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Citizen Participation and Public Petitions Committee
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9 January 2025

Dear Convener,

I am writing to respond to the conclusions and recommendations in the Committee's report 'Inquiry into the A9 Dualling Programme' published on 1 November 2024. I am grateful to all those who contributed to the Committee's work on this inquiry, arising from its consideration of Petition PE1992, lodged by Laura Hansler on 28 December 2022.

As you will be aware, the position of the A9 Dualling programme has changed significantly following lodging of the petition and during the course of the Committee's inquiry, in particular with the announcement in December 2023 of the delivery plan for completion of the A9 Dualling programme by the end of 2035. Since then, I and the Scottish Government have focussed on progressing the broad range of activities necessary to implement that delivery plan. Significant early milestones that have been achieved include completing procurement of the Tomatin to Moy project with the award of that contract in July 2024, and commencing procurement of the Tay Crossing to Ballinluig project, the next to enter construction, in May 2024. During 2024 made Orders were also published for a further two projects (Killiecrankie to Glen Garry and Dalraddy to Slochd) and land acquisition was progressed by execution of a general vesting declaration for four projects (Tay Crossing to Ballinluig, Pitlochry to Killiecrankie, Glen Garry to Dalwhinnie and Dalwhinnie and Crubenmore). Following confirmation of the preferred route for the Pass of Birnam to Tay Crossing project in December 2023, design and development work has continued at pace, to support commencement of statutory procedures for that project in Spring 2025. Further information on progress of the A9 Dualling programme is available from the update provided to the Net Zero, Energy and Transport Committee in November 2024, which can be found here [20241121_A9_Update](#).

While acknowledging the Committee's focus in part of its Inquiry on the history of the development of the A9 Dualling programme and its conclusion on why the Government's original target date of completion by 2025 was not achieved, I also note and welcome the consideration that the Committee has given in its conclusions and recommendations to forward-looking issues relevant to future progress of the dualling programme.

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In considering the Report's conclusions and recommendations, the Government has identified two particular themes that recur, which it has categorised as "Transparency" and "Certainty", and a number of other items which have been collectively categorised as "Other Issues". A summary of the Government's response to the conclusions and recommendations relating to each of these themes is provided below, with cross-references to the relevant conclusion or recommendation. In addition, a detailed response to each of the conclusions and recommendations of the Committee's report, in sequential paragraph order, is set out in Annex A to this letter, which also includes a summary of the Government's categorisation.

Transparency

The Government notes the Committee's welcoming of the Government's comments on the importance of parliamentary scrutiny. (Conclusion Paragraph 141).

The Government agrees with the importance of keeping Parliament informed on progress of A9 Dualling delivery, as a major infrastructure programme which is a matter of public interest requiring significant public monies to complete, and anticipates making statements to Parliament at appropriate times. The Government intends to make a statement to Parliament regarding the outcome of further decision-making in late 2025 on the use of Mutual Investment Model (MIM) Contracts and will request to make additional statements when appropriate. (Recommendations Paragraphs 142, 143 and 150).

The Government notes that Ministers have obligations regarding candour under the Scottish Ministerial Code, such as in respect of Paragraph 1.7 (d), which states:

Ministerial office requires candour and openness. Ministers should demand and welcome candid advice. Ministers should be as open as possible with the Parliament and the public, reflecting the aspirations set out in the Report of the Consultative Steering Group on the Scottish Parliament.

The Government therefore considers that the provisions of the Scottish Ministerial Code, together with the obligations applying to civil servants under the Civil Service Code, provide an appropriate framework regarding candour (Recommendation Paragraph 135). These obligations also support the provision of free and frank advice and exchanges of views, thus the Government is not of the view that any absence of external discussion of challenges negatively impacted on Transport Scotland's ability to deliver major infrastructure projects within the timescales it says it will. (Conclusion Paragraph 134).

The Government notes the Committee's welcoming of the Government's commitment to provide regular substantive updates to the Net Zero, Energy and Transport Committee, the first of which was issued in November 2024 covering the previous and future 6 months of activity, and to provide regular briefings for interested MSPs, the first of which was held in December 2024. (Conclusion Paragraph 140). The Government notes that, since the announcement of the delivery plan 20 December 2023, it has written to the Net Zero, Energy and Transport Committee on 7 occasions regarding interim updates on the A9 Dualling programme.

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The Government considers that the recommendation for establishment of a dedicated Parliamentary Committee is clearly a matter for Parliament to reach a view on. The Government will be accountable to the appropriate committee, which is currently the Net Zero, Energy and Transport Committee, but it would be for Parliament itself to determine in discussion with the relevant committees if it wanted to change this situation (Recommendation Paragraph 145, Conclusion Paragraph 146).

Certainty

The Government has repeatedly stated its commitment to delivering the A9 Dualling programme in line with the delivery plan announced in December 2023 and has demonstrated that commitment by its actions since that announcement. This is supported by a Cabinet decision to prioritise completion of the A9 Dualling programme within its budgets.

As the Committee will be aware, the Government's spending plans are constrained by the annual budget process that it is required to follow. Decisions on prioritisation of the A9 Dualling programme therefore require to be taken on a recurring basis, as annual budgets are set and individual contracts are awarded. The Government has continued to take decisions to prioritise spending on the A9 Dualling programme in line with the delivery plan announced in December 2023. The Government also notes that the capital funding requirements of the A9 Dualling programme are a function of its anticipated contracting arrangements. At present it is anticipated that, subject to further decision-making in late 2025, completion of the A9 Dualling programme will involve use of two MIM contracts. MIM contracts are predominantly resource funded and therefore have a significantly lower need for capital funding. Future capital funding requirements are therefore dependent on the outcome of further decision-making in late 2025. At present the Transport Scotland A9 Dualling programme team is resourced to meet current demands and it is recognised that as the volume of concurrent work increases it will be necessary to increase the resources allocated to this work, with the resources later decreasing as work subsequently reduces from peak levels of activity. (Recommendations Paragraph 139 and 147).

The Government notes that the further decision-making in late 2025 will determine whether to complete the A9 Dualling programme using resource funded MIM contracts as expected in the delivery plan announced in December 2023, or whether to adopt an alternative approach such as use of capital funded design and build contracts. That choice will be informed by the capital and resource funding demands of the respective options considered. In her comments to the committee the Cabinet Secretary for Transport, Net Zero and Just Transition made clear her preference for the use of MIM contracts, as envisaged by the delivery plan (Conclusion Paragraph 148).

The Government considers that the key milestones identified in the delivery plan, including that related to further decision-making in late 2025, represent the key decision points when funding decisions are made, either on an "in principle" basis, e.g. when commencing procurement, or as a final funding commitment, e.g. at contract award. The Government also notes that, in line with the annual budget practices that it is required to follow, funding requires to be available on an annual basis to support continued progress of the delivery plan announced in December 2023. This is supported by a Cabinet decision to prioritise completion of the A9 Dualling programme within its budgets (Recommendations Paragraph 149 and 151).

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The Government notes that the delivery plan was developed to provide a construction sequencing approach that sought to minimise the potential for knock-on effects of delays to one contract affecting other contracts. In relation to the Tomatin to Moy contract specifically, having the dualling become operational in Spring 2028 as opposed to by the end of 2027 as expected does not affect either the procurement or construction of any other contract in the delivery plan and does not affect the overall completion date. Maintaining an approach which allows works to progress concurrently at different locations within the corridor is a key mitigation to delays to the overall completion date, as is proceeding with and completing procurements at the milestone dates set out in the delivery plan. (Recommendation Paragraph 153).

Other Issues

Original Timetable

The Government agrees that there was no single issue or incident that led to the 2025 target completion date becoming unachievable and maintains its view of the causal factors being as set out in its submissions. The Government disagrees with the suggestion that issues associated with risk allocation in design and build contracts have led to programme “drift”. It is acknowledged that the issues experienced in relation to the procurement of the Tomatin to Moy project meant that it was necessary to introduce a change in contracting approach, but that change was already in contemplation prior to the outcome of the first procurement being known. In addition, the outcome of that procurement and timetable for completion of the Tomatin to Moy project was always independent of the wider decision on funding, procurement approach and timetable for completion of the remainder of the A9 Dualling programme. The Government also notes, for the avoidance of doubt, that there have always been individuals within Transport Scotland whose main or only focus has been to progress the A9 Dualling programme, whether in respect of the design and development stages of activity or in respect of the project delivery stages of activity. (Conclusion Paragraph 133).

Risk

The Government notes the Committee’s tentative welcome of the change in risk allocation adopted by Transport Scotland in its design and build contracts for major roads projects. (Conclusion Paragraph 154).

Acceleration

The Government notes that Transport Scotland is in the process of considering requests to reschedule and/or accelerate completion of the A9 Dualling programme, and has advised Parliament that it will publish a report on the findings of this work when complete. The delivery plan announced in December 2023 was developed to balance market capacity, disruption to road users and challenging financial constraints, and Transport Scotland’s work considering these requests will include assessment of the potential for acceleration to result in additional pressure on market capacity, higher levels of disruption to road users and greater pressure on annual capital budgets. (Recommendations Paragraph 155 and 156).

Safety

The Government expects to complete work on the £5m programme of additional measures to enhance safety in advance of dualling, announced in December 2022, by March 2025. Transport Scotland will continue to annually review collisions on the trunk road network, including the sections of the A9 that have not yet been dualled, to identify sites or sections of routes with recorded collisions that may merit further investigation. Work on safety issues continue to be addressed by Transport Scotland with roads operators, police, adjacent roads

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authorities and other parties covering the whole of the A9, including to the north of Inverness, with regular reporting on issues being addressed available on the new A9 safety web portal available at [Road Safety | A9 Safety Group | Transport Scotland](#) (Recommendation Paragraph 157).

Memorial

The Government sympathises with everyone who has been affected by the loss of a loved one, and to anyone who has been injured, on our roads. Any road death or injury is deeply concerning.

The Government does not directly support new memorials, which have a tradition of being funded by community subscription. Consequently, the Government is unable to be directly involved in such a proposal, including in relation to decisions such as locations or funding (Conclusion Paragraph 159, Recommendation Paragraph 160). The Government believes that this should be a matter for communities and private individuals to progress with landowners and appropriate planning authorities.

I would like to thank the Committee for its work in producing this Report.

Yours sincerely,



FIONA HYSLOP
Cabinet Secretary for Transport

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ANNEX A: Citizen Participation and Public Petition Committee Inquiry into the A9 Dualling Programme

Detailed Response

Paragraph Reference	Report	Response
132	The Committee has used this inquiry to expand its consideration of petition PE1992: Dual the A9 and improve road safety, and explore the circumstances which led to the Scottish Government's commitment to dual the A9 between Perth and Inverness by 2025 becoming unachievable.	<p>Categorised as a Statement, being neither a Conclusion nor a Recommendation.</p> <p>The Government notes this Statement.</p>
133	The Committee has concluded that while there was no single issue or incident which led to the 2025 target becoming unachievable, the Scottish Government's failure to reach agreement on programme funding significantly contributed to progress stalling as the programme was reaching the procurement and construction stages. In addition to the funding issue, an unwillingness from Transport Scotland to address industry concerns about the balance of risk in its design and build contracts also led to programme drift. The Committee believes this could have been avoided and challenges addressed more efficiently had there been an individual whose main or only focus was to progress the A9 dualling programme.	<p>Categorised as a Conclusion, related to Original Timetable</p> <p>The Government agrees that there was no single issue or incident that led to the 2025 target completion date becoming unachievable and maintains its view of the causal factors being as set out in its submissions.</p> <p>The Government disagrees with the suggestion that issues associated with risk allocation in design and build contracts have led to programme delay. It is acknowledged that the issues experienced on Tomatin to Moy project meant that it was necessary to introduce a change in contracting approach, but that change was already in contemplation prior to the outcome of the first procurement being known. In addition, the outcome of that procurement and timetable for completion of the Tomatin to Moy project was always independent of the wider decision on funding, procurement approach and timetable for completion of the remainder of the A9 Dualling programme.</p>

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Paragraph Reference	Report	Response
		<p>The Government also notes, for the avoidance of doubt, that there have always been individuals whose main or only focus has been to progress the A9 Dualling programme, whether in respect of the design and development stages of activity or in respect of the project delivery stages of activity.</p>
134	<p>A lack of open, external discussion of the challenges being faced in the delivery of the A9 dualling programme has negatively impacted public confidence in Transport Scotland and its ability to deliver major infrastructure projects within the timescales it says it will.</p>	<p>Categorised as a Conclusion, related to Transparency</p> <p>Whilst acknowledging the legitimate public interest in a subject such as the progress of the A9 Dualling programme, the Government also notes that there is a public interest in maintaining the effective conduct of public affairs, including policy development, in a manner that enables the free and frank provision of advice and exchanges of views and maintains the convention of the collective responsibility of the Scottish Ministers.</p> <p>Whilst it is accepted that individuals may hold different views on where the balance of those interests lie, it is also important to note that the evidence submitted to the Committee from the period concerned clearly evidences the action being taken to present the Government with frank advice on the issues concerned to enable the Government to reach a considered view on the most appropriate steps to take to complete the dualling programme. The Government is not of the view that any absence of external discussion of challenges negatively impacted on Transport Scotland's ability to deliver major infrastructure projects within the timescales it says it will.</p>

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Paragraph Reference	Report	Response
135	<p>To assist the Scottish Government and Transport Scotland in regaining public trust, the Committee recommend that duty of candour be introduced to help ensure that challenges faced on this, and future major projects, can be subject to improved public and parliamentary scrutiny. This should include the Scottish Government being proactive in publishing relevant advice and updates throughout the development of major projects. It is the Committee's view that had such a duty been in place previously then there would have been greater urgency in finding solutions, resulting in faster progress to complete the dualling work.</p>	<p>Categorised as a Recommendation, related to Transparency</p> <p>The Government notes that the Report does not include any discussion of the obligations placed on Ministers under the Scottish Ministerial Code, specifically:</p> <p>Paragraph 1.4, limbs (d) and (e):</p> <p><i>1.4 Ministers are expected to observe the Seven Principles of Public Life (also known as the 'Nolan Principles'), which are set out by the Committee on Standards in Public Life and apply to all public office holders:</i></p> <p><i>(d) Accountability: Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this.</i></p> <p><i>(e) Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.</i></p> <p>Paragraph 1.7, limbs (b), (d) and (e):</p> <p><i>1.7 The Ministerial Code should be read against the background of the overarching duty on Ministers to comply with the law, including international law and treaty obligations, and to uphold the administration of justice and to protect the integrity of public life. In addition to the Seven Principles of Public Life, Ministers are expected to observe the following principles of Ministerial conduct:</i></p>

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Paragraph Reference	Report	Response
		<p><i>(b) Ministers have a duty to the Parliament to account, and be held to account, for the policies, decisions and actions taken within their field of responsibility;</i></p> <p><i>(d) Ministerial office requires candour and openness. Ministers should demand and welcome candid advice. Ministers should be as open as possible with the Parliament and the public, reflecting the aspirations set out in the Report of the Consultative Steering Group on the Scottish Parliament. They should refuse to provide information only in accordance with the Freedom of Information (Scotland) Act 2002 and other relevant statutes. Ministers should be open and candid with public inquiries;</i></p> <p><i>(e) Ministers should similarly require civil servants who give evidence before Committees on their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the Civil Service Code;</i></p> <p>The Government also notes that the Report does not include any discussion of the obligations placed on Civil Servants under the Civil Service Code, specifically:</p> <p>Paragraph 3, second bullet point:</p> <p><i>3. As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. In this Code:</i></p> <ul style="list-style-type: none"> • <i>‘honesty’ is being truthful and open;</i>

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Paragraph Reference	Report	Response
		Noting the obligations that already exist on both Ministers and Civil Servants, the Government does not agree with the recommendation that an additional duty of candour be introduced.
136	During the course of the Committee's inquiry, the Scottish Government announced a revised timetable and delivery plan to complete the dualling of the A9 between Perth and Inverness. A new target date of 2035 has been set for the dualling work to be completed.	Categorised as a Statement, being neither a Conclusion nor a Recommendation. The Government notes this Statement.
137	To ensure there is no repetition of the drift which led to the previous timetable falling so far behind schedule, the Committee examined the governance of the A9 dualling programme. The Committee recommends the following actions aimed at enhancing opportunities for parliamentary scrutiny and rebuilding public confidence throughout the remainder of the dualling programme.	Categorised as a Statement, being neither a Conclusion nor a Recommendation. There are a number of issues submitted in evidence on delay in programme. The Government does not agree with every characterisation in the committee commentary however it does agree that there are important opportunities to support parliamentary scrutiny and build public confidence and the proposals set out should provide assurances on that point.
138	Evidence from Transport Scotland and the Scottish Government has referenced other major transport infrastructure projects that have been undertaken since the commitment to dual the A9 was announced, predominately in central and southern Scotland. The Committee have considered whether this has contributed to a sense among people living in northern Scotland that they have not received	Categorised as a Statement, being neither a Conclusion nor a Recommendation. The Government notes that as the projects concerned were at a more advanced stage than the A9 Dualling programme when that programme was announced, it was therefore always expected that those projects would reach construction and completion ahead of completion of the A9 Dualling programme.

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Paragraph Reference	Report	Response
	a commensurate share of capital expenditure to improve the road network across the Highlands.	
139	It is welcome that Transport Scotland directors, including its Chief Executive, form the membership of the A9 programme board. However, with A9 dualling continuing to be one of many major road projects being pursued by the Scottish Government, the Committee would welcome clarification from the Cabinet Secretary on where exactly the A9 dualling programme sits within Transport Scotland's priorities for capital funding, and what provisions, including staff resource, have been allocated to support delivery of the programme over the next decade.	<p>Categorised as a Recommendation, related to Certainty.</p> <p>The Government has repeatedly stated its commitment to delivering the A9 Dualling programme in line with the delivery plan announced in December 2023 and has demonstrated that commitment by its actions since that announcement. This is supported by a Cabinet decision to prioritise completion of the A9 Dualling programme within its budgets.</p> <p>As the Committee will be aware, the Government's spending plans are constrained by the annual budget process that it is required to follow. Decisions on prioritisation of the A9 Dualling programme therefore require to be taken on a recurring basis, as annual budgets are set and individual contracts are awarded. The Government has continued to take decisions to prioritise spending on the A9 Dualling programme in line with the delivery plan announced in December 2023.</p> <p>The Government also notes that the capital funding requirements of the A9 Dualling programme are a function of its anticipated contracting arrangements. At present it is anticipated that, subject to further decision-making in late 2025, completion of the A9 Dualling programme will involve use of two Mutual Investment Model (MIM) contracts. MIM contracts are predominantly resource funded and therefore have a significantly lower need for capital funding. Future capital funding requirements are therefore</p>

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Paragraph Reference	Report	Response
		<p>dependent on the outcome of further decision-making in late 2025. The scale of capital funding required will therefore not be known until the further decision-making in late 2025 is complete. At present the A9 Dualling programme team is resourced to meet current demands and it is recognised that as the volume of concurrent work increases it will be necessary to increase the resources allocated to this work, with the resources later decreasing as work subsequently reduced from peak levels of activity.</p>
140	<p>Transparency is essential to the rebuilding of public confidence in this programme. The Committee welcomes the commitment that Transport Scotland will provide six-monthly updates to both the Net Zero, Energy and Transport (NZET) Committee and other interested Members of the Scottish Parliament on the progress of the A9 Dualling Programme.</p>	<p>Categorised as a Conclusion, related to Transparency</p> <p>The Government notes the Committee's welcoming of the Government's commitment to provide regular updates, the first of which was issued in November 2024, with a briefing for interested MSPs held in December 2024.</p>
141	<p>The Committee welcomes comments from current and former members of the Scottish Government on the importance of parliamentary scrutiny. Routine, and regular, sharing of information with Parliament is key to addressing concerns about the transparency of decision-making on major projects such as the A9.</p>	<p>Categorised as a Conclusion, related to Transparency</p> <p>The Government notes the Committee's welcoming of comments on the importance of parliamentary scrutiny</p>

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Paragraph Reference	Report	Response
142	To enable this scrutiny to take place, the Committee recommends that, in addition to the six-monthly updates to both the Net Zero, Energy and Transport (NZET) Committee, and other interested Members of the Scottish Parliament, the Cabinet Secretary for Transport also provides statements to Parliament at key milestones, aligned to the delivery plan published in December 2023.	Categorised as a Recommendation, related to Transparency The Government agrees with this recommendation in principle that statements to Parliament should be provided when appropriate. However, the Government notes that many of the key milestones identified in the delivery plan are of a type that would not be expected to involve a parliamentary statement, for example those milestones related to procurement commencing or contracts being awarded. The Government intends to make a statement to Parliament regarding the outcome of further decision-making in late 2025 on the use of MIM contracts and will request to make additional statements when appropriate.
143	With the contractor for the Tomatin to Moy section having now been confirmed as Balfour Beatty Ltd., and a shortlist of contractors invited to bid on the Tay Crossing to Ballinluig section, the next key milestones would appear to be the award of the Tay Crossing to Ballinluig section and the decision on the use of MIM contracts for the remaining North and Central sections.	Categorised as a Recommendation, related to Transparency For the reasons noted in its response to the Recommendation at paragraph 143, the Government does not agree that the award of contract for the Tay Crossing to Ballinluig project is a milestone involving a need for a Parliamentary statement. As further noted in the response above, the Government does expect to make a statement to Parliament to confirm the outcome of further decision-making in late 2025 on the use of MIM contracts.
144	The Committee have also reflected on the importance of keeping momentum, as well as building and maintaining public confidence in the dualling programme from now through to 2035, and the role parliamentary scrutiny can play in achieving this.	Categorised as a Statement, being neither a Conclusion nor a Recommendation. The Governments notes this Statement.

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145	<p>While the Cabinet Secretary for Transport's commitment to update the NZET Committee at regular intervals is welcome, this Committee acknowledges that subject committees such as NZET have extensive remits which cover a number of important issues. It is with this in mind that the Committee recommends a dedicated Parliamentary committee should be established to provide oversight on major infrastructure projects being pursued by the Scottish Government, specifically where the project is likely to run over multiple parliamentary sessions. A dedicated, standalone committee would be able to focus on the A9 dualling programme, and maintain momentum on scrutiny of a long-running, multi-session infrastructure project of this nature. With the A9 dualling programme expected to cover another two parliamentary sessions, the Committee strongly believe that a new committee focused on scrutiny of the A9 dualling programme be established, and invites the Parliamentary Bureau to consider how this can be achieved, both for the remainder of this parliamentary session, and in future parliaments.</p>	<p>Categorised as a Recommendation, related to Transparency</p> <p>The Government considers that this Recommendation is a matter for Parliament to reach a view on and the Government will direct its reporting to whichever committee is appropriate, currently this is Net Zero, Energy and Transport Committee. The Government notes that following conclusion of the work overseen by the Forth Crossing Bill Committee, regular reporting on progress of the Forth Replacement Crossing project was provided to predecessor committees of the current Net Zero, Energy and Transport committee, whose remits were wider than any one specific project or programme.</p> <p>The Government will report and be accountable to the appropriate Parliamentary Committee and it is for the Parliament itself to make any changes to current scrutiny and reporting arrangements in place.</p>

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146	The Committee strongly believes that a committee with a remit focused on the A9 dualling programme would gain expertise on the issues and challenges still to be resolved in the delivery of the Scottish Government’s commitment, and use this expertise and institutional knowledge to ensure the Government is properly held to account on its commitment over the next decade. This could then be used as a model for oversight of infrastructure projects of a similar scale.	Categorised as a Conclusion, related to Transparency Please refer to the Government’s response to the Recommendation in paragraph 145. The Government notes that, since the announcement of the delivery plan 20 December 2023, it has written to the Net Zero, Energy and Transport Committee on 6 occasions regarding the A9 Dualling programme in addition to the substantive 6 monthly reporting to the Committee.
147	Throughout this inquiry the Committee has explored evolving funding commitments for the A9 dualling programme, and recommends the Scottish Government take further steps to ensure clarity on financing the remainder of the programme.	Categorised as a Recommendation, related to Certainty For the reasons noted in its response to the Recommendation at paragraph 139, further clarity on the funding of certain elements of the A9 Dualling programme will be available on completion of further decision-making in late 2025. As noted in its response to Recommendation 142, the Government expects to make a statement to Parliament to confirm the outcome of further decision-making in late 2025 on the use of MIM contracts.
148	The Committee remains concerned that funding will be available when it needs to be, and is unconvinced by the then Cabinet Secretary’s assurance there is a contingency to use capital funding to ensure the project is completed by 2035 should MIM be unsuitable.	Categorised as a Conclusion, related to Certainty The Official Report of that meeting records the Cabinet Secretary as stating, in response to a question from Mr Ewing: <i>“If the market conditions that prevail in 2025 are not suitable and mean that we cannot go forward with a MIM contract, we have contingency that the 2035 date could still be met via capital funding, provided that capital was available.</i>

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		<p>The further decision-making in late 2025 will determine whether to complete the A9 Dualling programme using resource funded MIM contracts as expected in the delivery plan announced in December 2023, or whether to adopt an alternative approach such as use of capital funded design and build contracts. That choice will be informed by the capital and resource funding demands of the respective options considered. This is supported by a Cabinet decision to prioritise completion of the A9 Dualling programme within its budgets.</p>
149	<p>Given the delays and damage to public trust experienced on this programme to date, the Committee asks that the Scottish Government, in its response to this report, clearly sets out the key decision points for the rest of the A9 dualling programme. This should include details of key funding decisions, specifically dates when funding requires to be available or released.</p>	<p>Categorised as a Recommendation, related to Certainty.</p> <p>The Government considers that the key decision points for the rest of the A9 Dualling programme are already clearly set out in the delivery plan announced in December 2023.</p> <p>The Government notes that, in accordance with the requirement of the Scottish Public Finance Manual and Treasury Green Book, an Outline Business Case is prepared for each major contract to inform the decision to proceed to procurement, with that decision representing an “in principle” commitment to incur the expenditure arising following contract award. Following evaluation of tender submissions, a Full Business Case is prepared for each major contract to inform the decision to award the contract, with that decision entailing acceptance of the expenditure arising following contract award. These two stages therefore link to the dates noted for commencing procurements and awarding contracts.</p> <p>In addition to those dates, the delivery plan also references the significance of further decision-making in late 2025, with that</p>

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		<p>decision being informed by an Outline Business Case for the Programme and representing an “in principle” decision to incur the expenditure associated with the delivery approach associated with the approach confirmed by the decision-making process.</p> <p>The Government notes that, in line with the annual budget practices that it is required to follow, funding requires to be available on an annual basis to support continued progress of the delivery plan announced in December 2023.</p>
150	<p>To support this approach, the Committee also asks the Scottish Government to set out what its plan for communicating the decision on the use of MIM contracts is. This plan must be transparent, allow for public scrutiny, and be clear about when people can expect an announcement to be made.</p>	<p>Categorised as a Recommendation, related to Transparency.</p> <p>As noted in its response to the Recommendation at paragraph 139, the Government expects to make a statement to Parliament to confirm the outcome of further decision-making in late 2025 on the use of MIM contracts.</p>
151	<p>If MIM is not recommended, the Scottish Government must commit to providing funding to enable the 2035 target to be met. Assurances provided to date have been caveated and the Committee demands that the Scottish Government unambiguously confirm that funding will be available when needed to ensure the 2035 date is met regardless of whether this is through MIM, capital funding, or another funding mechanism</p>	<p>Categorised as a Recommendation, related to Certainty.</p> <p>As noted in its response to paragraph 149, the Government considers that the further decision-making in late 2025 will represent an “in principle” decision, expressing the continuing commitment of the Government to incur the expenditure associated with the delivery approach confirmed by the decision-making process.</p> <p>This is supported by a Cabinet decision to prioritise completion of the A9 Dualling programme within its budgets.</p>

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Paragraph Reference	Report	Response
152	The Committee considered the announcement that the Tomatin to Moy section is expected to be operational by Spring 2028, rather than by the end of 2027.	Categorised as a Statement, being neither a Conclusion nor a Recommendation. The Governments notes this Statement.
153	The Committee is concerned that there is already an anticipated delay to the completion of the Tomatin to Moy section, and seeks detail from the Scottish Government, in its response to this report, on the action being taken to prevent and mitigate against further delays to the A9 Dualling Programme.	Categorised as a Recommendation, related to Certainty. The Government notes that the delivery plan was developed to provide a construction sequencing approach that sought to minimise the potential for knock-on effects of delays to one contract affecting other contracts. In relation to the Tomatin to Moy contract specifically, having the dualling become operational in Spring 2028 as opposed to by the end of 2027 as expected does not affect either the procurement or construction of any other contract in the delivery plan and does not affect the overall completion date. Maintaining an approach which allows works to progress concurrently at different locations within the corridor is a key mitigation to delays to the overall completion date, as is proceeding with and completing procurements at the milestone dates set out in the delivery plan.
154	The Committee has joined the civil engineering industry in tentatively welcoming the steps Transport Scotland has taken to amend its approach to contracts, particularly on the balance of risk shared between the client and contractor.	Categorised as a Conclusion, related to Risk. The Government notes the Committee's tentative welcome of the change in risk allocation adopted by Transport Scotland in its design and build contracts for major roads projects.

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Paragraph Reference	Report	Response
155	<p>Given the important role the A9 plays in connecting the Highlands and rural Perthshire with the rest of Scotland, the Committee recommends Transport Scotland accelerate procurement of the remaining sections, wherever possible, as a way of increasing contractor confidence while also helping to ensure the required workforce and materials are in place to keep the project on time and within budget.</p>	<p>Categorised as a Recommendation, related to Acceleration.</p> <p>The Government notes that it is in the process of considering requests to reschedule and/or accelerate completion of the A9 Dualling programme, and has advised Parliament that it will publish a report on the findings of this work when complete.</p> <p>The delivery plan announced in December 2023 was developed to balance market capacity, disruption to road users and challenging financial constraints, and Transport Scotland’s work considering these requests will include assessment of the potential for acceleration to result in additional pressure on market capacity, higher levels of disruption to road users and greater pressure on annual capital budgets.</p>
156	<p>The Committee is aware that a cross-party delegation of MSPs met with the First Minister, and Cabinet Secretary for Transport in June 2024 to discuss their request that the work programme be accelerated. The Committee asks that the Scottish Government provide an update to Parliament on what further consideration the Government has given to accelerating delivery of the dualling programme.</p>	<p>Categorised as a Recommendation, related to Acceleration.</p> <p>Please refer to the Government’s response to the Recommendation in paragraph 155.</p>

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Paragraph Reference	Report	Response
157	In considering options to progress delivery of the A9 dualling programme at pace, the Committee also asks the Scottish Government to reflect on the ongoing safety concerns about the sections of the A9 that have not yet been dualled.	<p>Categorised as a Recommendation, related to Safety.</p> <p>The Government formed the A9 Safety Group in 2012 with the main aim before and during the A9 Dualling Programme of working together with partners to explore any measures which could be introduced on the route using engineering, enforcement, education and encouragement to positively influence driver behaviour to help reduce road casualties. The group meets on a regular basis and includes members from a range of partners representing authorities, road users and professional or industry organisations.</p> <p>Work on safety issues continues to be addressed by Transport Scotland with roads operators, Police Scotland, adjacent roads authorities and other parties covering the whole of the A9, including to the north of Inverness, with regular reporting on how issues are being addressed provided on the new A9 safety web portal available at Road Safety A9 Safety Group Transport Scotland.</p> <p>In addition, Transport Scotland also meets with its Operating Company and Police Scotland on a regular basis to discuss recent incidents and emerging trends on the A9.</p> <p>In relation to work on sections of single carriageway included within the A9 Dualling programme, the Government expects to complete work on the £5m programme of additional measures to enhance safety in advance of dualling, announced in December 2022, by March 2025.</p>

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Paragraph Reference	Report	Response
		Transport Scotland will continue to annually review collisions on the trunk road network, including the sections of the A9 that have not yet been dualled, to identify sites or sections of routes with recorded collisions that may merit further investigation. Further investigations are then carried out and, where appropriate, mitigation measures are prioritised for delivery.
158	Road safety and the need to address the number of collisions resulting in fatalities was central to the original commitment to dual the A9 between Perth and Inverness.	Categorised as a Statement, being neither a Conclusion nor a Recommendation. The Government notes this Statement.
159	The precise form and location of any memorial commemorating lives tragically lost on the A9 will require to be sensitively managed.	Categorised as a Conclusion, related to Memorial. Please refer to the Government's response to the Recommendation in paragraph 160.
160	The Committee recommends that the Scottish Government consult on the proposal for a national memorial, by engaging with the petitioner and affected families on what kind of memorial they would like to see. This consultation should also explore possible locations for an appropriate memorial.	Categorised as a Recommendation, related to Memorial. The Government sympathises with everyone who has been affected by the loss of a loved one, and to anyone who has been injured, on our roads. Any road death or injury is deeply concerning. The Government does not directly support new memorials, which have a tradition of being funded by community subscription. Consequently, the Government is unable to be directly involved in such a proposal, including in relation to decisions such as locations or funding. The Government believes that this should be a matter for communities and private individuals to progress with

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Paragraph Reference	Report	Response
		landowners and appropriate planning authorities. The Government therefore does not agree with this Recommendation.

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Categorisation of Conclusions and Recommendations

Theme	Reference														
Transparency	Paragraph 134 (Conclusion) Paragraph 135 (Recommendation) Paragraph 140 (Conclusion) Paragraph 141 (Conclusion) Paragraph 142 (Recommendation) Paragraph 143 (Recommendation) Paragraph 145 (Recommendation) Paragraph 146 (Conclusion) Paragraph 150 (Recommendation)														
Certainty	Paragraph 139 (Recommendation) Paragraph 147 (Recommendation) Paragraph 148 (Conclusion) Paragraph 149 (Recommendation) Paragraph 151 (Recommendation) Paragraph 153 (Recommendation)														
Other Issues	<table border="0"> <tr> <td data-bbox="520 882 794 920">Original Timetable</td> <td data-bbox="815 882 1358 920">Paragraph 133 (Conclusion)</td> </tr> <tr> <td data-bbox="520 920 794 958">Risk</td> <td data-bbox="815 920 1358 958">Paragraph 154 (Conclusion)</td> </tr> <tr> <td data-bbox="520 958 794 996">Acceleration</td> <td data-bbox="815 958 1358 996">Paragraph 155 (Recommendation)</td> </tr> <tr> <td data-bbox="520 996 794 1034"></td> <td data-bbox="815 996 1358 1034">Paragraph 156 (Recommendation)</td> </tr> <tr> <td data-bbox="520 1034 794 1072">Safety</td> <td data-bbox="815 1034 1358 1072">Paragraph 157 (Recommendation)</td> </tr> <tr> <td data-bbox="520 1072 794 1111">Memorial</td> <td data-bbox="815 1072 1358 1111">Paragraph 159 (Conclusion)</td> </tr> <tr> <td data-bbox="520 1111 794 1149"></td> <td data-bbox="815 1111 1358 1149">Paragraph 160 (Recommendation)</td> </tr> </table>	Original Timetable	Paragraph 133 (Conclusion)	Risk	Paragraph 154 (Conclusion)	Acceleration	Paragraph 155 (Recommendation)		Paragraph 156 (Recommendation)	Safety	Paragraph 157 (Recommendation)	Memorial	Paragraph 159 (Conclusion)		Paragraph 160 (Recommendation)
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