



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

Environmental Impact Assessment Record of Decision

A985 Kincardine Bridge Southern Piled Viaduct Replacement

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I. Notice of Decision under Paragraph 7 of Schedule I of the Roads (Scotland) Act 1984

The Scottish Ministers give notice that they have decided to proceed with the project to replace the southern piled viaduct on the A985 Kincardine Bridge. Accordingly the A985 Trunk Road (Kincardine Bridge Southern Piled Viaduct Refurbishment) Compulsory Purchase Order 2021 will be made by the Scottish Ministers on 29th July 2021.

An environmental impact assessment (EIA) has been made for this project.

The Scottish Ministers have taken into consideration –

(a) the Environmental Impact Assessment Report (EIAR) into this project published on 27 October 2020,

(b) the opinion on the EIAR or the project expressed by –

- Falkirk Council;
- Historic Environment Scotland;
- NatureScot;
- RSPB Scotland;
- Crown Estate Scotland;
- Forth District Salmon Fishery Board;
- Forth Ports;
- Maritime & Coastguard Agency;
- Northern Lighthouse Board;
- Scottish Environment Protection Agency (SEPA); and
- Royal Yachting Association Scotland;

The above also provided consultation comments during the EIA scoping and consultation process, prior to publication of the EIAR. In addition, the following also provided consultation comments during the EIA scoping and consultation process, prior to publication of the EIAR:

- Fife Council;
- Marine Scotland;
- Clackmannanshire Council;
- Fishery Office;

- Scotways (Scottish Rights of Way & Access Society); and
- Sustrans Scotland.

2. Environmental Impact Assessment Process

a. Environmental Impact Assessment Report

The project is located at the southern end of the Kincardine Bridge within the Falkirk Council area. The project would incorporate:

- the demolition of the existing piled viaduct at the southern end of the Kincardine Bridge;
- replacement of the existing piled viaduct with a new five span structure of similar appearance to the adjacent spans of the Kincardine Bridge; and
- temporary construction works.

In order to maintain traffic flow during construction works, a temporary bridge would be constructed adjacent to the north-west side of the existing piled viaduct. The temporary bridge would connect to the approach road to the southern end of the Kincardine Bridge. The connection of the temporary bridge to the Kincardine Bridge would be made to the north-east of the existing piled viaduct.

The piled viaduct elements of the Kincardine Bridge structure were deemed substandard in 1984 following completion of an assessment. Interim measures to provide structural support, in the form of a steel propping system, were installed in 1992 and remain in place.

An Improvement Options Report was prepared in 2007 in which it noted the assessment and interim measures referred to above and reviewed and further developed options for the refurbishment of the existing piled viaduct. The report recommended that the viaduct be replaced for the following reasons:

- The original piled viaduct has insufficient load carrying capacity, with the deck slab and transverse beams having insufficient strength.
- The original substructure is unsuitable due to the poor condition of the visible portions of the substructure piles. Furthermore, the condition of the buried portion of substructure piles cannot be assessed.
- The steel propping system is unsuitable for incorporation in the refurbished bridge.

Transport Scotland commissioned a study into the effects of traffic movements on closing Kincardine Bridge to carry out the piled viaduct replacement, and this concluded that there would be major congestion caused to the surrounding road

network during a closure. For this reason, Transport Scotland intends to replace the piled viaduct whilst keeping the existing bridge open to traffic.

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

- to minimise construction impacts on users of the road network;
- to minimise adverse impacts on environmental receptors, including the cultural heritage importance of the Kincardine Bridge; and
- to preserve the long-term use of the Kincardine Bridge.

The Scottish Ministers determined that the project is a relevant project within the meaning of section 55A of the Roads (Scotland) Act 1984, and falls within Annex II of Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment and that the project requires an EIA. The Notice of Determination was published by Transport Scotland on 21 February 2020.

In accordance with the Roads (Scotland) Act 1984 an [EIA](#) was published on 27 October 2020.

EIA Chapter 18 (Summary of Significant Residual Effects) outlines any significant residual effects that have been identified due to construction and operation of the proposed scheme. Residual effects comprise those which remain significant after incorporating the mitigation measures as provided in Chapter 6 to 15 of the EIA. In the EIA, all residual effects identified are generally defined as significant when they are assessed to be of moderate or greater in significance. Within the EIA, significant and non-significant residual effects are identified according to the methodology provided for each environmental topic within Chapters 6 to 15 and Chapter 16. The assessment of environmental parameters reported in the EIA found that there are no significant adverse residual effects to the following topics as a result of the proposed scheme:

- Geology, Soils and Groundwater (Chapter 6);
- Road Drainage and the Water Environment (Chapter 7);
- Marine Ecology (Chapter 8);
- Terrestrial Ecology (Chapter 9);
- Air Quality (Chapter 11);
- Noise and Vibration (Chapter 12);
- Material Assets and Waste (Chapter 13);
- Human Health (Chapter 14);
- Climate (Chapter 15); and
- Assessment of Cumulative Effects (Chapter 16).

The cultural heritage assessment in Chapter 10 (Cultural Heritage) has found that with proposed mitigation, the overall residual effect on historic buildings, i.e. Kincardine Bridge, has been assessed to be of moderate adverse significance during construction and moderate adverse during operation. A moderate beneficial significance of effect is also reported on Kincardine Bridge during operation.

No other significant adverse or beneficial effects are predicted in the EIAR as a result of the proposed scheme.

The policy assessment conducted as part of the EIA process considered the project's compliance with national and local policy. EIAR Appendix A4.1 (Assessment of Policy Compliance) provides a review of national and local planning policy documents, and an assessment of the extent to which the project complies with policy and guidance. In principle, the development of the project is supported in planning policy with the aims and objectives reflected in national policy guidance.

In accordance with the Marine (Scotland) Act 2010, a marine licence is required to carry out certain activities within the marine environment. These activities include marine construction works including bridge repair and construction, as required for the project. Transport Scotland has applied to Marine Scotland for a marine licence for the marine licensable activities associated with the project.

Marine Scotland has confirmed an exemption direction under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended). This states that:

'In accordance with regulation 8(4) of the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) ("the 2017 MW Regulations"), the Scottish Ministers confirm they are satisfied an assessment of the effects on the environment of the works is being carried out by the relevant roads authority. Further, the Scottish Ministers are satisfied this assessment will be sufficient to meet the requirements of any law of any part of the United Kingdom that implemented Directive 2011/92/EU (as amended) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment. The Scottish Ministers therefore direct that the 2017 MW Regulations do not apply.'

The Kincardine Bridge is a Category A Listed structure. Listed building consent for refurbishment to the Kincardine Bridge, including the project works, was granted by Falkirk Council on 26 February 2021. The project will be carried out in accordance with the conditions of the listed building consent.

b. Habitats Regulations Appraisal

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 has concluded that the project as proposed will not adversely affect the integrity of the Firth of Forth Special Area of Conservation (SAC) and Firth of Forth Ramsar (wetlands of international importance). EIAR Chapter 5 (Consultation and Scoping) describes the consultation undertaken with consultees, relevant bodies and organisations, and members of the public in relation to the environmental aspects of the proposed scheme prior to publication of the EIAR. This EIAR chapter is supported by EIAR Appendix A5.1 (Summary of Consultation Responses).

c. Consultation

A summary of consultation responses received following publication of the EIAR, and how these have been considered, is provided below. There are no outstanding objections to the EIAR.

i. Falkirk Council

Falkirk Council provided a response to the EIAR in an email dated 7 December 2020. Falkirk Council did not raise any objection to the EIAR. Falkirk Council provided comments regarding the mitigation measures relating to Geology, Soils and Groundwater and advised that SEPA should be notified prior to any importation of material or any remedial/excavation/ground preparation works commencing on site as any importation, disposal or re-use of waste materials would be subject to Waste Management or Controlled Activities Regulations and would require the appropriate approvals including licensing and exemptions.

Transport Scotland responded to Falkirk Council in a letter dated 3 February 2021. A summary of Transport Scotland's response is provided below:

Adherence to the mitigation items included in Table 6.6 of the EIAR will be required through inclusion of the measures in the Employer's Requirement in the Contract documents. The mitigation items included in Table 6.6 of the EIAR Chapter 6 are collated in EIAR Chapter 17 (Schedule of Environmental Commitments) for ease of reference and for use by the Contractor. EIAR Mitigation Item G2 requires that *'...should unforeseen contamination be identified during construction, any remedial action will be carried out under the appropriate remediation licencing'*. Mitigation Item G2 notes consultation would be undertaken with Falkirk Council and SEPA as required. Consultation requirements will be included as a contract requirement as necessary. In addition to the mitigation referred to above, as noted in Table 17.9 of

EIAR Chapter 17 (Schedule of Environmental Commitments) Mitigation Item M&W5 requires the Contractor to comply with all 'Duty of Care' legislative requirements in relation to surplus material and waste. This mitigation measure requires the Contractor to consult with the Local Authority and/or SEPA as applicable to legislative requirements.

ii. Historic Environment Scotland

Historic Environment Scotland (HES) provided a response to the EIAR in a letter dated 8 December 2020. HES did not raise any objection to the EIAR. HES noted that while the proposals will result in temporary adverse impacts on the Category A listed Kincardine Bridge during the works, the long-term result will be a significant beneficial effect on the bridge by keeping it in use and maintaining the structure. HES advised that the project will not raise issues of national interest within HES's remit.

Transport Scotland responded to HES in a letter dated 3 February 2021. Transport Scotland responded to comments received and noted HES's position in the response. In summary, Transport Scotland's response included providing confirmation that Falkirk Council and Fife Council were consulted during the preparation of the EIA Report and that Falkirk Council and Fife Council were also consulted on the published EIA Report. Transport Scotland welcomed HES comments that the mitigation is likely to be sufficient to safeguard the historic interest and special character of the A-listed bridge. In addition, Transport Scotland welcomed HES comments that the EIA Report contains sufficient information and detail, that the methodology of assessment is appropriate, and that HES consultation comments have been taken into consideration.

iii. NatureScot

NatureScot provided a response to the EIAR in a letter dated 15 December 2020. NatureScot objected to the proposal unless it was made subject to conditions strictly in accordance with the following mitigation:

'Transport Scotland must secure all measures described in section 5.4.2 to 5.4.14 (inclusive) of the HRA Report.

Monitoring measures described in sections 5.1 and 5.3 (pre-construction) and 7.1 (post-construction) of the Saltmarsh Management Plan should be extended from 50m either side of the affected area, to 100m either side of the affected area.

In addition, whichever body is responsible for the implementation of the saltmarsh mitigation (described in section 7.15 of the Saltmarsh Management Plan) must carry

out an annual review of the Saltmarsh Management Plan in collaboration with NatureScot.

Furthermore, the annual review of the Saltmarsh Management Plan should commence one year prior to the commencement of saltmarsh mitigation measures. This will aim to ensure that the best available techniques are secured in the Plan. This first review should specifically address whether brushwood groynes remain the best available technique of sediment capture, or whether other structures such as bio-rolls or bio-mats would be better techniques.

Finally, each annual review of the Saltmarsh Management Plan must be subject to the approval of NatureScot.'

Transport Scotland responded to NatureScot in a letter dated 3 February 2021. In this letter it was confirmed that Transport Scotland will secure all mitigation measures described in section 5.4.2 to 5.4.14 (inclusive) of the Conservation (Natural Habitats, &c.) Regulations 1994 (HRA) Report for the project by inclusion in the project contract obligations. In addition, Transport Scotland confirmed that the following measures will be included as Employer's requirements within the project contract documents:

- Pre- and post-construction saltmarsh monitoring will be undertaken to a distance of 100m either side of the area affected by the works.
- Post-construction saltmarsh monitoring will continue until stable saltmarsh communities have developed. This will be the responsibility of the Contractor. Any subsequent monitoring responsibility will pass to the trunk road operating company.
- The Saltmarsh Management Plan will be subject to annual review and approval by NatureScot until stable saltmarsh communities have developed. The first review must commence one year in advance of the commencement of restoration mitigation, to ensure the most appropriate and effective techniques for restoration are proposed.
- The Contractor's Ecological Clerk of Works (ECoW) will be responsible for ensuring that the Employer's Requirements are included in the Saltmarsh Management Plan as it is developed and that mitigation detailed within the Saltmarsh Management Plan is implemented and is effective.

In addition, compliance with the Employer's Requirements regarding the Saltmarsh Management Plan will be monitored by an ecologist working on behalf of Transport Scotland.

In response NatureScot removed its objection to the project in an email dated 6 May 2021.

iv. Royal Society for the Protection of Birds

RSPB Scotland (RSPB) provided a response to the EIAR in a letter dated 18 December 2020. In summary, RSPB objected to the project on the basis that it considered that there is a likely significant effect of the project on the Firth of Forth Special Protection Area (SPA) and that the information submitted did not enable Transport Scotland to conclude beyond reasonable scientific doubt, that there will not be an adverse effect on the integrity of the SPA.

A response from Transport Scotland was issued to RSPB on 4 February 2021 which provided clarification to the points raised. For example, it was highlighted that the mitigation measures were developed following scientific studies, consultation with NatureScot, experience of protecting important ecological features in the Firth of Forth during construction and maintenance of bridges, best practice and professional scientific judgement. It was confirmed that the mitigation measures designed to reduce disturbance and/or displacement of qualifying interests on the SPA have been accepted by NatureScot and that NatureScot's consultation response of 15 December 2020 stated that, with regard to disturbance during construction, *'We accept that the proposed package of mitigation will reduce disturbance and/or displacement of SPA birds to a level where there are no adverse effects on site integrity'*. In addition, further detail was provided by Transport Scotland regarding mitigation measures raised by RSPB.

Transport Scotland confirmed that the Saltmarsh Management Plan will be updated to address NatureScot's consultation response and these measures will be included as Employer's Requirements within the contract documents. Transport Scotland confirmed that the Saltmarsh Management Plan will be developed, reviewed, and subject to the approval of NatureScot on an annual basis. With mitigation in place, the EIAR concluded that there will be no significant residual effects from the proposed scheme on ecological receptors, therefore there are no impacts identified that would require to be off-set. In addition, the HRA concluded that there will be no adverse effect on the site integrity of the Firth of Forth SPA with the implementation of the proposed mitigation, and therefore there are no requirements for compensation measures to be provided.

Following further correspondence between RSPB and Transport Scotland, RSPB removed its objection to the proposed scheme on 26 April 2021, subject to the mitigation outlined in the HRA and the delivery of the mitigation identified by NatureScot.

v. Crown Estate Scotland

Crown Estate Scotland provided a response to the EIAR in an email dated 21 December 2020. Crown Estate Scotland confirmed that the proposed works do not impact on Crown land interests and therefore they will not be commenting on the project/EIAR.

vi. Forth District Salmon Fishery Board

Forth District Salmon Fishery Board (FDSFB) provided a response to the EIAR in a letter dated 11 January 2021. FDSFB did not raise any objection to the EIAR. The response raised various points for clarification as well as making certain recommendations relating to the protection, enhancement, and conservation of stocks of Atlantic salmon and sea trout. Transport Scotland responded to FDSFB in a letter dated 3 February 2021. In summary, Transport Scotland's response included acknowledging that the FDSFB would have liked to have seen the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 included in the EIAR. Transport Scotland noted that declining salmon stocks in the Forth District are acknowledged in the EIAR and that the requirement for salmon to migrate through the estuary is also stated. TS acknowledged that the FDSFB would have liked to have seen greater emphasis placed on the potential impacts of sediment release on migrating salmon smolts. However, the potential for sediment release as a result of the works to impact migratory fish as a collective group has been considered in the EIAR. The nature of the works and water environment protection requirements identified means there are no residual effects predicted for the proposed scheme from sediment plumes on any migrating fish including smolts. Transport Scotland noted that with mitigation measures in place it is not considered that there is a significant risk of sediment release or pollution during the works. Due to the length of the construction programme and the number of activities involved it will not be practical to restrict the activities occurring during June and July. However, the implementation of the mitigation proposed avoids significant effects and therefore restricting activities is not considered necessary.

vii. Forth Ports

Forth Ports did not raise any objection to the EIAR. Forth Ports confirmed by email dated 24 November 2020 that the Forth Ports licence will not be processed until Marine Scotland has issued the Marine Licence to Transport Scotland.

viii. Maritime and Coastguard Agency

Maritime & Coastguard Agency (MCA) provided a response to the EIAR in a letter dated 15 December 2020. The MCA did not raise any objection to the EIAR.

In summary, the MCA noted that the impact on navigation for vessels operating in the Firth of Forth has been scoped out of the EIA and that the reasons should be confirmed by Transport Scotland. The MCA's additional comments included:

- The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine (Scotland) Act 2010 before carrying out any marine licensable works. The MCA would expect the applicant to confirm that the impact on vessels operating in the area is low and the reasons why. The MCA would also expect Transport Scotland to confirm whether the locations of the work fall within the jurisdiction of The Forth and Tay Navigation Service, as they may need to be aware of the works to issue local notifications.
- If the works fall within the jurisdiction of the Forth and Tay Navigation Service, the applicant would need to liaise and consult with them (as Competent Harbour Authority) and develop a robust Safety Management System (SMS) for the project under the Port Marine Safety Code (PMSC) and its Guide to Good Practice. The Code sets out a national standard for every aspect of port marine safety. The Code is not mandatory, however it is endorsed by the UK Government, devolved administrations and representatives from across the marine industry sector. It is applicable to both Statutory Harbour Authorities (SHA) and non-SHAs including marinas, terminals, marine berths and jetties.

Transport Scotland responded to the MCA in a letter dated 3 February 2021. In summary, Transport Scotland confirmed that all of the proposed scheme works would be undertaken outside of the main navigation channel and above Mean Low Water Springs (MLWS). As such, navigation was scoped out of the EIAR. Chapter 5 of the EIAR states that: *'No pathways to effect on navigation safety have been identified from the proposed scheme; either in the construction or operation phase.'*

Transport Scotland confirmed that an application has been submitted to Marine Scotland for the licensable activities associated with the proposed scheme. Forth Ports had been consulted during the EIA process. As noted in Table 17.11 of Chapter 17 (Schedule of Environmental Commitments) of the EIAR, Forth Ports advised during consultation that a works licence should be obtained from Forth Ports prior to any works being undertaken, as the project falls within its area of jurisdiction and Forth Ports' Forth and Tay Navigation Department is to be provided with all relevant information to allow Notice to Mariners and other relevant paperwork to be issued in connection with the works.

Transport Scotland confirmed that the Employer's Requirements will require the Contractor to consult with the Forth and Tay Navigation Service when developing the

Contractor's Construction Phase Plan and incorporate any appropriate Safety Management System requirements.

ix. Northern Lighthouse Board

Northern Lighthouse Board provided a response to the EIAR in a letter dated 28 October 2020. The NLB did not raise any objection to the EIAR. In summary, the NLB advised that it is satisfied with the content of the EIAR, and recommends the following:

- Transport Scotland, or their delegated contractor, should liaise with Forth Ports with regard to the dissemination of Navigation Warnings and Notice to Mariners concerning the works.
- Any permanent alterations are to be communicated to the UK Hydrographic Office for update of the relevant British Admiralty chart.

Transport Scotland responded to the NLB in a letter dated 3 February 2021. In summary Transport Scotland confirmed the consultation Forth Ports outlined above that a works licence should be obtained from Forth Ports prior to any works being undertaken as this falls within its area of jurisdiction. Table 17.11 of Chapter 17 (Schedule of Environmental Commitments) of the EIAR notes that the Northern Lighthouse Board advised during consultation that Forth Ports should be consulted with regard to dissemination of Navigation Warnings and Notice to Mariners concerning the works and that any permanent alterations should be communicated to the UK Hydrographic Office for update of the relevant British Admiralty chart.

x. Scottish Environment Protection Agency

Scottish Environment Protection Agency (SEPA) provided a response to the EIAR in an email dated 8 December 2020. SEPA advised that authorisation would need to be sought from Marine Scotland (as the majority of the works is located below Mean High Water Springs and therefore fall within Marine Scotland's remit). Therefore, SEPA offered no objection.

As noted previously in this decision, Transport Scotland has applied to Marine Scotland for a marine licence for the marine licensable activities associated with the proposed scheme.

xi. Royal Yachting Association Scotland

Royal Yachting Association Scotland (RYA) provided a response to the EIAR in an email 2 December 2020. RYA had no comment to make on the EIA and no objections to the Compulsory Purchase Order (CPO).

d. Participation in decision making

The arrangements taken to ensure the public had the opportunity to participate in the decision making procedures were:

Transport Scotland published notice of the EIAR on 27 October 2020 in the Edinburgh Gazette and The Herald and on 29 October 2020 in the Alloa and Hillfoots Advertiser. 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 the EIAR includes consideration of both the terrestrial and marine effects of the project and will inform the EIA being undertaken by the Scottish Ministers;
- that a copy of the [EIAR](#) is available for viewing on the Transport Scotland website;
- In accordance with the Coronavirus (Scotland) Act 2020, Schedule 6, Part 3 para 9, the EIAR will not be available at inspection at public display locations;
- that copies of the EIAR can be obtained by emailing Transport Scotland at a charge of £150 for a hard copy or £10 for the USB format. Requests for further information about the project may be sent to the same email address; and
- that any person wishing to make representations about the project and the EIAR, including in relation to the terrestrial or marine effects, may do so by email to Transport Scotland stating the title of the scheme and the grounds of objection and that any such notice must be received on or before 8 December 2020.
- that the Scottish Ministers will take into consideration any representations so made before deciding whether or not to proceed with the project with or without modifications.

No responses were received from the public.

3. Summary of the Environmental Information Including Consultations

As noted above in this decision, an EIAR for this project was published on 27 October 2020.

EIAR Chapter 18 (Summary of Significant Residual Effects) outlines any significant residual effects that have been identified due to construction and operation of the proposed scheme. The assessment of environmental parameters reported in the

EIAR found that there are no significant adverse residual effects on the majority of topics as outline previously.

The only significant residual effects identified in the EIAR were in the cultural heritage assessment in Chapter 10 (Cultural Heritage) that found the overall residual effect on historic buildings, i.e. Kincardine Bridge, was assessed to be of moderate adverse significance during construction and moderate adverse during operation following the implementation of mitigation. A moderate beneficial significance of effect was also reported on Kincardine Bridge during operation.

As noted above in this decision, EIAR Chapter 5 (Consultation and Scoping) describes the consultation undertaken with consultees, relevant bodies and organisations, and members of the public in relation to the environmental aspects of the proposed scheme prior to publication of the EIAR. This EIAR chapter is supported by EIAR Appendix A5.1 (Summary of Consultation Responses).

A summary of consultation responses received following publication of the EIAR, and how these have been considered is provided in Sections 1 and 2 of this decision.

4. Other Information

As noted previously in this decision, the Scottish Ministers determined that the project is a relevant project within the meaning of section 55A of the Roads (Scotland) Act 1984, and falls within Annex II of Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment and that the project requires an EIA. The Notice of Determination was published by Transport Scotland on 21 February 2020.

The EIAR was published on 27 October 2020.

As noted previously in this decision, Transport Scotland has applied to Marine Scotland for a marine licence for the marine licensable activities associated with the project.

Listed building consent for refurbishment to the Kincardine Bridge, including the project works, was granted by Falkirk Council on 26 February 2021. The project will be carried out in accordance with the conditions of the listed building consent.

The Scottish Ministers has carried out an Appropriate Assessment under the terms of The Conservation (Natural Habitats, etc.) Regulations 1994, as amended. The Appropriate Assessment has concluded that the project as proposed will not adversely affect the integrity of the Firth of Forth Special Area of Conservation (SAC) and Firth of Forth Ramsar.

5. Conditions to which the Decision is Subject

As noted previously in this decision, following publication of the EIAR and NatureScot's consultation response, Transport Scotland confirmed that it will secure all mitigation measures described in section 5.4.2 to 5.4.14 (inclusive) of the HRA Report for the project by inclusion in the contract obligations.

Transport Scotland confirmed to NatureScot that the following measures will be included as Employer's requirements within the contract documents:

- Pre- and post-construction saltmarsh monitoring will be undertaken to a distance of 100m either side of the area affected by the works.
- Post-construction saltmarsh monitoring will continue until stable saltmarsh communities have developed. This will be the responsibility of the Contractor. Any subsequent monitoring responsibility will pass to the trunk road operating company.
- The Saltmarsh Management Plan will be subject to annual review and approval by NatureScot until stable saltmarsh communities have developed. The first review must commence one year in advance of the commencement of restoration mitigation, to ensure the most appropriate and effective techniques for restoration are proposed.
- The Contractor's EcoW will be responsible for ensuring that the Employer's Requirements are included in the Saltmarsh Management Plan as it is developed and that mitigation detailed within the Saltmarsh Management Plan is implemented and is effective.

In addition, following publication of the EIAR and the Maritime & Coastguard Agency's consultation response, Transport Scotland confirmed that the Employer's Requirements will require the Contractor to consult with the Forth and Tay Navigation Service when developing the Contractor's Construction Phase Plan and incorporate any appropriate Safety Management System requirements.

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

Table 3.1 of Chapter 3 (The Proposed Scheme) of the EIAR collates and summarises the environmental mitigation measures included within the design. These relate to the piled viaduct design, the temporary bridge structure, and the operational drainage design.

EIAR Chapter 17 (Schedule of Environmental Commitments) collates the additional mitigation measures identified in the EIAR. These mitigation measures are those identified within Chapter 6 to 15 of the EIAR (Table 17.2 to 17.10), as well as six overarching mitigation items (Table 17.1). The commitments also include further mitigation measures identified during the scoping and consultation process as outlined in Table 17.11 and 17.12.

7. Monitoring Measures

The monitoring / compliance measures for the environmental mitigation measures are summarised in EIAR Chapter 17 (Schedule of Environmental Commitments) Tables 17.1 to 17.10 and Table 17.12.

In addition, as noted previously in this report, following publication of the EIAR and NatureScot's consultation response, Transport Scotland confirmed that the following monitoring measures will be included as Employer's requirements within the contract documents:

- Pre- and post-construction saltmarsh monitoring will be undertaken to a distance of 100m either side of the area affected by the works.
- Post-construction saltmarsh monitoring will continue until stable saltmarsh communities have developed. This will be the responsibility of the Contractor. Any subsequent monitoring responsibility will pass to the trunk road operating company.
- The Saltmarsh Management Plan will be subject to annual review and approval by NatureScot until stable saltmarsh communities have developed. The first review must commence one year in advance of the commencement of restoration mitigation, to ensure the most appropriate and effective techniques for restoration are proposed.

8. 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 EIAR and the other environmental information set out above, including in relation to consultation as set out in sections 2 and 3, is that the effects of the project proceeding on the environment will be as follows:

- The works are necessary to preserve the long-term use of the Kincardine Bridge.
- An EIA has been undertaken as set out in the EIAR 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:

- Geology, soils and groundwater;
 - Road drainage and the water environment;
 - Marine ecology;
 - Terrestrial ecology;
 - Air quality;
 - Noise and vibration;
 - Material assets and waste;
 - Human health;
 - Climate; and
 - Cumulative effects
- The EIA concluded that with proposed mitigation, the overall residual effect on historic buildings (Kincardine Bridge) is of moderate adverse effect during construction and operation. However, it was also concluded that there would be a moderate beneficial effect on the Kincardine Bridge during operation. The project will be carried out in accordance with the conditions set out in the Listed Building Consent granted by Falkirk Council.
 - The Assessment completed under The Conservation (Natural Habitats, etc.) Regulations 1994, as amended concluded that, with mitigation, the project would not adversely affect the integrity of the Firth of Forth SAC and Ramsar.
 - The mitigation and monitoring measures as set out in Sections 5, 6 and 7 of this decision will be fully implemented and incorporated into contracts, where appropriate.

The Scottish Ministers are satisfied that the reasoned conclusion is still up to date.

9. Decision

The decision of the Scottish Ministers, taking into account all of the above, is to proceed with the project to replace the piled viaduct on the A985 Kincardine Bridge.

10. Right of Challenge

Any person aggrieved by The A985 Trunk Road (Kincardine Bridge Southern Piled Viaduct Refurbishment) Compulsory Purchase Order 2021 who wants to question the validity of the Order, 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 3 August 2021 make an application as regards that validity to the Court of Session.



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