

Following public feedback on the options presented in November 2013 and further consideration by the project team, all the route options for the Nairn Bypass were subject to further design development. Design development for options 2B and 2F through Auldearn, was undertaken principally to address the following issues:

- Access to local residential properties, businesses and land was affected. The dual carriageway design followed the line of the existing A96 single carriageway and given there was no provision for local access directly to/from the dual carriageway, alternative arrangements were required for numerous accesses. The proposed dual carriageway standard (which is Category 7A¹) requires that only full grade separation is permitted and there should be no minor at grade junctions or gaps in the central reserve.
- Parallel access roads would be necessary to both the north and south of the proposed dual carriageway to maintain local access to residential properties and agricultural land.
- Property, businesses and land to the north of the existing A96 would suffer severance from the village of Auldearn.
- The only proposed access into Auldearn from the dual carriageway would be from the Nairn East Junction. This would have an impact on public transport services which currently enter and pass through the village.
- The design would likely have resulted in the acquisition and demolition of the properties known as the Old Telephone Exchange, Little Penick and Courage Cottage.
- The design would have required acquisition of community owned land forming part of the playing fields adjacent to Auldearn Primary School.

Revised design options (2B and 2F) were published in May 2014 and these are shown on drawings B1557601-EXHB-2002 Rev 1 and B1557601-MLA-2607 to 2611 Rev A in Appendix B. The main features of these changes are summarised as follows:

- The revised design options retain parts of the existing A96 single carriageway for local access in order to maintain the location and form of existing local accesses and minimise as far as possible changes to local access.
- The dual carriageway would be constructed off-line, though still broadly along the existing A96 corridor, with the existing A96 retained and re-used for local access instead of constructing new parallel local access roads.
- Between Broombank Cottage and the Old Telephone exchange an overbridge would carry the dual carriageway over a local road realignment in order to provide a means for local traffic to access Auldearn from the east and reduce the severance of property, businesses and land north of Auldearn from the village.
- The dual carriageway continues off-line past Wester Hardmuir and transitions to single carriageway before the T-junction for Easter Hardmuir. At this location a connection would be made to the existing A96 single carriageway which could be used for traffic to and from the east side of Auldearn, including public transport.

¹ Refer to DMRB Volume 8, Section 1, Part 1, TD9/83, Table 4

Response to specific technical queries

Provide a costing of the Auldearn section of the bypass broken down into the key elements

Provide a costing of the Auldearn section of bypass assuming that the existing section is incorporated into the design

The cost estimate summary which provides a comparison between the preferred option (option 2E) and the option along the existing A96 (option 2F) is given in **Table 1** below (which was provided in correspondence to Mr & Mrs Bailey in the letter dated 4 December 2014). Since both options are the same up to a point prior to the Nairn East Junction the differences in costs between these two options represent the estimated difference between these two alternative options where they differ at Auldearn.

As described at the start of this technical note, Option 2F incorporated the existing A96 into the design either as part of the dual carriageway or retained to provide local access.

	DMRB Stage 2 - Option 2E Cost Estimate (£)	DMRB Stage 2 - Options 2F Cost Estimate (£)
100 Preliminaries	21,278,000	21,575,000
200 Site Clearance	162,000	168,000
300 Fencing	509,000	495,000
400 VRS	2,612,000	2,698,000
500 Drainage	5,210,000	5,078,000
600 Earthworks	26,083,000	28,183,000
700 Pavement	27,511,000	27,707,000
1100 Kerbs & Footways	813,000	842,000
1200 Signs & Lines	1,913,000	1,949,000
1300 Lighting	86,000	86,000
1500 ITS	1,834,000	1,841,000
2500 Structures	32,310,000	31,859,000
2700 Accommodation Works	2,980,000	2,483,000
3000 Environmental Mitigation	1,913,000	1,949,000
Works Costs	125,165,000	126,913,000
Preparation Costs	9,800,000	9,400,000
Advanced Works	2,600,000	2,600,000
Contingency	18,775,000	19,097,000
Economies of Scale	-12,517,000	-12,691,000
Public Utilities	4,741,000	5,203,000
Employer issued ITS	579,000	579,000
Base Cost Estimate	149,143,000	151,041,000
De-trunking costs	1,500,000	1,500,000
Part 1 Compensation	2,496,000	2,564,000
Quantified Risk Allowance	8,751,000	8,308,000
Optimism Bias	40,473,000	40,853,000
Scheme Total	202,400,000	204,300,000

Table 1 : DMRB Stage 2 Cost Estimate Summary for Options 2E & 2F

Provide a comprehensive schedule of the design departures and environmental constraints that you consider pertinent for the use of the existing alignment

The following table (Table 2) describes the overall constraints which are relevant to the section of alignment at Auldearn and the second table (Table 3) lists the existing accesses for which provision must be addressed and which therefore provide constraints.

A list of departures is not given as Option 2F (which emerged from an online initial concept) was developed to meet DMRB standards. No departures were envisaged during the DMRB Stage 2 assessment process for this section of the alignment.

Constraint	Description
Junctions and Accesses	Over the 5.4km between the U2997 junction and the U3036 junction there are 7 junctions with local roads, 8 accesses to residential property and 11 field accesses. There are also laybys and bus stops. For further details, refer to Table 3 and drawing B1557601/EX/0002 Rev A included in Appendix C.
Land use and property	The existing A96 passes close to Boath House, Auldearn cemetery, Auldearn primary school and playing fields and properties at Broombank. The properties at The Old Telephone Exchange, Little Penick and Gourage Cottage are located in close proximity to both sides of the existing A96.
Public Transport	Public transport services along the A96 serve Auldearn via the junctions with the B9111 and B9101.
Path Network	Core Path NA01.02 from the B9101 into woodland between Moyness Road and the A96.
Heritage	Meadowfield Enclosure Scheduled Monument located south of the A96, approximately 200m west of the Old Telephone Exchange.

Table 2 : Schedule of constraints relating to dualling the A96 at Auldearn

**A96 Dualling Inverness to Nairn (including Nairn Bypass)
Technical Note**

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Junction / Access	Description
U2997 Junction	Junction with the U2997 Waterloo – Eastertown – Inshoch Road
B9111 Junction	Junction with the B9111 Auchnacloch – Auldearn Road
Field Access	Access to land forming part of Auchnacloch Farm north of the A96
Field Access	Access to land forming part of Auchnacloch Farm south of the A96
Field Access	Access to land within the ownership of Boath House, north of the A96 and west of the G1172 Junction
Field Access	Access to land owned by the National Trust for Scotland south of the A96 and north of Docket Hill
G1172 Junction	Junction with the G1172 Auldearn – Station – Drum Road
Field Access	Access to land north of the A96 east of the junction with the G1172
Field Access	Access to land south of the A96 between the cemetery and Auldearn School playing field
Field Access	Access to triangular field north of the A96 and south of Broombank Farm
Field Access	Access to Community land adjacent to the playground of Auldearn Primary School
B9101 Junction	Junction with the B9101 Auldearn – Cawdor Road
U2959 Junction	Junction with the U2959 Broombank Road providing access to the properties at Broombank Farm north of the A96
Broombank Cottage Access	Access to Broombank Cottage
Field Access	Access to land forming part of Broombank Farm north of the A96
Field Access	Access to land forming part of Meadowfield Farm south of the A96 (1 st access)
Field Access	Access to land forming part of Meadowfield Farm south of the A96 (2 nd access)
Gallows View Access	Access to the property known as The Old Telephone Exchange north of the A96 and opposite Little Penick and Courage Cottage
Little Penick Access	Access to Little Penick south of the A96, adjacent to Courage Cottage and opposite the Old Telephone Exchange
Courage Cottage Access	Access to Courage Cottage south of the A96, adjacent to Little Penick and opposite the Old Telephone Exchange
Courage Steading Access	Access to Courage Steading, Innesfree and Oakview, including access to fields forming part of Garbles Farm south of the A96
U3164 Junction	Junction with the U3164 Penick Road
Mulreid Farm Access	Access to Mulreid Farm
Wester Hardmuir Farm Access	Access to Wester Hardmuir Farm including farm shop
Hardmuir of Boath Access	Access to Hardmuir of Boath, Hardmuir and Hardmuir Craft
U3036 Junction	Junction with the U3036 Ellands – Hardmuir – Boghole Road

Table 3 : Junctions and accesses on the existing A96 between the U2997 Waterloo – Eastertown – Inshoch Road Junction and the U3036 Ellands – Hardmuir – Boghole Road Junction

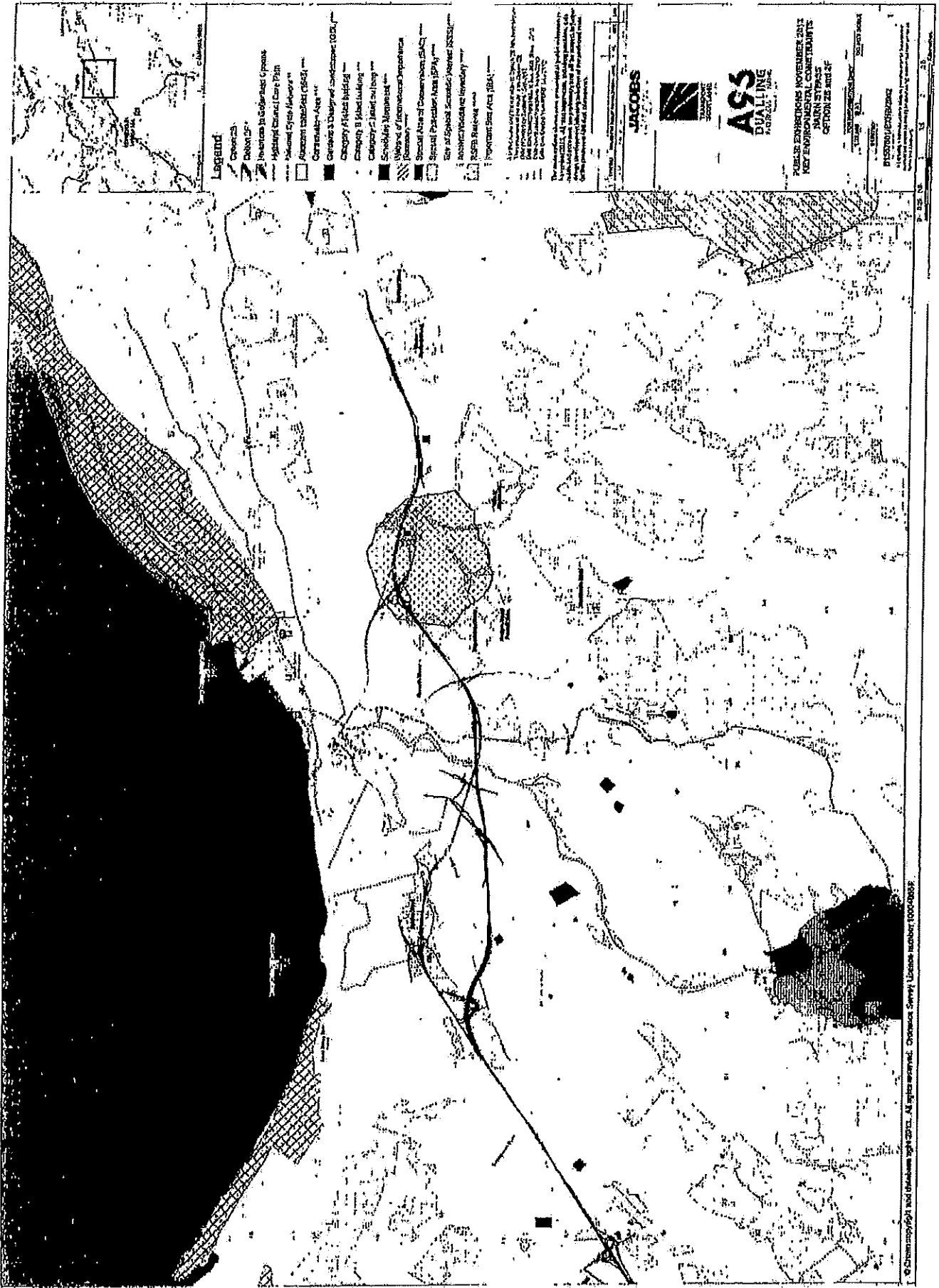
**A96 Dualling Inverness to Nairn (including Nairn Bypass)
Technical Note**

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Appendix A

B1557601-EXHB-2002 Rev 0 Published in November 2013 at Public Consultation events

B1557601-MLA-2607 to 2611 Rev 1 Not previously published



Legend

- Contours
- Cellar
- Pavement to Edge Area C/Pavement
- Highway Outside Curbs/Right-of-Way
- Adjacent Street/Highway
- Abandon Transfer (1954)
- Cemetery - Area 111
- Cemetery & Church of Good Shepherd (1928)
- Capacity of Flood Building
- Capacity of Flood Building
- Schedule of Flood Building
- Wetland of Intermediate Importance (Removal)
- Special Area of Conservation (SAC)
- Special Character Area (SCA)
- City of Spokane Scientific Resource Inventory (SRI)
- Archeological Inventory
- RSPB Building
- Programmed Street Area (PSA)

1. This plan is based on the site plan submitted by the applicant on 10/15/2013. All information is based on the site plan and is subject to change without notice. The applicant is responsible for providing accurate information and for obtaining all necessary permits. The applicant is responsible for providing accurate information and for obtaining all necessary permits. The applicant is responsible for providing accurate information and for obtaining all necessary permits.

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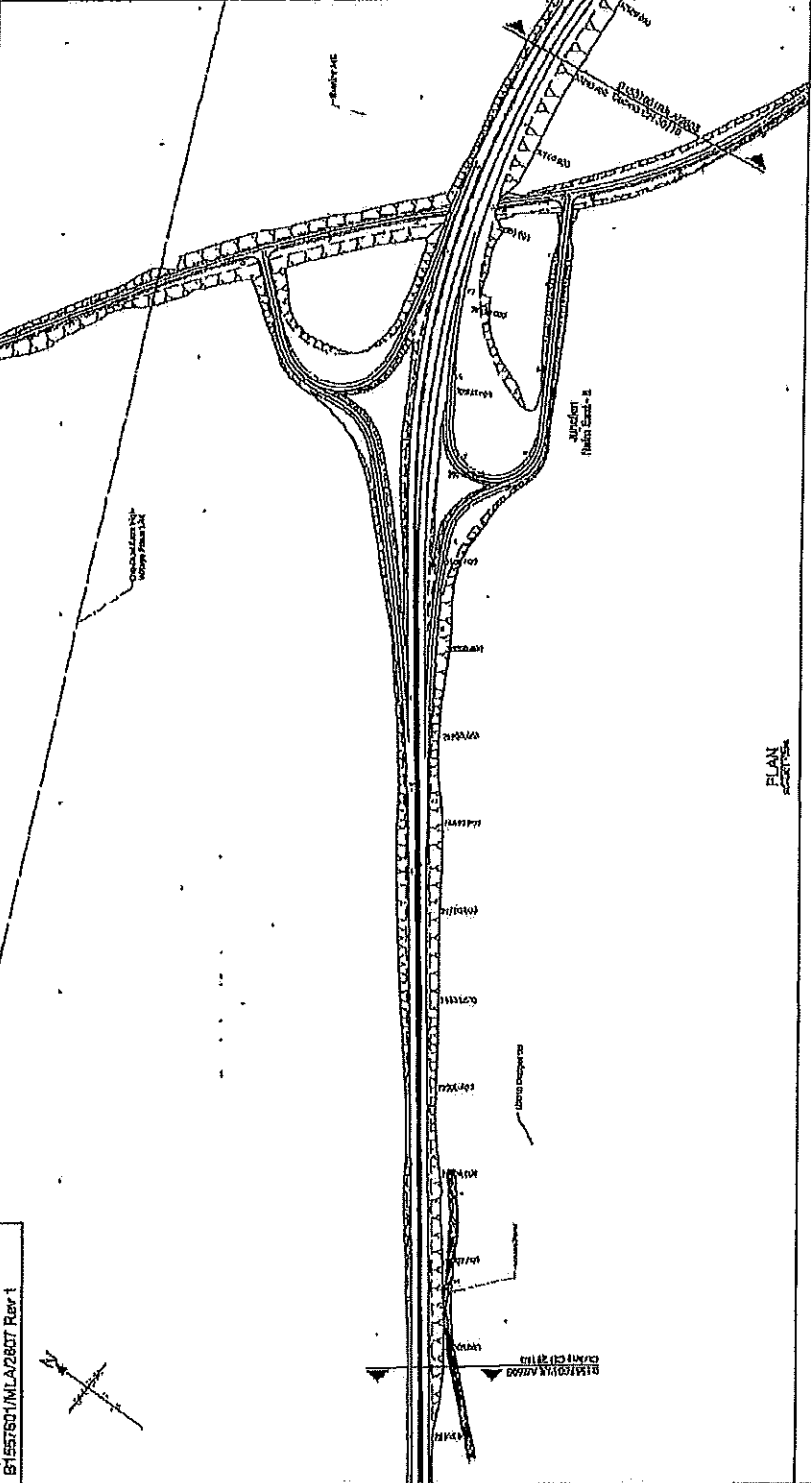
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ARCHITECTURE INC.

PUBLIC EXHIBITION NOVEMBER 2013
KEY ENVIRONMENTAL CONSTRAINTS
MAIN STREETS
OPTION 25 AND 2F

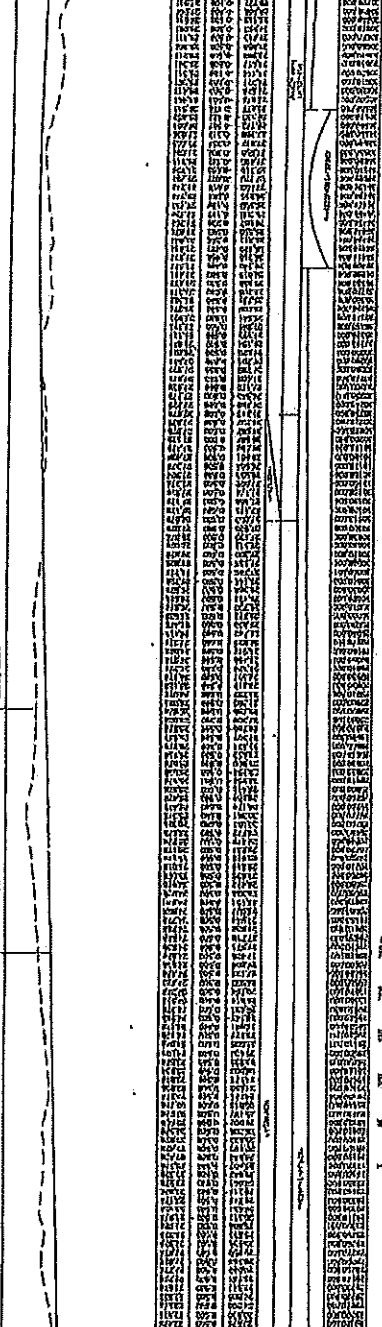
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PROJECT NUMBER
PROJECT DATE

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B157601/M/A/2807 Rev 1

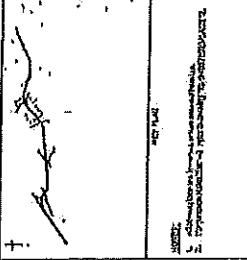


PLAN SECTION



LONGITUDINAL SECTION (CHAINAGE 28180m TO 30740m)

PROP. DESIGN	GRADIENT	EGS. GROUND	HORIZONTAL	VERTICAL	CHAINAGE
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Scale: 1:10000
Reference: ...

Project No.	B157601
Client	The Scottish Government
Contract No.	...
Issue No.	1
Issue Date	...

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The Scottish Government

ASST TRANSPORT
OVERSEAS TO HORN
INCLUDING NAIRN BYPASS CURB STAGES

NAIRN BYPASS
MAINLINE ALIGNMENT OPTION 2F
PLAN & PROFILE SHEET 7 OF 11
CH 28180 TO CH 30740

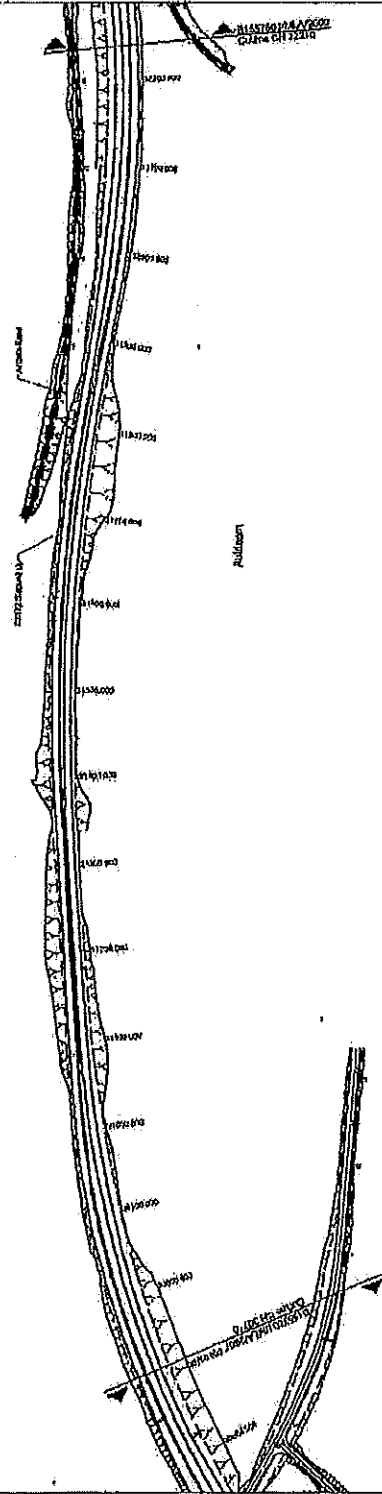
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Sheet 7 of 11

B1557601/ML/22508 Rev 1

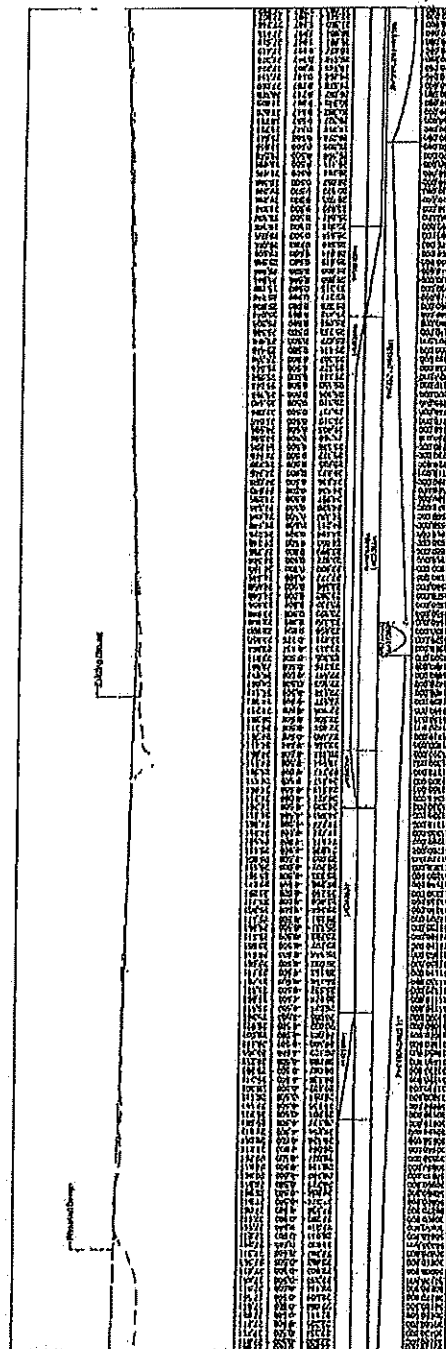


Aspen
Hollow



PLAN
Sheet 20

PROF. DESIGN	1:100
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HORIZONTAL	1:100
VERTICAL	1:100
CHANGING	1:100



LONGITUDINAL SECTION (CHANGING 387.0m TO 3224.0m)



487 PLAN

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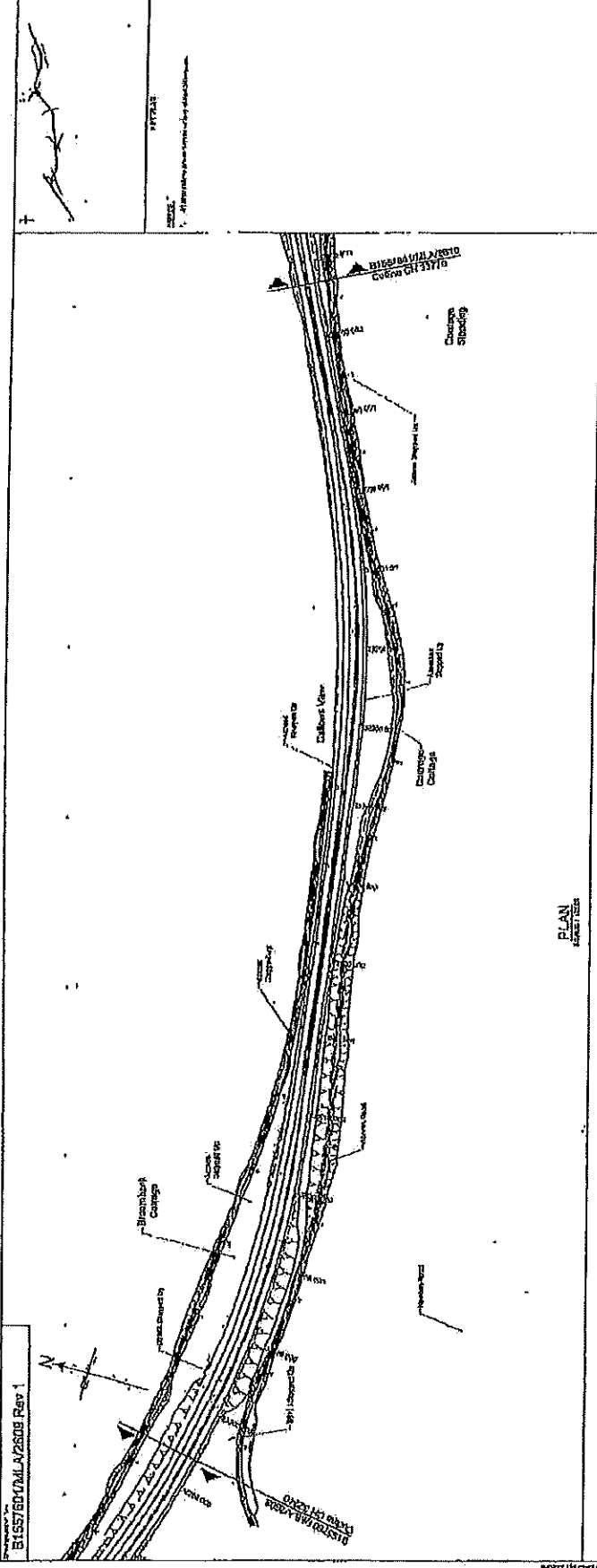
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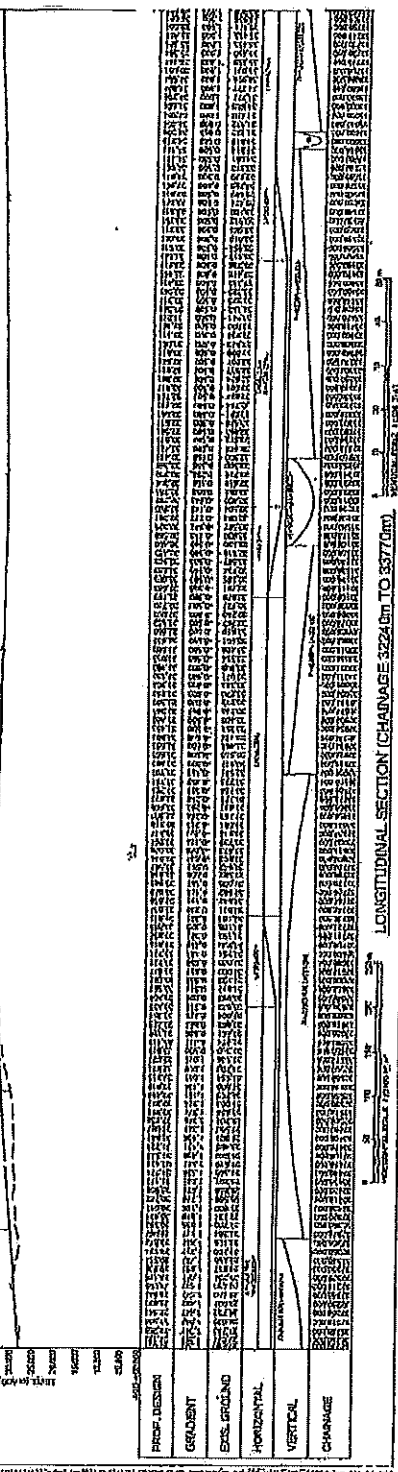
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 105 PRINCE STREET
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Sheet 1 of 1

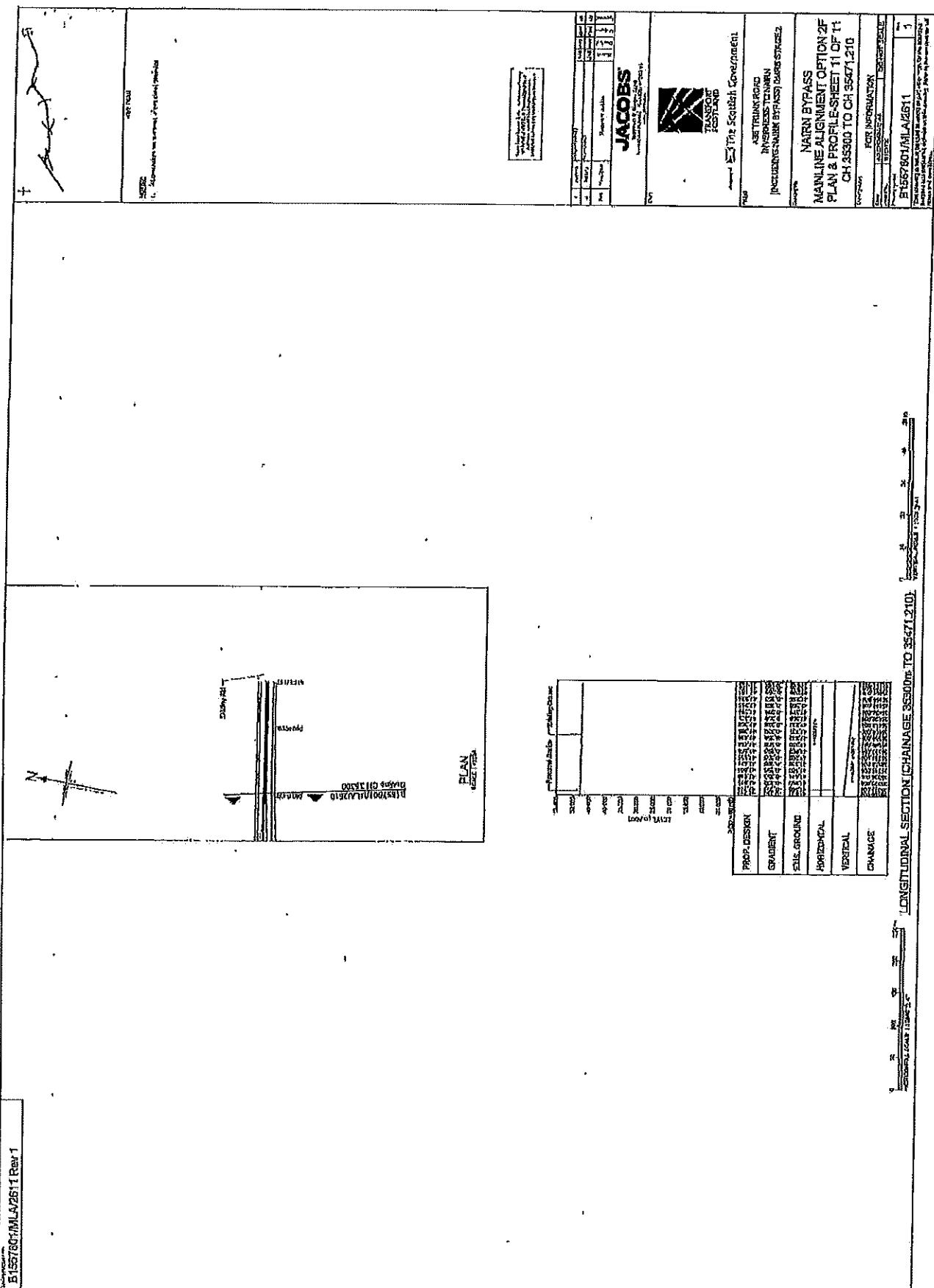


LONGITUDINAL SECTION (CHANGAGE 3224 (m) TO 3377 (m))

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CHANGAGE	

PROJECT: **TRANSFORM**
 LOCATION: **TRANSFORM**
 SCALE: 1:1000
 DATE: 11/11/11
 DRAWN: **JACOBUS**
 CHECKED: **JACOBUS**
 APPROVED: **JACOBUS**
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 CONSULTING ENGINEERS
 155 DUNDAS STREET WEST, SUITE 400, TORONTO, ONT. M5G 1R8
 TEL: 416 594-7252
 FAX: 416 594-7253
 WWW.JACOBS-USA.COM
 PROJECT NO: **B1557601/MLA/2609**
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E1557801/MAL/2611 Rev 1



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LONGITUDINAL SECTION (CHANGE 3500m TO 3547.210)

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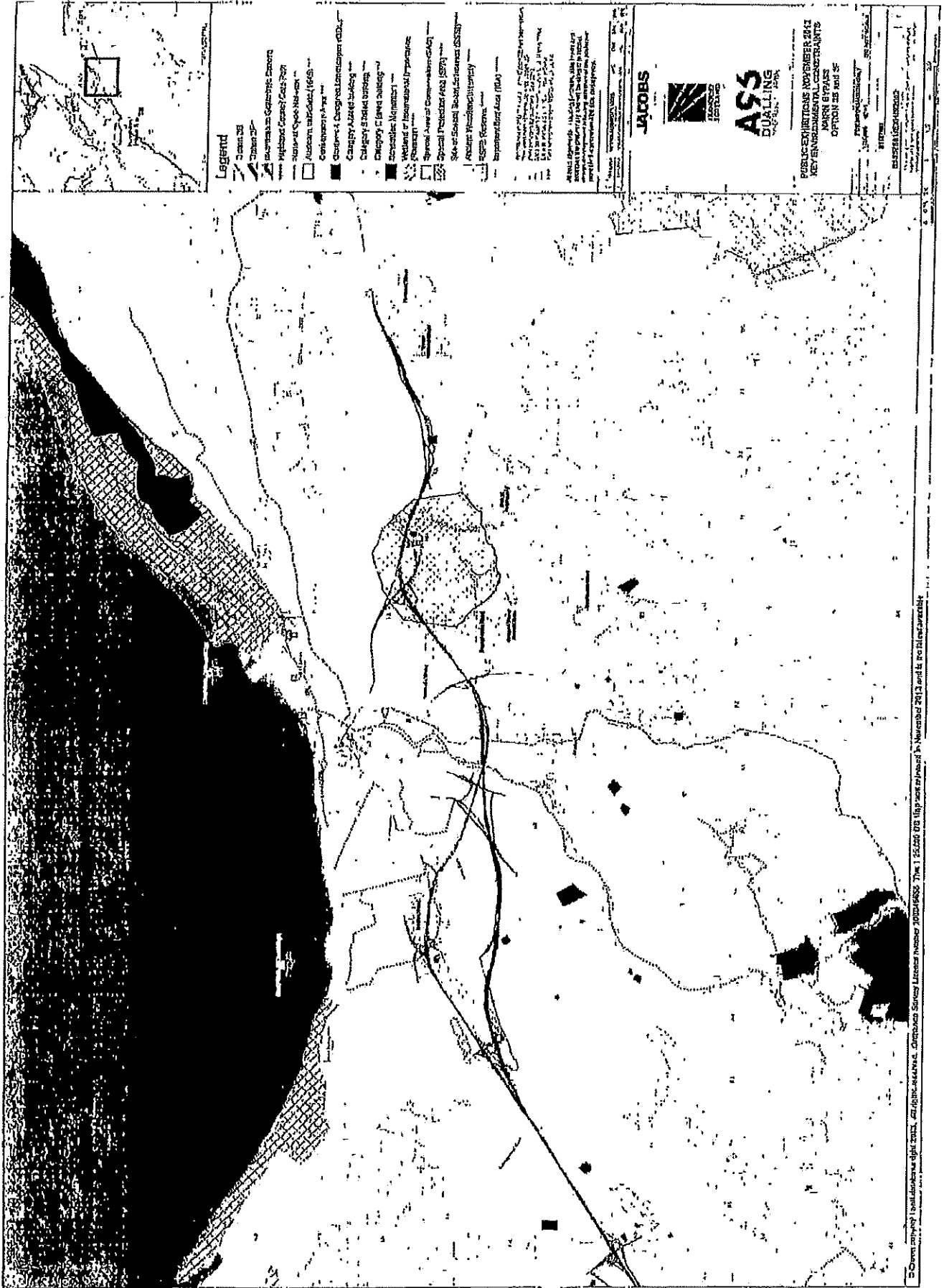
**A96 Dualling Inverness to Nairn (including Nairn Bypass)
Technical Note**

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Appendix B

B1557601-EXHB-2002 Rev 1 Published in May 2014 on Transport Scotland website

B1557601-MLA-2607 to 2611 Rev A. Published as part of DMRB Stage 2 Report in October 2014



Legend

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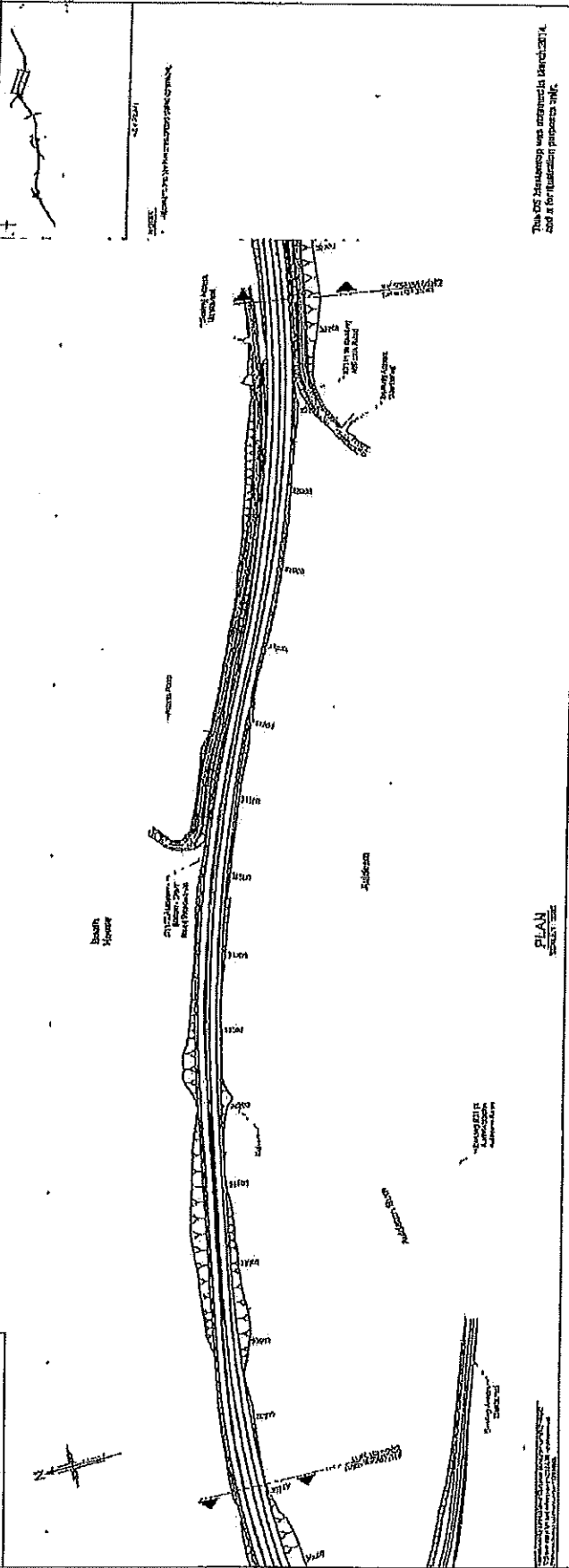
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CONSULTING

PUBLIC EXHIBITION NOVEMBER 2013
KEY ENVIRONMENTAL CONSTRAINTS
NORTH OF PAIS
OPTION 2B AND 2C

ASS CONSULTING
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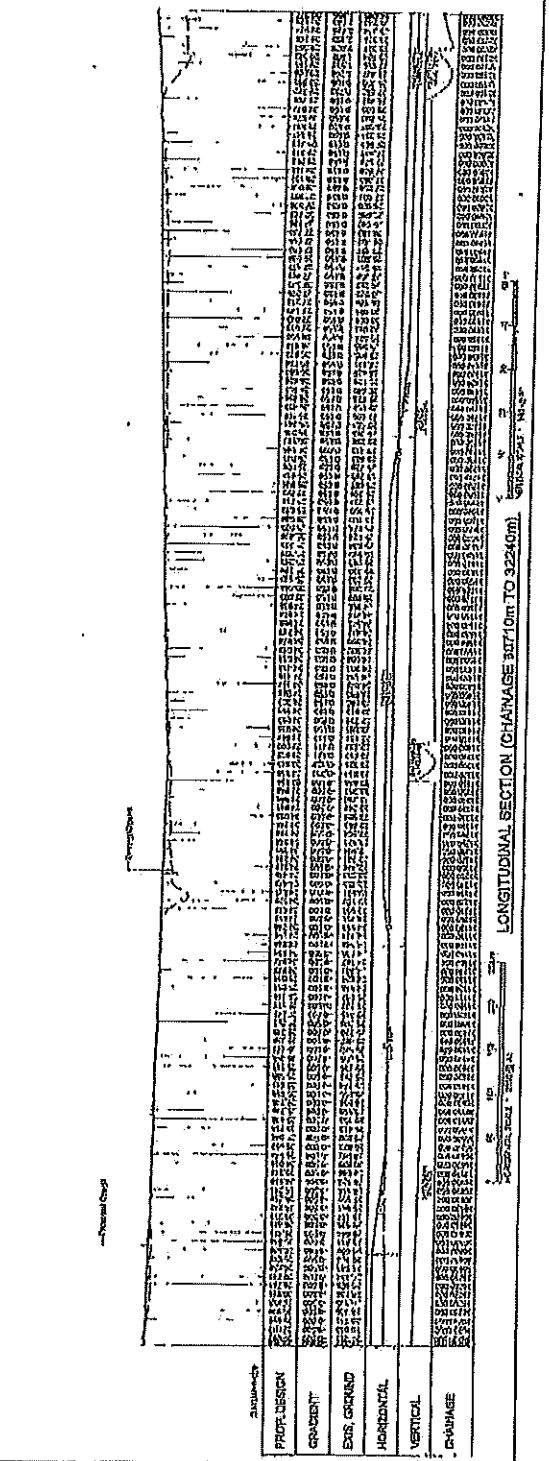
PROJECT NUMBER
 B1557601/M/LA/2508 Rev A



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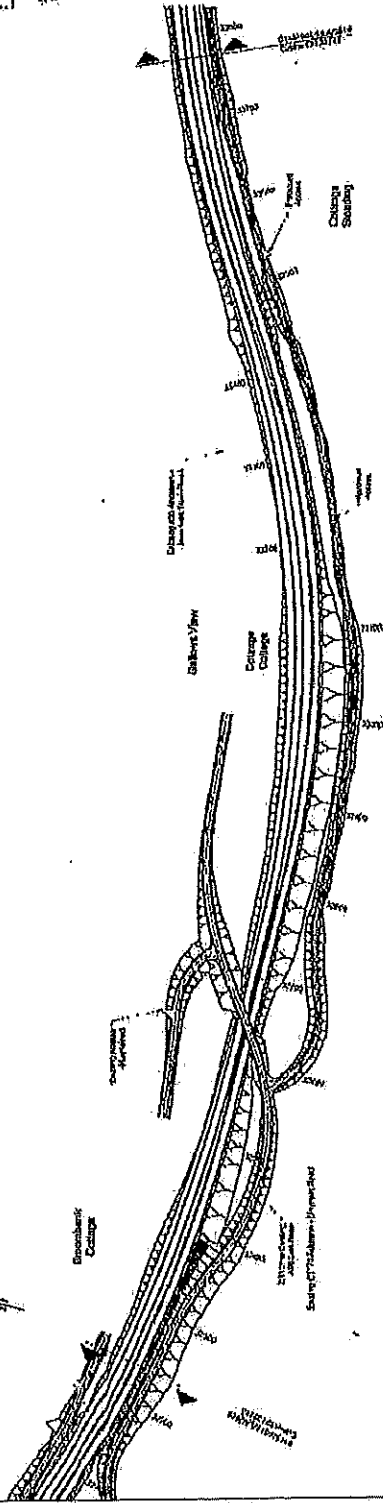
PLAN

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| DMRB STAGE 2
NAIRN BYPASS
OPTION 2E PLAN & PROFILE
CH 307.10 TO CH 322.40 | |
| PRELIMINARY | |
| B1557601/M/LA/2508 | |



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| PROF DESIGN | 1:10 |
| CRADENT | 1:10 |
| EXIS GROUND | 1:10 |
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| VERTICAL | 1:10 |
| CRADAGE | 1:10 |

B1557601MLA2608 Rev A



This IEG has been prepared with reference to the IEG 2014 and is for illustrative purposes only.

PLAN
SCALE: 1:1000

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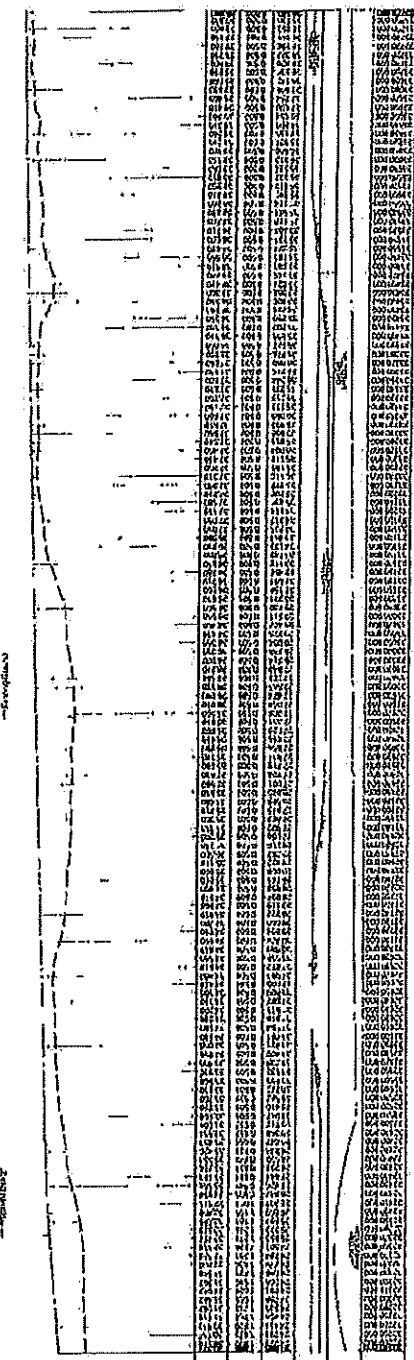
ASS
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RAILWAYS
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DMRB STAGE 2
MAIN BYPASS
OPTION 2F PLAN & PROFILE
CH 32240 TO CH 33770

PRELIMINARY

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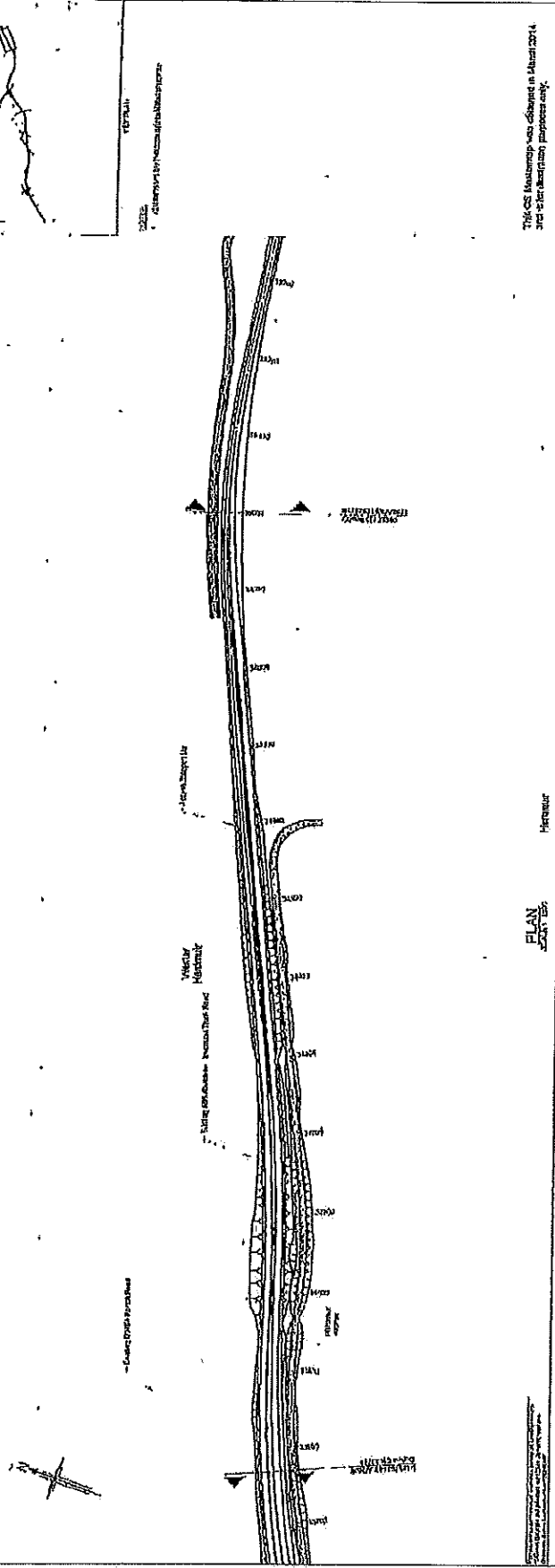


LONGITUDINAL SECTION (CHAINAGE 32240m TO 33770m)
SCALE: 1:1000

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B1557801MLA2810 Rev A

PLAN



PLAN

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MULTIDISCIPLINARY ENGINEERS ARCHITECTS

A96
GLASGOW
GLASGOW
GLASGOW

DIRRS STAGE 2
NAIRN BYPASS
OPTION 2F PLAN 3 PROFILE
CH 32770 TO CH 35000

PRELIMINARY

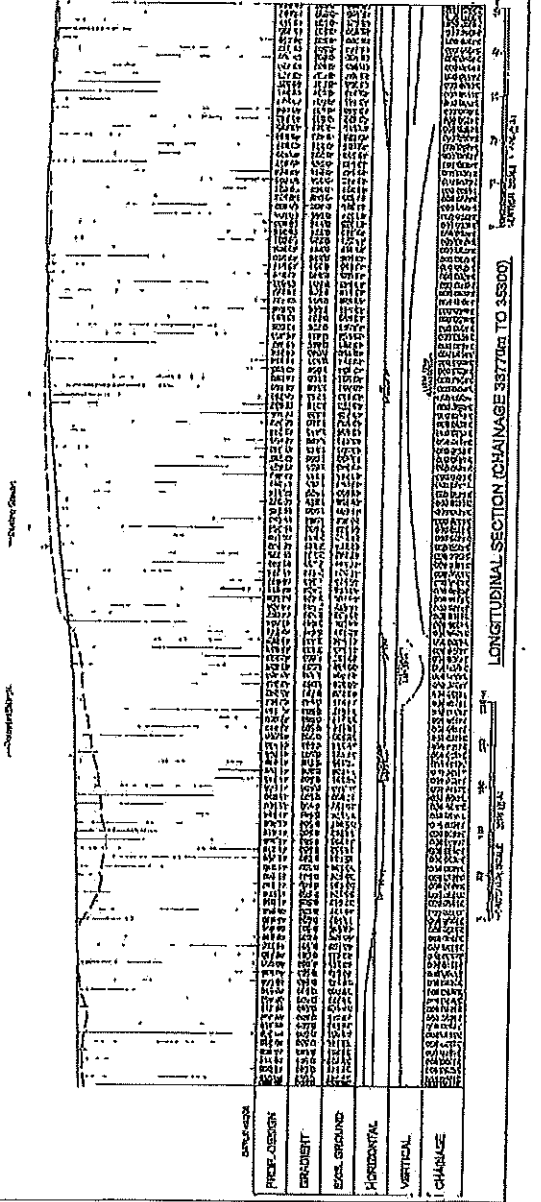
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PROJECT NO: B1557801MLA2810

PROJECT NAME: NAIRN BYPASS OPTION 2F PLAN 3 PROFILE CH 32770 TO CH 35000



LONGITUDINAL SECTION (CHAINAGE 32770 TO 35000)

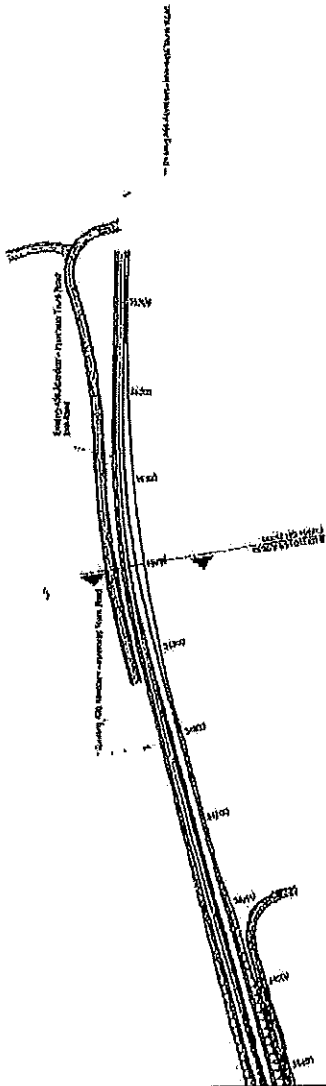
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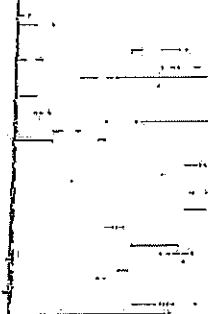


PLAN
Sheet 2/2

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REVISED
1. 15/03/2014 - REVISED TO REFLECT COMMENTS

Proposed
- 10m x 2.5m



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LONGITUDINAL SECTION (CHAINAGE 35300M TO 35357.602)

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**DIRRS STAGE 2
MAIN BYPASS
OPTION 2E PLAN & PROFILE
CH 35300 TO CH 35357.602**

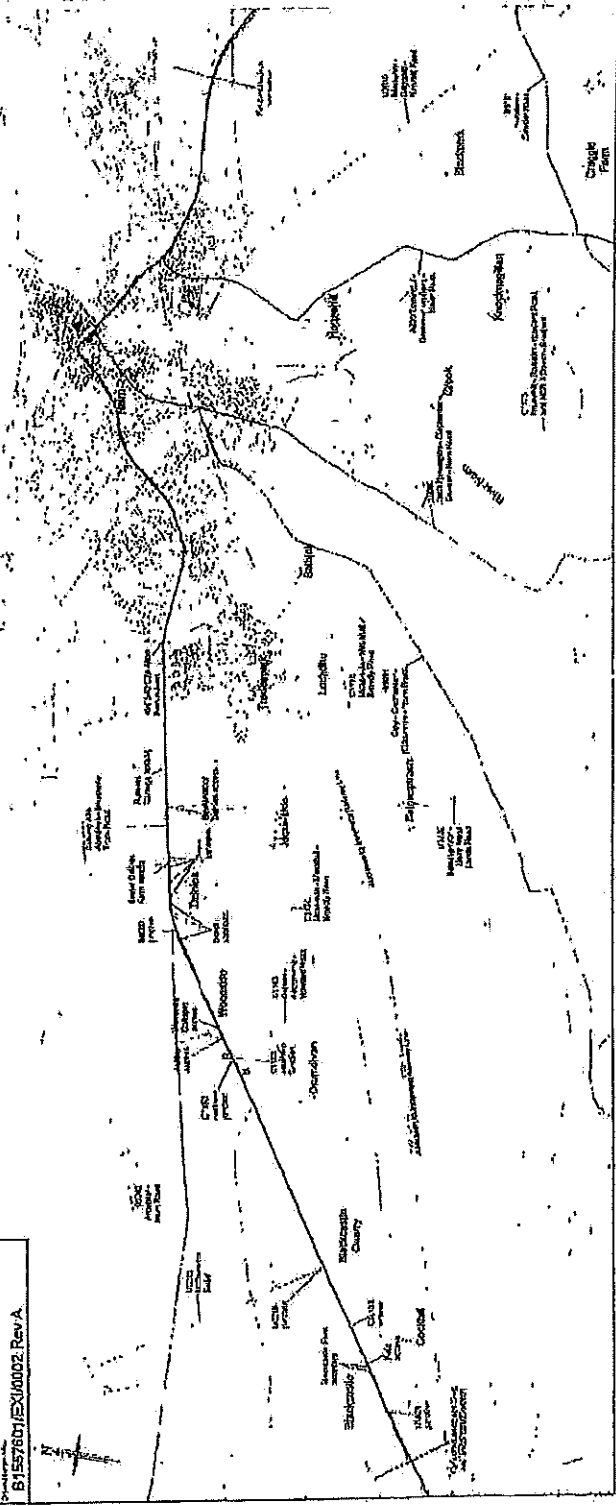
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| Project No. | 14030000000000000000 | Revision | A |
| Client | TRANSPORT SOFTWARE CORPORATION | Scale | AS SHOWN |
| Drawn | 14030000000000000000 | Date | 15/03/2014 |
| Checked | 14030000000000000000 | Project | DIRRS STAGE 2 MAIN BYPASS OPTION 2E PLAN & PROFILE CH 35300 TO CH 35357.602 |
| Approved | 14030000000000000000 | Sheet | 2 of 2 |

Appendix C

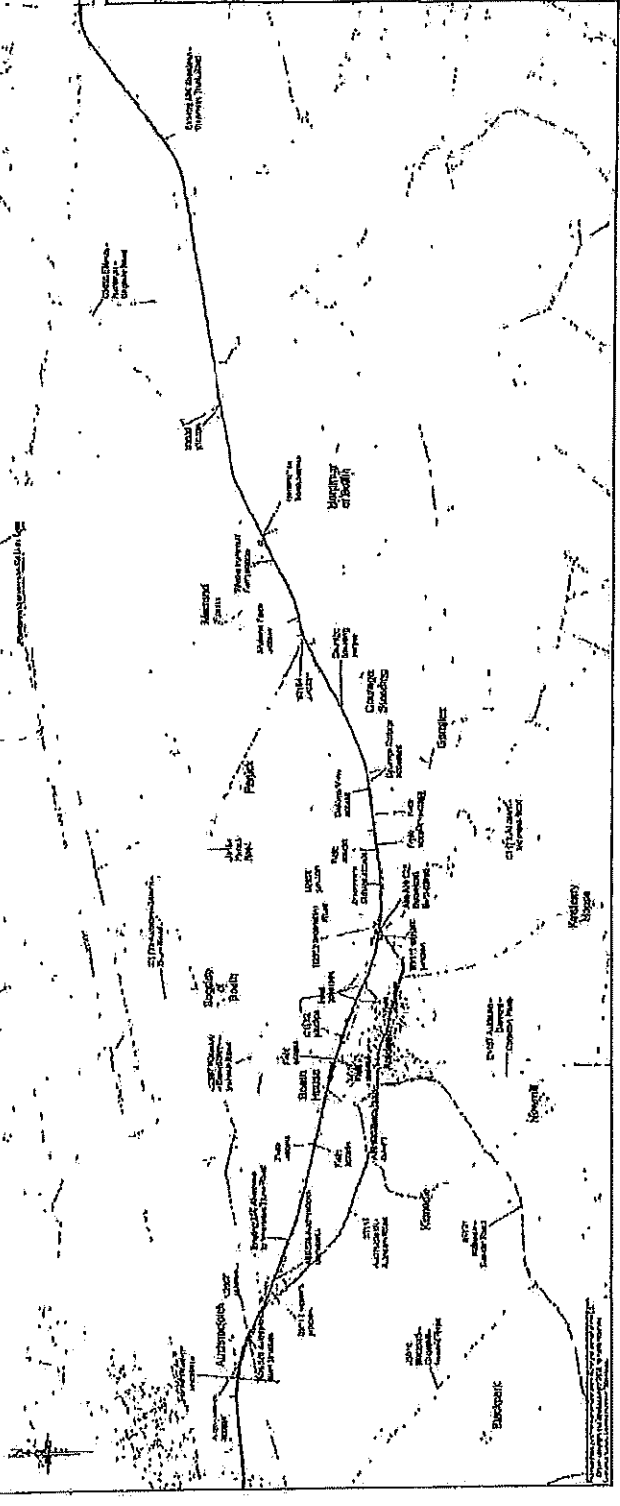
B1557601-EXI-0002 Rev A

Published as part of DMRB Stage 2 Report in October 2014

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| DMRS STAGE 2
 GOLLANFIELD TO HARDMUIR
 EXISTING CONDITIONS | |
| PROJECT NO: B1557601/EX10002
DRAWING NO: 1/A
DATE: 15/03/2014
SCALE: 1:5000
SHEET NO: 1/A
TOTAL SHEETS: 1/A | PROJECT NO: B1557601/EX10002
DRAWING NO: 1/A
DATE: 15/03/2014
SCALE: 1:5000
SHEET NO: 1/A
TOTAL SHEETS: 1/A |

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 www.jacobs.com

| | | | |
|---------------------|---|--------------------|---------------------------|
| Purpose | Consultation with [REDACTED], [REDACTED] & [REDACTED] | | |
| Project | A96 Dualling Inverness to Nairn (including Nairn Bypass) | Project No. | B2103500 |
| Prepared by | [REDACTED] | Phone No. | [REDACTED] |
| Location | Jacobs office, Kintail House, Beechwood Park, Inverness | Date/Time | 20/6/16 2pm |
| Participants | [REDACTED] - Transport Scotland, [REDACTED] - Jacobs, [REDACTED] - Jacobs | Apologies | N/A |
| Distribution | Attendees | File | B2103500/TR/PE/[REDACTED] |

| Notes | Action |
|---|--------|
| Consultation Meeting regarding Route Option Assessment Process | |
| 1 | |
| <p>The meeting was held at the request of [REDACTED] to discuss the Design Manual for Roads and Bridges (DMRB) Stage 2 route option assessment process, and in particular the feasibility of an on-line alignment along the line of the existing A96 Auldearn bypass. In advance of the meeting, a request for information had been submitted by [REDACTED] on 11th May 2016 and a response provided by Jacobs on 15th June 2016 in the form of a Technical Note (Ref. B2103500-HW-0100-TN-003 Rev. 0)</p> | |
| 2 | |
| <p>[REDACTED] noted that the Technical Note referred to an on-line option (Option 2F) which was considered during the DMRB Stage 2 assessment and stated that [REDACTED] and [REDACTED] wish to explore the feasibility of an alignment which is effectively a variant of this option. [REDACTED] also sought clarification of what version of Option 2F was referred to in the Technical Note. [REDACTED] clarified that the final version of Option 2F was the alignment included in the published DMRB Stage 2 report and that most of the information in the Technical Note related to this version of Option 2F. However the Technical Note also includes some details of previous versions of this Option, which were amended during the Stage 2 process.</p> | |

| Notes | Action |
|--|---------------|
| <p>3 [REDACTED] stated that he would like to see costs of the Auldearn section of Option 2F and the Preferred Option (Option 2E) separated out from the remainder of the Nairn Bypass. [REDACTED] advised that the costs at Stage 2 had been prepared for the Nairn Bypass as a whole, rather than split into individual segments but that since both options are the same up to a point just west of the Nairn East Junction the differences in costs between these two options represent the estimated cost difference between these two alternative options where they differ at Auldearn</p> | |
| <p>4 [REDACTED] then talked through the information presented in the Technical Note which described the consideration given at Stage 2 to an on-line option past Auldearn and the process leading to the final design of this option. During the meeting it was acknowledged that the on-line design development had to consider access to adjacent properties and severance.</p> | |
| <p>5 [REDACTED] queried why a significant cut slope was shown extending into Auldearn Cemetery even though the alignment was on-line. [REDACTED] advised that between the Cemetery and Broombank, Option 2F followed a line which crossed the existing A96 diagonally, to avoid the constraints at both locations. Retention measures would be required to avoid earthworks encroaching into the cemetery.</p> | |
| <p>6 [REDACTED] asked if consideration had been given to providing a bridge across the dual carriageway, allowing the local road past [REDACTED] to be connected directly into Auldearn. [REDACTED] noted that any bridge at this location would need to cater for the fact that the new A96 was to be a high load route. [REDACTED] advised that although this was correct, the clearance requirement for a high load route would be unlikely to have played a significant part in determining the feasibility of a bridge at this location. [REDACTED] confirmed that he would give more thought to whether the feasibility of a bridge at this location should be considered further.</p> | TS [REDACTED] |
| <p>Post Meeting Note: The feasibility of a bridge allowing the local road past [REDACTED] to be connected directly into Auldearn will be considered within the context of any alternative road layouts submitted to Transport Scotland as described in note 16.</p> | |
| <p>7 [REDACTED] reiterated her concerns about the impact of the Preferred Option on prime agricultural land which is protected under Scottish Planning Policy. [REDACTED] feels that the existing A96 alignment should have been re-used in order to minimise impact on prime agricultural land.</p> | |

| Notes | Action |
|--|--------|
| 8 [REDACTED] asked if it would be possible to receive the design in AutoCAD format so that road widths etc could be checked. [REDACTED] advised that Transport Scotland (TS) could provide information such as road widths directly if requested. | |
| 9 The route option selection process was discussed. [REDACTED] explained how weightings were applied to the various criteria used in comparing the route options considered at DMRB Stage 2. [REDACTED] confirmed that impacts on prime agricultural land were considered as part of this process. | |
| 10 [REDACTED] raised concerns that the design changes made as part of the design development during Stage 3 were blighting an additional 9 properties. | |
| 11 [REDACTED] advised that she did not feel the weightings used in the Stage 2 route option selection process had been applied appropriately and that environmental impacts affecting humans, and impacts on agricultural land should have been given greater weighting. | |
| 12 [REDACTED] stated that prime agricultural land has policy protection and is more relevant to local people, it should therefore have greater weighting than criteria such as 'likelihood of objection'. [REDACTED] advised that weighting needed to be given to the public feedback received during the Stage 2 process. The balance of feedback received was against an alignment passing south of Auldearn. | |
| 13 Some of the design principles applying to the scheme were discussed including the fact that there would be no direct access onto the dual carriageway and that junctions would be grade separated. [REDACTED] confirmed that he accepted these principles. | |
| 14 [REDACTED] queried how deviation from Scottish Planning Policy is 'signed off'. [REDACTED] advised that adherence to planning policy is considered as part of the environmental assessment process. It is not uncommon for there to be tension between new road infrastructure proposals and aspects of planning policy. The Scottish Ministers publish the draft orders and the proposals will be put to public local inquiry if required depending on the level of objections received. | |
| 15 [REDACTED] requested a copy of the engineering drawings for the February 2016 alignment. [REDACTED] advised that drawings showing the February 2016 alignment are available on the project website. | |



Consultation with

20/6/16 2pm

| Notes | Action |
|---|--------|
| 16 advised that he considers an on-line option past Auldearn was assessed as part of the DMRB Stage 2 process and it was not clear what further work could be done on this. is to give further consideration to alternative road layouts and may submit a suggestion to Transport Scotland. | |
| 17 It was explained during the course of the meeting that a detailed review of the on-line alignment along the line of the existing A96 Auldearn bypass further to that assessed at DMRB Stage 2 would have to be applied to all route options to maintain objectivity. | |

[REDACTED]

Subject:

FW: Meeting feedback

From: [REDACTED]

Sent: 21 June 2016 12:28

To: [REDACTED] A96Dualling@transport.gov.scot; [REDACTED]

Cc: [REDACTED]

Subject: Meeting feedback

Good afternoon gentlemen

First of all [REDACTED], [REDACTED] I want to reiterate our thanks for taking the time to travel up and meet with us yesterday. I hope that you managed to catch your trains home again last night. [REDACTED] thank you for welcoming us and for taking notes.

I know that the minutes will be out at some point, but we also want to give our feedback on the meeting.

1. We were hugely disappointed in the response to our request for specific information. You waited four weeks - during which time [REDACTED] booked his flights - to send us information that we already had, with the exception of a few more drawings. [REDACTED] argument has always been that the value of this project is in the Nairn bypass, but that value is eroded to nothing with the vast expense of then bypassing an already existing Auldearn bypass and those costs could be kept down. The information requested on detailed costs, allowing visibility of the Auldearn section, along with background information on your constraints, assumptions, agreed standards, etc, etc, would have allowed him to refine his own figures on this. In all honesty, if he lived locally and hadn't had to book flights and take holiday from work, we would have cancelled the meeting because you did not provide the basis of what the meeting was about. The polite and considerate thing to have done, would have been to respond to us in the first week of our request back in May, explaining why you would not be providing the information. I personally felt that this was a tactic to ensure that [REDACTED] was on the back foot, trying to play catch-up in a meeting designed to close down our objection. [REDACTED] your challenge to [REDACTED] to go away and design it, saying that you would then consider it was not helpful as you were not prepared to give him any of the necessary background information to work with. As a result, I will be filing a formal and detailed FOI request to ensure that we can continue to pursue our route proposal in an informed way, that works with your standards. I will also be ensuring that Fergus Ewing is aware of the lack of co-operation.
2. The lack of rationale behind your weighting on prime arable land in the heart of an agricultural community is very concerning and one that we will be pursuing, alongside all the farmers, until something is done to address this. We understand that in an urban environment, the agricultural weighting would be small, but in a rural economy that totally revolves around agriculture and tourism, it surely should be of the highest importance. There also does not seem to be any distinction between prime arable and agricultural. In Scotland, prime arable land is an extremely scarce resource, with only 3% left. The area of the preferred route in particular is labelled as some of the best prime arable land - indeed, this area has been called the Granary of Moray since the

1700s. Contrast that to rough grazing, which is the majority of agricultural land in Scotland and you will understand why we will continue to contest - with the support of the politicians and the Scottish Planning Policy - the destruction of the land on the preferred route.

3. In the Scottish Planning Policy, the statement on prime arable land reads that: "Development on prime agricultural land ... should not be permitted except for where it is essential ... for example for essential infrastructure, **where no other suitable site is available;**" The key word here is **suitable**. It does not say cheaper. Your high-level costings illustrate that there is less than £2 million cost difference between using the existing carriageway, versus destroying prime arable land, but you chose route 2E, across the prime arable land, as your preferred route. This needs to be questioned at the highest level. In addition, [REDACTED] you started to demonstrate that with some more work and perhaps some collaboration with [REDACTED], the existing route could be worked up to a viable plan and we appreciated your openness on behalf of Jacobs on this. However, this conversation was closed down by [REDACTED] demonstrating that Transport Scotland is now only focused on project timelines and not on getting the best fit for the community as a whole. We will continue to advocate that, using your words, this is only a preferred route, it is not fixed; therefore, all voices should be heard and all options should still be live - particularly in view of the fact that so many members of the community are in support of using the existing A96, as illustrated in the 188 signature petition presented to Fergus Ewing last year.
4. We were horrified to hear that the process for getting dispensation to deviate from Scottish Planning Policy and rip up prime arable land has not yet been sought and will not be sought until the full road design is completed and you have got to the draft orders stage of the process. Even worse, there will be no collaboration with ministers in charge of the environment or the rural economy, but only Keith Brown will have sight and only he will sign off. Keith Brown's remit is only to build infrastructure which is deemed necessary by the government, so inevitably he will sign this off and the whole point of having a Scottish Planning Policy to protect our agricultural heritage and our ability to provide for our country will be lost with no proper consultation or debate. We will continue to work with our politicians to ensure that the deviation from Scottish Planning Policy is debated now, while there is still a chance to halt this seemingly unstoppable, damaging process.

These are our main points that we took from the meeting. In addition, I would like to raise two other points and explode some myths that were spoken about during our conversation:

1. [REDACTED] you have a huge misconception that it is best not to include any homes that may have to be demolished in your scheme. I road-tested this theory on several members of our community after our meeting yesterday and every person said exactly how [REDACTED] and I feel; if you are going to ruin the homes in which we live, the best approach for everyone is to take the house, demolish it and compensate us fully for our loss to enable us to move on and build new lives elsewhere. Yes, this will cause much emotion at the outset, but you would give people an escape route. Your determination to avoid demolishing anything, whilst grounded in the best intentions I am sure, is wrong. What you are doing instead is wrapping your road as close as possible to people's homes, turning their lives upside down, causing huge outpouring of emotion and grief for the lives that they are losing and then trapping them there, with no way out. You are now affecting more than 11 residences on the preferred route in this way and people are having to fight to be heard; there have been no offers of compensation, other than what people might fight for and no one can sell their properties. You are condemning people to years of misery. We all feel that you should seriously reconsider your strategy on this. Quick pain and then an exit route is always going to be better than a slow death with no alternative.
2. Both TS and Jacobs continually talk about those people who are 'directly affected' by this development as being only those people whose land you are taking and they are the people with

whom you communicate. Those of us whose lives are being ruined by this, but whose land is not required are not considered to be directly affected and therefore we are kept in the dark. Can we please adjust your vocabulary on this one? If you are changing someone's life in such a dramatic way as you are doing to too many people to the north of Auldearn, then you are directly affecting them and we all want to be kept up to date on plans for mitigation (of which there seem to be none) and how you are going to look after us. As I continue to tell you, the communication on this project is extremely poor and needs to be 'up-graded' dramatically if you are serious about the human element of this development.

I apologise for this lengthy e-mail, but [REDACTED], [REDACTED] and I all believe that you should know what we felt as a result of our meeting, as this might not be recorded in the minutes which may be more action oriented. I will also be sharing our views with Fergus Ewing who has been very supportive in trying to get our voices heard.

We all look forward to hearing from you very soon.

Kind regards

[REDACTED]

**Extract from A96 Dualling Inverness to Nairn (Including Nairn Bypass)
Progress Statement – 14/10/16**

Main activities planned for the coming two weeks (10 – 28 October 2016)

Planning for meeting on 21 October, with 5 landowners (in vicinity of Auldearn).

**Extract from A96 Dualling Inverness to Nairn (Including Nairn Bypass)
Progress Meeting Documentation – 18/10/16**

Progress Summary This Period

Meeting with Auidearn landowners being arranged on request from Fergus Ewing MSP.

**Extract from A96 Dualling Inverness to Nairn (Including Nairn Bypass)
Progress Statement – 21/10/16**

Main activities planned for the coming two weeks (10 – 28 October 2016)

Planning for meeting on 21 October, with 5 landowners (in vicinity of Auldearn).

Emerging findings/issues arising

Planning for meeting on 21 October with 5 landowners around Nairn/Auldearn, following Ministerial request.

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Beechwood Park
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www.jacobs.com

| | | | |
|---------------------|---|--------------------|---------------------|
| Purpose | Meeting with Auldearn Residents | | |
| Project | A96 Dualling Inverness to Nairn
(Including Nairn Bypass) | Project No. | B2103500 |
| Prepared by | [REDACTED] | Phone No. | [REDACTED] |
| Location | Nairn Community and Arts Centre,
King St, Nairn | Date/Time | 21/10/16 @ 2pm |
| Distribution | Jacobs & Transport Scotland
attendees, Edward Mountain MSP | Apologies | |
| | | File | B2103500/TR/Various |

Participants:

Alasdair Graham (AG) – Transport Scotland A96 Dualling Programme Manager

[REDACTED] – Transport Scotland Project Manager
[REDACTED] – Jacobs Contract Manager
[REDACTED] – Jacobs Roads and Infrastructure Manager
[REDACTED] – Jacobs Stakeholder Coordinator

Edward Mountain MSP (EM)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] (Edward Mountain's office)

| Notes | Action |
|--|--------|
| 1 Introductions | |
| 1.1 Those present introduced themselves. | |

| Notes | Action |
|--|--------|
| 2 Edward Mountain MSP | |
| 2.1 EM started by raising a number of questions as below. | |
| 2.2 Is the route set in stone?
AG advised that the Preferred Option for the scheme was announced in October 2014. The statutory orders for the scheme are due to be published later in 2016. AG stated that Transport Scotland had already received feedback regarding the route selection and alignment at a meeting during the morning with local landowners and would be considering this feedback. The alignment will not change unless new evidence is identified that had not previously been considered.

■■■ queried why an upgrade of the roundabout at Inverness Retail and Business Park had not been considered. ■■■ expressed the view that those at the meeting were not interested in the Inverness end of the scheme and the focus should be on the Auldearn end. | |
| 2.3 What are the constraints?
■■■ stated that the constraints for the scheme included existing properties, the existing road network and the need to connect back to this, existing accesses, environmental constraints such as designated sites (eg Auldearn Battlefield), scheduled monuments, ecological habitats (eg badger, otter, pine martin, bats) and areas at risk of flooding during a 1 in 200 year event.

■■■ stated that flooding in the area is more frequent than once in 200 years. ■■■ expressed the view that the drainage ponds will not cope with the run-off volumes from the road. ■■■ advised that the ponds will treat pollution, and attenuate the run off from the road drainage to the equivalent flow that would have come off the site before the road was built (the 'greenfield equivalent flow'). | |
| 2.4 Why are the ponds at ■■■ upstream rather than downstream of the dual carriageway?

■■■ stated that this was to ensure they were kept out of the flood plain. | |

| Notes | Action |
|--|--------|
| <p>█ stated that it appeared simple to provide property access – the new dual carriageway could run just north of the existing A96. █ advised that this would have required property demolition and the public would expect Transport Scotland to avoid property demolition where possible.</p> | |
| <p>3 Other Discussion</p> | |
| <p>3.1 █ then explained the further development of the design which took place after the announcement of the Preferred Option in October 2014. Changes were made to the design of the Nairn East Junction to avoid the flood plain of the Auldearn Burn, to reduce the length of new side road and to improve connectivity between Nairn and Auldearn, particularly for non-motorised users.</p> | |
| <p>3.2 █ expressed the view that the section of the scheme between Nairn East Junction and Hardmuir will become a 'white elephant'. The next scheme to the east of Hardmuir may never be built and it would make more sense to tie in at Auchnacloch.</p> | |
| <p>3.3 All the Auldearn residents present confirmed that they would be happy if the scheme ended at the existing A96 at Auchnacloch.</p> | |
| <p>3.4 █ questioned if it was necessary to by-pass the existing A96 Auldearn Bypass and questioned why an on-line option can't be made to work. He suggested that undue weight had been given to the opinion of the Community Council who did not support a southern option, and that the Community Council views were not a true representation of the views of the wider community.</p> | |
| <p>3.5 AG confirmed that feedback received from Community Council's was not given undue weight in considering route options and that all feedback received was considered.</p> | |
| <p>3.6 █ stated that people were not given a chance to object based on the final design.</p> | |
| <p>3.7 █ queried when the surveys were done, █ advised that surveys have been undertaken at the same time as the Stage 2 and Stage 3 assessments and get more detailed as the scheme progresses.</p> | |

| Notes | Action |
|--|--------|
| <p>2.5 Why was an alignment following the line of the existing A96 Auldearn Bypass not chosen?</p> <p>█ gave a brief summary of the history of the scheme and the route selection process:</p> <ul style="list-style-type: none"> i) The current work dates back to 2008 when the Scottish Government's Strategic Transport Projects Review was published. The proposals to emerge from this included a new dual carriageway between Inverness and Nairn and a Nairn Bypass. ii) In 2010, Transport Scotland commissioned an assessment of options for a dual carriageway between Inverness and Nairn, and for a single carriageway bypass of Nairn. iii) In 2011, the Scottish Government's Infrastructure Investment Plan was launched, which included a commitment to dual the full A96 between Inverness and Aberdeen. iv) In February 2012, route options for a single carriageway bypass of Nairn were presented to the public. However the bypass options then needed to be reconsidered in light of the new commitment to dual the full length of the A96. v) The change from single to dual carriageway meant a change in design speed from 100kph to 120kph and a corresponding increase in the road alignment radii. In addition, in light of the Scottish Government commitment to dual the full length of the A96, a tie-in point at Auchinacloch no longer made sense as this precluded the consideration of route options running to the south of Auldearn. A tie-in point at Hardmuir was therefore chosen because it allowed options to the north and south of Auldearn to be considered on an equal basis, and allowed for the dualling of the A96 to continue eastwards. On-line options using the line of the existing Auldearn Bypass were also included during the assessment process. vi) The dual carriageway route options for Nairn Bypass were initially presented to the public in November 2013 at a series of public exhibitions. The feedback from these exhibitions was used to develop the design of the route options further. For the on-line option the main feedback related to property access and alternative arrangements for property access needed to be considered following the exhibitions. These were incorporated in the updated on-line options considered in the Stage 2 route option assessment report. <p>█ stated that at the time of these consultations, local residents did not realise how big the impact of the Nairn East junction would be.</p> | |

| Notes | Action |
|--|--------|
| <p>3.8 [REDACTED] expressed the view that the junction at the Hardmull tie-in will be dangerous. [REDACTED] stated that the design is a consequence of the high frequency of junctions and access on the existing A96, that the tie-in is being designed to standard, and that junctions after dual carriageway tie-ins already exist at a number of other locations on the trunk road network.</p> <p>The meeting ended at 3.20pm</p> | |

Young, Simon

From: [REDACTED] <[REDACTED]@jacobs.com>
Sent: 04 November 2016 08:54
To: Alasdair.Graham@transport.gov.scot; [REDACTED]@transport.gov.scot
Cc: [REDACTED]@transport.gov.scot; A96I-NSStage3-forwarding
Subject: A96 I-N Technical Paper 007 - Auldearn Farmers
Attachments: B2103500-HW-0100-TN-007 Final Rev 0 Issues raised by Auldearn Farmers - mtg 211016.docx

Alasdair, [REDACTED]
Please find attached the updated Technical Paper reviewing the principles discussed at the meeting with the Auldearn Farmers on 21 October.
The updated notes of meeting were e mailed to you yesterday by [REDACTED] (they are Appendix A) to the Technical Note.
If you are content with the Paper and the Notes and would like a pdf version of the Technical Paper please let me know.

Regards

[REDACTED]
Jacobs
Executive Director of Operations | Highways
[REDACTED] mob
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(please note recent change of surname from [REDACTED])

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A96 Dualling Inverness to Nairn (including Nairn Bypass)
Technical Note



received during the DMRB Stage 2 consultation process with regard to concerns over routes to the south of Auldearn.

A review has been undertaken of the assessment and design development work undertaken during DMRB Stage 2 and which informed the option selection process. A number of key points in relation to the consideration of an on line option are noted below. The full details of the assessment are set out in the DMRB Stage 2 Report.

An online option in principle (Option 2F) was carefully considered during the option selection process. This was presented to the public (along with a number of other options) at a public consultation event in November 2013. A number of key considerations identified during the option development phase are noted below:

- Consideration of access to local residential properties, businesses and land. The dual carriageway design followed the line of the existing A96 single carriageway and given that there is no local access permitted directly to/from the dual carriageway, alternative arrangements were required for numerous accesses. The proposed dual carriageway standard (Category 7A¹) requires full grade separation of junctions with no minor at grade junctions or gaps in the central reserve.
- Parallel access roads would be necessary to both the north and south of the proposed dual carriageway to maintain local access to residential properties and agricultural land.
- Property, businesses and land to the north of the existing A96 would suffer severance from the village of Auldearn.
- The only proposed access into Auldearn from the dual carriageway would be from the Nairn East Junction. This would have an impact on public transport services which currently enter and pass through the village.
- The design would likely have resulted in the acquisition and demolition of 3 residential properties.
- The design would have required acquisition of community owned land forming part of the playing fields adjacent to Auldearn Primary School.

Further information summarising the existing constraints and accesses along the existing A96 is included at Appendix C,

It is noted that an on line option was also considered for the section of the route between Inverness and Nairn and similar constraints presented themselves as are identified at Auldearn. The preferred option is off line between Inverness and Nairn and the existing A96 single carriageway is proposed to be largely retained to provide local access, similar in principle to the preferred option at Auldearn.

Further development of an online option was undertaken to address the constraints/issues noted above and an online option represented by revised design options (2B and 2F) was published in May 2014. The main features of these changes are summarised as follows:

- The revised design options retain parts of the existing A96 single carriageway for local access in order to maintain the location and form of existing local accesses and minimise as far as possible changes to local access.
- The dual carriageway would be constructed off-line, though still broadly along the existing A96 corridor, with the existing A96 retained and re-used for local access instead of constructing new parallel local access roads.
- Between Broombank Cottage and the Old Telephone exchange an overbridge would carry the dual carriageway over a local road realignment in order to provide a means for local traffic to access Auldearn from the east and reduce the severance of property, businesses and land north of Auldearn from the village.

¹ Refer to DMRB Volume 6, Section 1, Part 1, TD9/93, Table 4

- The dual carriageway continues off-line past Wester Hardmuir and transitions to single carriageway before the T-junction for Easter Hardmuir. At this location a connection would be made to the existing A96 single carriageway which could be used for traffic to and from the east side of Auldearn, including public transport.

Option 2F was considered alongside a number of other options and in the same level of detail as other options. On balance option 2F was assessed to have greater impacts or fewer benefits than the preferred option (option 2E). The full assessment and consideration of options is set out in the DMRB Stage 2 Report.

In the assessment of the options, the cost estimate for options 2E and 2F were similar. In the option assessment the online option (2F) was considered marginally better in relation to ENV9 Community and Private Assets (including Agriculture and Forestry) but was considered to be poorer in the following areas:

- SAF2 – Safety of non-motorised users due to the interface between motorised and non-motorised users along the A96 corridor through Auldearn.
- ENV2 – Noise and vibration.
- ENV6 – Road drainage and the water environment due to the proximity to the Tributary of the Auldearn Burn at Meadowfield.
- ENV7 – Cultural Heritage due to the impact on the Meadowfield Enclosure.
- ACC1 – Effect on All Travellers due to the impact on the path network in the vicinity of the village and the reinforcement of the severance between Auldearn and Boath House, Broombank and land north of Auldearn for motorised and non-motorised users.
- O1 – Promotable/deliverable through statutory process based on the public feedback received following the November 2013 public consultation.
- O2 – Disruption on the local community during construction.
- O3 – Operational resilience.

(Note: references such as 'ENV9' denote specific assessment categories under each 'main criteria')

It is acknowledged that Option 2E (the preferred option) is not the best performing option with regard to all of the individual assessment criteria. No single option performs better than others for every assessment criteria. On balance, across the full range of assessment criteria, Option 2E remains the best performing option. No new information was presented by the landowners, at the meeting on 21 October which would change the assessment.

The weighting and consideration of the impacts in relation to agricultural land, prime quality agricultural land and the assessment of feedback received during the consultation process are particular issues of concern raised at the meeting. Professional judgement was applied to the assessment process and whether any particular factor should be given greater weighting than another. A balanced approach was taken and each of the 'main criteria' was given equal weighting.

Impact on agricultural land and on prime quality agricultural land was not given any additional weighting, when compared to other environmental criteria under the 'Environment/Sustainability' main heading. Areas of total land, agricultural land and prime quality agricultural land were measured based on the footprint of each option and were used to rank the options in terms of assessed impact. Option 2F (on line option at Auldearn) had the least impact in relation to this particular assessment category. Note the assessment relates to the whole option under consideration, not solely the section of the route past Auldearn.

The weightings have been reviewed and a number of sensitivity tests undertaken to assess the impact of the assumptions made with regard to weighting of assessment criteria. If the 'main criteria' covering promotion/constructability/operational resilience is removed from the assessment process, option 2E remains the preferred option but the relative gap to option 2G (south of Auldearn) and 2F (on line past Auldearn) narrows. Applying a further test, increasing the weighting of 'Agriculture' from 1 to 20 points (ie overall from 1%

to 17% of the overall option assessment score) and including only consideration of prime quality agricultural land area (rather than total agricultural land) results in the preferred option changing from option 2E to 2G (option south of Auldearn). This change in weighting is significant and is not considered to represent a reasonable balance of assessment factors. It also does not change the preferred option to an on line option.

Proposed Scheme to terminate at current Nairn East junction location

The proposal to terminate the Scheme at Auchnacloch rather than at the proposed extent at Hardmuir has been reviewed. This would reduce the overall scheme length by approximately 5km.

The Scottish Government is committed to completing the dualling of the A96 between Inverness and Aberdeen by 2030 and has recently awarded a contract to carry out route option assessment and detailed design work for dualling the 29-mile western section of the A96 between Hardmuir and Fochabers.

The section between Auchnacloch and Hardmuir was fully considered as part of DMRB Stage 2 for the Inverness to Nairn (including Nairn Bypass) scheme and the findings set out in the DMRB Stage 2 report which was published at the time of the announcement of the preferred option in October 2014. This assessment fully considered the Engineering, Environmental and Economic factors and included full consideration of the impact on agricultural land use along with all other environmental factors.

The proposed Scheme extent at Hardmuir was selected to allow comparison of route options (based on a high standard (category 7A) dual carriageway) past Auldearn to the north, south or on line, on a like for like basis and provide a suitable connection to the next section of A96 dualling, eastwards from Auldearn. If the current proposals were to terminate at Auchnacloch the future consideration of options past Auldearn could not reasonably consider options to the south, and the junction strategy would need to be re-assessed to provide a suitable tie in point rather than a grade separated junction. Further consultation would need to be undertaken as this would be a significant change to the options presented to date. This could introduce uncertainty about the robustness of the whole route option assessment process. All aspects of the assessment, including engineering, environmental and traffic and economic factors would need to be reviewed and updated.

Conclusion

It is not disputed that there will be impacts on the 4 farms represented at the meeting of 21 October 2016. The landowners have expressed their concerns through consultation meetings and further articulated at the meeting of 21 October 2016. The issues raised during consultation meetings have been considered and adjustments made where possible. Impacts have been minimised in so far as is possible through design development, such as to follow field boundaries and provide suitable alternative access. Full consideration of the impacts on the 4 farms will be reported in the Environmental Statement to be published alongside the draft Orders.

Having re-examined the issues raised, we remain of the view that, the assessment conclusions remain robust and no new information has come to light which would result in a change to the conclusions from October 2014, when the preferred option was announced. The issues raised by the farmers are acknowledged and it is accepted that Option 2E (the preferred option) is not the best performing option with regard to all of the individual assessment criteria. No single option performs better than others for every assessment criteria. On balance, across the full range of assessment criteria, Option 2E remains the best performing option. No new information was presented by the landowners, at the meeting on 21 October that would affect the assessment outcome. We do not consider that further assessment work is required in relation to the on line option and we consider that the preferred option selection process was robust and fairly balanced.

Consideration has been given to the principle of terminating the proposed Scheme at Auchnacloch (at the proposed Nairn East junction location), which stops the proposed dual carriageway approximately 5km short of the current tie in point to the east of Auldearn. Full consideration of this proposal would delay the current programme by a minimum of 6 months, potentially significantly longer if we had to revisit the Stage 2 route options assessment due to change in scheme extents and the Ministerial commitment to publish draft orders by the end of 2016 would not be met.

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If the current proposals were to terminate at Auchnacloch the future consideration of options past Auldearn could not reasonably consider options to the south, the junction strategy would need to be re-assessed to provide a suitable tie in point rather than a grade separated junction and this could call in to question the Scottish Government commitment to a dual carriageway connecting Inverness and Aberdeen by 2030.

Further consultation would need to be undertaken as this would be a significant change to the options presented to date. This could introduce uncertainty about the robustness of the whole route option assessment process and potentially pose difficulties during any public local inquiry. All aspects of the assessment, including engineering, environmental and traffic and economic factors would need to be reviewed and updated.

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Appendix A – Notes of Meeting, 21 October 2016

Appendix B – Consultation Summary

The following is a general summary of the consultation undertaken during the DMRB Stage 3 Scheme assessment. A detailed schedule of the individual meetings with the 4 landowners, who were present at the meeting on 21 October 2016, is also included.

- Jacobs appointed to undertake the DMRB Stage 3 scheme design and assessment in May 2016.
- June 2016 held meetings with 5 property owners who had raised concerns about the Preferred Option as announced in October 2014.
- Thereafter first round of detailed meetings commenced, with all landowners considered likely to be affected by the CPO and other property owners in very close proximity to the proposed scheme. Meetings commenced in July and ongoing to October 2016.
- Detailed consultation has continued throughout the Stage 3 work, with a total of about 300 meetings completed to date. Most landowners affected by the CPO have had 3-4 meetings each during this period.
- Consultation with the wider community during Stage 3 has included:
Meet the Team event in August 2015
Public Drop-In Session in February 2016
Community Council Forums in March 2016.
- The feedback received throughout these meetings and public consultations has been taken on board and used in developing the design and in informing the assessment process. Examples of how this feedback has influenced the design ranges from small details such as the positions of field accesses to more noticeable changes to the alignment in specific locations, including between Skene Park and Nairn East Junction and between Penick and Hardmuir.
- It has not been possible in every case to make changes to the design as suggested by landowners and others. Suggested changes are considered on a case by case basis, within a balanced assessment process.

Face to face consultation meetings with the landowners of [REDACTED] and [REDACTED] are listed in Table B1 below.

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Table B1

| Face to face consultation meetings | Kinnudie Farm | Auchnacloch Farm | Penick Farm | Bogside of Boath |
|---|---------------|------------------|-------------|------------------|
| May 2014 (met to discuss design changes following feedback after November 2013 public exhibition) | | | 28/05/14 | |
| June 2015 (met to discuss preferred option) | | 23/06/15 | | |
| July 2015 (Initial consultation with preferred option Stage 2) | 21/07/15 | 28/07/15 | 28/07/15 | 28/07/15 |
| December 2015 (January design release before February 2016 public exhibitions) | 16/12/15 | 01/12/15 | 21/12/15 | |
| January 2016 (January design release before February 2016 public exhibitions) | 11/02/16 | 11/01/16 | | 11/01/16 |
| March 2016 | 09/03/16 | | | |
| April 2016 (March Design Release) | 07/04/16 | 28/04/16 | 13/04/16 | 11/03/16 |
| May 2016 (Current Design Release) | 26/05/15 | | | |
| Farm Business Survey | 23/03/16 | 28/04/16 | 13/04/16 | 06/04/16 |
| Total face to face meetings | 7 | 5 | 4 | 4 |

Appendix C

The following table (Table C1) describes the overall constraints which are relevant to the section of alignment at Auldearn and the second table (Table C2) lists the existing accesses for which provision must be addressed and which therefore provide constraints.

The principle of an on line option was presented as Option 2F, at DMRB Stage 2 (this option emerged from an online initial concept) and was developed to meet DMRB standards. No departures were envisaged during the DMRB Stage 2 assessment process for this section of the alignment.

| Constraint | Description |
|------------------------|---|
| Junctions and Accesses | Over the 5.4km between the U2997 junction and the U3036 junction there are 7 junctions with local roads, 8 accesses to residential property and 11 field accesses. There are also laybys and bus stops. For further details, refer to Table C2. |
| Land use and property | The existing A96 passes close to Boath House, Auldearn cemetery, Auldearn primary school and playing fields and properties at Broombank.
The properties at The Old Telephone Exchange, Little Penick and Courage Cottage are located in close proximity to both sides of the existing A96. |
| Public Transport | Public transport services along the A96 serve Auldearn via the junctions with the B9111 and B9101. |
| Path Network | Core Path NA01.02 from the B9101 into woodland between Moyness Road and the A96. |
| Heritage | Meadowfield Enclosure Scheduled Monument located south of the A96, approximately 200m west of the Old Telephone Exchange. |

Table C1: Schedule of constraints relating to dualling the A96 at Auldearn

| Junction / Access | Description |
|--------------------------|---|
| U2997 Junction | Junction with the U2997 Waterloo – Eastertown – Inshoch Road |
| B9111 Junction | Junction with the B9111 Auchnacloch – Auldearn Road |
| Field Access | Access to land forming part of Auchnacloch Farm north of the A96 |
| Field Access | Access to land forming part of Auchnacloch Farm south of the A96 |
| Field Access | Access to land within the ownership of Boath House, north of the A96 and west of the C1172 junction |
| Field Access | Access to land owned by the National Trust for Scotland south of the A96 and north of Dooket Hill |
| C1172 Junction | Junction with the C1172 Auldearn – Station – Drum Road |
| Field Access | Access to land north of the A96 east of the junction with the C1172 |
| Field Access | Access to land south of the A96 between the cemetery and Auldearn School playing field |

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| Junction / Access | Description |
|-----------------------------|---|
| Field Access | Access to triangular field north of the A96 and south of Broombank Farm |
| Field Access | Access to Community land adjacent to the playground of Auldearn Primary School |
| B9101 Junction | Junction with the B9101 Auldearn – Cawdor Road |
| U2959 Junction | Junction with the U2959 Broombank Road providing access to the properties at Broombank Farm north of the A96 |
| Broombank Cottage Access | Access to Broombank Cottage |
| Field Access | Access to land forming part of Broombank Farm north of the A96 |
| Field Access | Access to land forming part of Meadowfield Farm south of the A96 (1 st access) |
| Field Access | Access to land forming part of Meadowfield Farm south of the A96 (2 nd access) |
| Gallows View Access | Access to the property known as The Old Telephone Exchange north of the A96 and opposite Little Penick and Courage Cottage |
| Little Penick Access | Access to Little Penick south of the A96, adjacent to Courage Cottage and opposite the Old Telephone Exchange |
| Courage Cottage Access | Access to Courage Cottage south of the A96, adjacent to Little Penick and opposite the Old Telephone Exchange |
| Courage Steading Access | Access to Courage Steading, Innesfree and Oakview, including access to fields forming part of Garbles Farm south of the A96 |
| U3164 Junction | Junction with the U3164 Penick Road |
| Mulrend Farm Access | Access to Mulrend Farm |
| Wester Hardmuir Farm Access | Access to Wester Hardmuir Farm including farm shop |
| Hardmuir of Boath Access | Access to Hardmuir of Boath, Hardmuir and Hardmuir Croft |
| U3036 Junction | Junction with the U3036 Ellands – Hardmuir – Boghole Road |

Table C2: Junctions and accesses on the existing A96 between the U2997 Waterloo – Eastertown – Inshoch Road Junction and the U3036 Ellands – Hardmuir – Boghole Road Junction

Graham A (Alasdair)

From: Graham A (Alasdair)
Sent: 11 November 2016 16:59
To: Cabinet Secretary for Economy, Jobs and Fair Work
Cc: DG Economy; Brannen R (Roy); [REDACTED] Communications Economy;
[REDACTED] PS/Transport Scotland; Transport Scotland Directors; Transport
Scotland Media; [REDACTED]
[REDACTED] Press Transport Scotland
Subject: Urgent - A96 Dualling Inverness to Nairn Including Nairn Bypass

[REDACTED]

Further to Mr Brown's discussion with Michelle Rennie on Wednesday please find attached submission regarding the A96 Dualling Inverness to Nairn (Including Nairn Bypass) and recent correspondence from Mr Ewing, in his capacity as a constituency MSP, on behalf of some of his constituents.

I have provided below a summary of the bullet points in the submission for ease of use by Mr Brown.

Regards

Alasdair



A96 Dualling
Inverness to Nai...

A96 Dualling Inverness to Nairn (Including Nairn Bypass)

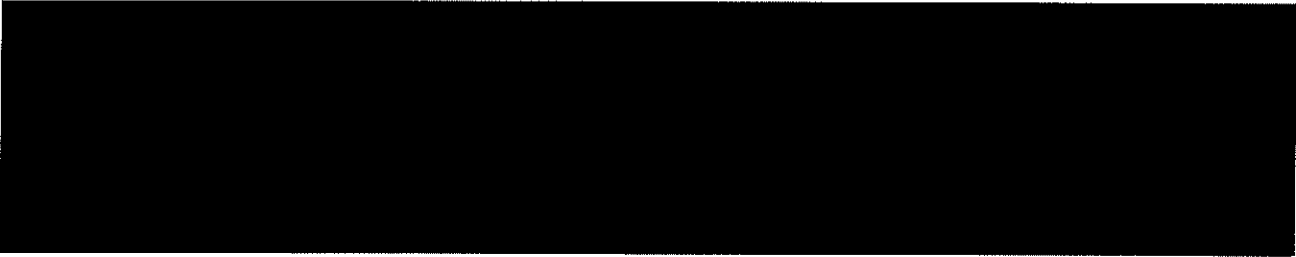
Transport Scotland has undertaken a review of the route options assessment undertaken during 2013/2014 and also given consideration to the proposal to terminate the scheme early at the Nairn East Junction between Nairn and Auldearn. The following bullet points summarise the key findings:

Route Options Assessment

- Having re-examined the concerns raised, Transport Scotland remains of the view that the route options assessment conclusions remain robust and no new information has come to light which would result in a change to the conclusions from October 2014, when the preferred option was announced. As with any trunk road scheme we have to balance the impact on local communities alongside engineering and environmental constraints and apply unbiased professional judgement to the assessment process. Transport Scotland considers that the preferred option selection process was robust and balanced fairly.

Impact of Termination at Nairn East Junction


- The Scottish Government has given a commitment to dual the A96 between Inverness and Aberdeen by 2030 and the A96 Dualling Inverness to Nairn (Including Nairn Bypass) scheme forms part of that commitment. Terminating the Nairn Bypass early would bring into question the commitment to dual the entire route with route options assessment work already underway on the next section between Hardmuir and Fochabers (£50m design contract awarded in June).
- By terminating the preferred option early, a new option would be created which wasn't assessed during the DMRB Stage 2 route options assessment and therefore not evaluated as an option in its own right. As the DMRB assessment is extensive, covering environmental, engineering, traffic and economic matters any deviation from the preferred option would not have been assessed in the same way.

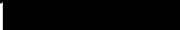
- 
- As such if the preferred option was to be terminated early the route options assessment process would need to be revisited (along with further consultation on all options), followed by development and assessment of the preferred option identified before we would be in a position to prepare draft Orders. It is likely this proposal would delay the current programme of publishing draft Orders in the next few weeks by approximately 2 years, potentially even longer, with some abortive preparation expenditure since 2013. This would introduce a significant delay to the commitment to publish draft Orders later this year and would pose a risk to the commitment to dual the A96 between Inverness and Aberdeen by 2030. In addition if this change was introduced there is a risk this could be viewed as setting a precedent and could result in further requests from landowners for changes in other sections of the scheme or the wider A96 Dualling Programme.
 - Given the total size of the scheme (31km) it is almost certain that a public local inquiry will be required to consider objections irrespective of objections from the four directly affected landowners to the north of Auldearn. A public local inquiry reporter will consider all objections submitted but not withdrawn before submitting conclusions and recommendations on the proposed scheme to the Scottish Ministers for their consideration. A public local inquiry is the correct forum to consider statutory objections to the scheme.



Alasdair Graham
Head of Design Team 1 and 3
Major Transport Infrastructure Projects

Transport Scotland
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Còmhdaill Alba, buidheann nàiseanta na còmhdaill

OFFICIAL – SENSITIVE – ADVICE TO MINISTERS

From: Alasdair Graham
MTRIPS, Transport Scotland
11 November 2016

Cabinet Secretary for Economy, Jobs and Fair Work

A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)

Purpose

1. To seek agreement on Transport Scotland's recommendation following a request to reconsider the route options assessment work and extent of the proposed Nairn Bypass; and agreement that Transport Scotland can publish draft Orders for the preferred scheme.

Priority

2. Urgent. An early response would be appreciated so we can put in place the necessary arrangements to publish draft Orders on 29 November 2016.

Background

3. Ministers announced their plans to dual the A96 between Inverness and Aberdeen by 2030 during the launch of the Infrastructure Investment Plan (IIP) in December 2011.

4. During 2013 and 2014 Transport Scotland took forward a comprehensive route options assessment, including public consultation, for the section of the A96 between Inverness and Nairn (including a Nairn Bypass) taking into account the commitment to dual the A96 between Inverness and Aberdeen. The route options assessment work was carried out in accordance with the requirements of a DMRB Stage 2 Assessment with a preferred option announced by Ministers in October 2014.

5. Since 2015 Transport Scotland has been taking forward the development and assessment of the preferred option with a view to publishing draft Orders for the scheme later this year for formal comment (ministerial commitment). The draft Orders and Environmental Statement for the scheme are currently being finalised and are programmed to be published on 29 November 2016.

6. On 21 October 2016, Transport Scotland met with Fergus Ewing MSP, as constituency MSP for Inverness and Nairn, along with concerned constituents. The principle points raised by Mr Ewing on behalf of his constituents were:

- Request for a Review of the assessment of an online option at Auldearn, which his constituents consider was not given sufficient consideration during the route options assessment process; and
- Consider terminating the proposed scheme where it crosses the existing A96 between Nairn and Auldearn.

Consideration by Transport Scotland


7. Transport Scotland has undertaken a review of the route options assessment undertaken during 2013/2014 and also given consideration to the proposal to terminate the scheme early at the Nairn East Junction between Nairn and Auldearn. Advice from SGLD has also been sought regarding this proposal. The following bullet points summarise the key findings with further detail provided as Annex A:

Route Options Assessment

- Having re-examined the concerns raised, Transport Scotland remains of the view that the route options assessment conclusions remain robust and no new information has come to light which would result in a change to the conclusions from October 2014, when the preferred option was announced. As with any trunk road scheme we have to balance the impact on local communities alongside engineering and environmental constraints and apply unbiased professional judgement to the assessment process. Transport Scotland considers that the preferred option selection process was robust and balanced fairly.

Impact of Termination at Nairn East Junction

- The Scottish Government has given a commitment to dual the A96 between Inverness and Aberdeen by 2030 and the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme forms part of that commitment. Terminating the Nairn Bypass early would bring into question the commitment to dual the entire route with route options assessment work already underway on the next section between Hardmuir and Fochabers (£50m design contract awarded in June).
- By terminating the preferred option early, a new option would be created which wasn't assessed during the DMRB Stage 2 route options assessment and therefore not evaluated as an option in its own right. As the DMRB assessment is extensive, covering environmental, engineering, traffic and economic matters any deviation from the preferred option would not have been assessed in the same way.

- 
- As such if the preferred option was to be terminated early the route options assessment process would need to be revisited (along with further consultation on all options), followed by development and assessment of the preferred option identified before we would be in a position to prepare draft Orders. It is likely this proposal would delay the current programme of publishing draft Orders in the next few weeks by approximately 2 years,

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potentially even longer, with some abortive preparation expenditure since 2013. This would introduce a significant delay to the commitment to publish draft Orders later this year and would pose a risk to the commitment to dual the A96 between Inverness and Aberdeen by 2030. In addition if this change was introduced there is a risk this could be viewed as setting a precedent and could result in further requests from landowners for changes in other sections of the scheme or the wider A96 Dualling Programme.

- Given the total size of the scheme (31km) it is almost certain that a public local inquiry will be required to consider objections irrespective of objections from the four directly affected landowners to the north of Auldearn. A public local inquiry reporter will consider all objections submitted but not withdrawn before submitting conclusions and recommendations on the proposed scheme to the Scottish Ministers for their consideration. A public local inquiry is the correct forum to consider statutory objections to the scheme.

Conclusion

8. The Cabinet Secretary is invited to:
- **Consider Transport Scotland's recommendation that the route options assessment undertaken in 2013/2014 remains robust and that there should be no change to the preferred option or scheme extents; and**
 - **Confirm that draft Orders for the preferred option can be published as programmed on 29 November 2016.**

Alasdair Graham
MTRIPS, Transport Scotland
Ext 27221

| Copy List: | For Action | For Comments | For Information | | |
|------------|------------|--------------|--------------------|------------------|-------------------|
| | | | Portfolio Interest | Constit Interest | General Awareness |
| | | | | | |

| | |
|--|--|
| DG Economy
P/S Transport Scotland
Roy Brannen, Chief Executive, Transport Scotland
Transport Scotland Directors
Communications Economy
[Redacted] Special Adviser
[Redacted] TS MTRIPS
[Redacted] TS MTRIPS
[Redacted] TS MTRIPS
Press Transport Scotland
Transport Scotland Media
[Redacted] TS MTRIPS Strategic Comms
[Redacted] TS Press Transport Scotland
[Redacted] TS Press Transport Scotland | |
|--|--|

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ANNEX A

A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)

BACKGROUND INFORMATION

Background

1. Ministers announced their plans to upgrade the A9 between Perth and Inverness to full dual carriageway by 2025 and the A96 between Inverness and Aberdeen by 2030 during the launch of the Infrastructure Investment Plan (IIP) in December 2011.
2. During 2013 and 2014 Transport Scotland took forward a comprehensive route options assessment for the section of the A96 between Inverness and Nairn (including a Nairn Bypass) taking into account the commitment to dual the A96 between Inverness and Aberdeen. The route options assessment work was carried out in accordance with the requirements of a Stage 2 Assessment as outlined in the Design Manual for Roads and Bridges (DMRB).
3. Public exhibitions were held in November 2013 to present the emerging route options under consideration. Following the exhibitions over 200 responses were received containing feedback on the route options presented. Local feedback like those received is not only welcome but absolutely vital throughout all stages of development of the scheme. During these early consultations it was clear that there were concerns expressed about routeing the A96 to the west of Nairn through Delnies Wood and also at Auldearn. Following consideration of the local feedback received, minor refinements were made to some of options under consideration and these were published in May 2014.
4. Transport Scotland's Investment Decision Makers (IDM) Board reviewed the output from the route options assessment in accordance with internal governance procedures and was content with the preferred option that had been identified. The preferred option was subsequently approved by Ministers and presented to the public in October 2014. The recommended preferred option (Option 2E) for the Nairn Bypass section of the scheme as announced in October 2014 is shown on drawing B1557601/PB/0002 in Annex B (highlighted in red).
5. Since 2015 Transport Scotland has been taking forward the development and assessment of the preferred option with a view to publishing draft Orders for the scheme later this year for formal comment (ministerial commitment). The draft Orders and Environmental Statement for the scheme are currently being finalised and are programmed to be published in the coming weeks with public exhibitions expected to take place early December (7th, 8th and 9th).
6. On 21 October 2016, Transport Scotland met with Fergus Ewing MSP, as constituency MSP for Inverness and Nairn, along with concerned constituents. A further meeting was held with Mr Edward Mountain MSP and other concerned constituents that afternoon.

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7. The principle points raised by Mr Ewing on behalf of his constituents north of Auldearn are:

- Request for a Review of the assessment of an online option at Auldearn, which his constituents consider was not given sufficient consideration during the route options assessment process; and
- Consider terminating the proposed scheme where it crosses the existing A96 between Nairn and Auldearn.

8. Transport Scotland has undertaken a review of the route options assessment undertaken during 2013/2014 and also given consideration to the proposal to terminate the scheme early at the Nairn East Junction between Nairn and Auldearn. Advice from SGLD has also been sought regarding this proposal.

Review of Route Options Assessment

9. The landowners concerned consider that an online option past Auldearn was not given sufficient consideration during the route options assessment process. They consider that an online option would have less impact than the current preferred option alignment, to the north of Auldearn. They further consider that the impacts on agricultural land and in particular the impacts on prime quality agricultural land have been given insufficient weighting in the assessment process.

10. Following the meeting a review, including sensitivity testing, has been undertaken by Transport Scotland of the assessment and design development work undertaken during DMRB Stage 2 and which informed the preferred option selection process in 2014.

11. An online option in principle (Option 2F) was carefully considered in the same level of detail as other options during the route option assessment process. This was presented to the public (along with a number of other options) at exhibitions in November 2013. Following public feedback the online option along with all other options were developed further to address the constraints/concerns received. Updated options (including the online option) were published in May 2014.

12. As with any trunk road scheme we have to balance the impact on local communities alongside engineering and environmental constraints and apply unbiased professional judgement to the assessment process. In the assessment of the options, the cost estimate for options 2E (preferred option) and 2F (online option) were broadly similar (2F slightly higher). In the option assessment the online option (2F) was considered marginally better in relation to Community and Private Assets (including Agriculture) but was considered to be poorer in the other areas including: noise and vibration; road drainage and water environment; effects on all travellers; safety of non-motorised users; cultural heritage, disruption during construction, and operational resilience.

13. Having re-examined the issues raised at the meeting, Transport Scotland remains of the view that the route option assessment conclusions remain robust and

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balanced fairly with no new information coming to light which would result in a change to the conclusions from October 2014, when the preferred option was announced. The issues raised by the farmers are acknowledged. No single option performs better than others for every assessment criteria. It is accepted that Option 2E (the preferred option) is not the best performing option with regard to all of the individual assessment criteria. However, on balance, across the full range of assessment criteria, Option 2E remains the best performing option overall. No new information was presented by the landowners, at the meeting on 21 October that would affect the assessment outcome. We do not consider that further assessment work is required in relation to the online option and we consider that the preferred option selection process was robust and balanced fairly.

14. It is worth noting that based on the robust route option assessment, Option 2G (south of Auldearn) was the second best performing option with the online option (Option 2F) third best. Changing the preferred option at this stage would introduce new landowners (statutory objectors) currently not affected by the preferred option who would be similarly likely to be unhappy with the scheme. There is also the risk that any change to the preferred option could be open to challenge at a public local inquiry into the scheme (or subsequent judicial review) given the robust evidence based route option assessment undertaken during 2013 and 2014.

Proposal to terminate the scheme early at the Nairn East Junction

15. The proposal to terminate the proposed Scheme at the Nairn East Junction (at Auchnacloch) rather than at the proposed extent at Hardmuir has been given consideration by Transport Scotland. This would reduce the overall scheme length by approximately 5km.

16. The Scottish Government has given a commitment to dual the A96 between Inverness and Aberdeen by 2030 and the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme forms part of that commitment. Terminating the Nairn Bypass early would bring into question the commitment to dual the entire route with route options assessment work already underway on the next section between Hardmuir and Fochabers (£50m design contract awarded in June).

17. The section between Auchnacloch and Hardmuir was fully considered as part of DMRB Stage 2 for the Inverness to Nairn (including Nairn Bypass) scheme and the findings set out in the DMRB Stage 2 report which was published at the time of the announcement of the preferred option in October 2014. This assessment fully considered the Engineering, Environmental, Traffic and Economic factors and included full consideration of the impact on agricultural land use along with all other environmental factors.

18. The proposed Scheme extent at Hardmuir was selected to allow comparison of route options (based on a high standard dual carriageway (category 7A with grade separated junctions)) past Auldearn to the north, south or online, on a like for like basis and provide a suitable connection to the next section of A96 dualling, eastwards from Auldearn. If the current proposals were to terminate at Auchnacloch the future consideration of options past Auldearn could not reasonably consider

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options to the south (as this would involve abortive dual carriageway construction between south of Nairn and the existing A96 at Auchnacloch – over 2km), and the junction strategy would need to be re-assessed to provide a suitable tie in point.

19. In addition further consultation would need to be undertaken as this would be a significant change to the options presented to date. This could introduce uncertainty about the robustness of the whole route option assessment and consultation process undertaken during 2013 and 2014 and potentially pose difficulties during any public local inquiry into the scheme. All aspects of the assessment, including engineering, environmental, traffic and economic factors would need to be reviewed and updated.

Impact of Termination at Nairn East Junction

20. By terminating the preferred option early, a new option would be created which wasn't assessed during the DMRB Stage 2 route options assessment and therefore not evaluated as an option in its own right. As the DMRB assessment is extensive, covering environmental, engineering, traffic and economic matters any deviation from the preferred option would not have been assessed in the same way.



22. As such if the preferred option was to be terminated early the route options assessment process undertaken in 2013 and 2014 would need to be revisited (along with further consultation on all options). This would be followed by development and assessment of the preferred option identified before we would be in a position to prepare draft Orders.

23. This proposal would introduce a significant delay to the commitment to publish draft Orders later this year and would pose a significant risk to the commitment to dual the A96 between Inverness and Aberdeen by 2030. It is likely this proposal would delay the current programme by approximately 2 years, potentially even longer. In addition if this change was introduced there is a risk this could be viewed as setting a precedent and could result in further requests from landowners for changes in other sections of the scheme.

24. Given the total size of the scheme (31km) it is almost certain that a public local inquiry will be required to consider objections irrespective of objections from the four directly affected landowners to the north of Auldearn. A public local inquiry reporter will consider all objections submitted but not withdrawn before submitting conclusions and recommendations on the proposed scheme to the Scottish Ministers for their consideration. A public local inquiry is the correct forum to consider statutory objections to the scheme.

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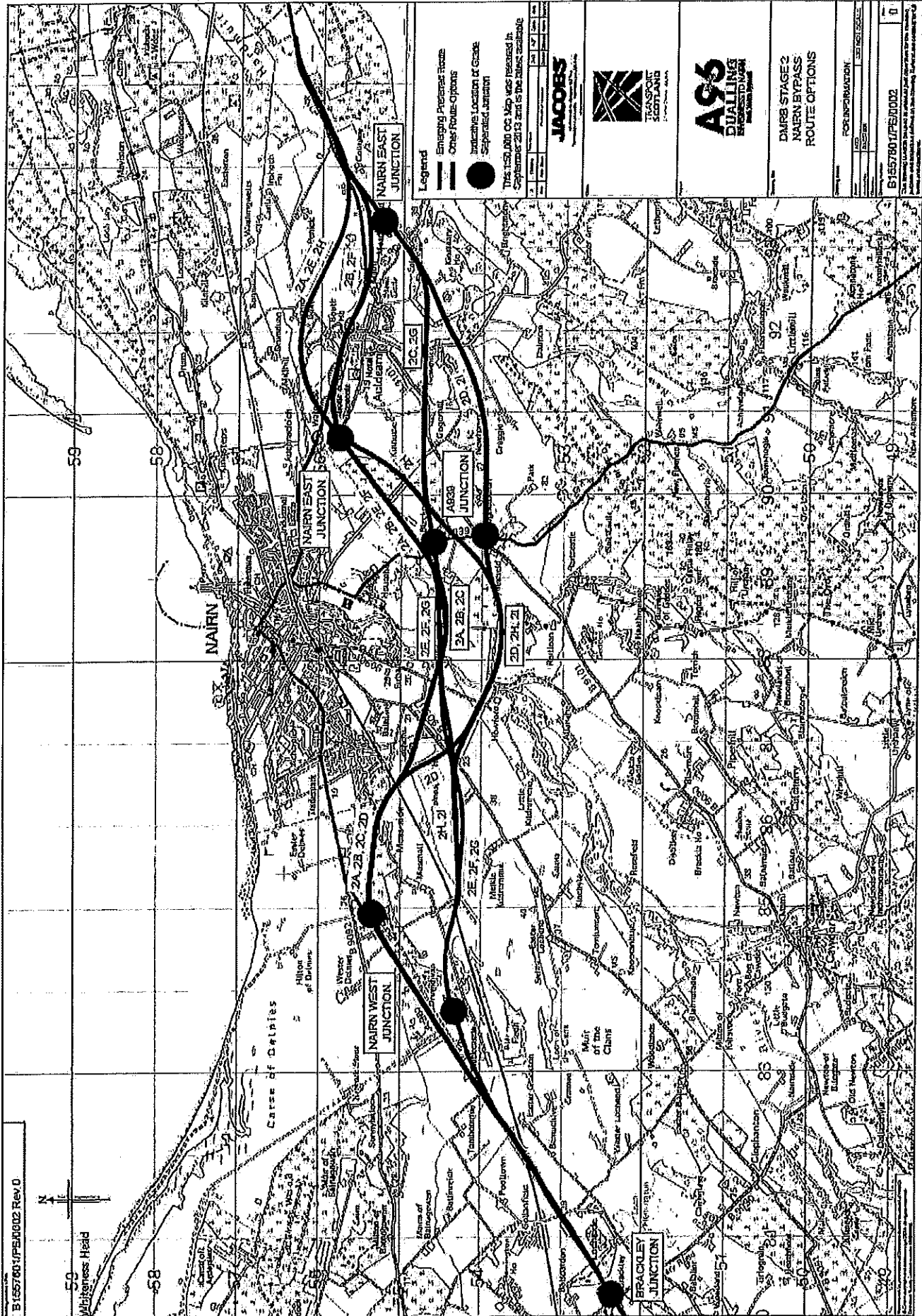
ANNEX B

A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)

**PREFERRED OPTION (OPTION 2E HIGHLIGHTED IN RED) AS ANNOUNCED IN
OCTOBER 2014**

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B1557801/PS/0002 Rev.0



Whitfrees Field

Legend

- Existing Proposed Route
- Other Route Options
- Indicative Location of Grade Separated Junction

This 1:50,000 OS Map was reissued in September 2013 and is the latest available

| Scale | Scale | Scale | Scale | Scale |
|----------|----------|----------|----------|----------|
| 1:50,000 | 1:50,000 | 1:50,000 | 1:50,000 | 1:50,000 |
| 1:50,000 | 1:50,000 | 1:50,000 | 1:50,000 | 1:50,000 |

JACOBS
Infrastructure



A99
DUALLING
STAGE 2

DMRS STAGE 2
NAIRN BYPASS
ROUTE OPTIONS

| FOR INFORMATION | | DATE | REVISION |
|-----------------|-----------------------|------|----------|
| 1 | Issue for Information | | |

B1557801/PS/0002

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OFFICIAL – SENSITIVE – ADVICE TO MINISTERS

Graham A (Alasdair)

From: [redacted] on behalf of Cabinet Secretary for Economy, Jobs and Fair Work
Sent: 21 November 2016 16:13
To: Cabinet Secretary for Economy, Jobs and Fair Work; Graham A (Alasdair); [redacted]
Cc: DG Economy; Brannen R (Roy); [redacted] Communications Economy; [redacted] PS/Transport Scotland; Transport Scotland Directors; [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
Subject: Press Transport Scotland
RE: Urgent - A96 Dualling Inverness to Nairn including Nairn Bypass

[redacted]

I have called Mr Brown and he is content.

Many thanks

[redacted]

[redacted] | Deputy Private Secretary to Keith Brown MSP, Cabinet Secretary for Economy, Jobs and Fair Work
The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG | Web: www.gov.scot
Tel: [redacted] | Email: CabSecEJFW@gov.scot

From: [redacted] **On Behalf Of** Cabinet Secretary for Economy, Jobs and Fair Work
Sent: 21 November 2016 14:14
To: Graham A (Alasdair); Cabinet Secretary for Economy, Jobs and Fair Work; [redacted]
Cc: DG Economy; Brannen R (Roy); [redacted] Communications Economy; [redacted] PS/Transport Scotland; Transport Scotland Directors; [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
Subject: RE: Urgent - A96 Dualling Inverness to Nairn Including Nairn Bypass

[redacted]

We spoke – I've asked Mr Brown to look at this submission when he gets in the car at about 15:30.

[redacted] – could you call Mr Brown at 1600ish to check he is content (or otherwise but hopefully not) and then let the copy list know please.

[redacted] – could you turn the bullet points into a letter that Mr Brown could send to Mr Ewing please, explaining the SG position?

Thanks

[REDACTED] Private Secretary to Keith Brown MSP, Cabinet Secretary for Economy, Jobs and Fair Work
The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG | Web: www.gov.scot
[REDACTED] Email: CabSecEJFW@gov.scot

From: Graham A (Alasdair)
Sent: 11 November 2016 16:59
To: Cabinet Secretary for Economy, Jobs and Fair Work
Cc: DG Economy; Brannen R (Roy); [REDACTED] Communications Economy; [REDACTED]
PS/Transport Scotland; Transport Scotland Directors; [REDACTED]

[REDACTED] Press Transport Scotland

Subject: Urgent - A96 Dualling Inverness to Nairn Including Nairn Bypass

[REDACTED]

Further to Mr Brown's discussion with Michelle Rennie on Wednesday please find attached submission regarding the A96 Dualling Inverness to Nairn (including Nairn Bypass) and recent correspondence from Mr Ewing, in his capacity as a constituency MSP, on behalf of some of his constituents.

I have provided below a summary of the bullet points in the submission for ease of use by Mr Brown.

Regards

Alasdair

<< File: A96 Dualling Inverness to Nairn - Ministerial - Briefing on Request to Change Scheme Extent and Review Stage 2 Assessment - 11 November 2016.doc >>

A96 Dualling Inverness to Nairn (including Nairn Bypass)

Transport Scotland has undertaken a review of the route options assessment undertaken during 2013/2014 and also given consideration to the proposal to terminate the scheme early at the Nairn East Junction between Nairn and Auldearn. The following bullet points summarise the key findings:

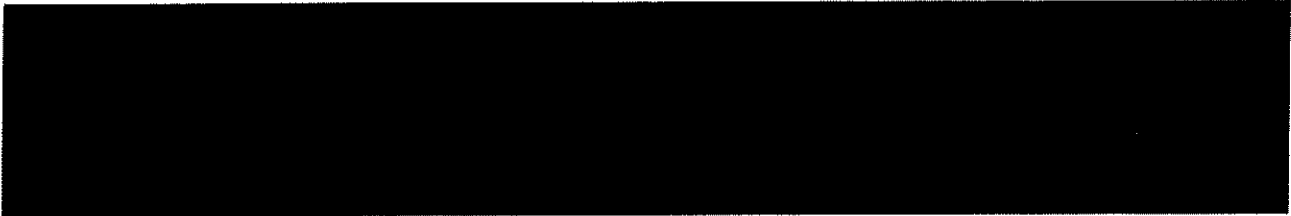
Route Options Assessment

- Having re-examined the concerns raised, Transport Scotland remains of the view that the route options assessment conclusions remain robust and no new information has come to light which would result in a change to the conclusions from October 2014, when the preferred option was announced. As with any trunk road scheme we have to balance the impact on local communities alongside engineering and environmental constraints and apply unbiased professional judgement to the assessment process. Transport Scotland considers that the preferred option selection process was robust and balanced fairly.

Impact of Termination at Nairn East Junction

- The Scottish Government has given a commitment to dual the A96 between Inverness and Aberdeen by 2030 and the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme forms part of that commitment. Terminating the Nairn Bypass early would bring into question the commitment to dual the entire route with route options assessment work already underway on the next section between Hardmuir and Fochabers (£50m design contract awarded in June).

- By terminating the preferred option early, a new option would be created which wasn't assessed during the DMRB Stage 2 route options assessment and therefore not evaluated as an option in its own right. As the DMRB assessment is extensive, covering environmental, engineering, traffic and economic matters any deviation from the preferred option would not have been assessed in the same way.



- As such if the preferred option was to be terminated early the route options assessment process would need to be revisited (along with further consultation on all options), followed by development and assessment of the preferred option identified before we would be in a position to prepare draft Orders. It is likely this proposal would delay the current programme of publishing draft Orders in the next few weeks by approximately 2 years, potentially even longer, with some abortive preparation expenditure since 2013. This would introduce a significant delay to the commitment to publish draft Orders later this year and would pose a risk to the commitment to dual the A96 between Inverness and Aberdeen by 2030. In addition if this change was introduced there is a risk this could be viewed as setting a precedent and could result in further requests from landowners for changes in other sections of the scheme or the wider A96 Dualling Programme.
- Given the total size of the scheme (31km) it is almost certain that a public local inquiry will be required to consider objections irrespective of objections from the four directly affected landowners to the north of Auldearn. A public local inquiry reporter will consider all objections submitted but not withdrawn before submitting conclusions and recommendations on the proposed scheme to the Scottish Ministers for their consideration. A public local inquiry is the correct forum to consider statutory objections to the scheme.



Alasdair Graham
Head of Design Team 1 and 3
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Transport Scotland, the national transport agency
Còmhhdhall Alba, buidhèann nàiseanta na còmhhdhall

Cabinet Secretary for Economy, Jobs and Fair Work
Keith Brown MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Mr Fergus Ewing, MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

23 November 2016

Dear Fergus,

A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)

I am writing regarding the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme and the meeting you held with Transport Scotland along with concerned constituents on 21 October. At the meeting Transport Scotland agreed to undertake a review of the route options assessment undertaken in 2013 and 2014 and also give consideration to an alternative proposal to end the Nairn Bypass shorter than proposed at Auchnacloch.

A key concern raised by your constituents was that an alignment following the line of the existing A96 Auldearn Bypass was not in their view given sufficient consideration during the route option assessment process.

Transport Scotland has informed me that having re-examined the concerns raised, it remains of the view that the route options assessment conclusions, including the assessment of an on-line option at Auldearn, remain robust and no new information has come to light which would result in a change to the conclusions from October 2014, when the preferred option was announced. As with any trunk road scheme Transport Scotland must balance the impact on local communities alongside engineering and environmental constraints and apply unbiased professional judgement to the assessment process. Whilst Transport Scotland acknowledges the genuine concerns raised by the landowners it remains of the view that the route selection process was carried out in a robust and competent manner.

Consideration has also been given to the proposal that the current scheme terminates early at Auchnacloch (at the Nairn East junction) rather than at the proposed scheme extent at Hardmuir. The Scottish Government has given a commitment to dual the A96 between Inverness and Aberdeen by 2030 and the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme forms part of that commitment.

As outlined above Transport Scotland has undertaken a robust route options assessment for the Inverness to Nairn (including Nairn Bypass) with the preferred option announced in October 2014. The route options assessment on the next section between Hardmuir and



Fochabers is being progressed following the award of a £50m design contract in June of this year. This further reinforces this Government's commitment to dual the A96 between Inverness and Aberdeen which will bring improved journey time and reliability, improved connectivity and improved road safety for all those who use this key artery connecting two of Scotland's economic hubs.

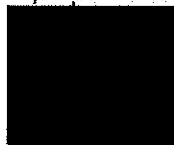
By terminating the preferred option early, a new option would be created which wasn't assessed during the Design Manual for Roads and Bridges (DMRB) Stage 2 route options assessment undertaken in 2013 and 2014 and therefore not evaluated as an option in its own right. As the DMRB assessment is extensive, covering environmental, engineering, traffic and economic matters any deviation from the preferred option would not have been assessed in the same way. A legal challenge by way of judicial review could therefore be raised challenging the lawfulness of any decision to terminate the scheme early.

As such if the preferred option was to be terminated early the whole route options assessment process would need to be revisited (along with further consultation on all options), followed by development and assessment of the preferred option identified before we would be in a position to prepare draft Orders. It is likely this proposal would delay the current programme of publishing draft Orders in 2016 by approximately 2 years, potentially even longer, with some abortive preparation expenditure since 2013. This would introduce a significant delay to the scheme and would pose a risk to the commitment to dual the A96 between Inverness and Aberdeen by 2030.

In accordance with the statutory process being followed in promoting the scheme, there will be an opportunity for all landowners and residents to make formal comment when the draft statutory orders are published. Depending on the representations received following publication of the draft Orders a public local inquiry may be required to consider objections. If required a public local inquiry reporter will consider all objections submitted but not withdrawn before submitting conclusions and recommendations on the proposed scheme to the Scottish Ministers for their consideration. I am of the view that a public local inquiry is the appropriate forum to consider statutory objections to the scheme.

Transport Scotland continues the development and assessment of the scheme and expects to publish draft Orders shortly for formal comment.

I hope this is helpful.



Keith Brown

From: [redacted] <[redacted]@parliament.scot>
Sent: 28 October 2016 09:48
To: PS/Transport Scotland
Cc: [redacted]
Subject: Re: A96 Nairn By-pass; Our Ref: [redacted]
Attachments: 16 10 25 To Transport Scotland Re A96 Nairn Bypass [redacted]
Proposal.docx; 16 10 24 From [redacted] Re A96 Nairn By Pass.msg.docx

Dear Roy

Please see attached correspondence with regard to the A96 Nairn By-pass.

Fergus would welcome your comments on the proposal set out by my constituent [redacted]

Kind regards,

[redacted]

On behalf of,

Fergus Ewing MSP,
Inverness and Nairn Constituency.

[redacted]
*Administration Assistant to Fergus Ewing MSP for Inverness and Nairn
Cabinet Secretary for Rural Economy and Connectivity*

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25th October 2016

Roy Brannen,
Chief Executive,
Transport Scotland,
58 Port Dundas Road,
Glasgow,
G4 0HF.

chiefexecutive@transportscotland.gsi.gov.uk

Our Ref: [REDACTED]

Dear Roy,

First of all, may I thank your officials and the representatives from Jacobs for taking the time to meet with myself and my constituents on Friday last week. This was appreciated. I gather that a meeting then followed in the afternoon with Mr Mountain MSP, and with [REDACTED]

Since then I have been in contact with [REDACTED] and she has prepared a fresh proposal for consideration. This proposal is attached.

I am of course writing in my role as constituency MSP on this matter, and my role as I see it is to ensure that serious proposals put forward by my constituents on important matters are thoroughly and fairly considered. I am not advocating any particular route or solution, for the reason that no matter what route or solution may be chosen there will be some people in my constituency who are unhappy with the outcome.

However, that said, I do feel strongly that the solution that is now put forward is one that should be taken seriously for a number of reasons:

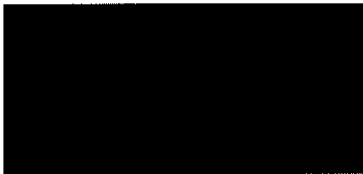
1. It appeared to me that my constituents case as put forward at the meeting and before by me in writing and by others in writing is strong in a number of respects.
2. In particular that sufficient weight has not been afforded to the fact that we are proposing by taking the preferred route north of Auldearn the destruction of prime arable land.
3. Moreover that insufficiently thorough consideration has been given to alternatives and in particular the use of the existing A96 (Auldearn by pass).

4. That the proposal to terminate east of Nairn would still complete the bypass of Nairn, and it would reduce the costs, and it would permit a more thorough consideration of more options from Hardmuir to Fochabers. It would be interesting to learn what reduction in cost may arise from this proposal being adopted.

I will of course await further representations from my constituents on these matters. That may allow us to gauge what support the new proposal may have, locally.

Finally, I would be grateful if an opportunity can be afforded to [REDACTED] to meet with your team and myself in order to consider this proposal in detail.

Yours sincerely



Fergus Ewing MSP
Inverness and Nairn

24 October 2016

Fergus Ewing MSP
Cabinet Secretary for Rural Economy & Connectivity
T3.25
The Scottish Parliament
EDINBURGH
EH99 1SP

Dear Fergus

First of all, thank you, on behalf of the Auldearn farmers for setting up the meeting on Friday morning. I have spoken to them all now and they were grateful for the chance to put their case forward to Transport Scotland and Jacobs, but somewhat disappointed by the lack of any commitment to take action.

I attended the afternoon session with the same TS and Jacobs officials, organised by Edward Mountain. This was very well attended by people from Auldearn (around 16), mainly those directly affected by the road, but also some from the village who are concerned about the destruction of the farmland and the impact it will have on their community.

Within our number, there were people with professional expertise in engineering and surveying and the upshot of that was that Jacobs' arguments for not being able to use the existing A96, were quickly blown out of the water. They could not respond to the challenges that turned their thinking upside down. I think in the event of a PLI, any reporter worth his salt would quickly make mincemeat of their arguments for not choosing the existing A96 as the preferred route.

However, I don't believe we even need to get to that stage. I tabled a proposal that got the support of the whole meeting and one that neither TS nor Jacobs could argue against, other than to talk about process and timelines.

I'm therefore writing to you to urge you to consider my proposal.

I propose, as I and many others have done regularly over the past two years, that phase 1 of the Inverness to Aberdeen dualling ends at Nairn east (Auchnacloch) and not at Hardmuir. (I call it phase 1, which is probably not the right technical term.)

Ending at Nairn east was the original intention of Transport Scotland and one that had been 'out there' for many years. The community understood it and was comfortable with it.

When the new route options were published in November 2013 showing the end point of Nairn bypass as being Hardmuir, this sent shock waves through the whole community, which was given only until the end of January 2014 to put forward their views. This was a monumental change and not enough time was given for any proper dialogue on what this would mean for the community.

This change was driven by Jacobs. I have had many conversations about this with [REDACTED] who maintains that to end the Nairn bypass at the east of Nairn would mean that it would force phase 2 of the dualling to start on the existing A96. He feels that ending at Hardmuir is a better engineering solution. But engineering is about human beings, not just about making life easy for the engineers.

The difficulty with ending at Hardmuir as you know is that it takes out prime arable land to the north of Auldearn, puts people out of their businesses and homes, with a resultant loss of jobs in the area.

It is also a very risky strategy for the future of the community. What if the economic or political climate changes so dramatically – whether through Brexit, Scottish political change, or something else hitherto unforeseen – that the road can never be completed? After all, we've been talking about a Nairn bypass for over 40 years now. What if the vision of dualling the A96 by 2030 has to be changed and other priorities adopted? It is not an unrealistic notion and if that were to happen in the future, Auldearn would be left with a white elephant; the road to nowhere that has unnecessarily destroyed lives and all to get Nairn a bypass.

I must clarify here that I am not suggesting we do Nairn bypass and don't go any further. I am still looking at the big picture of dualling the whole of the A96 as will become clear.

Phase 2, Hardmuir to Fochabers is currently in the planning and with major topographical restrictions, such as having to bridge the Findhorn estuary in the north, it is looking highly likely that the preferred route in phase 2 will be further south. If that does become a reality, then there is absolutely no argument for taking the route north of Auldearn, but by that time it will be too late; the damage will have been done and another blow will have been dealt to the community of Auldearn – not to mention the tax payer in paying for lengthy, winding roads, rather than something more direct.

Ending the dualling at Nairn east means that you will deliver on an election promise to bypass Nairn, without putting the Auldearn community at risk.

I propose that we 'future-proof' the road for the sake of the community, just as Fochabers bypass has future-proofed the A96 for that community and the bypassing of Inveramsay Bridge has done so for people travelling on that part of the A96. Both of those schemes will be redundant when the A96 is dualled, but just in case it never happens, in the meantime, the local community has been given a solution to their acute transport problems. All I ask is that the same is done for Nairn and Auldearn.

Planning for phase 2 of the dualling has commenced and I propose that we redefine the scope of that section as Nairn east to Fochabers, rather than Hardmuir to Fochabers.

The people who would be affected by a junction at Nairn east were all in the meeting room on Friday afternoon, but all gave their support to my proposal. Why? Because it had been their expectation for many years that the junction would be there anyway and the impact to them is nowhere near the impact of the preferred route north of Auldearn.

The officials from Transport Scotland and Jacobs were of course not supportive of any change, but that is because they are concerned only with their processes and their project timelines, neither of which are insurmountable and neither of which should take precedent over doing what is right for a community.

I summarise the benefits of terminating phase 1 at Nairn east:

1. Phase 1, Inverness to Nairn east, including Nairn bypass, will go ahead as planned, but at a lower cost to the tax payer for that section.
2. The government's vision of dualling the A96 by 2030 remains on track.
3. The threat of a lengthy PLI will disappear with the removal of the controversial section from Nairn east to Hardmuir.
4. Phase 2 will start at Nairn east and end at Fochabers resulting in a sensible, properly aligned road, which is not possible if phase 2 starts at Hardmuir.
5. Everyone in the community of Auldearn will be able to fully participate in the consultation process leading up to the selection of a preferred route for phase 2. As you know, this did not happen in phase 1, as Auldearn Community Council abused its powers and represented only the views of the minority, leaving the rest of the community with no time to put this right before

- the consultation closed. The opportunity for a proper and fair consultation will go some way towards healing the deep wounds of a community that has been torn apart by this process.
6. Most importantly, if major political or economic changes occur and priorities have to change, there will be no white elephant.

There are, of course, some challenges:

1. There will be some cost and time in redesigning the junction at Auchnacloch to enable phase 1 to terminate at Nairn east.
2. The scope of phase 2, which is already underway, will have to be widened to include Nairn east to Hardmuir, which is currently part of phase 1.
3. Should phase 2 go ahead at some time in the future as planned, depending on where the route goes, the Nairn east junction may have to be redesigned again. However, compared to what is already in place at Fochabers and Inveramsay, that is a small price to pay to future-proof a road for the community.
4. TS will have to revise their timetable and not issue draft orders next month, which means they will have to work fast.
5. TS and Jacobs will need a seasoned communications person (I'm not offering!) to work on the public messaging to ensure that they do not lose face when they change their timelines and revert to the original scope of phase 1.

I urge you to seriously think about this one Fergus as to me, it's a 'win-win' for all concerned. If we can make these relatively small changes happen, people here are not going to gloat and dance for joy, as everyone will immediately be thrown into the phase 2 consultation process and who knows how that one will end up. HOWEVER, the big difference this time is that people will understand the rationale and it will be a fair consultation for the people of Auldearn.

There is a huge urgency to this as draft orders are supposed to be issued next month which is when the expense of a PLI rears its ugly head.

I look forward to hearing your thoughts and am happy to discuss this with you at a time convenient to you if you need any clarification on any points.

Yours sincerely

[REDACTED]

[REDACTED]

Chief Executive's Office

Roy Brannen
Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF
Direct Line: 0141 272 7110, Fax: 0141 272 7111
ohiefexecutive@transport.gov.scot



Fergus Ewing MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Your ref: [REDACTED]

Our ref:
2016/0086873

Date:
24 November 2016

Dear Fergus

A96 Dualling Inverness to Nairn (including Nairn Bypass)

Thank you for your email dated 28 October 2016 which contained a letter on behalf of your constituent [REDACTED]. I also refer to the meeting on 21 October 2016 at which representatives from Transport Scotland and Jacobs met with yourself and a number of farmers from the Auldearn area. I can confirm that the proposal put forward by [REDACTED] in her letter was discussed at the meeting on 21 October, following your departure, and also at the meeting which took place that afternoon with Mr Edward Mountain MSP and a number of residents from the Auldearn area, including [REDACTED].

Since the meeting on 21 October we have given detailed consideration to the key matters raised and the Annex attached to this letter provides the outcome of this process, including a response to the proposal from [REDACTED].

In summary, whilst Transport Scotland acknowledges the genuine concerns raised by the landowners and other residents at Auldearn, we remain of the view that the route selection process undertaken in 2013 and 2014 was carried out in a robust, unbiased and competent manner.

I can confirm that the development and assessment of the preferred option for the scheme is continuing with draft Orders expected to be published shortly for formal comment. Further public exhibitions will be held following publication of draft Orders. Representatives from Transport Scotland and our consultant will be in attendance at these exhibitions to discuss the scheme proposals and to answer any questions.

I hope this is helpful.

I am copying this reply to the Cabinet Secretary for Economy, Jobs and Fair Work, Keith Brown MSP.

Yours sincerely

[REDACTED]

ROY BRANNEN



ANNEX

A96 Dualling Inverness to Nairn (including Nairn Bypass)

At the meeting on 21 October 2016 Transport Scotland agreed to undertake a review of the route options assessment undertaken in 2013 and 2014 and also give consideration to an alternative proposal to end the Nairn Bypass shorter than proposed at Auchnacloich as put forward by [REDACTED]. Since the time of the meeting, Transport Scotland has given further consideration to these matters with the outcome of this review provided below.

Review of Route Options Assessment

A key concern raised by the landowners was that an alignment which follows the line of the existing A96 Auldearn Bypass was not, in their view, given sufficient consideration during the route options assessment process undertaken in 2013 and 2014. They consider that an online option would have less impact than the current preferred option alignment, to the north of Auldearn. They further consider that the impacts on agricultural land, and in particular the impacts on prime quality agricultural land, have been given insufficient weighting in the assessment process.

In light of these concerns, Transport Scotland along with its consultant, Jacobs UK Ltd, have reviewed the assessment and design development work undertaken during the original 'Stage 2' route options assessment and which informed the preferred option selection process in 2014. Full details of the route options assessment process undertaken in 2013 and 2014 is provided in the Design Manual for Roads and Bridges (DMRB) Stage 2 Scheme Assessment Report available from the Transport Scotland website at www.transport.gov.scot/project/a96-inverness-nairn-including-nairn-bypass.

Each option, including the online option in principle (Option 2F) was carefully considered in the same level of detail as other options during the route options assessment process. The results were presented to the public at exhibitions in November 2013. Following public feedback, all other options were developed further to address constraints/feedback received. Updated options (including the online option) were subsequently published in May 2014.

As with the development of any trunk road scheme, we have to balance the impact on local communities alongside engineering and environmental constraints and apply unbiased professional judgement to the assessment process. In the assessment of the options, the cost estimate for options 2E (preferred option) and 2F (online option) were broadly similar (with 2F being marginally higher). In the options assessment the online option (2F) was considered marginally better in relation to Community and Private Assets (including Agriculture) but was considered to be poorer in the other areas including: noise and vibration; road drainage and water environment; effects on all travellers; safety of non-motorised users; cultural heritage, disruption during construction; and operational resilience.

Having re-examined the issues raised at the meeting on 21 October, Transport Scotland remains of the view that the route options assessment conclusions remain robust and that no new information has come to light which would result in a change to the preferred option which was announced in October 2014. The issues raised at the meeting by the farmers are acknowledged and it is accepted that Option 2E (the preferred option) is not the best performing option with regard to all of the individual assessment criteria. In fact, no single option performs better than others for every assessment criterion. However, on balance, across the full range of assessment criteria, Option 2E remains the best performing option. No new information was



presented by the landowners, at the meeting on 21 October that would affect the assessment outcome.

Whilst Transport Scotland acknowledges the genuine concerns raised by the landowners and other residents at Auldearn, we remain of the view that the route selection process undertaken in 2013 and 2014 was carried out in a robust, unbiased and competent manner

It is worth noting that based on the robust route options assessment, Option 2G (south of Auldearn) was the second best performing option with the online option (Option 2F) third best. Any change to the preferred option at this stage could be open to challenge at any public local inquiry into the scheme given the robust evidence based route options assessment undertaken during 2013 and 2014.

Proposal to end the Scheme at Nairn East Junction

In her letter of 24 October [REDACTED] proposes that the current scheme should terminate at the Nairn East Junction (at Auchnacloch) rather than at the proposed scheme extent at Hardmuir. This proposal was also discussed at both meetings on 21 October. Following the meetings, Transport Scotland has given further detailed consideration to this proposal.

The Scottish Government has given a commitment to dual the A96 between Inverness and Aberdeen by 2030 and the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme forms part of that commitment. As outlined above the route options assessment work for the Nairn Bypass was taken forward in 2013 and 2014 to reflect this commitment. Terminating the Nairn Bypass early would bring into question the commitment to dual the entire route with route options assessment work already underway on the next section between Hardmuir and Fochabers.

As part of the route options assessment process, it was considered appropriate to assess dual carriageway options (with grade separated junctions) passing to the south of Auldearn as well as to the north, including options which followed the line of the existing A96 Auldearn Bypass as closely as possible. This range of options could not have been assessed if the tie-in point had been at Auchnacloch as suggested. As such the proposed scheme extent at Hardmuir was selected to allow comparison of route options past Auldearn to the north, south and online, on a like for like basis and provide a suitable connection to the next section of A96 Dualling east of Hardmuir.

Impact of termination at Auchnacloch

The section between Auchnacloch and Hardmuir was fully considered and consulted on as part of the route options assessment for the scheme with the findings set out in the DMRB Stage 2 Scheme Assessment Report published in October 2014. This assessment fully considered the engineering, environmental, traffic and economic factors of all options and included full consideration of the impact on agricultural land use along with all other environmental factors.

If the current proposals were to terminate at Auchnacloch, a new option would be created which wasn't assessed during the DMRB Stage 2 route options assessment and therefore not evaluated as an option in its own right. As the DMRB assessment is extensive, covering environmental, engineering, traffic and economic matters any deviation from the preferred option could not have been assessed in the same way.

As such if the preferred option was to be terminated early at Auchnacloch the route options assessment process undertaken in 2013 and 2014 would need to be revisited (along with further



consultation on all options). This would be followed by further development and assessment of the preferred option identified before we would be in a position to prepare draft Orders.

This work would introduce a significant delay to the commitment to publish draft Orders for the Inverness to Nairn (including Nairn Bypass) scheme this year and could pose a significant risk to the Scottish Government commitment to dual the A96 between Inverness and Aberdeen by 2030. It is likely this proposal would delay the current programme of publishing draft Orders for the Inverness to Nairn (including Nairn Bypass) scheme by approximately 2 years, potentially even longer.

In accordance with the statutory process being followed in promoting the scheme, there will be an opportunity for all landowners and residents to make further formal comment when the draft statutory orders are published. Depending on the representations received following publication of the draft Orders a public local inquiry may be required to consider objections. If required an independent public local inquiry reporter will consider all objections submitted but not withdrawn before submitting conclusions and recommendations on the proposed scheme to the Scottish Ministers for their consideration. This is the appropriate forum to consider statutory objections to the scheme.

From: [REDACTED]
Sent: 07 December 2016 14:26:59
To: Brannen R (Roy)
Cc: PS/Transport Scotland
Subject: FW: Nairn By Pass

Attachments: SR20160035873.pdf, S20160035873.pdf

Roy,

[REDACTED] s contacting [REDACTED] in Cab Secs office and will draft this up.

thanks

[REDACTED] PS/Transport Scotland| Chief Executive's Office|Transport Scotland
|*0141 [REDACTED]

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From: [REDACTED] On Behalf Of Cabinet Secretary for Economy, Jobs and Fair Work
Sent: 07 December 2016 13:53
To: Rennie M (Michelle)
Cc: Brannen R (Roy); PS/Transport Scotland
Subject: FW: Nairn By Pass

Michelle,

Helpful to get quick advice and draft reply to this please.

Thanks

[REDACTED] Private Secretary to Keith Brown MSP, Cabinet Secretary for Economy, Jobs and Fair Work
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www.gov.scot<<http://www.gov.scot/>>
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From: [REDACTED] [mailto:\[REDACTED\]@parliament.scot](mailto:[REDACTED]@parliament.scot)] On Behalf Of Ewing F (Fergus), MSP
Sent: 07 December 2016 13:44
To: Cabinet Secretary for Economy, Jobs and Fair Work
Cc: Brannen R (Roy); [REDACTED]
Subject: Nairn By Pass

Dear Keith,

Nairn By Pass.

I am writing to ask for further consideration of the decision to decline to consider the alternative option of terminating the by pass of Nairn at Auchnacloch, I attach the letter of replies received from Transport Scotland on the 24th and 28th of November.

I should confirm two things at the start of this letter. First, I have intimated to the Permanent Secretary that because of any possible conflict of interest I have declined to take any part in the decision on the routing of the dualling of the A96 in respect of this segment - the Nairn by pass. That means that, for example, I could play no part in any cabinet discussion on the issue, should it arise. Second, I have not, and am not now, "taking sides" on behalf of any proposed alternative route for the by pass. My role has been to seek to ensure that I represent all constituents, and since any proposed route will disadvantage some constituents, I do not think that it is right that I side with some of them against others. I must try to represent all. Therefore, my role is to try to make sure that their views and voice is heard in the process.

I am writing on behalf of [REDACTED] and many other residents, who continue to oppose the choice of preferred route which goes to the north of Auldearn. They have recently put forward an alternative proposal and this was the subject of your letter. I am writing on her and their behalf further to probe the statements made in your letter.

In your letter it is stated that were this option to be considered there may be a judicial review and that there could be a delay of two years.

I would be keen to understand why these would be the case. First, the proposal to terminate at Auchnacloch will by pass Nairn, and this segment of the dualling is the Nairn by pass. Second, my constituents argue that the termination at this point will save substantial amounts of money, and I would ask for a statement of the amount saved. Third, the alternative option proposed is not a new route because obviously it would not go to Hardmuir. Rather it is a truncation of all existing options, and, as such it has already surely been considered. It does not require further consideration, at least of any great moment. So the additional work should surely be de minimis.

If Transport Scotland do not agree with that, can they kindly explain what additional work is needed?

So, some kind of explanation as to why there could be a judicial review is sought. Surely the work that Transport Scotland undertake was to seek to identify a preferred route and that that work must of necessity involve looking at all possible proposals, not just those that they have thought of? Surely the point here is to by pass Nairn, and Transport Scotland will agree that the alternative proposal does that?

Secondly, my constituent does wish a meeting in order to discuss these matters with

you to see if she can persuade you that the choice of preferred route should be further considered.

I look forward to hearing from you.

Many thanks and kind regards.

Yours sincerely,

Fergus Ewing MSP
Inverness and Nairn



Administration Assistant to Fergus Ewing MSP for Inverness and Nairn
Cabinet Secretary for Rural Economy and Connectivity

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Cabinet Secretary for Economy, Jobs and Fair Work
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Mr Fergus Ewing MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

Our ref: 2016/0040402

24 January 2017

Dear Fergus

A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)

Thank you for your further email of 7 December 2016 in relation to the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme on behalf of your constituent, [REDACTED] and other residents of Auldearn.

Transport Scotland carries out a rigorous assessment process to establish the preferred line for a trunk road improvement project. The three-stage assessment process as outlined in the Design Manual for Roads and Bridges (DMRB) covers environmental, engineering traffic and economics. If the scheme that is ultimately promoted through the relevant statutory processes has not been selected and assessed in accordance with these accepted procedures then the promotion of that scheme could be subject to legal challenge by way of judicial review. Therefore if Transport Scotland was, at this stage in the process, to take a decision to terminate the scheme at Auchnacloch rather than Hardmuir, it would be essential to demonstrate that an appropriate route selection and assessment process which includes public consultation, had been followed in reaching this decision.

The design and assessment of the scheme has taken account of the commitment to dual the A96 between Inverness and Aberdeen. As such the proposed scheme extent at Hardmuir was selected to allow comparison of route options past Auldearn to the north, south and online, on a like for like basis and provide a suitable connection to the next section of A96 Dualling east of Hardmuir.

A scheme terminating at Auchnacloch was not considered during the DMRB Stage 2 route options assessment undertaken in 2013 and 2014. Even where a truncated scheme might be potentially very similar to the preferred option (up to the chosen termination point) it would still be necessary to undertake a detailed, documented review of the revised proposal, in the context of the original Stage 2 route options assessment, to consider and assess the implications of truncating the scheme as changing the scheme extent may well result in a

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different preferred option. Perhaps more critically, as a truncated scheme did not form part of the consultations undertaken during the DMRB Stage 2 route selection process, it would also be necessary to undertake further consultation with the public and with statutory and non-statutory consultees so that their input could be considered before validating the truncated scheme as the revised preferred option.

Transport Scotland need to recognise that a proposal to truncate the current scheme at Auchnacloch would have short term and long term implications for all residents to the east of this point and it would be essential to take their views into account, along with all other stakeholders, before taking any decision.

If, following appropriate review and consultation, it was decided to take forward a truncated scheme as the preferred option then further design development and assessment in accordance with DMRB Stage 3 would be required. The statutory orders and Environmental Statement would then need to be revised to take account of the changes to the scheme design. Although some of the work carried out as part of the recently completed Stage 3 work could be incorporated in the updated Stage 3 design and assessment, a substantial amount of revision and re-assessment would be required, particularly at the eastern end of the revised scheme. Further consultation with the public and with statutory and non-statutory consultees would also be required as part of this Stage 3 work.

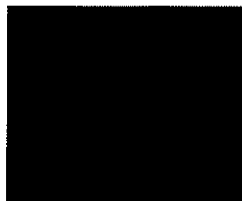
As stated in my letter of 23 November 2016, it is likely that this review and update of the Stage 2 and Stage 3 design and assessment, and the associated consultations would delay the programme by approximately 2 years, potentially even longer.

Truncating the current scheme at Auchnacloch would reduce the estimated current scheme cost due to the shorter route length. However, this scheme forms part of the Scottish Government's commitment to dual the entire A96 between Inverness and Aberdeen, as such it would not reduce the overall cost of dualing the A96. Given our commitment to dual the full length of the A96, any cost reduction on this scheme would result in a transfer of cost and similar cost increase on the next section of the overall dualing programme. In addition the potential also exists for a greater cost increase should there be any abortive costs when a revised tie in point is determined based on consideration of future route options past Auldearn. Transport Scotland has advised that the estimated cost of the scheme would be reduced by a sum in the order of £40-50m (excluding VAT at Q1 2014 Price Base) if the section between Nairn East Junction and Hardmuir were not constructed.

I note [REDACTED] request for a meeting to discuss this matter further. However, given my position as Cabinet Secretary for Economy, Jobs and Fair Work it would not be appropriate for me to meet Mrs Bailey at this point in the scheme promotion process. Depending on the representations received following publication of the draft Orders a public local inquiry may be required to consider objections. If required, a public local inquiry reporter will consider all objections, submitted but not withdrawn, before reaching a conclusion and submitting recommendations on the proposed scheme to Scottish Ministers for consideration. As Cabinet Secretary, I am likely to be involved in consideration of the reporter's recommendations and it would therefore not be appropriate for me to meet with potential objectors in advance of any public local inquiry.

I trust the above information provides the further clarification you requested and that you will understand my position with regard to a meeting with [REDACTED] at this time.

I hope this is of assistance.



Keith Brown