

Ministerial Discussion with Officials on Case for Investment and Approach to the Remainder of the A9 Dualling Programme.

12 October 2022

Attendees

John Swinney (JS) MSP, Deputy First Minister and Cabinet Secretary for Covid Recovery and covering the Finance and Economy portfolio
Michael Matheson (MM) MSP, Cabinet Secretary for Net Zero, Energy and Transport
Jenny Gilruth (JG) MSP, Minister for Transport
Michelle Quinn (MQ), Interim Chief Executive Transport Scotland (TS)
Hugh Gillies (HG), TS Director
Lawrence Shackman (LS), TS Director Major Projects
Kerry Twyman (KT), TS Director of Finance and Corporate Service
Stewart Leggatt (SL), TS Director of Roads
Katherine White (KW), Deputy Director for Infrastructure and Investment, SG Exchequer
[redacted], TS Major Projects, Head of Project Delivery
[redacted], TS Major Projects, Head of Design and Development
[redacted], TS Major Projects, A9 Dualling Delivery Team
[redacted], Special Adviser
[redacted], Special Adviser
[redacted], Special Adviser

Agenda

1. Welcome
2. Provide Ministers with an update on the Case for Investment for the A9 Dualling Programme and consider issues relevant to the approach to the remainder of the Programme.
3. Any Other Business
4. Actions

1. Welcome – extended to all attendees from JG

2. Update Provided

- Following introductions [redacted], provided an update on recent work undertaken in relation to the Case for Investment for the A9 Dualling Programme, emerging findings from work undertaken to consider options for procurement of the remaining elements of the Programme, and an outline of possible implications for those emerging findings of market changes following the UK Government's "mini-budget".
- Having considered the information provided by officials Ministers indicated a continuing commitment to completion of the A9 Dualling Programme while recognising that the issues noted would require further discussion.
- Ministers noted their significant concern regarding recent fatal accidents on the A9 corridor and the Minister for Transport asked that she chair the next meeting of the A9 Safety Group. Ministers also asked that consideration be

given to what short or medium term measures could be brought forward to improve road safety performance ahead of completion of the A9 Dualling Programme.

- It was agreed that further meeting would be arranged to continue discussions at the earliest opportunity.

3. Any Other Business

- Nothing to report

4. Actions

- **Further meeting between Ministers and officials to be arranged. (MQ)**
- **Officials to consider any further information to be prepared to assist discussions. (LS/[redacted])**
- **Officials to take forward arrangements for Minister for Transport to chair next meeting of A9 Safety Group and to consider options for short and medium term measures to improve road safety performance. (SL)**

**Extract of Minute of Deputy First Minister and Cabinet Secretary for Net Zero,
Energy and Transport meeting with Fergus Ewing MSP and Drew Hendry MP**
16:00 to 16:30 on 19 January 2023

Attendees

John Swinney (JS) MSP, Deputy First Minister, Cabinet Secretary for Covid Recovery and interim Cabinet Secretary for Finance and the Economy
Michael Matheson (MM) MSP, Cabinet Secretary for Net Zero Energy and Transport
Fergus Ewing (FE) MSP for Inverness and Nairn
Drew Hendry (DH) MP for Inverness, Nairn, Badenoch and Strathspey

Lawrence Shackman (LS), Transport Scotland – Director of Major Projects
[redacted], Transport Scotland - Head of Design Team 1 and 3
[redacted], Transport Scotland - Road Safety and Development Manager
[redacted], Head of Finance and Corporate Services

Apologies

Jenny Gilruth (JG) MSP, Minister for Transport

Agenda

Welcome
Discussion on the A9
Any Other Business
Actions

Welcome - extended to all attendees from JS

Discussion Points – discussion surrounded funding and timetables associated with A9

JS invited FE and DH to raise topics for discussion:

- FE emphasised strength of feeling regarding need for longstanding government commitment to dual the A9, citing particular sensitivity of fatalities experienced on the route and public desire for an update on the delivery timetable.
- FE cited awareness of the live petition seeking an inquiry into the timetable for the A9 Dualling programme which is receiving increasing support.
- FE requested that a revised timetable for delivery of the A9 Dualling Programme be published with necessary caveats and that a government commitment to funding being available post 2025/26 be made.
- FE set out his recent discussion with the Civil Engineering Contractors Association (CECA) citing his awareness that industry are discontent with the current risk transfer mechanism used within TS construction contracts, which is considered to be significantly more onerous than that contained in contracts used in England.

- DH echoed the public feeling set out by FE in relation to the dualling of the A9 particularly from rural communities and the importance of the commitment to those in the Highlands and Islands.
- DH considered the suggestion that we can do without roadbuilding in response to the Climate Emergency as being invalid, given safer roads will still be required to accommodate greener vehicle use going forward, and considered that single carriageway sections on the A9 are a contributory factor alongside driver behaviour in relation to the risk of accidents.
- JS reiterated that the government commitment to dualling the A9 is unchanged
- JS clarified that all sections of the A9 Programme, with the exception of the challenging Pass of Birnam to Tay Crossing section, are at or near Made Orders stage. In respect of the Programme, JS cited three material issues:
 - Timescales require further careful consideration;
 - The procurement route has been made significantly more challenging following market conditions resulting from the UKG “Mini Budget”; and
 - Concluding the currently live procurement competition for the Tomatin to Moy construction contract and associated commercial sensitivity at this time.
- JS set out the particular technical challenges and constraints experienced on the Pass of Birnam to Tay Crossing section which have influenced the preparation timescales.
- JS summarised discussions as:
 - Scottish Government’s commitment to dualling A9 remains;
 - The need to progress consideration of the overall procurement route given financial challenges including market status; and
 - The need to conclude the Tomatin to Moy construction contract procurement and any announcement to parliament.
- MM offered that a parliamentary update on Tomatin to Moy could be used to signal the timetable for A9 Dualling programme. MM considered that any such update on A9 be separate to the upcoming STPR2 update.
- **Action: JS to engage with officials regarding consideration of announcement to parliament on the Tomatin to Moy procurement and review of timetable for the A9 Dualling Programme (*Post Meeting Note – MM requested officials develop and provide advice on options to take forward a review of the A9 dualling programme timetable to inform potential parliamentary statement in coming weeks.*)**
- LS set out his recent discussions with CECA including Scottish construction markets’ desire to see a move to use a more collaborative form of contract. LS stated that whilst the Transport Scotland model contract has been used successfully over a number of years and had also been adopted by other authorities, it is no longer as attractive to the market due mainly to its

apportionment of risk. It is now adversely affecting market interest in tendering and needs to evolve to stimulate competitive procurement.

- FE pressed JS for further commitment to funding both Programmes post 2025-26. JS advised that funding timescales are dependent on, and informed by, a large number of factors. JS also stated that due consideration must be given to the extent to which various sections can be constructed simultaneously in order to minimise disruption to road users and communities.

Any Other Business

- JS thanked all attendees for their attendance and closed the meeting.

Actions

- **Action: JS to engage with officials regarding consideration of announcement to parliament on the Tomatin to Moy procurement and review of timetable for A9 Dualling Programme** (*Post Meeting Note – MM requested officials develop and provide advice on options to take forward a review of the A9 dualling programme timetable to inform potential parliamentary statement in coming weeks.*)

Ministerial Discussion with Officials on A9 Dualling Programme Parliamentary Statement.

07 February 2023

Attendees

John Swinney (JS) MSP, Deputy First Minister and Cabinet Secretary for Covid Recovery and covering the Finance and Economy portfolio
Michael Matheson (MM) MSP, Cabinet Secretary for Net Zero, Energy and Transport
Jenny Gilruth (JG) MSP, Minister for Transport

Michelle Quinn (MQ), Interim Chief Executive Transport Scotland (TS)
Lawrence Shackman (LS), TS Director Major Projects
Kerry Twyman (KT), TS Director of Finance and Corporate Service
Katherine White (KW), Deputy Director for Infrastructure and Investment, SG Exchequer

[redacted], TS Major Projects, Head of Project Delivery
[redacted], TS Major Projects, Head of Design, Procurement and Contracts
Mary Fitzgerald (MF), TS Head of Finance
[redacted], TS Development Management and Trunk Road Casualty Reduction Manager
[redacted], TS Major Projects, A9 Dualling Delivery Team
[redacted], TS Major Projects, Strategic Communications

[redacted], - Private Secretary to the Minister for Transport
[redacted], Deputy Private Secretary to the Cabinet Secretary for Net Zero, Energy and Transport
[redacted], Deputy Private Secretary to the Deputy First Minister and Cabinet Secretary for Covid Recovery

[redacted], Special Adviser
[redacted], Special Adviser

Agenda

1. Welcome
2. Address any queries relating to the planned statement to Parliament on the A9 Dualling Programme.
3. Any Other Business
4. Actions

1. Welcome – extended to all attendees from JG.

2. The briefing for the planned statement was discussed and points raised by JG were clarified, including committed dates for preferred route announcement on A9 Pass of Birnam to Tay Crossing and planned completion of Tomatin to Moy retender exercise.

Points required to be covered by Q&A were discussed.

3. Any Other Business

- Nothing to report.

4. Actions

- **JG confirmed she would amend the current draft of the statement as required. (JG)**
- **JG requested that PO make arrangements for calls with relevant Council Leaders following the statement. (SL)**
- **Officials to produce a one page summary of key lines for engagement with stakeholders following the statement. (LS)**
- **Officials to provide lines on the Pass of Birnam to Tay Crossing section which can be used by JG. (LS)**