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Dear Simon

**Environmental Assessment (Scotland) Act 2005
The Highland Council – Inverness West Link Design Project
Screening Report**

Thank you for consulting Historic Scotland on your screening report for the Inverness West Link Design Project. This was received by the Scottish Government's SEA Gateway on 1 June 2011. I have reviewed the report on behalf of Historic Scotland in its role as a Consultation Authority in accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005. In doing so, I have used the criteria set out in schedule 2 of the legislation for determining the likely significance of effects on the environment. Please note that our view is based on our main area of interest for the historic environment.

General Comments

My understanding is that the design project will consider options for crossing the River Ness and the Caledonian Canal to the south of Inverness City Centre. The project will also promote objectives and actions relating to public transport and active travel improvements. The purpose of these transport interventions is to facilitate a reduction in congestion within Inverness City centre and the wider area.

I understand from the screening report, and a recent press release from your Council, that 8 options, including a do nothing scenario, will be considered to enable you to take a strategic decision on the best option. These options include different interventions at various corridors along the River Ness, including an additional swing bridge over the canal, a single link bridge and a tunnel.

As you are aware, Historic Scotland, along with the Scottish Environment Protection Agency, British Waterways and Transport Scotland have been closely involved in this work over the past year. Historic Scotland's previous involvement primarily relates to the Caledonian Canal which, in recognition of its national importance, is designated as a scheduled monument. This means that depending on the option selected, scheduled monument consent may be required for physical interventions within the scheduled area. As Scottish Planning Policy notes, the purpose of

scheduling is to secure the long term protection of a monument in the national interest, in-situ and as far as possible in its existing state and within an appropriate setting. With regard to scheduled monument consent, Scottish Historic Environment Policy notes that works on scheduled monuments should therefore normally be the minimum level of intervention that is consistent with conserving what is culturally significant in a monument.

Qualifying plan, programme or strategy

I note that you have not provided a view on whether you consider the project to be a qualifying plan, programme or strategy (PPS) under the SEA legislation; but are seeking the views of the Consultation Authorities on this matter (Table 2 Summary of Environmental Effects). We are of the view that it is not appropriate for Historic Scotland to provide an opinion on whether a specific project qualifies under the terms of Section 5 of the legislation. It is for your Council, taking legal advice where necessary, to establish what constitutes a qualifying PPS.

We would however indicate that SEA is most useful and effective at a stage of plan making where strategic decisions will be taken, especially when alternative options will have significantly different consequences for the environment. You may also wish to consider the extent to which a decision taken at this stage will constrain subsequent decisions (and any subsequent environmental assessments) at a later date.

Previous assessments

I agree that the principle of a crossing has been firmly established through the Regional Transport Strategy and the Highland Wide Local Development Plan. However, neither of the SEAs accompanying these explored the likely significant environmental effects of the broad corridors currently under examination. While a STAG and associated environmental assessments were undertaken previously (in 2006), these did not address all of the options currently under consideration. I do note however that you intend to consider an Environmental Impact Assessment once a specific option has been selected.

It may be useful to consider an approach taken by a comparable transport project – the Forth Replacement Crossing. In this case, Transport Scotland undertook an SEA as part of determining a specific route for the Forth Replacement Crossing, where similarly, the principle for a crossing had already been established at a higher level (the Strategic Transport Projects Review). The draft Forth Replacement Crossing Strategy, comprising four potential options plus a ‘do-nothing’ scenario, was a high-level environmental assessment of strategic crossing corridors. The options included three tunnels and a bridge. The SEA of the options focussed upon the strategic impacts of the route corridors and their integration with existing infrastructure. This allowed the decision makers to make an informed decision on the option to be taken forward and the public were given the opportunity to comment. The SEA in this case played a key role in identifying specific mitigation measures and essentially provided the scope of the EIA that was subsequently undertaken on the selected corridor.

Significance of effects on the historic environment

As noted above, this case involves the consideration of several options for crossing the River Ness and we understand, both from the screening report and through our

previous correspondence regarding the canal, that each will have different environmental effects. With regards to the historic environment, and in particular the scheduled canal, we are of the view that certain options are likely to result in significant effects.

STAG and SEA integration

It is worth noting that the STAG process aligns with that of SEA in that they both require the impacts of alternative strategies to be considered and justification for the preferred option explained. Should you determine that an SEA is required, you should bear in mind that while STAG requires alternative strategies to be appraised against 5 national criteria¹, SEA requires alternative strategies to be tested against a range of environmental factors only. Finally, if an SEA is taken forward at this stage we would be happy to assist in finding a way to incorporate the previous studies and help to develop a method which is proportionate and appropriate for the purposes of the upcoming consultation.

As you will be aware, however, it is the responsibility of The Highland Council as the Responsible Authority to determine whether the project requires an environmental assessment at this stage and to inform the Consultation Authorities accordingly.

I hope this is helpful. Please note that this response is solely in the context of the SEA Act and our role as a Consultation Authority. None of the comments contained in this letter should be construed as constituting a legal interpretation of the requirements of the SEA Act. They are intended rather as helpful advice, as part of Historic Scotland's commitment to capacity-building in SEA. Should you wish to discuss this response please do not hesitate to contact me on 0131 668 8960.

Yours sincerely



Andrew Stevenson
Senior Heritage Management Officer

¹ Environment (similar scope to SEA), safety (accident prevention and security), economy (economic efficiency and impact on the wider economy), integration (with existing transport, with land-use and with other policies) and access bility and social inclusion (promotion of public transport, provision of access to local services for society as a whole and for distinctive groups within it).