

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

12 October 2022

Attendees

redacted 11(2) MSP, Deputy First Minister and Cabinet Secretary for Covid Recovery and covering the Finance and Economy portfolio
redacted 11(2)) MSP, Cabinet Secretary for Net Zero, Energy and Transport
redacted 11(2) MSP, Minister for Transport
redacted 11(2) Interim Chief Executive Transport Scotland (TS)
redacted 11(2) TS Director
redacted 11(2) TS Director Major Projects
redacted 11(2) TS Director of Finance and Corporate Service
redacted 11(2) TS Director of Roads
redacted 11(2) Deputy Director for Infrastructure and Investment, SG Exchequer
redacted 11(2), TS Major Projects, Head of Project Delivery
redacted 11(2), TS Major Projects, Head of Design and Development
redacted 11(2), TS Major Projects, A9 Dualling Delivery Team
redacted 11(2), Special Adviser
redacted 11(2), Special Adviser
redacted 11(2), 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 ^{redacted}

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. (redacted 11)**
- **Officials to consider any further information to be prepared to assist discussions. (redacted 11(2))**
- **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. (redacted)**

**Minute of Minister for Transport meeting with [redacted] and [redacted] of the
A9 Dual Action Group**
16:45 to 17:15 on 26 January 2023

Attendees:

redacted 11(2) MSP, Minister for Transport

redacted 11(2), MFT Private Office

redacted 11(2), A9 Dual Action Group

redacted 11(2), A9 Dual Action Group

redacted 11(2) (redacted), Transport Scotland, Director of Major Projects

redacted 11(2), Transport Scotland, Head of A9 Dualling Programme

redacted 11(2), Transport Scotland, Road Safety and Development Manager

Agenda

1. Welcome
2. Discussion on the A9 safety and dualling programme
3. Any Other Business
4. Actions

1. **Welcome** – extended to all attendees from redacted
2. **Discussion Points** - the concerns of the A9 Dual Action Group regarding the safety and dualling programme of the A9 between Perth and Inverness.
redacted invited redacted 11(2) and redacted 11(2) to raise matters of concern for discussion:
 - [redacted] outlined the membership of the A9 Dual Action Group (the Group), of around 3800, consisting of individuals, businesses, specialists and those with an interest in the day to day operation of the A9 and its dualling. [redacted] referred to the petition raised on behalf of the Group in this regard (ref. PE1992) and significant concerns at the increased number of fatalities from road traffic incidents on the route and the need to complete the dualling programme.
 - redacted recognised the increase in fatalities on the route in the second half of 2022, and the devastating effect these have, confirming that one death on Scotland's roads is one too many. redacted confirmed that a programme of an additional £5m of safety improvements in advance of the dualling have been announced in response to the increase in fatalities last year.
 - redacted confirmed that the Scottish Government remains committed to A9 dualling and that significant progress has been made in the design and statutory processes for the various A9 sections, with work also continuing on a suitable procurement approach that is considering a number of factors including the challenging inflationary environment.
 - redacted 11(2) acknowledged the budget challenges faced by the Government and raised safety concerns about the current maintenance of the A9, noting in particular the road markings, bollards, the condition of junctions, surfacing and the inconsistency of the condition in adjacent sections.

- redacted 11(2) also queried the HGV speed limit trial, questioning whether the trial period had ended and considered that the associated signing was not clear for all road users. [redacted] also raised a general concern regarding the operation of the average speed camera system as the cameras appeared to be absent in some locations.
- redacted acknowledged the points raised regarding the condition of the A9 and confirmed that officials will investigate and write to redacted 11(2) in this regard. **Action:** redacted 11(2) **to investigate condition and maintenance on A9, and respond to** redacted 11(2).
- redacted 11(2) confirmed that the HGV speed limit trial remains in place and will do so until the A9 is dualled, or other circumstances require its removal. redacted 11(2) confirmed that the Road Haulage Association (RHA) is represented on the A9 Safety Group and should be aware of this; **Action:** redacted 11(2) **to check that the RHA is aware that the HGV speed limit trial is ongoing at the next A9 Safety Group meeting (on 2 February).** SW also noted that the HGV speed limit signs were required, acknowledging that non-HGV drivers unfamiliar with the route or those with in-car technology may inadvertently comply with these signs in some cases. **Action:** redacted 11(2) **to consider the future role of the HGV speed limit signs.**
- redacted 11(2) confirmed the average speed camera system remains operational and noted that it was recently upgraded with the new cameras being smaller and less prominent than the previous cameras, however, the system employs the latest technology and retains both its coverage and effectiveness.
- redacted asked Transport Scotland officials to respond to the points raised and consider what actions may be practical in addressing them.

3. Any Other Business

There was no other business. redacted thanked all attendees for their attendance and closed the meeting.

4. Actions

- **Action:** redacted 11(2) **to investigate condition and maintenance on A9, and respond to** redacted 11(2).
- **Action:** redacted 11(2) **to check that the RHA is aware that the HGV speed limit trial is ongoing at the next A9 Safety Group meeting (on 4 February)**
- **Action:** redacted 11(2) **to consider the future role of the HGV speed limit signs.**

**A9 and A96 Dualling - 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

redacted 11(2)) MSP, Deputy First Minister, Cabinet Secretary for Covid Recovery and interim Cabinet Secretary for Finance and the Economy
redacted 11(2)) MSP, Cabinet Secretary for Net Zero Energy and Transport
redacted 11(2) MSP for Inverness and Nairn
redacted 11(2)) MP for Inverness, Nairn, Badenoch and Strathspey

redacted 11(2) Transport Scotland – Director of Major Projects
redacted 11(2), Transport Scotland - Head of Design Team 1 and 3
redacted 11(2), Transport Scotland - Road Safety and Development Manager
redacted 11(2), Head of Finance and Corporate Services

Apologies

redacted 11(2) MSP, Minister for Transport

Agenda

1. Welcome
2. Discussion on the A9 and A96
3. Any Other Business
4. Actions

1. Welcome - extended to all attendees from redacted

2. Discussion Points – discussion surrounded funding and timetables associated with A9 and A96 Dualling programmes.

redacted invited redacted and redacted 1 to raise topics for discussion:

- redacted 1 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.
- redacted cited awareness of the live petition seeking an inquiry into the timetable for the A9 Dualling programme which is receiving increasing support.
- redacted 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.
- redacted 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.

- ^{redacted 1} echoed the public feeling set out by ^{redacted} 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.
- ^{redacted 1} 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.
- ^{redacted} reiterated that the government commitment to dualling the A9 is unchanged, noting that, notwithstanding the A96 Inverness to Nairn (including Nairn Bypass) scheme, that the position on the A96 Programme is different as it is subject to the on-going review.
- ^{redacted} 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, ^{redacted} 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.
- ^{redacted} set out the particular technical challenges and constraints experienced on the Pass of Birnam to Tay Crossing section which have influenced the preparation timescales.
- On risk transfer, ^{redacted} cited the M80 Improvement and Edinburgh Tram projects noting that whilst they were delivered by the same contractor they had different risk transfer profiles and markedly different outcomes. ^{redacted 11} stated that capital and revenue procurements were both options for other sections.
- ^{redacted 1} 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.
- ^{redacted 11} 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.

- ^{redacted} cited that the meeting in Nairn with the Minister for Transport and TS officials to provide information on the A96 programme was well received and welcomed this approach.
- **Action:** ^{redacted} 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 – ^{redacted 11} 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.*)
- ^{redacted}, ^{redacted 11} and ^{redacted} led further discussion on risk transfer profile used on recent Transport Scotland construction contracts with AWPR being cited as a positive example where the risk transfer allocation protected the public purse.
- ^{redacted} set out his recent discussions with CECA including Scottish construction markets' desire to see a move to use a more collaborative form of contract. ^{redacted 1} 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.
- ^{redacted} pressed ^{redacted} for further commitment to funding both Programmes post 2025-26. ^{redacted} advised that funding timescales are dependent on, and informed by, a large number of factors. ^{redacted} 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.
- ^{redacted} asked TS officials for an update on the timetable for procurement of the A96 Inverness to Nairn (including Nairn Bypass) scheme. [redacted] advised that the project team is continuing to prepare the significant volume of material required, including necessary legal checks, to allow the statutory process to be concluded. Subject to no challenge being received, then decisions on the timetable for procurement can be progressed.

3. Any Other Business

- ^{redacted} thanked all attendees for their attendance and closed the meeting.

4. Actions

- **Action:** ^{redacted} 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 – ^{redacted 11} 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.*)