



**A96 Dualling Inverness to Nairn (Including Nairn Bypass)  
Landowner Consultation Form**



**A96 Dualling Inverness to Nairn (Including Nairn Bypass) – Stage 3 Landowner Consultations**

Revision: A

**PART 1 -- MEETING INFORMATION**

Date: 28/08/15      Time: (from/to) 11:20      Contact Unique Reference number [REDACTED]

Consultees Present and their company/business: [REDACTED]

Meeting Location: [REDACTED]

Team Lead name and position: [REDACTED]

Consultation Team      Team Scribe name and position: [REDACTED]

Additional Members present:

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**JACOBS**

**PART 2 - CONTACT DETAILS**

Contact Name:

[REDACTED]

Contact Address:

[REDACTED]

[REDACTED]

*Auldcorn*

Landline Phone  
Number:

[REDACTED]

**Contact  
Information**

Mobile Phone  
Number:

[REDACTED]

Email Address:

Preferred Method of Contact: *Email*

**Name and Address of Tenants or Landlord (and their  
Agents):**

**PART 3 - INFORMATION TO AID DETAILED ASSESSEMENT AND DESIGN**

**BOUNDARIES AND LANDOWNERSHIP**

*It is important to know the correct boundaries and landownership details so that notices are provided to the correct people.*

Confirmation: Are you the landowner / tenant or an authorised representative of the landowner / tenant and all interested parties and able to speak on their behalf?

*Yes*

Are the land boundaries we show correct? If not please correct.

*Yes*

Are the names and titles we have correct? If not please correct.

*Yes*

Are there any other interested parties to the land? If yes who are they and what are their interests.

*N/A*

Are any areas Tenanted? Do we have the up-to-date contact details? If not please correct.

*N/A*

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Does anyone else have rights over the property e.g. rights of access?

N/A

LANDUSE, BUSINESSES AND FARMING

*To understand the impact for the scheme on your business we first need to understand what your business is. Nobody knows how you operate your business better than you.*

What is your business?

[Redacted]

How does your business operate?  
Day to Day  
Month to Month  
Year to Year

[Redacted]

What is the primary land use?

[Redacted]

What are the future plans for the business and land?

- Business Growth
- Planning applications

Ware

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**JACOBS**

Please describe the road and access routes into / around / out of your land.

- Livestock movement
- Equipment movement
- Type and size of equipment
- Delivery's and export
- Customers




What are the Hazardous Activities on your land?

*None*

DRAINAGE AND FLOODING

To ensure that the new A96 does not cause additional flooding and is well drained itself we need to understand the issues around drainage and any flooding which may have affected your land.

Do you have field drainage plans?	None Ditches all along fields.
How often are they maintained?	N/A
What watercourses do you have on your land? Are they named?	 - Floods Neighbours house
What do you know about the ground water in your areas?	Very high water table.
Have you suffered from flooding? When, where, why?	Neighbours flooded
Was this, as far as you know, due to river levels rising or a heavy downpour flooding the land directly?	heavy rain.
Did the flood affect agricultural land or properties?	Yes @ burn

UTILITIES

Establishing the utilities on your land is important. We need to avoid these utilities in order to ensure they continue to provide you with service.

Do you have a private water supply? If yes please see questionnaire.

None

Do you have a water supply to troughs? Private or mains?

Mains.

Do you have a septic tank?  
How often is it emptied?  
Where is the tank located and where is the discharge point?

Septic tank near house - from Elgin, Forres direction

Do you have an oil or gas tank?  
If so where?  
How often is it filled?  
Where do the pipes run?

Oil tank - from Elgin, Forres direction

Which utility companies supply the property?

Gas: N/A

Water and Sewerage:

Electricity:

Telecommunications:



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Do any utilities have rights over the property e.g. to access equipment? If yes, please specify company and nature of rights.

N/A

ACCESS ROUTES

Access to and from property is required almost continuously. To make sure we provide the right level of access we need to know what traffic will need to use the route.

School and public bus stops

None.

Refuge Collection point

✓ Tadlow, Army. Nairn Road for post  
✓ 1 from Forres for Ops.

Post delivery

SURVEYS – ENVIRONMENTAL AND GEOTECHNICAL

To obtain further detailed data on the existing environmental and geotechnical conditions we will be carrying out further surveys throughout the coming year.

Your knowledge of the area is a vital part in gathering this intelligence and building the larger picture.

What Heritage or Archaeological sites do you have on your land?  
What is the history of your land? (e.g. airfield in WWII)

[Redacted] in field next to house on East  
Noted on map.

Do you have any areas which have been used as waste tips or dumps in the past?

✓  
None.  
✓

Do you have any known areas of Contaminated Land?

What do you know of any specific ecology and wildlife habitats in the area which may not be obvious to the survey teams?

Salmonids, otters, birds of prey, Squirrels (Red),  
deer, rabbits

Do you know of any Hazardous Activities on your land?

None

Private Water Supply

*Please provide use with the details of your private water supply.*

Do you have a private water supply?

Is your water source a well or a spring?

What is the location in relation to the house (if any) on your property?

How old is the supply?

If supply is from a spring how is the water abstracted (i.e pipes or capturing box)?

If supply is from a well:  
How deep is the well and what is the diameter?

Does the water enter from the bottom or laterally?

What is the depth of water from the surface or from the bottom of the structure?

Does the water run out in dry weather or fluctuate at certain times or seasons?

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**JACOBS**

How is it conveyed to your house/field/reservoir e.g. pumping system or by gravity?

Is this supply for domestic use/ drinking water for cattle / gardening / other?

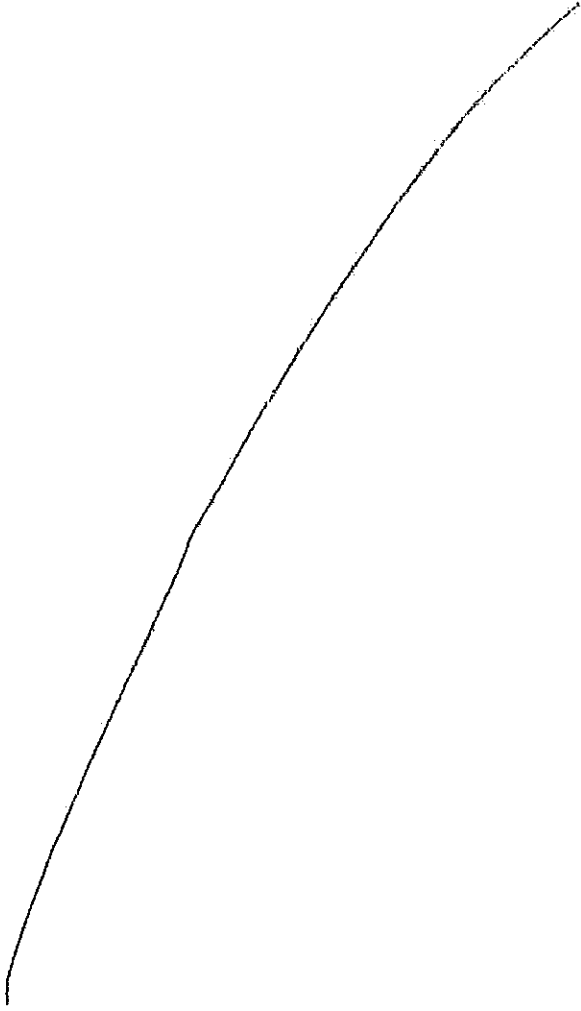
Does this source supply other properties?

Do you know if nearby properties have wells or springs?

Do you know the approximate yield / volume of water produced?

Do you have any records of the water quality? May Jacobs see the results? If not may Jacobs test the water?

Do you have any records of construction? May Jacobs see these records? May Jacobs inspect the buildings?



Items to Discuss with Consultee

- Meet the Team event
  - Wednesday 26<sup>th</sup> August, Culloden, Barn Church
  - Thursday 27<sup>th</sup> August, Nairn, Community Centre
- Open Environmental Survey access for the coming year
- Geotechnical Surveys will be discussed later if they are to be on your land
  - Access for boring equipment will be needed.
- Draft orders will be produced by the end of 2016.
- \* Put Air Quality monitor at end of garden - requested
- \* Request for Noise monitor at house
- \* Item 12 on minutes of last meeting - [redacted] ~~has~~ not raised a public enquiry. Ferguson has said that there will be a public enquiry.
- \* Support Nairn Bypass but not Haldern bypass being bypassed, should not continue past Nairn, should stop after Nairn
- \* Push Road over hill as far as possible, add bunding, look at closing small road on east off and not have to elevate road too much, add trees to bunding.
- \* Prefer going through property if route stays the same.
- \* Noise + light pollution extreme concern
- \* Artists impression which is accurate with buildings requested if route alignment is altered.



From: PS/Transport Scotland  
Sent: 01 September 2015 11:10:45  
To: PS/Transport Scotland  
Subject: Add to MACCS FW: Questions for ministers

Attachments: Questions for ministers July 15.docx

██████████  
Correspondence Administrator | Chief Executive's Office | Ext: ██████████ Tel: ██████████  
██████████

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From: ██████████ On Behalf Of Cabinet Secretary for Infrastructure,  
Investment and Cities  
Sent: 26 August 2015 14:54  
To: Ministerial Correspondence Unit  
Cc: ██████████ PS/Transport Scotland; Cabinet Secretary  
for Infrastructure, Investment and Cities  
Subject: FW: Questions for ministers  
Importance: High

For MACCS please.

██████████ - You will see that Mr Ewing has asked for a fairly quick response.

Thanks

██████████  
██████████ (Deputy Private Secretary I Office of Keith Brown MSP, Cabinet  
Secretary for Infrastructure, Investment and Cities I Scottish Government, St  
Andrew's House, Regent Road, Edinburgh, EH1 3DG ██████████  
CSIII@scotland.gsi.gov.uk<mailto:CSIII@scotland.gsi.gov.uk> Click  
here<<http://intranet/InExec/AboutUs/Directorates/CabinetDirectorate/Ministers/MinisterialPrivateOffices/culture/CultureandExternal/Culture>> to find out more about  
supporting Ministers.

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From: ██████████@scottish.parliament.uk<mailto:██████████@scottish.parliament.uk> [mailto:██████████@scottish.parliament.uk] On Behalf Of Fergus.Ewing.msp@scottish.parliament.uk<mailto:Fergus.Ewing.msp@scottish.parliament.uk>  
Sent: 26 August 2015 14:38  
To: Cabinet Secretary for Infrastructure, Investment and Cities

Subject: FW: Questions for ministers  
Importance: High

Dear Keith,

Please find attached a list of questions posed from members of the community that they need answers to.

I would be very grateful if the answers to these question can be given fairly quickly, as they do not feel at all listened to and [REDACTED] needs to provide an update to 'the 75' others.

Many thanks.

Yours sincerely,

Fergus Ewing MSP  
Inverness and Nairn

From: [REDACTED] [mailto:[REDACTED]]  
Sent: Thursday, July 23, 2015 10:40 AM  
To: Ewing F (Fergus), MSP  
Cc: [REDACTED]  
Subject: Questions for ministers

Dear Fergus

I hope this finds you well and managing to take some time out this summer (if indeed, you can call it summer!).

Following the meetings with Transport Scotland and Jacobs at the end of last month, I've been speaking to those people who were finally 'granted an audience' with them to get their reactions and unfortunately, it seems that their visit has raised far more questions than it answered. In fact, [REDACTED] and I found that their focus is now so narrow, i.e. they will deliver on the preferred route regardless of whether or not it is the right one, that it was almost not worth even meeting with them. As a result, there is more angst, depression (yes, some people are really struggling) and stress in the community than there was before.

It was evident that Jacobs had not read their maps properly and suddenly many of us are much closer to the road than had previously been communicated and others have only just found out that parts of their garden will also be compulsorily purchased, which was certainly not communicated before.

I have therefore compiled the attached list of questions that need to be answered by ministers. Some of these questions do relate to our own, dire situation, but the rest are from other members of the community. The way this is being handled is turning more and more people against the dualling, which most people now see as totally unnecessary along this quiet, safe stretch of the A96 and all of us are feeling bullied and neglected by the government.

I'd be really grateful if we could get a quick turnaround on these questions and also if you could let me know when we might hear from Keith Brown regarding a meeting after the summer recess. People are desperate to be heard and so far, no one beyond you is listening.

I look forward to hearing from you soon Fergus.



Thank you again and kind regards

[REDACTED]

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This message has been received from an external party and  
has been swept for the presence of computer viruses.

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## A96 dualling: bypass of the Auldearn bypass – questions for ministers

Questions from [REDACTED] and from other people who had meetings with Transport Scotland and Jacobs during the month of June 2015.

1. When he finally visited us at our property, [REDACTED] from Transport Scotland said that they were perfectly aware that Auldearn Community Council (ACC) had not represented the views of the community when they made their route recommendation. Why then is no one doing anything about this and why are TS being allowed to plough ahead with this route knowing this fact? Many people did not put forward their own view, because they thought they would be represented properly by ACC, so many voices were not even heard.
2. Another comment from [REDACTED] was that this kind of behaviour from community councils happens all the time, up and down the country. This raises a bigger question: why does the government allow community councils to input recommendations as part of the planning process? Surely they have proved that they are not qualified to make these recommendations, with such huge impact on people's lives and this practice should be stopped.
3. With regard to bypassing the Auldearn bypass, why do human beings come so low down the list of priorities when choosing a route? The route chosen north of Auldearn has the biggest impact on the most people, in terms of destruction of homes and livelihoods, than any of the other routes that were proposed in this area. Why is it that the importance of people is rated lower than the importance of grazing land, trees, bus routes, village junctions, wildlife, etc, etc.
4. From a wider economic perspective, why is the government spending what will amount to billions of pounds on dualling the A96, but only £170 million on the railway line between Inverness and Aberdeen? We know that the government continually misses its environmental targets, why then is it permissible to build fast roads at great expense, rather than channelling those funds into providing high-speed, electric trains that will deliver on the environmental and economic strategies?
5. With predicted oil revenues being a fraction of what the government originally quoted, no one believes that there will be money available to dual the A96 along its entirety, particularly as it is a less dangerous road, with less accidents than many others in Scotland. There is therefore a very real fear that, as the bypassing of the Auldearn bypass seems to be an unstoppable machine ([REDACTED] told us that work would start at this point first, rather than at the Inverness end owing to the complexity of the junctions required in Inverness) we will be left with a white elephant that will rip up prime agricultural land, ruin people's livelihoods and destroy their homes and become the road to nowhere. This has been seen before in the Highlands with the Kessock Bridge to Tore roundabout dual carriageway, that has been in place for over 30 years, but carries very little traffic along its full length and has never been completed. This was constructed at the time when the oil industry was booming and was to have carried on to Invergordon, but nothing has happened since this first section was built. What written guarantees are the government going to give to those of us who will have our homes and livelihoods destroyed that this will not be another government white elephant?
6. Where does agriculture feature in the government's policies? By choosing a route north of Auldearn, Transport Scotland has opted to rip up prime agricultural land – some of the best in Scotland – rather than go through rough grazing or woodland, which would not have the same economic impact on the agricultural wealth of the country. Why is this not important?

7. Another question on the human factor, which is seems to be the lowest priority to the government. For those of us whose properties will be totally blighted by the route north of Auldearn – in several instances the road is less than 50 metres (30 metres in one case) from homes – we have received no information from the government on what our rights or options are. We will no longer be able to use our gardens owing noise and pollution and there will be several rooms in our houses that we won't be able to use either owing to noise and vibration. Why have we not had a visit from someone outlining what we can do, how we get fully compensated to allow us to move on – basically someone to make us feel like we have human rights? So far there has been nothing at all, only the land agents and solicitors circling like vultures, hoping that we will pay vast amounts of money to them so that we can get some kind of representation. Why is it that we should have to be thinking of paying for our own legal representation, when our predicament is all the government's fault?
8. Why is it that restricting the future development of Nairn to the east is acceptable? By choosing a route to the north of Auldearn, a four-lane road will cut through the middle of the Nairn and Auldearn settlement, meaning that Nairn cannot expand eastwards and this would not be the case with the choice of a different route. Why is this considered to be a good planning decision?
9. There is too much in the way of smoke and mirrors going on. People who have homes on the preferred route around Auldearn are now finding out that parts of their gardens will need to be compulsorily purchased to facilitate the over-engineered, motorway standard junctions that need to be built. This was not apparent when the route choice was publicised and they are only now finding out when Jacobs write to them to arrange a meeting at their homes. At these meetings, which take place during the working day, so in several cases only one member of the household could be there, maps are presented to home owners to show the exact route of the road, but then the homeowner is not allowed to have a copy and the map is whisked away. Why the secretive nature of this action? Surely all these maps should be in the public domain? We all have a right to see all of the maps that are showing how enormous a price we will pay for the sake of an unwanted road.
10. Again the human factor: why is there no provision in local government to help people who are put in a situation where their homes are being destroyed? We live in the country because we do not want to live on top of other people in a housing development. It is our life and the government is destroying that. However, when we asked our local government if we could build on some land in the countryside that is too challenging to be used for any kind of farming, the answer was a resounding 'no', unless there was a business, other than one connected to forestry (which would have been the only feasible business in that area), which could be tied to the house by a very restrictive Section 75, meaning that we would not be able to get any kind of finance anyway. We are not in a position to bid on another house because of the devaluation of our house, but neither are we allowed to build in another place in the country, which would have been a cheaper option. Again, where is the support to the people you are abusing?
11. A lot of people along the length of the A96 corridor are against the perceived waste of money on sections where the car movements are so low that they will never merit a dual carriageway. Their question is: why is it, when so many of us live in the Highlands and Moray because it is a unique environment, unspoiled by motorways and other trappings of the urban south, that ministers are so desperate to imposed Central Belt mentality on a beautiful, rural part of our country that clearly, they do not understand?

Cabinet Secretary for Infrastructure, Investment and Cities  
Keith Brown MSP

T: 0300 244 4000  
E: scottish.ministers@scotland.gov.uk

Mr Fergus Ewing MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP



Our ref: 2015/0029291  
22 September 2015

*Dear Fergus,*

#### **A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)**

Thank you for your email of 26 August 2015 with further questions raised by [REDACTED] of [REDACTED].

Transport Scotland met with [REDACTED] on 24 June 2015 to discuss the outcome of the route option assessment process and her concerns. The preferred option for this scheme was announced in October 2014 following a rigorous assessment process and is now the focus for the work going forward. The exact alignment of the preferred option as presented at the exhibitions held in October 2014, and therefore its proximity to existing properties, is currently under development and may be subject to change. This development work was clearly set out on the information provided at the exhibitions.

The designers Jacobs UK Ltd held a further meeting with [REDACTED] on 25 August to discuss her specific circumstances in relation to the proximity of the preferred option. I can reassure you that there will be further public consultation to ensure that individuals, communities and businesses affected by the work are kept fully informed. Their feedback will be taken into account in developing the preferred option, for which it is planned to publish draft Orders later in 2016.

Attached are answers to each of the questions posed by [REDACTED]. Should [REDACTED] require a further meeting to elaborate, Transport Scotland's [REDACTED] can be contacted on [REDACTED].

I trust this is of assistance.

[REDACTED]  
**KEITH BROWN**

Victoria Quay, Edinburgh EH6 6QQ  
www.gov.scot



**Questions raised by [REDACTED] email of 23 July 2015**

1. Public engagement and dialogue with directly affected communities and other stakeholders is at the heart of the development and delivery of our plans to dual the A96. All the consultation feedback received following the exhibitions held in November 2013 was taken into account during the route option assessment process.
2. Community Councils were created by the Local Government (Scotland) Act 1973 and their primary purpose is to ascertain and express the views of the community they represent to the local authority and other public bodies. Transport Scotland is committed to consulting with all Community Councils along the scheme. During the route option assessment process, the project team engaged with Auldearn Community Council in a similar manner to the other Community Councils along the route corridor. Two Community Council Forums (one for the Inverness to Gairnfield section and another for the Nairn Bypass) were set up during the route option assessment process. One Community Council Forum was held in Nairn on 28 May 2014 and another on 28 October 2014 following the preferred option exhibitions. Other than the Community Council Forums and the public exhibitions in November 2013 and October 2014, Transport Scotland have not had any further meetings with Auldearn Community Council. As stated above, Transport Scotland is fully aware that Community Councils cannot represent every member of the community. All public feedback received following the exhibitions held in November 2013 was taken into account during the route option assessment process.
3. Establishing a preferred option for a scheme follows a standard three-stage assessment process set out in the Design Manual for Roads and Bridges (DMRB). This includes consideration of items including environmental, engineering, traffic and economics. Many of the impacts included in the assessment are specifically related to impacts on local residents and landowners including noise, air quality and visual impact for example.

The outcome of the route option assessment process for the scheme is fully documented in the DMRB Stage 2 Scheme Assessment Report which is available from Transport Scotland's website at <http://www.transportscotland.gov.uk/project/a96-inverness-nairn-including-nairn-bypass>.

4. In addition to dualling the A96, the Scottish Government has embarked on a five-year, £5 billion programme of railway investment across the network, supporting the delivery of key projects such as the Aberdeen to Inverness Rail Improvements project, which will deliver significant journey time improvements and greater connectivity for both passenger and freight services operating on this corridor by 2030. Phase One of the project will deliver a package of improvements including: the redoubling of track between Aberdeen and Inverurie, signalling enhancements, platform extensions at Insh and Elgin, Forres station relocation and track improvements and infrastructure to support two new stations at Dalcross and Kintore by 2019.
5. The Scottish Government has given a clear commitment to completing the dualling of the A96 between Inverness and Aberdeen by 2030 through the Infrastructure Investment Plan.
6. As part of the route option (DMRB Stage 2) environmental assessment, a specialist Consultant (Scottish Agricultural College) provided an assessment of the effects of the route options on agriculture, forestry and sporting land uses. The findings of this



assessment were taken into account as part of the overall route option assessment process. Full details of the assessment are in Chapter 16 (Community and Private Assets) of the DMRB Stage 2 Scheme Assessment Report.

A further assessment of the impacts on agricultural and forestry land will be undertaken as part of the development and assessment of the preferred option (DMRB Stage 3) and reported in the Environmental Statement, which will be published alongside the draft Orders.

7. The "Guidance on the Compulsory Purchase Process and Compensation" provides information on statutory process followed for the purchase of property through the compulsory purchase and compensation process. A copy of this document is available for download from the Transport Scotland website at <http://www.transportscotland.gov.uk/guides/18908-00.htm>. Hard copies of this guidance are available on request. The guidance was also available at the meetings held between affected land owners and the designers, Jacobs UK Ltd.

For those not directly affected (i.e. where land or property is not taken for the construction of the scheme), there are a number of ways in which they may be compensated for impacts due to road operation:

#### Noise Impacts

- Noise surveys and modelling work will be undertaken to quantify changes in noise levels as a result of the final preferred scheme. Properties which may qualify for noise insulation will be identified in the Environmental Statement.
- Further assessments will be carried out in accordance with the Noise Insulation (Scotland) Regulations 1975.
- Properties which meet the specified criteria will be eligible for noise insulation.

#### Impact on Property Value

- Twelve months after the opening of a new road, those who have not otherwise been compensated and who consider that their property has reduced in value by virtue of the operation of the new or altered road may be entitled to claim for compensation in that regard within the terms of Part I of the Land Compensation (Scotland) Act 1973. The valuation of any such compensation will be assessed by the Valuation Office Agency.

8. An assessment of the potential impacts of the route options on development land (land with planning permission, or future development proposed in local plans) was carried out as part of the DMRB Stage 2 assessment process. All route options had some potential effects on development land either directly (through loss of land), or indirectly (through potential amenity impacts). The preferred route option for the Nairn Bypass was found to have comparatively few impacts on currently known development land compared to other route options. Further details on this can be found on Page 16-60 of the DMRB Stage 2 Scheme Assessment Report (Part 3 – Environmental Assessment).
9. The exact alignment of the new trunk road and associated side roads, junctions and private means of access has not yet been finalised. Wherever possible, the design will be developed to avoid impacting on the outillage and garden ground of individual properties. However in certain cases, it may be necessary to include such land within the compulsory purchase order.

With regard to drawings, it should be noted that drawings which detail the preferred



option have been available to download from the Transport Scotland website since the preferred option exhibitions in October 2014. The drawings being used at the current round of landowner meetings simply show this same preferred option in conjunction with the property boundary of the individual landowner. These drawings were prepared for discussion purposes only, and in some cases the road design may be amended to reduce impact on individual properties, taking account of the feedback from these meetings. Hard copies of these drawings can be made available on request.

10. This is covered in point 7 above.
11. In December 2011, The Agenda for Cities, "Scotland's Cities: Delivering for Scotland", was published by the Scottish Government. The Agenda identifies connecting cities with strong, reliable and resilient transport infrastructure as a key characteristic to support sustainable growth. Published alongside this was the Scottish Government's Infrastructure Investment Plan, providing an overview of plans for infrastructure investment over the coming decades. To complement the Agenda for Cities, the Infrastructure Investment Plan contains a commitment to complete the dual carriageway network between all Scotland's cities by 2030, including the upgrade of the A96 between Inverness and Aberdeen to dual carriageway.

From: [REDACTED]  
Sent: 04 November 2015 14:17:13  
To: Ministerial Correspondence Unit  
Subject: FW: Letter requesting A96 dualling route change at Auldearn  
\*\*\*IHM\*\*\*

MR please.

On 3 Nov 2015, at 12:12, Mackay D (Derek), MSP  
<Derek.Mackay.msp@scottish.parliament.uk<mailto:Derek.Mackay.msp@scottish.parliament.uk>> wrote:  
Fergus  
Finance for new roadworks is with Keith and John atm  
derek

From: Ewing F (Fergus), MSP  
Sent: 02 November 2015 12:30  
To: Mackay D (Derek), MSP  
Subject: Fwd: Letter requesting A96 dualling route change at Auldearn

I think that a meeting which I requested with this constituent was turned down. I wonder if that decision might be reconsidered, as there are as you can see many people who are not happy with the line proposed.

An agreement to meet to discuss would I think be the least necessary.

I am not sure if you or Keith is handling this though

F

Sent from my iPad

Begin forwarded message:

From: [REDACTED]  
<[REDACTED]<mailto:[REDACTED]>>  
Date: 2 November 2015 at 11:07:03 GMT  
To: Fergus Ewing  
<fergus.ewing.msp@scottish.parliament.uk<mailto:fergus.ewing.msp@scottish.parliament.uk>>  
Cc: [REDACTED]  
<[REDACTED]<mailto:[REDACTED]>>@scottish.parliament.uk<mailto:[REDACTED]>>@scottish.parliament.uk>>,  
"[REDACTED]<mailto:[REDACTED]>>@scottish.parliament.uk<mailto:[REDACTED]>>@scottish.parliament.uk">  
<[REDACTED]<mailto:[REDACTED]>>@scottish.parliament.uk<mailto:[REDACTED]>>@scottish.parliament.uk>>,  
[REDACTED]  
<[REDACTED]<mailto:[REDACTED]>>  
Subject: Letter requesting A96 dualling route change at Auldearn  
Dear Fergus, I hope this finds you well and enjoying this beautiful weather.

I attach a letter, signed by 177 people, setting out the justification for a route change of the A96 dualling at Auldearn.

I delayed sending this to you on Friday, as signatures were still flooding in and as I

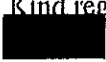


type, I think there are still one or two more to come. I am therefore just sending this by e-mail as a heads-up and I will be hand-delivering a hard copy, complete with all the signature sheets and attachments, to your constituency office in Inverness on Wednesday morning this week.

As people are very worried about identify fraud these days, I would be really grateful if I could get a receipt for the package when I deliver it on Wednesday and also written confirmation of the process used at your constituency office to protect the signatures and address details of all those who have signed. I need to be able to let everyone know that they should not have to worry about their signatures, names and addresses falling into the wrong hands.

Thank you.

Kind regards



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Cabinet Secretary for Infrastructure, Investment and Cities  
Keith Brown MSP

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

Mr Fergus Ewing MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP



Our ref: 2015/0088417  
23 November 2015

*Dear Fergus,*

**A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)**

Thank you for your e-mail dated 2 November 2015 on behalf of your constituent [REDACTED] regarding the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme.

As detailed in my letters of 29 June and 22 September 2015 there have already been a number of meetings with [REDACTED] to discuss her concerns and this consultation will continue as the preferred option for the scheme develops. It is planned to publish the draft Orders for the scheme later in 2016 and this will mark the start of the formal statutory consultation period during which anyone who wishes to do so can comment or submit objections to the scheme. If the scheme were to proceed to a Public Local Inquiry (PLI), Scottish Ministers will ultimately give detailed consideration to the PLI Reporter's recommendations and decide whether or not to proceed with the scheme.

Given the stage we are at in the development of the scheme I feel it would be more helpful to you if you met with Transport Scotland officials who are more familiar with the detail of the scheme in order to discuss the concerns raised by [REDACTED] and others. As such please contact Transport Scotland's Head of Planning and Design, Mr David Anderson on [REDACTED] to arrange a mutually appropriate time.

I trust this is of assistance.

Kind regards

**KEITH BROWN**

Victoria Quay, Edinburgh EH6 6QQ  
www.gov.scot



From: Brannen R (Roy)  
Sent: 26 January 2016 12:53:15  
To: Rennie M (Michelle), PS/Transport Scotland  
Subject: FW: [REDACTED]  
Nairn By pass

[REDACTED]  
Acknowledge please copying in Ministers and saying Michelle will respond.

Thanks  
R

From: [REDACTED]@scottish.parliament.uk  
[mailto:[REDACTED]@scottish.parliament.uk] On Behalf Of  
Fergus Ewing MSP@scottish.parliament.uk  
Sent: 26 January 2016 12:49  
To: Brannen R (Roy)  
Subject: [REDACTED] - Nairn By  
pass

Dear Roy,

Route of Nairn By pass.

I am writing on behalf of [REDACTED]  
[REDACTED] in relation to the proposed route of the Nairn by pass. She has expressed her  
opposition to the proposed route which proceeds north of Auldearn. As stated in  
previous correspondence, my constituent does express concerns on behalf of a large  
number of residents - 188 people - and flooding was already previously flagged up as  
a major area of concern.

Recently she has met with Jacobs, who are acting as agents of TS. She has pointed out  
that the proposed route lies in a flood plain. She has drawn my attention to the names  
of two of the farms on the route - one is [REDACTED], and the other [REDACTED]  
[REDACTED]

As she states: The clue is in the name!

With the recent flooding north and south of the border focussing public policy on the  
risks involved and the dangers inherent on building on or close to flood plains -  
including of damage to any roads - it does appear highly important that there is  
evidence on this issue and that it should be shared with all concerned.

I would therefore ask that you please let me know what evidence there is in relation to  
the flooding issue of the route as it lies north of Auldearn; and if you can confirm  
whether or not TS consider that this is an issue.

I look forward to hearing from you.

Yours sincerely,

Fergus Ewing MSP  
Inverness and Nairn.

[Redacted]

Parliamentary Assistant to Fergus Ewing MSP  
T4.07 The Scottish Parliament  
Edinburgh  
EH991SP

Tel: [Redacted]

Email: [Redacted]@scottish.parliament.uk<mailto:[Redacted]@scottish.parliament.uk>

Website: [www.fergusewing.com](http://www.fergusewing.com/)<<http://www.fergusewing.com/>>

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**Chief Executive's Office**

**Roy Brannon**  
Buchanan House, 68 Port Dundas Road, Glasgow G4 0HF  
Direct Line: 0141 272 7110, Fax: 0141 272 7111  
chiefexecutive@transportscotland.gov.uk



**Fergus Ewing MSP**  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Your ref:

Our ref:  
2016/0002764

Date:  
9 February 2016

*Dear Fergus*

**A96 DUALLING INVERNESS TO ABERDEEN (INCLUDING NAIRN BYPASS)**

Thank you for your e-mail dated 26 January 2016 in which you raised the issue of flooding in relation to the above scheme on behalf of your constituent [REDACTED] of [REDACTED]

I would like to reassure you that potential impacts on the water environment, including flood risk, are considered throughout the design and development of trunk road improvement schemes.

As part of the design and assessment of the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme our Consultant is evaluating the impact on flood risk in the area and a hydraulic model of the Auldearn Burn will be developed to assist in this evaluation. The scheme will be designed so that it will not lead to an increase in flood risk and where required, mitigation will be added to the scheme design. The assessment will include an allowance for climate change. The work currently being taken forward will form part of a Flood Risk Assessment for the route, which will be published as part of the Environmental Statement later this year. Detailed consultation with Scottish Environment Protection Agency (SEPA) is being undertaken to agree the methodology and scope for this work.

With regard to wider flood risk issues, I can confirm that wherever possible, the road layout is being developed to avoid construction within flood plains. However at certain locations, the scheme has to traverse flood plains and measures will be built into the design to avoid increasing flood risk. All new watercourse crossings will be designed so that the bridge or culvert has sufficient capacity.

Similarly the road drainage system will be designed so that it does not create any additional flooding risk to the surrounding area. This is typically achieved by incorporating attenuation ponds within the drainage design for the scheme.

In addition to using historical flood data provided by SEPA, the design team are carrying out detailed topographical surveys of all affected watercourses and will prepare a detailed hydraulic



model of selected watercourses, including the Auldearn Burn, to inform the Flood Risk Assessment.

I hope this is helpful.

I am copying this reply to the Cabinet Secretary for Infrastructure, Investment and Cities, Keith Brown MSP.

*Yours Sincerely*



**ROY BRANNEN**

From: [REDACTED] (TRANS)  
Sent: 08 February 2016 16:37:31  
To: PS/Transport Scotland  
Subject: FW: Nairn by pass

Attachments: 15 09 28 To Transport Scotland Re Nairn Bypass impact on home.docx

[REDACTED]  
I have tried phoning [REDACTED] for [REDACTED] note. I'll email her.

Regards  
[REDACTED]

From: [REDACTED]@scottish.parliament.uk<mailto:[REDACTED]@scottish.parliament.uk> [mailto:[REDACTED]@scottish.parliament.uk] On Behalf Of Fergus.Ewing.msp@scottish.parliament.uk<mailto:Fergus.Ewing.msp@scottish.parliament.uk>  
Sent: 08 February 2016 15:53  
To: Brannen R (Roy)  
Subject: Nairn by pass

Dear Roy,

I attach a note from my constituent, [REDACTED] with regard to the proposed route of the Nairn By pass.

I had asked for the opportunity that my constituent and another constituent meet the Minister to discuss, but this request was turned down - at a time when you were the senior Trunk Roads official.

I now discover that in the discussions with Jacobs that that company appear not to have had communicated to them the concerns of my constituents as relayed by me to both the Minister and TS (attached letter to TS from myself dated 15th September).

Can you please let me know whether my representations were copied to Jacobs, and what the procedure is, since I must express my concern that they should be so communicated to enable that company which is specifically engaged to work on the issues related to the route choice to understand the views and objections of my constituents.

Yours sincerely,

Fergus Ewing MSP  
Inverness and Nairn

[REDACTED]  
Parliamentary Assistant to Fergus Ewing MSP  
T4.07 The Scottish Parliament  
Edinburgh  
EH991SP  
Tel: [REDACTED]



Email: [REDACTED]@scottish.parliament.uk<mailto:[REDACTED]@scottish.parliament.uk>

Website: [www.fergusewing.com](http://www.fergusewing.com/)<<http://www.fergusewing.com/>>  
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Dear David,

Re: [REDACTED]

I am writing on behalf of my above constituents whose house is adjacent to the proposed line of the A96 Nairn by pass. Their house will have on its boundary, a dual carriageway. [REDACTED] recently attended my September surgery and showed me a diagram prepared by Jacobs of the properties impacted by the line,

These should be the properties with a colour coding; yellow for slight impact to red for severe.

The [REDACTED] property is not correctly shown on the diagram. It is not marked at all. This is despite the fact that it is actually right beside the proposed line. Nor is it shown as severe impact which is very strange since many properties which are marked upon the diagram will be located several hundred metres from the new route and thus will therefore be impacted to a far lesser extent.

My constituent does query the preparation of this diagram because she believes that many of the properties shown on it have not been "marked" in the estimated impact, in a consistent fashion.

I understand two other diagrams are shown on Transport Scotland's, namely the artist's impression and the aerial view, also miss off my constituent's property (and others) therefore giving the impression that there is no impact to properties in this area.

The three pieces of information together paint the wrong picture and they would be now like them to be amended accordingly to reflect the true picture to all concerned.

[REDACTED] asks if this diagram is used and if so for what purposes; and to whom it is shown.

Please see below the link to the website showing the aerial view [REDACTED] and the artist's impression [REDACTED]. I also attach a copy of the visual impact assessment.

[http://www.transportscotland.gov.uk/system/files/documents/projects/A96%20Inverness%20to%20Nairn%20\(incl.%20Nairn%20Bypass\)%20Preferred%20Option%20panels.pdf](http://www.transportscotland.gov.uk/system/files/documents/projects/A96%20Inverness%20to%20Nairn%20(incl.%20Nairn%20Bypass)%20Preferred%20Option%20panels.pdf)

I am writing formally to ask that you check it for accuracy and confirm that so far as my constituent's property is concerned the impact can only be considered severe and will be revised accordingly? Can the other two diagrams referred to be corrected now?

Yours sincerely,

Fergus Ewing MSP  
**Inverness and Nairn**

Chief Executive's Office

Roy Brannen  
Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF  
Direct Line: 0141 272 7110, Fax: 0141 272 7111  
chiefexecutive@transportscotland.gsi.gov.uk



Fergus Ewing MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Your ref:

Our ref:  
2016/0004955

Date:  
22 February 2016

Dear Fergus

**A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS) –** [REDACTED]

Thank you for your e-mail dated 8 February on behalf of your constituents [REDACTED] of [REDACTED] regarding the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme. Unfortunately I did not receive a copy of the note from [REDACTED] with your e-mail and have been unable to get hold of a copy of this from your office at the time of writing.

I can confirm that your e-mail dated 28 September 2015, which contained the letter attached to your email dated 8 February, was passed to our design consultants, Jacobs UK Ltd, on 29 September 2015. Transport Scotland often forwards on queries received which are of a technical nature for discussion with our consultants. This helped form my predecessor's response dated 16 October 2015, which responded to the various points raised in regards of the DMRB Stage 2 route option assessment report, the artist impressions and aerial views.

Transport Scotland's A96 Dualling team and Jacobs are fully aware of the concerns of [REDACTED] and have met with them on a number of occasions to discuss their concerns. This has included meeting [REDACTED] at their property on the following occasions:

- 24 June 2015 – Attended by [REDACTED] (Transport Scotland) [REDACTED] (Jacobs) & [REDACTED] (Jacobs)
- 25 August 2015 – Attended by [REDACTED] (Jacobs) & [REDACTED] (Jacobs)
- 25 January 2016 – Attended by [REDACTED] (Jacobs) & [REDACTED] (Jacobs)

In addition to these meetings [REDACTED] have also attended a number of the on-going public events held in relation to the scheme and have spoken with Transport Scotland officials at each of these, including the recent drop-in sessions held in Nairn on Friday 5 March 2016.

[REDACTED] emailed the A96 Dualling team on 10 February 2016 requesting that Transport Scotland gives consideration to purchasing their property. Transport Scotland will give due consideration to such a request and respond to [REDACTED] as soon as possible.



In the meantime, should [REDACTED] require a further meeting to discuss any of their concerns, Transport Scotland's [REDACTED] can be contacted on [REDACTED] or Jacobs' locally based Stakeholder Co-ordinator, [REDACTED] on [REDACTED] to arrange a mutually convenient time.

I hope this is helpful.

I am copying this reply to the Minister for Transport and Islands, Derek Mackay MSP and Cabinet Secretary for Infrastructure, Investment and Cities, Keith Brown MSP.

*Yours Sincerely*

[REDACTED]

ROY BRANNEN

**Extract from A96 Dualling Inverness to Nairn (Including Nairn Bypass) Design  
Development Issues – 8/3/16**

**Design Development Issue**

Horizontal realignment to shift  
alignment further from [REDACTED]  
[REDACTED]

**Comments**

Landowner request

**Category**

No change  
proposed

From: [REDACTED]  
Sent: 29 February 2016 10:52:57  
To: PS/Transport Scotland  
Subject: CEO MACCS Case to be registered  
Attachments: [REDACTED] 29-02-2016\_10-33-21.pdf

Dear PS/TS

Please find attached a letter addressed to David Anderson regarding the A96 Dualling from John Finnie MSP. I think this will probably need to be registered as a CEO response given that David is not here.

Regards,  
[REDACTED]



**John Finnie**

Member of the Scottish Parliament  
Highlands and Islands

The Scottish Parliament  
Pàrlamaid na h-Alba

**Iain Ó Finnaí**

Ball Pàrlamaid na h-Alba  
A' Ghàidhealtachd agus na h-Eileanan

David Anderson  
Head of Planning and Design, Major Transport Infrastructure Projects  
Transport Scotland  
Buchanan House  
58 Port Dundas Road  
Glasgow G4 0HF

25/02/2016

### Dualling of A96

Dear *David*

Several of my constituents have raised concerns surrounding the dualling of the A96, and in particular the route selected out of the three possible options. I understand that there are multiple issues with the preferred route and that there will be many homes affected by the proposed plan.

I have enclosed one of the aforementioned emails, and I wonder whether you could comment on the specific issues raised within it.

Kind regards



John Finnie MSP  
Enc.

Tel: [REDACTED] E-mail: [REDACTED]

22 February 2016

Mr P Harvie MSP  
Leader of the Scottish Green Party  
MG.06  
The Scottish Parliament  
Edinburgh  
EH99 1SP

Dear Mr Harvie

### **A96 dualling: major failings by Transport Scotland and the SNP**

For the past 18 months, our local community in Auldearn, near Nairn, has been fighting against a decision by Transport Scotland and their contractors, Jacobs, backed by the SNP, to implement the most expensive and destructive scheme possible, as a solution to traffic bottlenecks on the A96 Inverness to Aberdeen road.

Owing to strong lobbying by a minority of wealthy landowners and local politicians, the preferred route chosen in October 2014, out of a possible three different options is the only one that:

1. Has the biggest impact on the largest number of homes and businesses, with the planned route being as little as 20 metres away from homes in some instances.
2. Takes a 'boomerang-style' detour, ensuring that it is the longest, least direct route – please see enclosed map, produced by Transport Scotland in February 2016.
3. Is the only one that is on a known, natural flood plain.
4. Is the only one that destroys prime agricultural land, rather than utilising grazing land (on the most direct route), or an already existing road, that was built in 1987 with provision being made at the time for dualling in the future.

Our voices are being disregarded – even though we have petitioned our MSP (and received no response), Transport Scotland, with SNP backing, is running rough-shod over our community; it's like living in a dictatorship, where we are not allowed an opinion. So, with an election looming, many of us feel that it is time we wrote to all the opposition leaders, as we now recognise that you are the only people who can hold the SNP to account.

### **Background**

The A96 Inverness to Aberdeen road has several major bottlenecks – Nairn, Elgin and Keith being the main ones. There is public support, in principle, for the dualling of the whole of the road, even though only 1% of road users travel the whole length of the road. However, the biggest concern of local people is to get the bottlenecks bypassed and Nairn is high on that list. We all support this. The plans for the Nairn bypass were well advanced until the SNP announced their vanity project of dualling the whole of the A96, immediately putting the Nairn bypass on hold, yet again, whilst they deliberate on this.

Unfortunately, because of their obsession with their vanity project, they have decided to design the dual carriageway between Inverness and an area called Hardmuir, to the west of Nairn, even though Nairn to Hardmuir already has a bypass in place (which they are disregarding). In addition, Transport Scotland's own research shows that the traffic volume is significantly lower from the west of Nairn until it reaches Elgin. So low in fact, that the numbers do not even come anywhere near the requirement for a dual carriageway. And yet they want to waste our money on dualling it.

As the building of a bypass for Nairn is a political hot potato – the saga has been going on for around 40 years – the SNP is pushing ahead with the Nairn section of the dual carriageway first. This is good, apart from the fact that they are adding on the low traffic volume section west of Nairn to Hardmuir, bypassing the existing, and fairly new, Auldearn bypass which does not need replacing (and it can be dualled).

Continued...



Why? Why not build Nairn bypass and rejoin the existing A96 where the traffic volumes decrease significantly at the west of Nairn? There is no need to put farms out of business and people out of their homes. If they continue on this course of action, we will be left with a white elephant, a dual carriageway going nowhere (like the one north of Inverness to Tore) because the SNP has no money to complete it in our lifetimes.

#### Some frightening facts

1. When the wealthy lobbyists and local office bearers succeeded in ensuring that their lands would not be affected by this bypass of the Auldearn bypass, Transport Scotland managed to ensure that, in their initial, 800-page, subjective report, this longest and most destructive route was cheaper than any other option by £1.9 million.
2. The Nairn bypass was in the initial stages of design and if that had continued, the road would be in construction as we speak. However, the dualling vanity project has put a hold on that and now the government is throwing taxpayers' money away at a rate of £300,000 per day to design the dual carriageway from Inverness to Hardmuir, including Nairn bypass.
3. We, as a community are working with a senior Transport Planning Consultant who has already done initial calculations – and provided a matrix of those calculations to our MSP – that prove that the choice of route from the west of Nairn around the Auldearn bypass, was actually the most expensive from the outset – an astonishing £49 million pounds more expensive to be precise – not £1.9 million cheaper. This calculation has been ignored by the politicians.
4. Since choosing the longest and most destructive route, the designers have discovered that they are trying to build a four-lane carriageway on a massive, natural flood plain. The site was always in the title; this area has been called [REDACTED] for hundreds of years and we, the locals, highlighted this before any route was chosen. Jacobs' people on the ground, by their own admission, have their work cut out to deal with this flood plain and that has resulted in a significant design change of one particular junction. This redesigned junction now resembles one on a previously discarded route. That route was originally dismissed as a potential option as it would have cost £36 million more than the current preferred route. Now it is part of the preferred route. Add that to the £49 million already identified by our Transport Planning Consultant and already we are £85.1 million (£49 + £36 - £1.9 million) more expensive than any other potential route ... and they haven't even put a spade in the ground yet.

But still they continue with the design expenditure, not wanting to lose face, or to admit to their wealthy stakeholders that they need to adopt one of the other, cheaper and less destructive routes. A Jacobs employee told us that they are throwing as much money at this stage as they can, as quickly as possible, to ensure that they go past the point of no return and therefore there will be nothing left to spend on looking at the other routes that they disregarded because of the lobbying few. This attitude is outrageous and we object strongly to our money being wasted in this way.

5. Jacobs and Transport Scotland have, rightly so, worked with the farmers who are affected by this choice of route, to go round fields and ensure that they have proper access to what little land they will have left. They are doing this to ensure that those people whose land they need to compulsorily purchase do not call for a public enquiry. However, this has resulted in total compromise, with extreme consequences, for those homeowners without land along the route. They do not want our land, so we have no rights to an enquiry and according to Transport Scotland, we have no rights to anything (oh, we can apply for compensation once the road has been in existence for a whole year!). For 11 households, this means that our properties will be uninhabitable and a further 18 will also be seriously compromised.

The wealthy landowners and local office bearers have ensured that more homes are being catastrophically affected on this preferred route, than would have been on any other route selection. This is supported by the SNP, who supposedly stand for fairness and equality.

Continued./...

6. There is an environmental tragedy in here too. Another flood plain will be destroyed and who knows what the consequence of that will be in the future. Contrary to what I was told by a Jacobs employee, you cannot "engineer-out" Mother Nature; she has graphically demonstrated that in very recent months and where there are options not to take such huge risks, as there are in this scenario, we should use those options.
7. Environmentally and economically, the BBC Landward programme that aired on 5 February, informed us all that there is only 3% of prime agricultural land left in Scotland. That in itself is a tragedy. So why can the Scottish Government be allowed to even think of digging up huge acreages of it when there are other, viable alternatives (even if they might upset a few members of the local gentry)?
8. Still on the environment: why is it when the Scottish Government has missed its environmental targets year-on-year, they are even considering building faster roads to carry more polluting cars, when the development of electric trains between Inverness and Aberdeen should take priority?
9. Another shocking fact is that Transport Scotland has no overall plan for the route of a dualled A96 and is working piecemeal. So far, it is wiggling to the south of Nairn, then boomeranging north of Auldearn, with the next potential boomerang to the south of Forres and then who knows where? The lack of an overall, cohesive plan means that money will pour into quick fix solutions on a local basis, which will inevitably result in further waste of that precious resource: taxpayers' money. If they are already planning to be a minimum of £83.1 million over budget at the design stage of this small stretch of road (roughly around 5 kilometres), what on earth is the overspend going to be when they deploy this disorganised, and frankly inexcusable, way of working over the remainder of the road to Aberdeen - around 136 kilometres.

The upshot of all of this is that the wrong route choice was made because of pressure from lobbying, influential individuals and now Transport Scotland and Jacobs are trying to make it fit, regardless of the financial, environmental and human cost; all of which is now spiralling out of control.

We feel like we are sinking in this mire of waste and destruction, exacerbated by the dictatorship tendencies of our current government. We look at the money that is being poured into this white elephant and we fear for our hospitals, our schools and all the other public services that the SNP are hell-bent on ruining, through lack of funding, choosing instead to channel precious resources towards ridiculous vanity projects.

Never before, as long-term taxpayers in this free country, have we been made to feel that we are not allowed to have an opinion and that we must be put in our place and accept government imposed personal sacrifice and financial ruin without an option to protest.

It is in the public interest that the mismanagement of this project is scrutinised immediately and we call on your expertise to ensure that this happens before more public funds are wasted.

Thank you for taking the time to read this. We look forward to hearing from you.

Yours sincerely

Enc: Map of the unnecessary 'boomerang' north of the existing Auldearn bypass, as provided by Transport Scotland at their public exhibitions in February 2016.

Cc: All opposition and independent MSPs for the Highlands & Islands and any other opposition and independent parliamentary candidates who will be announced in due course.



Chief Executive's Office

Roy Braman  
Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF  
Direct Line: 0141 272 7110, Fax: 0141 272 7111  
chiefexecutive@transportscotland.gsi.gov.uk



John Finnie MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Your ref:

Our ref:  
2016/0007699

Date:  
15 March 2016

Dear John

**A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)**

Thank you for your letter dated 25 February 2016 regarding the correspondence you have received from your constituents [REDACTED] addressed to David Anderson. I am responding in my capacity as Chief Executive for Transport Scotland.

The Scottish Government is committed to dualling the A96 between Inverness and Aberdeen by 2030 bringing improved journey time and reliability, improved connectivity and improved road safety for all users.

The work Transport Scotland is progressing on the A96 Dualling programme includes a rolling programme of regular engagement with local communities and other stakeholders to ensure businesses and individuals affected by the work are kept fully informed and their vital feedback taken into account. This programme of engagement commenced in November 2013 with a series of exhibitions presenting the options under consideration for the Inverness to Nairn (including Nairn Bypass) scheme.

In addition to the public engagement undertaken to date, Transport Scotland has met with [REDACTED] on a number of occasions to discuss their concerns. I would like to reassure you that feedback received from all stakeholders, whether statutory objectors or not, is given full and proper consideration as part of the scheme design and assessment process.

Transport Scotland follows a rigorous assessment process when choosing a preferred option for a scheme consisting of a standard three-stage assessment process as set out in the Design Manual for Roads and Bridges (DMRB). This includes consideration of items including environmental, engineering, traffic and economics. Many of the impacts included in the assessment are specifically related to impacts on local residents and landowners including noise, air quality and visual impact for example and all such impacts were taken into account in selecting the preferred option for the Inverness to Nairn (including Nairn Bypass) scheme.



The outcome of the route option assessment process for the scheme is fully documented in the DMRB Stage 2 Scheme Assessment Report, published in October 2014, which is available from our website at <http://www.transport.gov.scot/project/a96-inverness-nairn-including-nairn-bypass>.

I note [REDACTED] have provided comment on the estimated cost of the preferred option as announced in October 2014 and that they believe there is an extra cost of £49m to construct it as opposed to using the existing A96 as the line of the bypass. I can advise that a number of options were considered during the DMRB Stage 2 route option assessment which included an on-line widening of the existing A96 past Auldearn, namely options 2B and 2F. For the purposes of the route option assessment process, the estimated cost for these options were £224.8m and £204.3m respectively as compared with the estimated cost for the preferred option, 2E, which was £202.4m. The estimated cost of the preferred option (option 2E) therefore has the lowest estimated cost, which is marginally lower when compared to option 2F.

The estimated cost information for all the options considered during the route option assessment process is contained in the DMRB Stage 2 Scheme Assessment Report which is available from our website as per the above link.

Transport Scotland is currently progressing with the development and assessment of the preferred option with a view to publishing draft Orders and Environmental Statement later this year for formal comment. As part of this work the preferred option will be developed in more detail and suitable mitigation incorporated in the scheme where considered appropriate to reduce impacts on the environment.

As part of this design development, it is correct to state that some changes are proposed to the preferred option and these were presented to the public at a series of drop-in sessions held in February. The public had until 14 March to provide comment on the proposed changes.

These changes are part of the normal design refinement process that is undertaken during the development and assessment of a preferred option (i.e. DMRB Stage 3 assessment), and it is likely that changes of a similar nature would have been required with any of the other options considered at Stage 2. All such changes are considered carefully, and we are always mindful of the possibility that changes could be of such a magnitude as to call into question the route options assessment carried out at DMRB Stage 2. At this stage we do not consider that the proposed changes are of such a magnitude. Although a change to the alignment is proposed in the vicinity of Blackpark Farm and Nairn East Junction, this is relatively localised, and does not mean that the costs of the overall scheme should now be considered comparable to other options assessed at Stage 2.

I am unclear as to how [REDACTED] have estimated that Transport Scotland are paying "£300,000 per day to design the dual carriageway from Inverness to Hardmuir, including Nairn bypass" as this is a significant overestimate of the daily fees paid to our design consultant, Jacobs UK Ltd. In May 2015 Transport Scotland awarded an estimated £30 million design contract for the scheme to Jacobs UK Ltd however, this covers all associated design and supervision work up until completion of the scheme.

In terms of the wider dualling between east of Auldearn and Aberdeen we have completed preliminary work and the outcome of this was displayed at a series of public exhibitions in May 2015 and the material is still available to view on the A96 Dualling website at <http://www.transport.gov.scot/road/a96-dualling-inverness-aberdeen/community-engagement>.

We are currently procuring design consultants for the western section of the route covering around 29 miles from east of Auldearn to east of Fochabers. When this contract is awarded later

this spring, route option assessment work will get underway on western section of the dualling programme.

I hope this is helpful.

I am copying this reply to the Minister for Transport and Islands, Derek Mackay MSP and Cabinet Secretary for Infrastructure, Investment and Cities, Keith Brown MSP.

Yours sincerely



**ROY BRANNEN**



From: Brannen R (Roy)  
Sent: 03 March 2016 11:12:16  
To: Rennie M (Michelle)  
Cc: PS/Transport Scotland  
Subject: FW: [REDACTED]  
Nairn By Pass

Attachments: Letter to Fergus Ewing 30 Oct 2015 FINAL.DOCX, Nairn bypass option appraisals FINAL.DOCX

[REDACTED]  
Acknowledge by email please and fast track, Can you also look to set up a process for covering all FE emails on these issues with the project team.  
R

From: [REDACTED]@scottish.parliament.uk  
[mailto:[REDACTED]@scottish.parliament.uk] On Behalf Of  
Fergus.Ewing.msp@scottish.parliament.uk  
Sent: 03 March 2016 09:20  
To: Brannen R (Roy)  
Cc: [REDACTED]@jacobs.com; Minister for Transport and Islands; Cabinet Secretary for Infrastructure, Investment and Cities; [REDACTED]  
Subject: [REDACTED] RE:  
Nairn By Pass

Dear Roy,

I am writing on behalf of [REDACTED] in connection with the proposed route of the Nairn Bypass, and the extra costs which they and their fellow residents believe would arise if the Scottish Government proceed with their preferred route.

This matter was raised with your predecessor in the form of the letter of the 30th October to me - copied to your office - in which there was also enclosed a grid setting out an explanation of the costs argument (both attached).

I refer to paragraph 6 of that letter, and the columns in the grid.

At that time, the estimate of the extra costs of the preferred route - as opposed to the use of the existing route, as the line of the bypass - was then £49M. This estimate was prepared by a transport planning consultant - also one of my constituents - who is Principal Consultant (BEng, MICE) for a specialist firm of consultants providing highway, traffic and transportation advice to both the public and private sectors. I therefore believe he has the relevant experience in this area of work.

Since this grid was compiled, Transport Scotland and Jacobs have made further changes to the preferred route; part of it now resembles one of the routes that was not selected as it was too expensive by £36.7M (DMRB Stage 2 report, appendix 6, Value for Money Workshop refers). My constituents are concerned that this means the costs have risen sharply:

\* The road will now be elevated by up to eight metres in places requiring in-fill which was not required in the original design. My constituents believe that this is

owing to the natural flood plain which was not properly considered at the time of route selection.

\* Mitigation will, as a result of these changes, be more difficult to integrate and will be considerably more expensive to deliver. The belief is that this increase, added to the already identified £49M extra cost of this route, makes the preferred route far more expensive than other route options.

In addition, I understand that my constituents' transport consultant does not believe that the traffic flow forecasts and the safety appraisal information were developed properly at the route selection stage, but he has not been able to acquire the information from Jacobs to enable him to study this in detail. This is important information, as there are concerns that not only does the preferred route represent a very poor return on investment to the taxpayer, but that it may also be a liability.

I would, on behalf of my constituents, formally request that Jacobs share this information. This would allow my constituents and their advisors to work with you to ascertain what the extra costs to the taxpayer may be.

In addition, my constituents and their transport planning consultant request a meeting with Jacobs, so that the issues raised in this letter can be fully discussed. The transport planning consultant lives and works in England, although he has a family home in Scotland, but he is prepared to make a special journey to Inverness to attend such a meeting. I would therefore request that you please ask Jacobs to contact my constituents in order to arrange such a meeting in the next few weeks.

I have indicated that this letter would be exhibited to any Reporter that may be appointed in any Public Inquiry.

Yours sincerely,

Fergus Ewing MSP  
Inverness and Nairn

[REDACTED]  
Parliamentary Assistant to Fergus Ewing MSP  
T4.07 The Scottish Parliament  
Edinburgh  
EH991SP  
Tel: [REDACTED]  
Email: [REDACTED]

[REDACTED]@scottish.parliament.uk<mailto:[REDACTED]@scottish.parliament.uk>

Website: [www.fergusewing.com](http://www.fergusewing.com/)<<http://www.fergusewing.com/>>

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Contact: [REDACTED]

30 October 2015

Mr F Ewing MSP  
Constituency Office  
Highland Railhouse  
Station Square  
INVERNESS  
IV1 1LE

Dear Mr Ewing

**A96 dualling: community request to change preferred route at Auldearn**

We, the 188 undersigned members of the Auldearn and wider Nairnshire/Moray community, respectfully request your help in putting forward our views on the A96 dualling project to the Transport Minister and Transport Scotland.

Many of us have visited your surgeries in Nairn and put to you that the process by which the community was consulted on the preferred route around Auldearn was unfair and undemocratic and, in addition, we feel that the selection of the current preferred route is flawed. We propose that the new road should follow the route of the existing A96 Auldearn bypass for the following reasons:

1. At the Auldearn Community Council meeting on 8 January 2014, the community consensus was that the route of the existing A96 Auldearn bypass should be the preferred route. This consensus was recorded on the Gurn from Nurn website on 9 January 2014 (copy attached). Unfortunately, when Auldearn Community Council put forward the view of the community to Transport Scotland based on the outcome of this community meeting, the community councillors chose to ignore the community view and to recommend that the preferred route should be to the north of Auldearn. We have never supported this recommendation.
2. When the current Auldearn bypass was opened in April 1987, it was stated at the time that the road had been built in such a way to allow enough space for dualling at some point in the future. It is our expectation that this previous, forward provision for the work that Transport Scotland now wishes to proceed with should be utilised. Anything that deviates from this long-term plan is, in our view, a waste and an unnecessary cost to the tax payer, both historic and future.
3. There is a significant risk of flooding along the Auldearn Burn on the preferred route north of Auldearn – something that has been outlined to Jacobs by the many homes they have visited over the summer. In the 28 years that the existing Auldearn bypass has been in operation it has never flooded and we are therefore concerned that the choice of a route north of Auldearn would bring about this unnecessary risk.
4. The impact to homes and businesses on the preferred route is considerable and will result in loss of prime arable land, income, rural heritage and a healthy environment, whereas the existing route of the A96 already has space available for development, therefore negating the need for large scale loss to the community.

Continued, /...

Page 2

30 October 2015

Letter to Fergus Ewing MSP

**A96 dualling: community request to change preferred route at Auldearn**

5. You will notice that the signatures to this letter are not just from those people badly affected by the preferred route north of Auldearn, but are also from the wider community which does not agree with the unnecessary tearing up of our rural landscape for the sake of installing a major road between Nairn and Forres where the traffic movements are very low compared to those between Nairn and Inverness. There is already a trunk road in place and we strongly advocate that this is the route that should be used.
6. We are enclosing a route appraisal matrix, compiled by a transport planning consultant who owns one of the properties on the preferred (north of Auldearn) route. This document isolates this piece of road - Auchnacloich to Hardmuir - and clearly shows that by using the existing route and not Transport Scotland's preferred route at Auldearn, the government can take advantage of a large cost saving, as well as significantly minimising the social, economic and environmental impact to the community.

Transport Scotland is currently running rough-shod over a rural community which they cannot possibly understand. Whilst we agree that a bypass for Nairn is long overdue and that sections of the A96 need to be improved, there is a route in existence that can be worked with to facilitate this improvement.

We believe that by improving the existing route of the A96 Auldearn bypass, rather than taking an unnecessary diversion to the north of the village, ripping up prime farmland and ruining homes and businesses alike, significant cost to the tax payer can be avoided and a better solution for the community of Auldearn will result.

We implore the Scottish Government and Transport Scotland to start listening to the communities that they are impacting and to take some positive action to save unnecessary expenditure and to ensure the future prosperity of our rural environment.

Yours sincerely

Residents of the Auldearn and Nairnshire/Moray community

Signatures attached

Enclosures:

1. 44 signature sheets carrying 188 signatures.
2. Excerpt from the Gurn from Nurn website confirming the community view, 9 January 2014.
3. Map of the preferred route illustrating support for a route change from all landowners.
4. Matrix: Appraisal of Auldearn bypass options.

APPRAISAL OF AULDEARN BYPASS OPTIONS (EASTERN SECTION OF TS NAIRN BYPASS FROM CH30500-35500)			
Topic	Retain existing wide single 2-lane carriageway	Upgrade existing road to dual all-purpose two lane carriageway (use existing WS2 carriageway)	Build off-line dual all-purpose two lane carriageway road (Option 2E – TS Preferred)
<b>Cost</b>			
Construction	N/A	1 £20M est.	2 £69M est.
Vehicle operating cost	No change	1 Higher speeds increases fuel consumption	2 Higher speeds and journey length increase fuel consumption
<b>Community Impact</b>			
Severance & community cohesion	No change	1 Potential to reconnect Boath Road – Auldearn by bridge.	2 Increased isolation of community to the north and east of Auldearn
Noise and Rural tranquility	No change	1 Some reduction in tranquility due to higher vehicle speeds	2 Significant impact on the setting and tranquility of a number of properties
<b>Impact on Local Economy (agriculture and tourism)</b>			
Agricultural Land	No additional land take	1 Modest land take may be required along existing corridor	2 Significant additional loss and fragmentation of prime agricultural land
Agricultural Severance	No change	1 Accommodation works required	2 Even with accommodation works there will be additional severance of land
Impact on local character	No change	1 Minimal tree & habitat loss	2 Significant loss of views
Natural Environment	No change	1 No change – no flooding history	2 Significant loss of habitat and trees
Flood Risk	No change – no flooding history	1 No change – no flooding history	2 Impacts on a number of areas which currently regularly experience flooding
<b>Benefits</b>			
Journey times for bypass users	No change	2 Reduces time [0 – -10%]	1 Reduces time but extra distance [0 – 5%]
Journey times for Nairn traffic	No change	1 Additional junction delay	2 Additional junction delay & journey length
Journey times for local traffic	No change	1 Additional junction delay	2 Additional junction delay & journey length
Road safety	Performance of existing Auldearn bypass with limited direct access or junction is good	2 Dualling and well-designed grade separated junctions may reduce accidents	1 Poorly designed junctions. Accident potential increased over do-nothing. Western junction hooks traffic in and out of Nairn greatly increasing conflict. Eastern tie-in ambiguous & junction required.
<b>Design Standards</b>	Contemporary road design & construction in full compliance with standards.	1 Contemporary road design in full compliance with standards	2 Contemporary road design in full compliance with standards
<b>Link Capacity</b>	45% capacity utilised	1 19.5% capacity utilised	2 19.5% capacity utilised
<b>Policy Compliance</b>	No Scottish Government aspiration for dual carriageway standard road based on significantly higher value for money	3 Yes	2 Yes

**Chief Executive's Office**

Roy Brannen  
Buchanan House, 68 Port Dundas Road, Glasgow G4 0HF  
Direct Line: 0141 272 7110, Fax: 0141 272 7111  
chiefexecutive@transportscotland.gov.uk



Fergus Ewing MSP  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Your ref:

Our ref:  
2016/0008429

Date:  
15 March 2016

Dear Fergus

**A96 INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)**

Thank you for your email dated 3 March 2016 on behalf of your constituents [REDACTED] regarding the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme.

I note the cost estimate provided by your constituent which indicates extra costs of £49m to construct the preferred option announced in October 2014 as opposed to using the existing A96 as the line of the bypass. I can advise that a number of options were considered during the Design Manual for Roads and Bridges (DMRB) Stage 2 route option assessment which included an on-line widening of the existing A96 past Auldearn, namely options 2B and 2F. For the purposes of the route option assessment process, the estimated cost for these options were £224.8m and £204.3m respectively as compared with the estimated cost for the preferred option, 2E, which was £202.4m. The estimated cost of the preferred option (option 2E) therefore has the lowest estimated cost, which is marginally lower when compared to option 2F.

The estimated cost information for all the options considered during the route option assessment process is contained in the DMRB Stage 2 Scheme Assessment Report which is available from the Transport Scotland website at <http://www.transport.gov.scot/project/a96-inverness-nairn-including-nairn-bypass>.

It is correct to state that some changes are proposed to the preferred option and these were presented to the public at a series of drop-in sessions held in February. The public had until 14 March to provide comment on the proposed changes.

These changes are part of the normal design refinement process that is undertaken during the development and assessment of a preferred option (i.e. DMRB Stage 3 assessment), and it is likely that changes of a similar nature would have been required with any of the other options considered at Stage 2. All such changes are considered carefully, and we are always mindful of the possibility that changes could be of such a magnitude as to call into question the route options assessment carried out at DMRB Stage 2. At this stage we do not consider that the proposed changes are of such a magnitude. Although a change to the alignment is proposed in

the vicinity of Blackpark Farm and Nairn East Junction, this is relatively localised, and does not mean that the costs of the overall scheme should now be considered comparable to other options assessed at Stage 2.

Over the coming months we will continue to develop and assess the preferred option with a view to publishing draft Orders and Environmental Statement later this year for formal comment.

With regard to traffic and safety appraisal information, Jacobs have confirmed they have provided your constituent with all of the information requested where this is available. Jacobs are not aware of any specific additional information being requested but would be happy to respond to any further requests from your constituent.

With regard to a meeting, I would be grateful if [REDACTED] could contact Jacobs' locally based Stakeholder Co-ordinator, [REDACTED] on [REDACTED] to arrange a mutually convenient time.

I hope this is helpful.

I am copying this reply to the Minister for Transport and Islands, Derek Mackay MSP and Cabinet Secretary for Infrastructure, Investment and Cities, Keith Brown MSP.

Yours sincerely

[REDACTED]

**ROY BRANNEN**

Received in DO  
18/3



The Scottish Parliament  
Pàrlamaid na h-Alba

MCU

David Stewart  
Member of the Scottish Parliament for the Highlands & Islands  
Scottish Labour Spokesperson for Transport  
**SCOTTISH PARLIAMENTARY DIABETES CHAMPION**

Keith Brown  
Minister for Transport and Infrastructure N/A  
The Scottish Government  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

Our Ref: 01160118/DW

14 March 2016

Dear Keith

#### A96 Nairn/Auldearn Bypass

I have been contacted by many constituents regarding the above and I enclose a letter from one such person.

In short, your colleague Fergus Ewing MSP, has been dealing with this issue. I am unsure if you are aware that the constituents opposing the re routing of the East most part of the bypass, opposite Auldearn, have signed a petition and secured the services of a recognised and qualified Transport Planning Consultant, to look at their case.

He has in turn carried out extensive work, which he can show proves that the preferred route is about £49 million more expensive than by re routing along the current Auldearn bypass.

Furthermore, it is my understanding that there was only one objector to routing the bypass along the existing A96 Auldearn bypass?

It makes no sense routing this part of the above bypass, North of the Boath House Hotel and the current bypass, in an area that is a recognised flood plain, hence the reason it is called Bogside, when there is a simpler and cheaper option available.

The private Transport Planning Consultant is willing to meet with Transport Scotland and the preferred contractor, to discuss their individual findings.

I would be grateful if you could review the decision to divert the East most part of the above bypass North of the existing A96 and reconsider utilising the current A96 Auldearn bypass instead.

The Scottish Parliament Holyrood Edinburgh EH1 1SP T: 0131 340 5700  
PO Box 6717 Inverness IV1 1YT T: 01463 716200  
38 Church Street Stornoway HS1 2JE T: 01851 709822



[www.tlmsps.org.uk](http://www.tlmsps.org.uk)

[David.Stewart.msp@scottish.parliament.uk](mailto:David.Stewart.msp@scottish.parliament.uk)



DavidStewartMSP



DavidStewartMSP

This suggestion seems to me to be a compromise all round on behalf of all constituents apart from one possible.

Best wishes

Yours sincerely



David Stewart, MSP



The Scottish Parliament Holyrood Edinburgh EH1 1SP T: 0131 348 6766  
PO Box 6717 Inverness IV1 1YT T: 01463 718298  
38 Church Street Stormoway HS1 2JE T: 01851 709822

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DavidStewartMSP



DavidStewartMSP



COPY

[REDACTED]  
[REDACTED] E-mail: [REDACTED]

22 February 2016

Ms K Dugdale MSP  
Leader of the Scottish Labour Party  
M1.07  
The Scottish Parliament  
Edinburgh  
EH99 1SP

Dear Ms Dugdale

### **A96 dualling; major failings by Transport Scotland and the SNP**

For the past 18 months, our local community in Auldearn, near Nairn, has been fighting against a decision by Transport Scotland and their contractors, Jacobs, backed by the SNP, to implement the most expensive and destructive scheme possible, as a solution to traffic bottlenecks on the A96 Inverness to Aberdeen road.

Owing to strong lobbying by a minority of wealthy landowners and local politicians, the preferred route chosen in October 2014, out of a possible three different options is the only one that:

1. Has the biggest impact on the largest number of homes and businesses, with the planned route being as little as 20 metres away from homes in some instances.
2. Takes a 'boomerang-style' detour, ensuring that it is the longest, least direct route – please see enclosed map, produced by Transport Scotland in February 2016.
3. Is the only one that is on a known, natural flood plain.
4. Is the only one that destroys prime agricultural land, rather than utilising grazing land (on the most direct route), or an already existing road, that was built in 1987 with provision being made at the time for dualling in the future.

Our voices are being disregarded – even though we have petitioned our MSP (and received no response). Transport Scotland, with SNP backing, is running rough-shod over our community; it's like living in a dictatorship, where we are not allowed an opinion. So, with an election looming, many of us feel that it is time we wrote to all the opposition leaders, as we now recognise that you are the only people who can hold the SNP to account.

### **Background**

The A96 Inverness to Aberdeen road has several major bottlenecks – Nairn, Elgin and Keith being the main ones. There is public support, in principle, for the dualling of the whole of the road, even though only 1% of road users travel the whole length of the road. However, the biggest concern of local people is to get the bottlenecks bypassed and Nairn is high on that list. We all support this. The plans for the Nairn bypass were well advanced until the SNP announced their vanity project of dualling the whole of the A96, immediately putting the Nairn bypass on hold, yet again, whilst they deliberate on this.

Unfortunately, because of their obsession with their vanity project, they have decided to design the dual carriageway between Inverness and an area called Hardmuir, to the west of Nairn, even though Nairn to Hardmuir already has a bypass in place (which they are disregarding). In addition, Transport Scotland's own research shows that the traffic volume is significantly lower from the west of Nairn until it reaches Elgin. So low in fact, that the numbers do not even come anywhere near the requirement for a dual carriageway. And yet they want to waste our money on dualling it.

As the building of a bypass for Nairn is a political hot potato – the saga has been going on for around 40 years – the SNP is pushing ahead with the Nairn section of the dual carriageway first. This is good, apart from the fact that they are adding on the low traffic volume section west of Nairn to Hardmuir, bypassing the existing, and fairly new, Auldearn bypass which does not need replacing (and it can be dualled).

Continued, /...

6. There is an environmental tragedy in here too. Another flood plain will be destroyed and who knows what the consequence of that will be in the future. Contrary to what I was told by a Jacobs employee, you cannot "engineer-out" Mother Nature; she has graphically demonstrated that in very recent months and where there are options not to take such huge risks, as there are in this scenario, we should use those options.
7. Environmentally and economically, the BBC Landward programme that aired on 5 February, informed us all that there is only 3% of prime agricultural land left in Scotland. That in itself is a tragedy. So why can the Scottish Government be allowed to even think of digging up huge acreages of it when there are other, viable alternatives (even if they might upset a few members of the local gentry)?
8. Still on the environment: why is it when the Scottish Government has missed its environmental targets year-on-year, they are even considering building faster roads to carry more polluting cars, when the development of electric trains between Inverness and Aberdeen should take priority?
9. Another shocking fact is that Transport Scotland has no overall plan for the route of a dualled A96 and is working piecemeal. So far, it is wiggling to the south of Nairn, then boomeranging north of Auldearn, with the next potential boomerang to the south of Forres and then who knows where? The lack of an overall, cohesive plan means that money will pour into quick fix solutions on a local basis, which will inevitably result in further waste of that precious resource: taxpayers' money. If they are already planning to be a minimum of £83.1 million over budget at the design stage of this small stretch of road (roughly around 5 kilometres), what on earth is the overspend going to be when they deploy this disorganised, and frankly inexcusable, way of working over the remainder of the road to Aberdeen - around 136 kilometres;

The upshot of all of this is that the wrong route choice was made because of pressure from lobbying, influential individuals and now Transport Scotland and Jacobs are trying to make it fit, regardless of the financial, environmental and human cost, all of which is now spiralling out of control.

We feel like we are sinking in this mire of waste and destruction, exacerbated by the dictatorship tendencies of our current government. We look at the money that is being poured into this white elephant and we fear for our hospitals, our schools and all the other public services that the SNP are hell-bent on ruining, through lack of funding, choosing instead to channel precious resources towards ridiculous vanity projects.

Never before, as long-term taxpayers in this free country, have we been made to feel that we are not allowed to have an opinion and that we must be put in our place and accept government imposed personal sacrifice and financial ruin without an option to protest.

It is in the public interest that the mismanagement of this project is scrutinised immediately and we call on your expertise to ensure that this happens before more public funds are wasted.

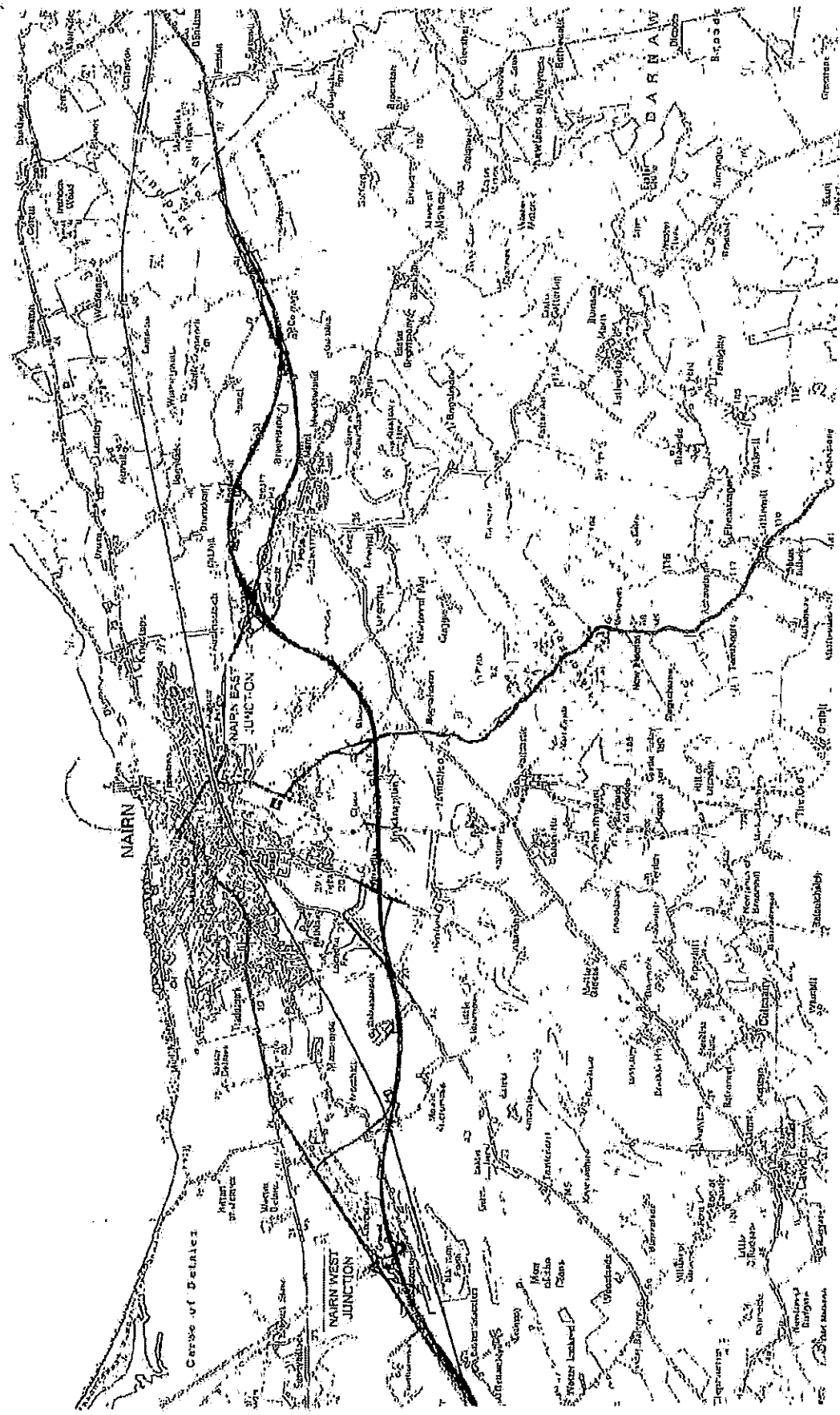
Thank you for taking the time to read this. We look forward to hearing from you.

Yours sincerely



Enc: Map of the unnecessary 'boomerang' north of the existing Auldearn bypass, as provided by Transport Scotland at their public exhibitions in February 2016.

CC: All opposition and independent MSPs for the Highlands & Islands and any other opposition and independent parliamentary candidates who will be announced in due course.



Cabinet Secretary for Infrastructure, Investment and Cities  
Keith Brown

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

Mr David Stewart  
The Scottish Parliament  
EDINBURGH  
EH99 1SP



Your ref: 01160118/DW  
Our ref: 2016/0010578  
13 April 2016

Dear Dave

**A96 INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)**

Thank you for your letter dated 14 March 2016 on behalf of [redacted] regarding the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme.

The Scottish Government is committed to dualling the A96 between Inverness and Aberdeen by 2030 bringing improved journey time and reliability, improved connectivity and improved road safety for all users.

The work Transport Scotland is progressing on the A96 Dualling programme includes a rolling programme of regular engagement with local communities and other stakeholders to ensure businesses and individuals affected by the work are kept fully informed and their vital feedback taken into account. This programme of engagement commenced in November 2013 with a series of exhibitions presenting the options under consideration for the Inverness to Nairn (including Nairn Bypass) scheme. I would like to reassure you that feedback received from all stakeholders is given full and proper consideration as part of the scheme design and assessment process.

Transport Scotland follows a rigorous assessment process when choosing such a preferred option consisting of a standard three-stage assessment process as set out in the Design Manual for Roads and Bridges (DMRB).

The outcome of the route option assessment process for the scheme is fully documented in the DMRB Stage 2 Scheme Assessment Report, published in October 2014, which is available from Transport Scotland's website at:  
<http://www.transport.gov.scot/project/a96-inverness-nairn-including-nairn-bypass>

Victoria Quay, Edinburgh EH6 6QQ  
[www.gov.scot](http://www.gov.scot)



I note the estimate provided to you indicates extra costs of £49m to construct the preferred route option as opposed to the use of the existing A96 as the line of the bypass. I can advise that a number of route options were considered during the DMRB Stage 2 assessment which included an on-line widening of the existing A96 past Auldearn, namely options 2B and 2F. For the purposes of the route option assessment process, the construction cost estimates for these options were £224.8m and £204.3m respectively as compared with the cost estimate for the preferred option, 2E, which was £202.4. The estimated cost of the preferred option (option 2E) therefore has the lowest estimated cost, which is marginally lower when compared to option 2F.

The existing A96 single carriageway is not well-suited to on-line dualling due to the current road standard and the high frequency of road junctions and direct access to land, property and businesses which would need to be stopped-up and alternative access provided. The estimated cost information for all the options considered during the route option assessment process is contained in the DMRB Stage 2 Scheme Assessment Report which is available from Transport Scotland's website as per the link above.

Over the coming months Transport Scotland will continue to develop and assess the preferred option with a view to publishing draft Orders and Environmental Statement later this year for formal comment. As part of this work the preferred option will be developed in more detail and suitable mitigation incorporated in the scheme where considered appropriate to reduce impacts on the environment.

With regard to a meeting, Transport Scotland has confirmed that this has already been offered to [REDACTED] and their transport planning consultant although they have yet to hear back from [REDACTED]. I would be grateful if [REDACTED] could contact Jacobs' locally based Stakeholder Co-ordinator, [REDACTED] on [REDACTED] to arrange a mutually convenient time for such a meeting.

I trust this is of assistance.



**KEITH BROWN**

From: [REDACTED]  
Sent: 05 April 2016 13:10:57  
To: chiefexecutive@transportscotland.gsi.gov.uk  
Cc: [REDACTED]  
Subject: For the urgent attention of Mr R Brannen

Attachments: Letter to R Brannen 5 April 2016.docx

Dear Mr Brannen  
Please find attached a letter, the signed original of which will be sent to you via first class post.  
I look forward to hearing from you.  
Kind regards [REDACTED]

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T. [REDACTED] M. [REDACTED] E. [REDACTED]

5 April 2016

Mr R Brannen  
Chief Executive  
Transport Scotland  
Buchanan House  
58 Port Dundas Road  
GLASGOW  
G4 0HF

Dear Mr Brannen

**A96 dualling: bypass of Auldearn bypass, east of Nairn to Hardmuir**

Thank you very much for your recent replies to letters sent on behalf of our community, via various MSPs. I appreciate that you responded in a timely manner.

Your responses are, as always, very high-level and are most definitely aimed at an audience with very little knowledge of the subject. Whilst I thoroughly respect the hard work that all our MSPs do, they are spread very thinly and unfortunately, though your responses may satisfy their level of knowledge, they most certainly do not answer the fundamental questions that members of the community have posed, through our intimate knowledge of what has been a very controversial decision.

As there are currently no MSPs owing to the election campaign, I am writing directly to you to pose our questions very plainly and to ask for your open and honest answers, along with commitment to actions.

The biggest question that has been glossed over by both Transport Scotland and Jacobs is: why is it that a significant piece of information seems to be completely missing from the DMRB Stage 2 report? That information is that the current A96 carriageway, from east of Nairn to Hardmuir, does not need to be replaced to be dualled, which results in a saving of some £49 million to the tax payer.

As you are aware, the community is working with an experienced transport planning consultant, who has highlighted that this important option does not even appear to have been worked up at the time of route selection. The DMRB Stage 2 report details only an 'on-line widening' of the current A96, 'on-line' meaning building a completely new carriageway on top of the current carriageway. Our consultant confirms that the current carriageway does not need to be replaced and that a second carriageway can be built alongside it.

This fits perfectly with community expectation. It was confirmed when this new road was opened in 1987, that it could be dualled at a future date. In addition, room was provided for this to happen at that time. There are now two, small pinch-points, but these can be engineered out a lot easier than trying to engineer out Mother Nature's natural flood plain on the current, preferred route.

By failing to explore this cost-effective option, an existing asset has been completely ignored and by default, you are saying that land is cheap. Land is not cheap. Scotland has only 3% of prime arable land left (reference BBC Landward programme, February 2016) and yet Transport Scotland and Jacobs are taking the only route that rips up great swathes prime arable land. This would only be excusable if there was not another option.

Continued./...

2.

5 April 2016

Mr R Brannen: A96 dualling: bypass of Auldearn bypass, east of Nairn to Hardmuir

To further expand on this fundamental question, is the fact that the most cost-effective option was not worked up at the critical point in the route selection process a case of gross negligence, or is it complete lack of due diligence in the scoping out of the route options? Whatever the answer to this question, the result is that the tax payer has been denied the full information and a decision on a route has been made without the full facts. I consider this to be very serious indeed.

When the preferred route was first announced in October 2014, many of us questioned this very item and we received responses from [redacted] of Transport Scotland, saying that it was not possible to dual the existing A96. However, when I met him face-to-face at the public exhibition in Forres on the afternoon of 12 May 2015, he climbed down and admitted that it could be done.

There are some other pieces to this jigsaw which may help to clarify Transport Scotland's and Jacobs' continued reluctance to engage in this conversation. It has not escaped the notice of the community that both [redacted] of Transport Scotland and [redacted] of Jacobs have been promoted since the start of this project. That is somewhat disconcerting for a community that has been calling their decision into question since the day it was made. Their handling of the decision-making process has been sadly lacking, along with the treatment of those people affected. I understand perfectly that they have personal reputations at risk and therefore they do not want to engage in a discussion that is asking for scrutiny of their own process.

In addition to that, on the afternoon of 25 January of this year, a Jacobs employee sat in our house and boasted that Jacobs is just throwing as much money as they can at the preferred route as quickly as possible, to ensure that there is no budget left for another route to be evaluated. I have reported this widely – in the same way as I have shared with everyone the potential £49 million saving – as it is as outrageous as it is serious. If this is indeed what the local Jacobs team has been told, it shows the nervousness of people higher up the chain around the validity of the route decision.

If this funding were coming from somewhere other than the public purse, there would have been a 'time-out' by now; a stop and think, because something fundamental has been highlighted as missing from the original DMRB Stage 2 report. This surely needs to happen.

I realise that these events did not happen on your watch, but I am now respectfully requesting the following actions:

1. A stop and think. Please stop throwing tax payers' money at the preferred route. Press the pause button and fully evaluate the ALL the options. The DMRB Stage 2 report needs to be brought up to date and the omission rectified. Then a proper route evaluation process, taking into account ALL the data should be carried out and then shared with the public.

As local people, we are sitting by watching the teams on the ground grapple with the huge, natural flood plain that seemed to be completely overlooked at the time of route selection. The preferred route, since selection, has now got significantly longer; the detour from the direct route has got bigger; the carriageway has gone from being in a cutting to being significantly elevated, by as much as eight metres in some areas, as the flood plain continues to cause problems. The drainage problem is far from being solved – the ponds are in the wrong places. These changes cannot be cost-negative. In addition, the human and environmental costs are spiralling out of control. Local people know that this is not a feasible route and yet we are witnessing money being thrown at it, when there is another option that was never even worked up.

Continued./...



3.

5 April 2016

**Mr R Brannen: A96 dualling: bypass of Auldearn bypass, east of Nairn to Hardmuir**

As all the politicians keep telling us: this is ONLY a preferred route; It is NOT set in stone and it CAN be changed. It just takes guts for someone to admit that the selection process has not been robust and needs to be revisited.

2. Our transport planning consultant still wishes to have a meeting with an appropriate person or persons, to fully discuss the omission from the DMRB Stage 2 report. I see that you kindly suggested he meet with [REDACTED] of Jacobs in Inverness, however, [REDACTED] is a local relationship manager and is not in an appropriately authoritative position to make commitments to actions. I therefore request that this meeting take place with both [REDACTED] and [REDACTED] in attendance, along with another appropriately qualified person to ensure that any vested interest in a previous decision is diffused and that discussions are completely open and honest.

Thank you for taking the time to read this lengthy letter Mr Brannen; I look forward to hearing from you at your earliest convenience.

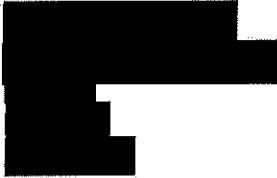
Yours sincerely

[REDACTED]

Cc: 188 members of the community who petitioned our MSP on this subject.

Major Transport Infrastructure Projects

Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF  
Direct Line: [REDACTED] Fax: 0141 272  
[REDACTED]@transport.gov.scot



Your ref:

Our ref:  
2016/0012157

Date:  
20 April 2016

Dear [REDACTED]

Thank you for your letter dated 5 April 2016 addressed to Transport Scotland's Chief Executive Roy Brannen, regarding the Nairn Bypass. I have been asked to respond in my capacity as Project Administrator for the scheme.

I note your suggestion that an alternative alignment is available in the vicinity of Auldearn which could result in a saving of £49 million. Two of the options considered in the DMRB Stage 2 assessment were partially on-line in the vicinity of Auldearn, namely options 2B and 2F. These followed the line of the existing A96 (Auldearn Bypass) as far as possible and incorporated as much as possible of the existing infrastructure such as earthworks and road formation layers. However, given the requirement to provide for local access, to meet current design standards, and the various constraints that determine the route followed, the extent to which it is possible to re-use the existing carriageway is limited.

The estimated cost of these partially on-line options was £224.8m (Option 2B) and £204.3m (Option 2F) respectively whereas the cost estimate for the preferred option (Option 2E) was £202.4m (all costs excluding VAT at Q1 2014). We consider that the route selection process was carried out in a sufficiently robust and detailed manner to justify the selection of the preferred option. However we would be very happy to discuss the options considered at Stage 2 further with your transport consultant, and also any information he can provide regarding the alternative alignment suggested.

To clarify our previous offer of a meeting, we are aware that you wish to meet with members of the Transport Scotland A96 Dualling team and also our Consultant, Jacobs UK Ltd, to discuss these matters. If you contact Jacobs' Stakeholder Co-ordinator, [REDACTED] (Tel. [REDACTED] Email: [REDACTED]@jacobs.com), he will be able to arrange a meeting at a mutually agreeable time with appropriate members of the project team to discuss the concerns outlined in your letter.



I trust this is satisfactory however if you have any other queries please do not hesitate to contact me.

Yours sincerely

[Redacted signature]

[Redacted name]

**Project Administrator**

**From:** [redacted] <[redacted]@parliament.scot>  
**Sent:** 06 June 2016 08:35  
**To:** PS/Transport Scotland  
**Subject:** Re: Nairn By Pass  
**Attachments:** FW: Meeting with TS and Jacobs

Dear Roy,

Re: Nairn By Pass: [redacted]

I am writing on behalf of my constituent [redacted] and attach a note of a letter that I received yesterday afternoon (Saturday 4th June).

I do think that in the circumstances it is reasonable that costings are provided as she has requested. I say so because of the devastating impacts that the by pass proposals would have upon farmers and householders in the area and my constituent is representing 188 objectors, including all the landowners whose land is to be acquired. One appreciates that the by pass must go somewhere, but the points that she makes are not based upon her own interest, but argue that the alternative chosen is founded on false figures.

I make no judgement on these issues, but rather, on behalf of my constituent advocate that prior to the meeting on the 20th June, she is provided with the costings sought, and a clear response to the points that are put. I am not expert in the procedures here, and do not know whether there will need to be a public local inquiry. I do know that if a way can be found to identify a route which does not attract such opposition, then that may avoid such a need - though inevitably some land owners and residents will be impacted whichever route is chosen.

But were an inquiry to be necessary because there had not been a sufficiently thorough provision of costings to justify the preferred route, or any mistake or false assumptions made in the costings that have been made - then that would in itself have the potential in causing an enormous waste of time and money in an inquiry - and the likelihood of delay of the by pass which is generally supported in Nairn. I make these comments without passing judgement, but following the rationale of my constituent's arguments.

I therefore do hope that my constituent can have a full detailed direct answer to the points raised, and I would be keen to be kept informed

Kind regards

Yours sincerely

Fergus Ewing MSP  
Inverness and Nairn.

\*\*\*\*\*

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**Subject:**

FW: Meeting with TS and Jacobs

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 4 June 2016 at 15:26:41 BST  
**To:** Fergus Ewing <fergus.ewing.msp@scottish.parliament.uk>  
**Cc:** [REDACTED]  
**Subject:** Meeting with TS and Jacobs

Dear Fergus

I hope this finds you well and getting some chance to enjoy this wonderful sunshine.

I wanted to let you know that finally, we have confirmed a meeting between our transport planning consultant, [REDACTED] and the project management of this section of the A96 from Jacobs and Transport Scotland ([REDACTED] and [REDACTED] respectively). The meeting is to take place on Monday 20 June, 1400 hrs at Jacobs offices in Inverness.

In preparation for this meeting, on 11 May, [REDACTED] requested the following information from Jacobs, via me. The information relates to the use of the existing A96 for dualling purposes:

- *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; and,*
- *Provide a comprehensive schedule of the design departures and environmental constraints that you consider pertinent for the use of the existing alignment.*

So far, they have stalled twice on this and their latest e-mail received yesterday stated that they will work on a response regarding this information next week, but that we won't receive anything from them until w/c 13 June. Assuming 'w/c' means that they will send the response as late as possible that week, we will not see anything much before the meeting takes place.

The reason they are stalling is, as [REDACTED] previously identified, they have never done this work and it should have been done prior to selecting the route. In their report, when they refer to using the existing A96 as being more expensive than the current preferred route, Richard has discovered that it is because they costed a total replacement of the existing carriageway, which is not necessary as it is fully compliant with today's standards and in good condition. It was also purpose-built for dualling, so it is very wide and has already been drained. Jacobs and TS NEVER costed out using the existing carriageway and it has never been included in their report.

They know that we are aware of this as I wrote myself to Brannen whilst parliament was dissolved during the election campaign and detailed this out to him. I asked him the question as to whether this was gross negligence or a complete lack of due diligence. That seemed to precipitate the arranging of this meeting!

In addition to this, I spoke to the NFU Scotland who kindly referred me to the part of the Scottish Planning Policy that protects prime arable land where there is a suitable alternative for development. In fact the policy is peppered with references to using existing assets before developing new sites. Jacobs and TS have always argued that the existing A96 is not suitable because it is expensive (as they were going to replace the whole carriageway) and that there were too many access points. Richard maintains that it is suitable. I also counted the number of access points on the stretch of A9 that is currently being dualled at the moment and there are considerably more than on this stretch here and yet those contractors are still managing to use the existing A9 carriageway at that point.

I think we are going into what will be a very difficult meeting where Jacobs and TS will stand back and just deny everything and if it transpires that is the case, I'm unsure where we would go next to ensure that action is taken and the right decision is finally made.

I wanted to make you aware of all this, particularly in light of your new rural remit; practically the whole land take on the preferred route is prime arable and there is only 3% of that left in the whole of Scotland. There is a suitable alternative and we should be using it.

I would love you to join us at the meeting on the 20th to represent the government and provisions of the Scottish Planning Policy, but I realise that you will probably be at Holyrood with a very full diary. However, I thought I would ask anyway.

As always, thank you for taking the time to read my e-mail, I look forward to hearing from you.

Kind regards



**Chief Executive's Office**

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



**Fergus Ewing MSP**  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Our ref:  
2016/0017635

Date:  
16 June 2016

*Dear Fergus*

**A96 DUALLING INVERNESS TO NAIRN (INCLUDING NAIRN BYPASS)**

Thank you for your e-mail dated 6 June 2016 regarding the on-going concerns of your constituents [REDACTED] in relation to the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme.

I can confirm that our consultants, Jacobs UK Ltd, will respond to the information request from [REDACTED] as early as possible in advance of the meeting scheduled for 20th June. This will include provision of the relevant information that is available, based upon the option development work undertaken by Jacobs during the route option assessment process (DMRB Stage 2 assessment).

Jacobs will describe to [REDACTED] the option development process undertaken during the DMRB Stage 2 assessment which included, at an early stage, an option to re-use the existing A96 Auldearn Bypass as part of the dual carriageway and the reasons why this option was not taken forward.

I would like to reassure you that in the information to be provided in advance of the meeting, we will provide as much information as possible to inform the discussions to be held.

I hope this is helpful.

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

Yours sincerely

[REDACTED SIGNATURE]

**ROY BRANNEN**



---

<b>Project</b>	A96 Dualling Inverness to Nairn (including Nairn Bypass)	<b>Originated</b>	████
<b>Subject</b>	Response to technical queries raised by ██████████	<b>Checked</b>	████
<b>Date</b>	15 June 2016	<b>Reviewed</b>	████
<b>Status</b>	Final	<b>Approved</b>	████
<b>Reference</b>	B2103500/HW/0100/TN/003	<b>Revision</b>	0

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## Introduction

This technical note has been prepared in response to correspondence received from ██████████ on 11 May 2016 in relation to a meeting to be held on 20 June 2016 with ██████████ and ██████████. The relevant section from ██████████ correspondence is quoted below:

*"It was understood at the time of the planning for the construction of the 1980s Auldearn bypass that provision was made for the future dualling of this section, incorporating the then proposed wide single carriageway. Our concern is that this possibility, as confirmed in your recent letter, was not appraised as a possibility in the route options appraisal. Whilst we appreciate that you looked at options where the land was re-used, there was no appraisal making use of the existing construction and drainage and thus artificially inflating the cost of this option. In advance of our meeting therefore it would be helpful if you would:*

- *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; and,*
- *Provide a comprehensive schedule of the design departures and environmental constraints that you consider pertinent for the use of the existing alignment.*

*Our hope would be to go through the above information at our meeting so that we can ensure that there is a consistency in assumptions adopted so that the optimum road alignment can be confirmed."*

Before addressing the specific bullet points given above, a description is given of the DMRB Stage 2 option development, assessment and consultation process, which may be helpful in understanding how the existing A96 Auldearn Bypass was considered and assessed during option development.

## DMRB Stage 2 Option Development

On 6 December 2011, the then Cabinet Secretary for Infrastructure and Capital Investment launched the Infrastructure Investment Plan (IIP) which provides an overview of the Scottish Government's plans for infrastructure investment over the coming decades. Contained within the document is a commitment to complete the dualling of the A96 between Inverness and Aberdeen by 2030.

During 2013, Jacobs progressed the DMRB Stage 2 option development and assessment process, for dual carriageway options for the A96 Dualling Inverness to Nairn (including Nairn Bypass) scheme. The options developed for the Nairn Bypass were extended to Hardmuir, east of Auldearn, in order to consider potential routes through or past Auldearn which would provide a suitable connection to the next section of A96 dualling, eastwards from Auldearn.

In November 2013, Transport Scotland undertook a consultation exercise and presented the route options for the A96 Dualling Inverness to Nairn (including Nairn Bypass). Public feedback was sought on the developing scheme proposals. Options 2B and 2F were presented at this time, which were online options through Auldearn, re-using as much as was considered practical of the existing A96 single carriageway. These are shown on drawings B1557601-EXHB-2002 Rev 0 and B1557601-MLA-2607 to 2611 Rev 1 in Appendix A.