to deliver the scheme in phases within the overall construction duration. The prospect of delivering Nairn Bypass at the earliest phase will be highlighted in the proposed response.

3 Draft Orders

- 3.1 A series of Draft Orders has been published. The tables below highlight the matters covered by the Orders.

The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (Trunking & Detrunking) Order 201[]	
The Scottish Ministers direct that the length of roads (hereafter referred to as "the new trunk road") which they propose to construct along the route described in Part 1 of the schedule of this Order shall become trunk road on the date this Order comes into force.	
On 1st April next after the date on which the new trunk road is open for the purposes of through traffic, those lengths of road along the route described in Part 2 of the schedule shall cease to be trunk road and The Highland Council (a) shall become the roads authority for those lengths of road and shall enter those lengths of road in their list of public roads (b).	

The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (Side Roads) Order 201[]	
a	to construct those lengths of road (hereinafter referred to as "the new side roads") along the routes described in schedule 2 of this Order;
b	to improve those lengths of road described in schedule 3 of this Order;
c	to stop up those lengths of road described in schedule 4 of this Order where another reasonably convenient route is available or has been provided pursuant to this Order;
d	to stop up those private means of access described in Part 1 of schedule 5 of this Order where another reasonably convenient means of access to the affected land is available or has been provided pursuant to this Order;
e	to stop up those private means of access described in Part 2 of schedule 5 of this Order; and
f	to provide those new means of access described in schedule 6 of this Order

The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass)) (Extinguishment of Public Rights of Way) Order 201[]	
The extinguishment of the public rights of way described in Part 1 of the schedule are hereby ordered when the related new public rights of way described in Part 2 of the schedule, which the Scottish Ministers consider	

are suitable alternatives, have been provided

**The A96 Trunk Road (Inverness to Nairn (including Nairn Bypass))
Compulsory Purchase Order 201[]**

the acquiring authority are hereby authorised to purchase compulsorily for the purpose of improving, and constructing a new length of, the A96 Aberdeen - Inverness Trunk Road between Seafeld Roundabout, Inverness and Wester Hardmuir in the vicinity of Nairn, Nairnshire

- 3.2 Comments relating to the detail within these Draft Orders will be covered in the report to the Community Services Committee. These relate in particular to: sections of former trunk road that are being transferred to Highland Council; and sections of local roads that are being stopped up.

4 Council Response

- 4.1 The proposed response is presented at **Appendix 3**. Committee is invited to provide comments and/or any additional points.

5 Implications

5.1 Resource

The de-trunking of the existing A96T will lead to significant additional lengths of local road to be added to the List of Public Roads (approximately 48 kilometres). This will lead to a minimal increase in the funding allocation from the Scottish Government. See risk below. A report is to be submitted to the Community Services Committee on 15 February 2017.

5.2 Legal

The Draft Orders use powers of the Scottish Ministers. A formal objection is raised in connection with the NMU infrastructure at Mid Coull junction (see **Appendix 3**).

5.3 Equalities

Provision of Non-Motorised User infrastructure and access to public transport addresses existing poor conditions for these road users.

5.4 Climate Change/Carbon Clever

The Environmental Statement for the Scheme covers a number of relevant topics including SUDS features to provide filtering of water and storage basins or ponds to treat runoff before it reaches watercourses via the drainage system. With the inclusion of the proposed drainage system no significant residual operational impacts have been identified. Overall there are no significant local air quality impacts during the operation of the proposed Scheme, with more receptors receiving an improvement in air quality than those which experience a worsening.

5.5 Risk

The de-trunking of the existing A96T needs to be on the basis that the Council will take over infrastructure where any substantial remedial works already identified have been completed and any programmed maintenance works have been completed before handover. In addition there are modifications anticipated to the existing asset to assist with the change from trunk road to local road. This will minimise the short and medium term maintenance implications for the Council.

5.6 Gaelic

It is understood that new road signs will include Gaelic place names.

5.7 Local Priorities

The Nairnshire Committee approved local priorities on 7 December 2016. This report and the proposed response fit well with the priorities.

5.8 Rural

The A96 Dualling between Inverness and Nairn, including Nairn Bypass is embedded in the Strategic Transport Projects Review (2008). The Scheme will provide opportunities to grow the economy of the corridor.

Recommendation

Committee is invited to:

- note the background to the A96 Dualling Scheme, the publication of Draft Orders and the consultation deadline of 31 January 2017;
- note that a further report is to be submitted to the Community Services Committee on 15 February 2017;
- consider the proposed response to Transport Scotland and provide any comments or additions; and
- delegate the Director of Development and Infrastructure to submit the response, including any changes requested by the Committee.

Designation: Director of Development and Infrastructure

Date: 09 January 2017

Author: Richard Gerring, Transport Planning Manager

Background: Transport Scotland A96 Trunk Road (Inverness to Nairn

Papers: (including Nairn Bypass)) Draft Orders

<http://www.transport.gov.scot/project/a96-inverness-nairn-including-nairn-bypass>

APPENDIX 3: DRAFT RESPONSE

A96 Dualling Team
Transport Scotland

Dear Sir,

A96 Dualling: Publication of Draft Orders – Highland Council Response

1. Introduction

- 1.1. This response follows a report to the Planning Development & Infrastructure Committee on 25th January 2017.
- 1.2. The Council welcomes the publication of the details of the proposed A96 Dualling scheme. This marks a significant milestone for this scheme.

2. Non-Motorised Users

- 2.1. The provision of dedicated non-motorised user (NMU) routes parallel to the A96 Dualling is welcomed. However, the Council considers that a more desirable route to the one proposed between Balloch and Tornagrain is on the north side of the A96 Dualling rather than on the south side. This change is considered to have important community benefit (access to Ardersier, Castle Stuart and beyond), would support the aspirational long distance coastal trail, and would have a similar construction cost to the proposed route.
- 2.2. Transport Scotland is requested to work with the Council to develop new NMU infrastructure on the north side of the 'new trunk road' between Balloch and Tornagrain.
- 2.3. The Council recognises the changes made to improve the arrangements for NMU at the Mid Coull junction since the earlier proposals. However, given the key role for access between the new Tornagrain Town, Inverness Airport Business Park and Inverness Airport Railway Station the Council considers it necessary for this particular NMU route to be grade separated with priority given to active travel users along this route. The Council may wish to raise this matter as a formal objection to the published orders, subject to further discussion with Transport Scotland.
- 2.4. We would like to work with Transport Scotland towards NMU infrastructure that best meets the policy requirements of Designing Streets.

3. Core Paths

- 3.1. Up to 12 core paths will be affected by the construction phase and operation of a dualled A96. The Highland Council may by order stop up or divert core paths. At this stage the evaluation indicates that 6 core paths may require an order.
- 3.2. Under the Town and Country Planning (Scotland) Act 1997 Highland Council can require payments or contributions for promoting an order to cover the costs of the process. It also allows the Council to ask for alternatives or improvements to existing routes as well as protecting access for statutory undertakers.
- 3.3. A copy of our review of the NMU findings of the Environmental Statement will be sent in due course to Transport Scotland. It is difficult at this stage to

assess the scheme's impact on outdoor access during the 3-4 year construction period. We highlight that it is essential that dialogue with the Council regarding this important aspect is undertaken prior to any works that affect existing core paths.

- 3.4. Under the Council's scheme of delegation the Director of Development & Infrastructure decides whether or not to promote an order. Transport Scotland should contact the Director to discuss the implications for affected Core Paths and any additional mitigation, diversion, and Orders deemed necessary.

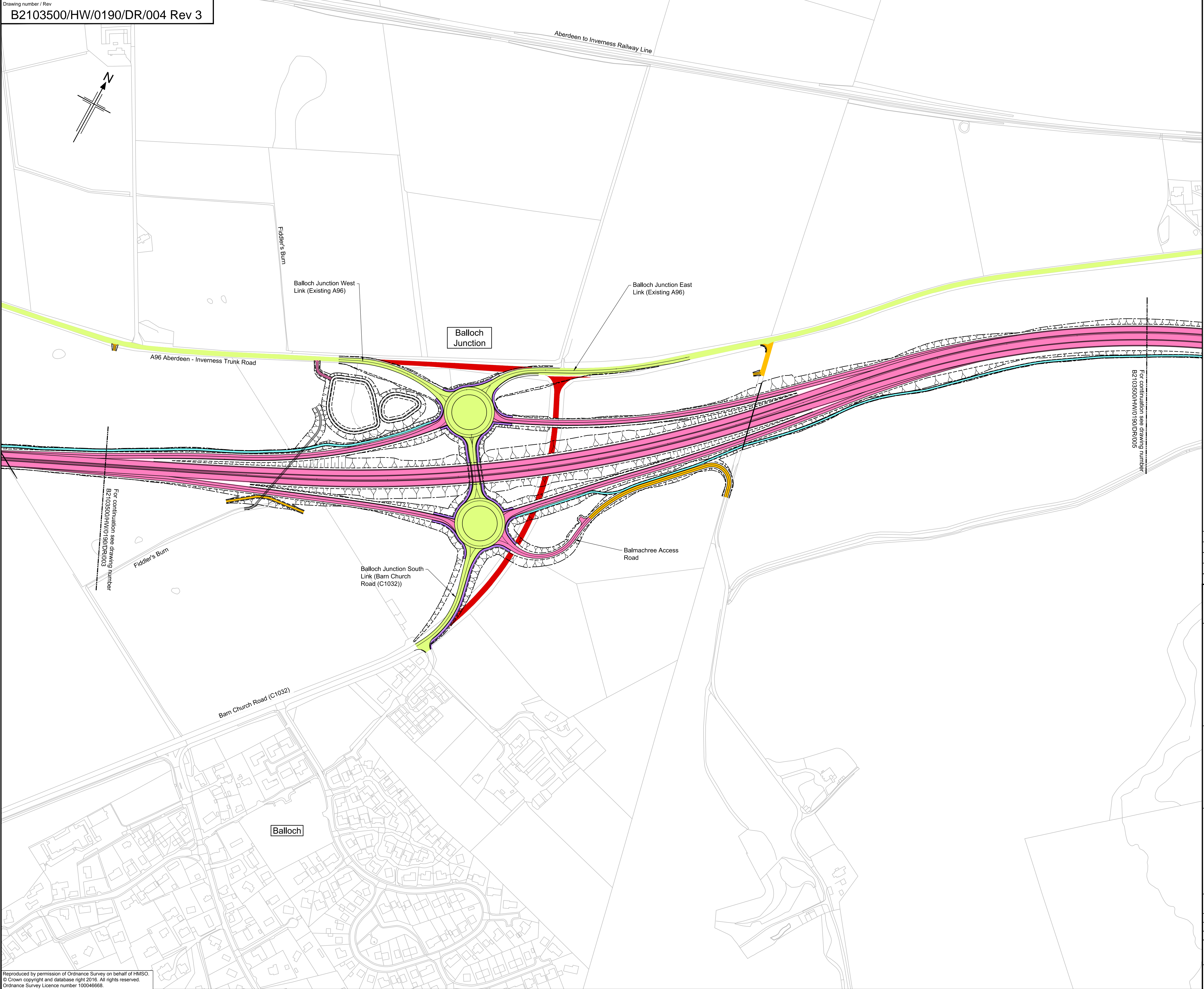
4. Scheme Delivery

- 4.1. It is noted that the estimated timescale for construction is three to four years to complete, although it may be possible to deliver the scheme in phases. Given the recognition that the Nairn Bypass will reduce the amount of long-distance traffic on local roads and bring environmental benefits to the town the Council requests that every possible endeavour is made through the contract phasing for the early delivery of the Nairn Bypass.

5. De-trunking Principles

- 5.1. The scale of the proposed transferred asset is alarming. Not only is it substantial sections of the existing A96 but also substantial new sections of side roads (approximately 48km in total). A separate report to the Community Services Committee (15 February 2017) is being prepared and we take this opportunity to highlight that further comments should be anticipated.
- 5.2. Asset condition information will be required for the entire existing asset that is to be transferred to the Council. In particular any asset information for structures that are to be transferred is requested early so that any outstanding or programmed inspections can be carried out jointly.
- 5.3. In addition any other background studies undertaken in relation to the sections of asset being transferred should be included in the asset handover. This should include studies relating to road safety and other transportation aspects not specifically related to maintenance of the asset.
- 5.4. Highland Council expects that any committed and essential asset investment will be completed prior to the transfer of the asset to the Council.
- 5.5. We expect modifications to the existing A96 prior to the transfer of the asset and this could include aspects such as (not an exhaustive list): signs; changed speed limit; prohibition of motor vehicles; drainage; road markings; new cycle track; access gates; street lighting and signals.
- 5.6. The urban section of the existing A96 (Nairn) requires special handling and a joint walkover of the asset is requested.
- 5.7. There are a number of new roundabouts associated with the A96 Dualling that are identified as local road infrastructure. These locations require particular attention in terms of road safety audits and also the consideration of future winter maintenance. The Council's starting position is that in the interests of road safety for all road users these locations should be included in the winter maintenance plan for the Trunk Road operator and funded by Transport Scotland.

Director
Development & Infrastructure



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- Local Authority
- Private Access
- Road to be Stopped Up
- Trunk - Provision for NMUs
- Local Authority - Provision for NMUs
- Core path or associated link on Scottish Ministers Land

OS Mastermap was obtained in November 2015 and is for illustration purposes only.

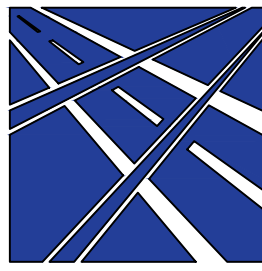
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A96
DUALING
INVERNESS TO NAIRN
(Incl. Nairn Bypass)

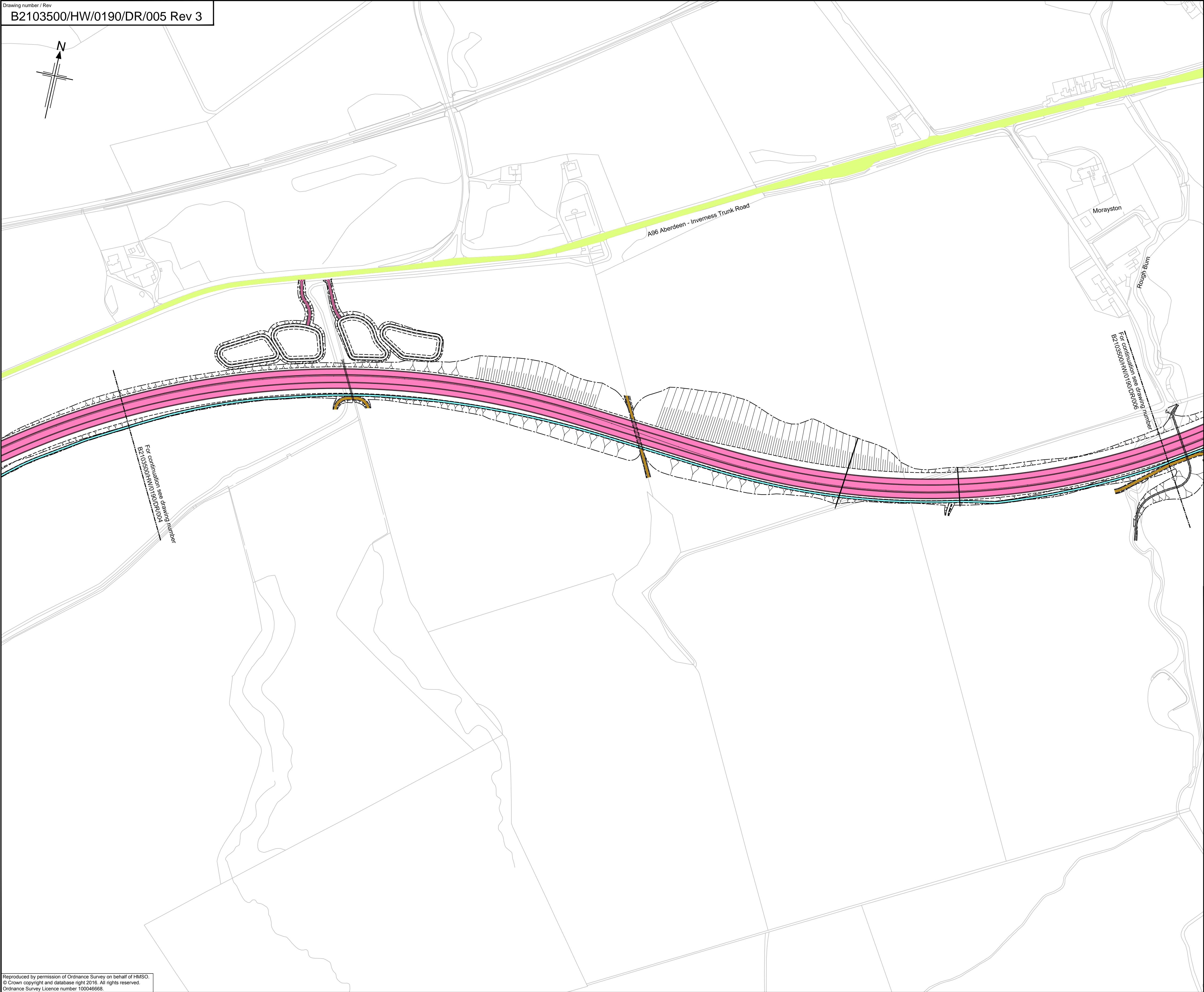
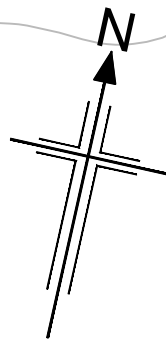
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INVERNESS TO NAIRN
EXTENT OF ROAD NETWORK
SHEET 4 OF 25**

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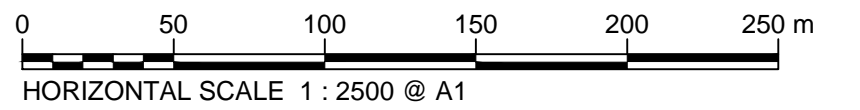
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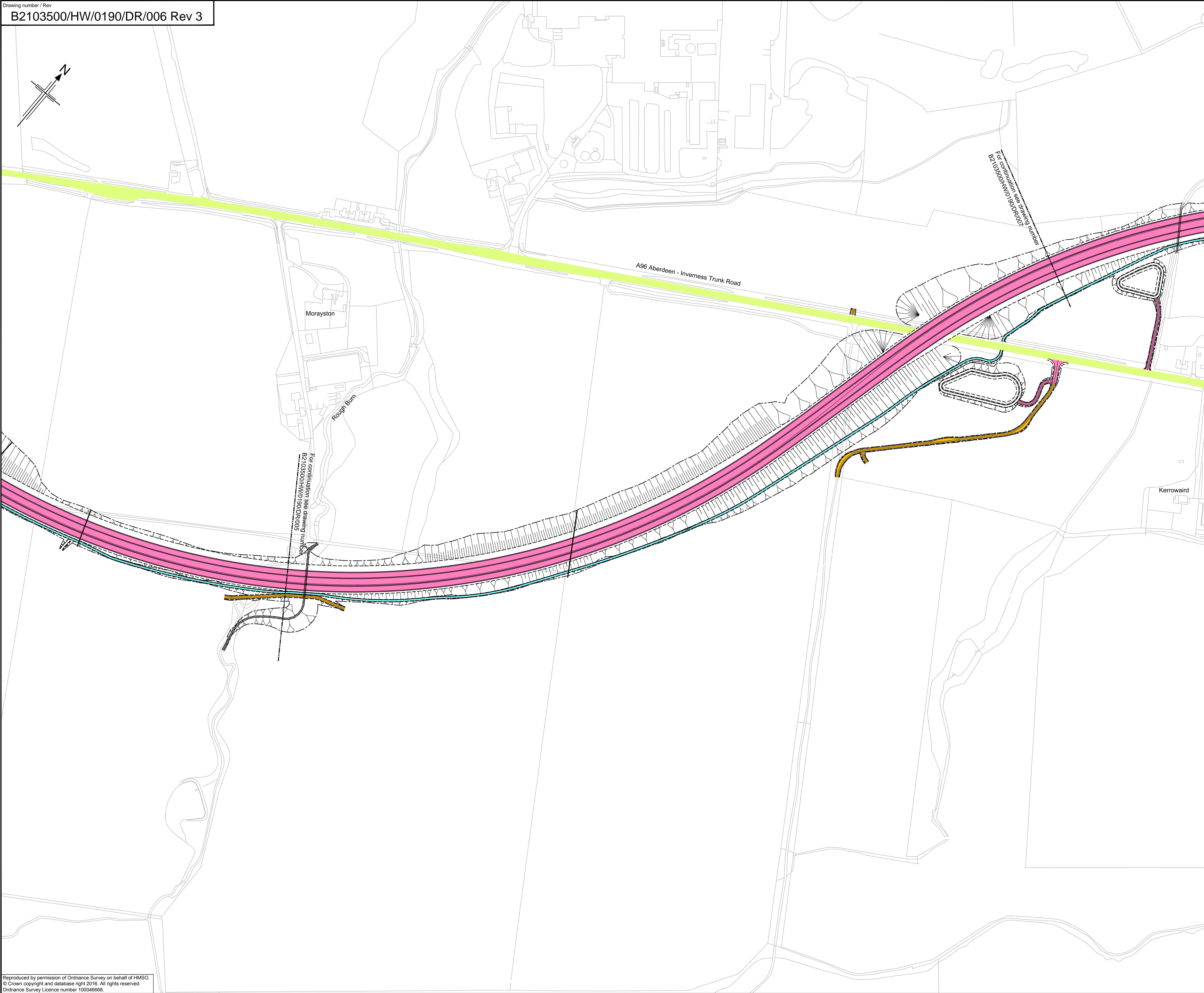
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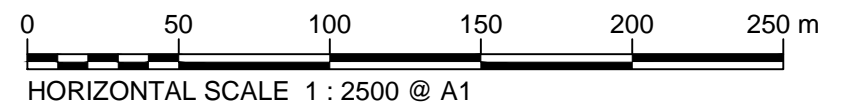
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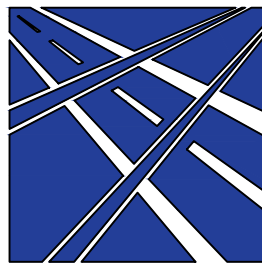


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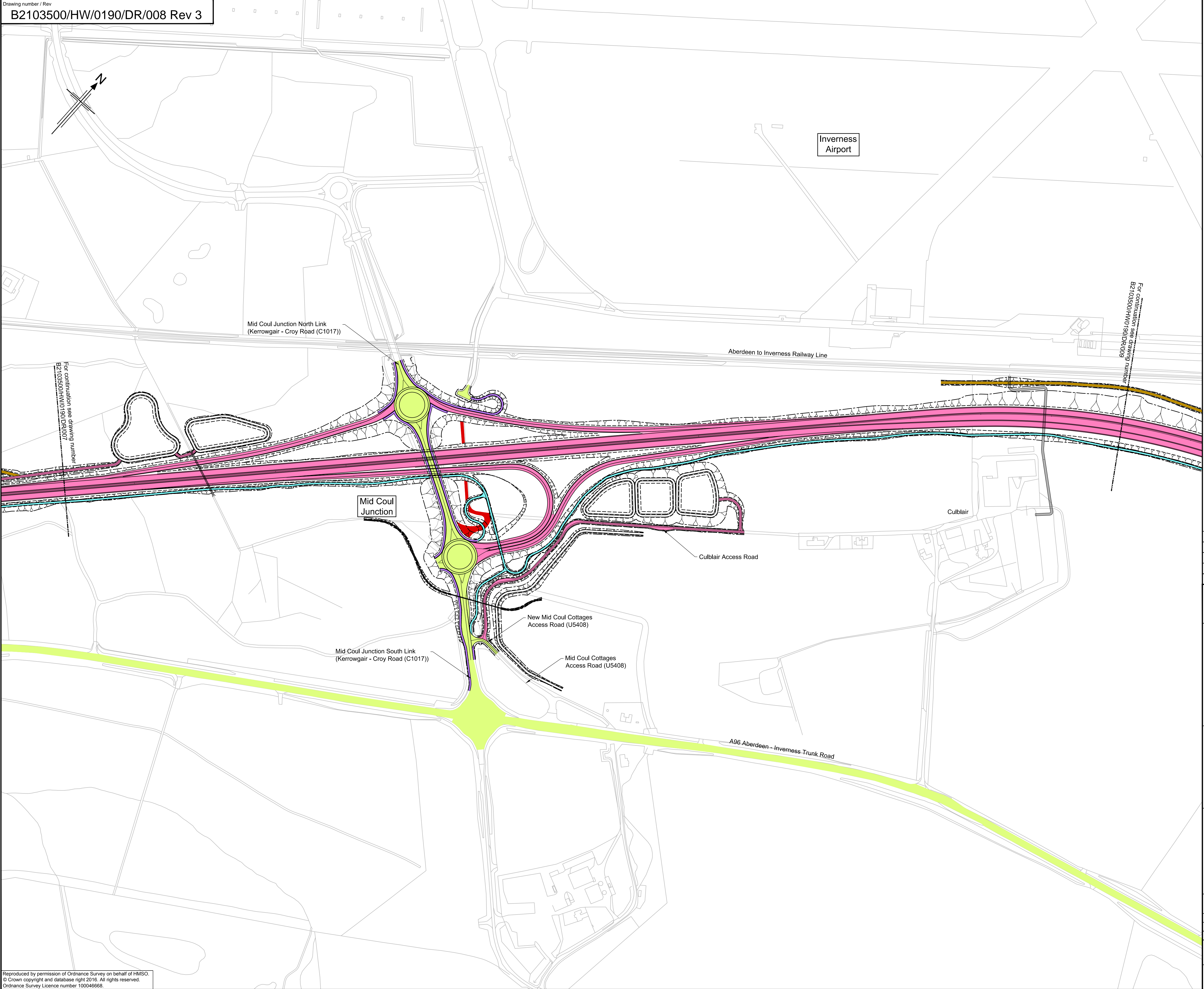
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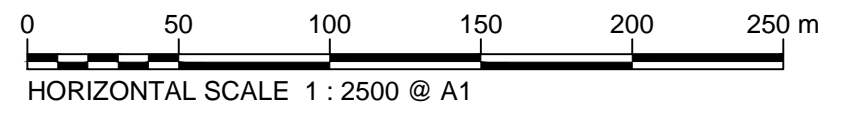
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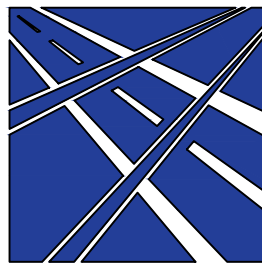


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