



OFFICIAL REPORT
AITHISG OIFIGEIL

Citizen Participation and Public Petitions Committee

Wednesday 2 April 2025

Session 6



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CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
CONTINUED PETITIONS	2
A75 (Upgrade) (PE1610)	2
A77 (Upgrade) (PE1657)	2
Rest and Be Thankful Project (PE1916)	2
A82 Upgrade (PE1967)	2
A96 Dualling (Inverness-Nairn Timeline) (PE2132)	2
Fatal Accident Inquiries (Deaths Abroad) (PE2085)	33
Wind Farms (Community Shared Ownership) (PE1885)	38
High-caffeine Products (PE1919)	40
Venice Biennale 2024 (PE2030)	42
Child and Adolescent Mental Health Services (High Schools) (PE2091)	43
NEW PETITIONS	45
International Covenant on Civil and Political Rights (Implementation in Scots Law) (PE2135).....	45
Parking Badge for Pregnant Women (PE2140)	47

CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE
6th Meeting 2025, Session 6

CONVENER

*Jackson Carlaw (Eastwood) (Con)

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Foysool Choudhury (Lothian) (Lab)

*Fergus Ewing (Inverness and Nairn) (SNP)

*Maurice Golden (North East Scotland) (Con)

*attended

THE FOLLOWING ALSO ATTENDED:

Jackie Baillie (Dumbarton) (Lab)

Nicola Blaney (Transport Scotland)

Bob Doris (Glasgow Maryhill and Springburn) (SNP)

Alasdair Graham (Transport Scotland)

Emma Harper (South Scotland) (SNP)

Fiona Hyslop (Cabinet Secretary for Transport)

Michael Marra (North East Scotland) (Lab)

Lawrence Shackman (Transport Scotland)

CLERK TO THE COMMITTEE

Jyoti Chandola

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Citizen Participation and Public Petitions Committee

Wednesday 2 April 2025

[The Convener opened the meeting at 09:33]

Decision on Taking Business in Private

The Convener (Jackson Carlaw): Good morning, and welcome to the sixth meeting in 2025 of the Citizen Participation and Public Petitions Committee. In our dry way, the first item on the agenda is for the committee to decide whether to take in private items 5 and 6, which are consideration of the evidence that we are about to hear and of our work programme. Are members content to take those items in private?

Members indicated agreement.

Continued Petitions

A75 (Upgrade) (PE1610)

A77 (Upgrade) (PE1657)

Rest and Be Thankful Project (PE1916)

A82 Upgrade (PE1967)

A96 Dualling (Inverness-Nairn Timeline) (PE2132)

09:33

The Convener: Agenda item 2 is consideration of existing petitions, beginning with an evidence session on a compendium of petitions with the Cabinet Secretary for Transport, Fiona Hyslop. I am delighted that she is with us along with Transport Scotland officials: Lawrence Shackman, the director of major projects, whom I think we have had the pleasure of meeting before at some point; Nicola Blaney, the head of strategic transport planning; and Alasdair Graham, the head of design, procurement and contracts. I warmly welcome you all. Thank you very much for attending the meeting.

The committee recognises that we are moving into the last year of the parliamentary session, so, in order to expedite a number of petitions, we hope to meet with cabinet secretaries in different disciplines to try to work our way through the petitions. Otherwise, we will not be able to do justice to them in the time that we have left.

PE1610, which was lodged by Matt Halliday, calls on the Scottish Parliament to urge the Scottish Government to upgrade the A75 Euro route to dual carriageway for its entirety as soon as possible.

PE1657, which was lodged by Donald McHarrie on behalf of the A77 action group, calls on the Scottish Parliament to urge the Scottish Government to dual the A77 from Ayr's Whitletts roundabout south to the two ferry ports located at Cairnryan, including the point at which the A77 connects with the A75.

PE1916, which was lodged by Councillor Douglas Philand and Councillor Donald Kelly, calls on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry into the political and financial management of the A83 Rest and Be Thankful project to provide a permanent solution for the route. The petition has stretched across various parliamentary sessions and, in a previous session, I and, I think, David Torrance paraded around the ground ourselves to see what was what.

PE1967, which was lodged by John Urquhart on behalf of Helensburgh and District Access Trust and the Friends of Loch Lomond and the Trossachs, calls on the Scottish Parliament to urge the Scottish Government to reconsider the process for selecting the preferred option for the planned upgrade of the A82 between Tarbet and Inverarnan, and to replace the design manual for roads and bridges-based assessment with the more comprehensive Scottish transport appraisal guidance.

Finally, PE2132, which was lodged by the *Inverness Courier*, calls on the Scottish Parliament to urge the Scottish Government to publish a clear timeline for the dualling of the A96 between Inverness and Nairn and the construction of a bypass for Nairn, and to ensure that that timeline is made public by Easter 2025. We would be going some, I suppose, to achieve that.

My eyesight is never quite clear, but I think that we are joined by petitioners in the public gallery. We are also joined by two of our parliamentary colleagues, Jackie Baillie, who has had an on-going and particular interest in PE1916 and PE1967, which is on the A82—

Jackie Baillie (Dumbarton) (Lab): The A83.

The Convener: Which one?

Jackie Baillie: The Rest and Be Thankful.

The Convener: That is the one.

We are also joined by Emma Harper, who has an interest in PE1610, on the A75, and PE1659, on the A77.

Members who join us have no automatic right to ask questions, but I will invite them to follow on and ask questions at the end, if everybody is agreed. It has been my practice to encourage as much active participation and engagement from MSPs on petitions in which they have a constituency interest. I am less interested if they are coming as party spokesmen, but if they are here because of a constituency interest, I am keen to hear from them.

Cabinet secretary, in the light of all that, I understand that you would like to say something to us in advance of our beginning our questions. Rather than the meeting becoming a free-for-all, one colleague will lead a discussion about each of the different petitions, and I know that you will bring in your colleagues as and when you think that would be most helpful.

The Cabinet Secretary for Transport (Fiona Hyslop): Thank you, convener. Good morning. I have opening remarks to provide a bit of context, which might be helpful. I thank the committee for inviting me to discuss the petitions relating to the A75, the A77, the A83 Rest and Be Thankful, the

A82 between Tarbet and Inverarnan, and the A96 Inverness to Nairn.

The Scottish Government recognises the crucial role of transport infrastructure in supporting sustainable economic growth and access to essential services, and we are committed to improving transport infrastructure across Scotland. The Scottish Government has a strong record of delivering major infrastructure projects, including the £745 million Aberdeen western peripheral route and the £1.34 billion Queensferry crossing on the Forth estuary, which was a complex engineering feat that put our workmanship to the front and centre of global engineering. We have also delivered the Borders railway and electrified the rail route between our two largest cities through the Glasgow to Edinburgh improvement programme. In addition, since 2012, we have invested more than £475 million in the A9 dualling programme, which has enabled statutory processes to be completed for 10 out of the 11 projects, delivered the first two projects into operational use and supported procurement on the third and fourth contracts.

On the A82, a new viaduct has been built at Pulpit Rock on the side of Loch Lomond, which has helped to remove traffic signals that had been there for nearly 30 years, and a much-needed bypass at Crianlarich has reduced traffic in the town by half. Both improvements benefit road users and local communities along the A82.

At a total cost of £64 million, we have completed five major improvements on the A77, including the £29 million Maybole bypass. We have also completed six major roads improvement projects on the A75, with a total value of more than £50 million.

Following an initial meeting with the A77 campaign team in November, I met A75 and A77 campaigners, including the two petitioners, on Friday 21 March. I am happy to report that my offer to establish a regular six-monthly meeting to bring them together with Transport Scotland and Amey was accepted.

Although the United Kingdom autumn budget marked a step in the right direction, it did not make up for 14 years of underinvestment—austerity cannot be undone in one year. We still face significant pressures on our capital budget, which are significantly affecting our ability to maintain investment in all Scotland's transport infrastructure.

Despite the significant pressures on our capital budget, we continue to progress improvements to the trunk road network. That includes dualling the A96 from Inverness to Nairn—including the Nairn bypass—and the procedural steps for the acquisition of land have now been concluded,

which has delivered a further key milestone for the scheme. We continue to progress work to determine the most suitable procurement option for delivering the scheme, after which a timetable for delivery can be set.

Development work on the A83 Rest and Be Thankful continues at pace, with draft orders having been published last December for medium-term and long-term solutions. In addition, following the allocation of funding from the UK Government, we have wasted no time in progressing the design and assessment work to consider the options for realigning the A75 trunk road at the villages of Springholm and Crocketford, with almost 180 people having attended the meet-the-team events that were held three weeks ago.

I thank the committee for giving me the opportunity to make those opening remarks, which provide a bit more current context, and I will be happy to answer any questions that committee members have on the petitions.

The Convener: Thank you very much. It has been a while since I have been up the A82—has the 30-year-old traffic light finally gone?

Fiona Hyslop: That is my report to the committee.

The Convener: That is very exciting news from my point of view, although I have not been up that road in a while.

I will ask some general questions first. It is interesting to note that Scotland's trunk road network is the single biggest asset that is owned by the Scottish Government. It is 2,179 miles long and is worth about £20 billion. It includes a 10-lane section of the M8 and rural carriageways through the west to the Highlands. It is an extraordinary thing.

There is no single document that sets out the Scottish Government's programme of trunk road upgrades or the delivery milestones and associated budgets. Current plans, such as the second strategic transport projects review and the infrastructure investment plan, provide only a partial picture of the planned improvements. Is there a reason for not having all that in a single document, or is there an argument for having a single document that could pull all that together?

Fiona Hyslop: There is the matter of action versus bureaucracy. There is that tension for everybody in producing reports—we can get criticised for producing too many reports.

We do regular asset management, and there are two issues in that regard. First, members and constituents are probably more interested in the additional improvements and enhancements, but a lot of what we do involves running the basic system and ensuring care and maintenance.

Despite the pressures on capital budgets, I have worked hard to improve the maintenance budget. Why is that important? It is important for safety. You are right about the roads being assets. People take them for granted until something happens, and then there is obviously concern.

Secondly, climate change is here. There are real issues about the stability of land and in ensuring that we maintain all our assets—that applies to rail as well as to roads. Across Transport Scotland, I am taking forward analysis of climate change impacts.

We are developing work on roads in vulnerable locations—we had done some work on that previously, but we are paying it more attention now. For example, on 21 March, I visited Carlock wall and Carlock hill, on the A77. The hill was subject to landslips. People thought that they could put up wires and catch pits a bit like what has been done on the A83. However, following ground investigation, they realised that they would have to drill in and have nailing for more security. We have to be aware of the increasing need to take care of our major assets.

09:45

On bringing all that together, I see an asset assessment annually. I might bring in Lawrence Shackman on that. I regularly see material that tells me the state of the assets. However, because people are interested, there is an issue around what we make more public in relation to enhancements, improvements, additional dualling and so on. You are, I think, asking whether we bring all that together. That might be a big effort, but we could probably signal where everything is if people wanted to find it.

Lawrence Shackman (Transport Scotland): An annual asset management plan is published. Yearly, it summarises what has happened on the trunk road network in relation to maintenance and operations and what will happen in the year to come. It sets out where the pressures are and where the investment has been targeted.

When it comes to projects, we have the infrastructure investment plan, which is a published document that is due to be refreshed in the coming year. It is an excellent summary of the status of the projects that will come into the programme or are already in the programme. Between those two documents and others—the Transport Scotland website, for example, has a plethora of information on maintenance, operations, projects that are currently on the books and projects that have been completed—a host of information summarises maintenance, operations and the projects.

The Convener: The process for authorising trunk road developments is long established—it is 40 years old. Some would argue that the pace of some recent approvals for projects has been slower than it might have been. Is there any plan to change the process—in particular, if a project has broad public and political support—in order to expedite things?

Fiona Hyslop: The Scottish transport appraisal guidance is central. It was published for consultation in July 2001 and formally published in 2003. A major update was made in May 2008, and the next major update involved a refresh of the guidance in January 2022, so there has been progress during that period. When it comes to that provision, a balance needs to be struck in relation to people's legal rights. Does the majority view prevail over the minority—perhaps landowner—interest?

A lot of the variation happens at the stage of our issuing draft orders. The existence of any objections makes a major difference in how things can progress. On some issues, we are trying very hard. An awful lot of input goes into trying to ensure that there are no objections, because a public local inquiry can obviously take a lot of time. For example, there has been a huge number of responses and enormous public input in relation to the Sheriffhall roundabout. If landowners or others have key interests, there is a balance to be struck. Even though everybody and their granny might want something, if a few individuals do not—for good and understandable reasons—we have to carry out due process.

The reason for the difference in the speed of how things have progressed is that there can be objections. As I have said to officials, we have had some success, particularly with some of the more recent proposals, such as on the A9, to which there have been no objections, which has allowed us to move to completion. It is key to complete that statutory process, because, once we do that and avoid a public inquiry, if we can, we can move to action through procurement and delivery.

The Convener: I can understand that. I seem to recall that, when you had responsibility for culture, you and I had a similar discussion about the Pentland film studios—at the end of the day, a single landowner was, potentially, frustrating a major project that could have proceeded at that point.

What is the Government's current thinking about the mutual investment model as a method for funding trunk road improvements?

Fiona Hyslop: We have been very clear about that. Indeed, my predecessor Màiri McAllan made a statement announcing that we would actively consider the mutual investment model, particularly

in relation to the A9. We are currently discussing that model through a market consultation, which started on 24 February.

There are obviously value-for-money issues. We understand that the project will be revenue costly, and I have relayed the constraints on our capital budget, but there is an opportunity to find a balance. I have ensured that the market consultation that is taking place for the A96 project from Inverness to Nairn includes the potential for that model, although I am not saying for definite that it will be used.

My officials are working actively with exchequer colleagues on the A9, and the mutual investment model is actively being pursued as the mechanism for that project. I am working very closely with the Cabinet Secretary for Finance and Local Government on that—it is live and active. That is for just two of the sections of the A9. We are actively looking at that. Of course, private investment and different models have been involved in road projects previously, including those for the Aberdeen western peripheral route and the M8.

The Convener: I have just a final thought. In response to my first question, you referred to the fact that a large part of the responsibility is the care and maintenance of the existing estate. I am interested in those cases where something goes wrong. For example, there is suddenly a need for a major injection of capital to resolve the issue at the M8 Woodside viaduct, and we have had, and considered, petitions suggesting that it be grassed over and various other things. What impact might that have on the other projects that you are seeking to pursue?

Fiona Hyslop: It has a big impact. We can plan as well as we can, but we also have to try to manage the budget across a whole range of projects while not necessarily knowing how long they will take. For example, there might or might not be a public inquiry delaying us from our original intention, but that is part and parcel of the process.

I am glad that you have mentioned Woodside. When I went to see it, the engineering aspect of it was explained to me; my colleagues could probably give you more of an explanation, but the erosion of the steelwork within the pillars is really problematic. People do not see it, because obviously the pillars are propping up the M8 as it goes through the city centre, but it is an issue that clearly had to be addressed. I ensured that local councillors and MSPs were invited to see the work to understand what was happening.

People do get frustrated at the lane reductions and so on, but it is all about safety and ensuring that the weight is reduced while the work gets

done. An important issue, as those of you who are familiar with Glasgow will know, is the subway that runs underneath and, potentially, mines, too. It is a serious piece of work that needs done, and we therefore have to stage and manage it—and to do so within a budget, which is very problematic.

Things can happen in different areas, as is clearly the case with the A83, for example, in relation to landslips. Thank goodness we put in the catch pits there. You saw the major closure that we previously had, and work was done to address issues arising from the warm, wet weather there. We have to react as well as maintain, and we have to improve, too. That is the balancing act that we have to perform with all our budgets—we have to try and spread them over time.

The Convener: Committee members have gone out to see these things, and we understand the geological challenges that sometimes present themselves, as well as the safety issues, as you have said. It is perfectly apparent from bridge collapses elsewhere what happens without a proper care and maintenance programme. It is essential.

Thank you for all of that, cabinet secretary. We will now move on to discuss the various roads. Maurice Golden will speak to petition PE1657 on the A77. Emma Harper, if you want to ask a question, I will invite you in after colleagues.

Maurice Golden (North East Scotland) (Con): On the A77 trunk road between the Whittleys roundabout in Ayr and the Cairnryan ports—approximately 44 miles of single-carriageway road—how do you respond to the concerns highlighted by the petitioners that the current state of the A77 is detrimental to trade with Northern Ireland and has left residents of the south-west feeling “abandoned” by the Scottish Government?

Fiona Hyslop: I do not think that they have been abandoned. The level of investment that I recounted in my opening statement, including, significantly, the Maybole bypass, which had been requested for a long time, has brought major improvements. I am very familiar with the area because it is where I grew up. There are current attempts to improve the junction around Corton Road and Doonholm Road; I learned to drive on Corton Road and know exactly where that is. There is signalisation there as well as improvement work for people who are crossing at Kirkoswald.

There is also the issue of strengthening bridges, especially where there is heavy traffic, and the Ballantrae bridge is being improved and strengthened, although that is taking a little longer than people wanted. One issue that I addressed when I met the petitioners was the importance of communication, because when, for

understandable reasons, road works take longer, it is important that that is communicated appropriately.

I fully understand your central point about the importance of the A77, and the A75 to Cairnryan, as arteries. I am meeting the south-west alliance of ferry companies on a ferry tomorrow, because I will be travelling to the British-Irish Council. I have also been clear in my interministerial meetings with United Kingdom ministers that I want to see an understanding that those roads are important not only within Scotland but as arteries to elsewhere. I should also declare an interest, because I represent West Lothian where we have a number of supermarket warehouses, and Schuh has its warehouse in a neighbouring constituency in order to access the Irish market. A lot of traffic uses that route to move from the central belt to Northern Ireland.

We are working with the Welsh Government and others to review the resilience of ports and harbours. There have been pressures on Holyhead, because of the impact of storms, and Cairnryan had to react by absorbing a lot of traffic at short notice for a number of days in order to help resolve that situation. I see the A75 as an artery and an economic issue, not just a local road, and the same is the case for the A77. There are challenges with its width in certain areas.

When I had my meeting about the A77 and A75 at Girvan library with the petitioners, we worked through what they saw as the priorities. At the convention of the south of Scotland, which was on transport, I met Gail Macgregor, the leader of Dumfries and Galloway Council, and last week I met Martin Dowie, the leader of South Ayrshire Council, and I know that they are comfortable with what we are trying to do in looking at improvements.

I know that this is a long-standing petition and that the petitioners want dualling. However, there are challenges in ensuring that we deliver the dualling that we have said that we will deliver, and I want to be open with the committee by saying that it is not going to be realistic to promise any new dualling. What we can do is ensure that we are working systematically through the issues.

I am struck by the fact that, south of Ballantrae, there is an adverse camber, which could be important for big lorries. I have worked closely with the Road Haulage Association to look at how we can help the industry by understanding its needs and then working systematically through what is required. I have asked for that to be done for the A75 and the A77.

Maurice Golden: Picking up on the issue of improvements and upgrades and your point about facilitating what might be called internal trade, I

note that we already have major choke points when drivers get to the M77, particularly around junctions 1 and 2, and that is before drivers access either the M8 to get to West Lothian or the M74. What assessment of positive developments downstream is made of the impact of connectivity beyond that? Do you see what I mean?

Fiona Hyslop: I am not sure. You are saying that—

Maurice Golden: The increased traffic flow into the M77 will be problematic, if you are up in Newton Mearns, and it is already clogged around Silverburn and those areas. There might then be a petition saying that we need to upgrade the M77. I wonder how you model, or look at, the impact beyond the upgrades at hand, if you like.

10:00

Fiona Hyslop: I might ask one of my officials to help me out with that, but I am very familiar with Silverburn and know that there is traffic at certain times. However, I think that that is more to do with commuting—it is not necessarily about hauliers in particular, as you have mentioned. It is about road and traffic management more generally, and trying to manage those things. It is quite an extensive piece of road. In fact, I remember when the work was done through Pollok park; you might remember, too, although I am not sure—you might be too young.

Maurice Golden: Jackson Carlaw remembers. [*Laughter.*]

Fiona Hyslop: You will remember the protest.

The Convener: I perhaps do not want to dwell on that this morning.

Fiona Hyslop: Okay. That was a major project in the not-too-distant past, and an example of how long it can sometimes take to do major road extensions.

The traffic tends to dissipate after Silverburn—as I know, having family in Ayr, and regularly travelling up and down the route—so it is more an issue of traffic management in the greater Glasgow and East Renfrewshire area.

Does anybody want to say anything about how we monitor that for the implication downstream? Is there anything else to say, or not?

Lawrence Shackman: Nicola Blaney might be better placed than me to answer that, but as part of the strategic transport projects review, a lot of modelling of transport issues across Scotland is undertaken to try to identify pinch points and where particular parts of the trunk road network, or other parts of the transport network in general, should be improved. There will be a good basis for making those improvements, whether it be to deal

with an environmental issue, tackle congestion in particular areas or try to encourage people to leave their car at home and use the train or bus.

Those types of things are tackled through the strategic transport projects review, which should identify the main areas where improvements are warranted. The STPR has been undertaken twice now, and it will no doubt will be undertaken again as transport trends and travel patterns change through time.

Fiona Hyslop: But the petitioner in this case is actually south of the Whitletts roundabout, and not far from there is the junction at Doonholm Road and Corton Road, to which I referred, which is currently subject to roadworks with signalisation. Why is that increasingly important? I remember coming out of that road once to ferry traffic, even though it is quite a long distance from Cairnryan. You would be stuck on that road for a long time with that traffic, and you had to wait until everybody was through before you could pull out.

There has been major housing development in that area, and more is proposed, so that is a pinch point, and that is why there is signalisation. However frustrating that is for people while it is on, it means that the traffic is being managed by traffic lights, although that does frustrate people, too. When work is being done, there is a delay, and the delays are often perceived as major, but they can be 10 or 15 minutes at most; sometimes they are much less. However, people like to keep moving, and if they are stopped, they get frustrated.

That is an example of a pinch point that has been identified, but that is further downstream, and south of Whitletts, which is the area in which the petitioner is interested.

The Convener: Emma Harper, have you a follow-up question in relation to the A77?

Emma Harper (South Scotland) (SNP): I have follow-ups that are kind of linked to the A75 and the A77, so I can wait.

The Convener: That is fine. I will bring you in after we have heard from Foysol Choudhury, who will take us on to the A75.

Foysol Choudhury (Lothian) (Lab): Good morning, cabinet secretary. What reassurance can you offer the petitioner that the upgrade of the A75 as outlined in STPR2 will be delivered in a timely manner and will be sufficient to meet the needs of road users and local communities?

Fiona Hyslop: Again, in my initial remarks, I identified some of the significant improvements that have been made on the A75. I am not saying that that is work done—it is not. It is part of our systematic working through of, and our sharing and communicating, what is happening.

The road is not always the issue. It is difficult for people to hear this, but driver behaviour is an issue too, which is why some local MSPs have asked for average speed cameras. There are currently 18 speed enforcement spots. Driver frustration and overtaking can, sadly, cause fatalities and serious casualties; I should say that I have managed to increase the budget for road safety, and we will have a serious and enhanced look at that.

The impact, though, will not come from dualling. I have been up front about that, and the same has previously been reported to the committee in relation to the petition. The bypassing of Springholm and Crocketford was identified as a requirement not just by us, but in the “Union Connectivity Review”, by Sir Peter Hendy—as he was at the time—who is now Minister of State for Rail in the new UK Government.

Prior to the election, there was a bit of a delay by the previous Government, which I can understand, and then another delay after the election with the new Government, before the promised funding could be given. However, I am pleased to say that we were prepared to do the required work and have moved very quickly to start the first phase of what is required to design and build. Indeed, there was a good turnout at the public meeting on the matter three weeks ago.

The A77 and the A75 are connected, which I will come on to talk about, if it is helpful. Obviously, when there are problems on either the A77 or the A75, people have to use alternate routes, including local roads, as diversions. Some of the issues are to do with communication and suitability. A danger nowadays is that people do not use the diversion, and instead look at their satellite navigation system; there are issues with sat nav, particularly for heavy goods vehicles, which go down roads that they should not go down because of their width and height.

We have agreed with the A75 and A77 group that we will consider diversions. Amey is currently reviewing the diversion route along with Police Scotland, which leads in that area, and local intelligence can be very helpful, too. I will systematically work through the actions that I took from the meeting with the group and identify and share where improvements need to be made on those roads and when that can happen. We also need to get local insight and see whether it marries with the other priorities. Not everything will be done at once, but if people see a plan and know the order in which things will be done, they can take comfort from that.

That was just an overview of what we are trying to do on the A75.

Foyso Choudhury: You have answered part of my next question, but can you give us an indication of when residents of those villages can expect to see the bypass completed?

Fiona Hyslop: That will come down to the process. In that respect, we have begun the design manual for roads and bridges process. We are at stage 1 of that; we will then move to the stage at which there are draft orders; and if anyone objects, there might be a public inquiry. Therefore, I cannot tell you when the work will be done, because it depends on a number of factors that are outwith our control, such as whether there are objections to the draft orders. Work on that will be done over a number of years, as is normal, but Nicola Blaney might want to say a bit more about what the process will look like, if all goes well.

At my first meeting with the first UK Government Secretary of State for Transport, and at my meeting with the current secretary of state, Heidi Alexander, I raised the issue of the importance of funding for the A75. Heidi Alexander has asked about costings et cetera for future years, which is understandable. We need to consider the road's strategic importance of the road as an artery; indeed, Maurice Golden asked about trade links, and I can provide some assurances in that respect.

Nicola, is there anything that you want to add—without, of course, promising something that we cannot deliver, given that we are not in charge of the timescales of a public inquiry?

Nicola Blaney (Transport Scotland): The appraisal stage has been undertaken through the national transport appraisal as part of STPR2, in which recommendation 40 identified the improvements to both the A75 and the A77.

With the Springholm to Crocketford project, we are undertaking the design manual for roads and bridges—or DMRB—process, which is undertaken at a different stage from the appraisal stage and generally focuses on informing the outline business case. That is where we are at the minute, and we have another two stages to go through in that process, which, as the cabinet secretary has said, can take a number of years, because we are essentially assessing route options as well as undertaking statutory assessments, including the environmental impact assessment.

At that point, we take a look at whether we have the outline business case, and a decision can be made. If the decision is made to progress, we then go into the full business case stage, where the focus is much more on the commercial and financial aspects of the five-case model. At that and each stage, we recheck across all five cases to ensure that everything remains relevant.

Foyso Choudhury: Cabinet secretary, what other assurance can you give to ensure that such a project will not cause any further delays or significant inconvenience to A75 road users?

Fiona Hyslop: Clearly, traffic management is an issue when you are doing the work, because there will be disruption when it happens. I should say, though, that bypasses are easier, because, obviously, they are off-road and do not go along the same way as the traffic or on roads that people use regularly.

We can also try to do things at the same time as opposed to sequentially, if possible. With the ground investigation works that we referred to, different things can potentially happen in advance. That is a risk, because you are doing work and investing and spending public money in advance of decisions being made, but it allows you to try to do work simultaneously, where possible.

The Convener: I call Emma Harper.

Emma Harper: Thanks, convener, and thank you for again giving me a wee bit of time to ask a couple of questions. Obviously, I am interested in both the A75 and the A77; I have asked questions in the chamber about them. I am really pleased to hear that so many people turned out for the village hall meeting at Crocketford—they will be happy that progress is being made.

I know that Belfast Harbour, P&O and Stena Line worked together on the “Safer, Greener, Better” document and looked at the facts and figures with regard to how the A75 and the A77 upgrades will benefit holidaymakers, hauliers and even commuters in relation to Cairnryan and Ireland. As we develop the two projects for Springholm and Crocketford, what are the next steps? Is there a hierarchy of or a priority for next projects—either the A75 or the A77, for example? Are teams continuously looking at what is next? I know Matt Halliday and I know Donald McHarrie really well, and I am sure that they will be happy to hear about current progress, but continuing to look to the future is part of that, too.

Fiona Hyslop: Rather than using the word “next”, I would say that things are happening at the same time. I do not think that we are waiting for the process for the bypasses—which we have just talked about—to happen before we make other improvements.

Other things can be done. Electronic vehicle activated signage can help in relation to speed management around Crocketford; we are looking, too, at short-term measures at the Haugh of Urr junction to modify roadway lines there. We know that junctions can quite often be problematic areas, so improvements at junctions and improvements of the layout signage, such as road studding can help the situation, and you do not

have to wait until there is a bypass to make them, so that is the work that we are doing.

Police Scotland provides information on where the accident hotspots are, and it is currently determining whether average speed cameras should be deployed. There is also a point about the prioritisation of the regular work. The work that I mentioned is improvement work. You have care and maintenance work, improvement work and then what we might call project work. I would put the bypasses in project work. That is not next; it is at the same time.

10:15

Matt Halliday and Donald McHarrie were in the meeting that I had in Girvan. Checking off that work with them is important. However, sometimes, simple things can also make improvements. If there are road works—and there are, because we are making improvements—we need to ensure that the signage is appropriate so that people can still get direct access and do not go through long diversions when local access is okay but throughput is not. We also need to consider the timings of ferries before work happens. Often, work will happen overnight for safety reasons, but we need to ensure that it does not start until after the traffic is off the last ferry.

That is not necessarily a level of detail that I, as cabinet secretary, should get involved in, but we need to prioritise communication and ensure that the detail has been addressed locally to improve the situation, because those small things can make a difference to driver frustration, and we know that driver frustration is frequently what causes accidents and casualties, with, for example, distracted drivers overtaking at inappropriate places.

Emma Harper: The ferry crossing between Cairnryan and Larne or Belfast does not close due to weather as often as those from Holyhead or the other ports close. It is also the shortest crossing. For me, that is a good selling point for Cairnryan and emphasises its importance to the central belt economy, which you mentioned. I was not able to get the closure information—I was told that it was commercially sensitive—but we need to value the fact that the Cairnryan to Larne or Belfast crossing stays open and is the fastest crossing.

Fiona Hyslop: You touched on an important point about how everything is connected and about resilience. Remember that the majority of our ports and harbours are privately run and owned. The operators are private commercial operators, so sharing information can be sensitive. That is why having the south-west alliance of ferry companies is helpful.

There are issues of mutual self-interest on ferries. We are keen to identify the economic mutual self-interest and what can be done to make improvements. Expanding has been talked about, but we also have to be protective to ensure that we maintain the traffic that we have. We must try to accommodate that and to identify possible improvements to road, rail and other aspects.

That is exactly the conversation that I have with other ministers in the UK. I talked to Ken Skates, the Cabinet Secretary for Transport and North Wales, about the consequences of Holyhead's temporary closure. The Welsh Government has asked for one of my officials to be part of its task force on resilience. I also want to take the opportunity of the British-Irish Council transport ministers meeting to advance the strategic importance of freight through our main arteries and our ports and harbours.

The Convener: We move on to petition PE1916, which is on the Rest and Be Thankful. Rested and thankful is David Torrance.

David Torrance (Kirkcaldy) (SNP): Thank you, convener.

Good morning. Cabinet secretary, I believe from your opening statement that the access to the Argyll and Bute project would be funded from the capital budget. As you know, the committee has a long-standing history with the Rest and Be Thankful going as far back as session 4 of the Parliament. We have visited the site and seen improvements to catchment nets, to the stabilising of the hill and to the old military road. What assurances can you give that the capital budget that is in place will deliver long-term solutions?

Fiona Hyslop: The project has short, medium and long-term aspects. The option that will be proceeded with has been chosen and we are now embarking on its initial design, which is going through the processes that are set out in the design manual that we talked about earlier.

Some of the short-term improvements relate to the catchment area. Funnily enough, we were in Inveraray at an A83 task force meeting—I think that Jackie Baillie was one of the MSPs who dialled into that meeting—that took place just before Storm Babet, so we were hearing directly from Amey about what was going to happen with the rainfall that was expected, and, a couple of days later, we saw the consequences. There have been some landslides in areas beyond the areas that were initially identified, so, in the short term, there has been investment in those areas.

Significant work has been done on the medium-term aspects, which involves strengthening the old military road and improving bends on it. Quite a lot has been invested in the old military road to help with the current diversions and in relation to what

will be required for the final design as part of the long-term project, which involves the covering that will ensure the long-term sustainable future of the A83.

In terms of capital budgets, the committee will be aware that we do not keep pots of money aside and say, "That's marked for the A83 and is only to be opened at such a time as it will be invested." We are only starting with the initial aspects of the DMRB. We have just issued the draft orders—perhaps my colleagues can remind me when that took place.

Alasdair Graham (Transport Scotland): We issued them in December.

Fiona Hyslop: Yes, the draft orders went out in December, and the process ended in February. I probably should not say too much about it just now, but we are going through the process of looking at that.

I hope that there will not be a public inquiry, but, if there is, the capital funding that you asked about will not necessarily be required in the next year or the year after; it could take a bit longer, and there will still be statutory processes to conclude. The capital allocation will be required at some point. The major capital allocation for the construction will be required going forward. It is important to put on record that we have the funding this year to progress the items that need to be carried out this year, but part of what we are doing—other MSPs regularly ask about this—involves trying to manage the budget well in advance and having those funds ready for when they need to be deployed.

The six-monthly task force report is open to all councillors and all MSPs. They do not always attend meetings about it—sometimes send researchers instead—but there is an openness there, and people can hear about what is happening. BEAR Scotland provides a lot of helpful updates on current aspects and improvements, and we also get to hear from our engineers and consultants about how they are progressing with the next stages.

I have probably covered quite a lot there, but, realistically, part of the planning is to ensure that capital funding is available when it is needed, and that is what we will be doing with the A83.

David Torrance: The petitioners have argued that the development of a route on the opposite side of Glen Croe would be preferable to the current interim measures, which are focused on the old military road. Will you explain why that option has not been taken forward?

Fiona Hyslop: Again, that is a historical issue. At the time when different options were put forward and major consultations took place, some

people insisted that they wanted a different route to the one that was finally decided on, and, to varying degrees, some still argue that, but there were problems with all the various options. We are now quite far on in the final design stage of the option that, I think, was agreed in June 2023—is that correct?

Alasdair Graham: That is correct.

Fiona Hyslop: So, it was agreed quite some time back, and there are problems with the alternatives that people have suggested. That is a challenge for the committee, because you are looking at something that has a long history—you have probably been involved in the A83 longer than I have been Cabinet Secretary for Transport.

I would be concerned if anybody, in holding out for an option that was investigated, consulted on and rejected some time ago, wants to hold up the current provision. In such a case, I would really worry for the people of Argyll. This is essential work that has to be done to make sure that there is a sustainable future for the economy and for the communities of Argyll. I can understand and appreciate where that suggestion came from at the time, but we have moved on from that now.

David Torrance: The petitioners have questioned the usefulness of the proposed long-term solution for Rest and Be Thankful and have argued for a tunnel or a viaduct. Why have those suggestions not been taken on board?

Fiona Hyslop: I will ask Lawrence Shackman to respond, if that is okay.

Lawrence Shackman: Five main options were considered before deciding on the debris flow shelter on the existing road, which is the preferred option for the long-term solution, as published in the draft orders. We considered a tunnel, a viaduct down the valley, a route on the other side of the glen, and a hybrid option. All those options were assessed against a host of criteria, including environmental impact, stability, engineering work, cost and buildability. The tunnel and viaduct options had some merits, but not to the extent of those of the proposed debris flow shelter, which is why those options were rejected. Fully accessible reports are available on Transport Scotland's website, which anyone can look at to see the reasoning behind our decision.

The Convener: I was not sure whether the cabinet secretary was suggesting that Mr Torrance had been involved with the road longer than she has, or whether he had been involved longer than the road had been there. Jackie Baillie, which you like to augment any comments about the route?

Jackie Baillie (Dumbarton) (Lab): I think that the road outstrips us all.

The petitioners' third petition, PE1916, calls for a public inquiry into the "political and financial mismanagement" of the A83. Things have moved on substantially, but I note that their first petition was lodged in 2012, so we have been at this for a long time, and we are at the foothills of something starting to happen. I think that we all appreciate the petitioners' frustration.

In focusing on the future, could the cabinet secretary provide some indicative detail on how much money will be needed and when? I assume that you have profiled the capital. Assuming—touch wood—that the draft orders go through and that there are no objections or a requirement for a full inquiry, what will the likely timeline be?

Fiona Hyslop: I am circumspect about the draft orders and public inquiry, because we are in a live situation, and I ask you to respect that.

Jackie Baillie: Sure.

Fiona Hyslop: The estimated cost for the permanent long-term solution is between £408 million and £510 million in quarter four 2024 prices. We will need to identify how long the construction will take. There has been significant investment in the old military road, which I have inspected and which anyone who is driving on that road will be able to identify. As I said, even with the improvements that have been made, there are on-going issues in the short term, with challenges such as increasing wet weather and ground saturation. A lot of science has been involved in monitoring the water levels, which also allows us to activate in advance the old military road when it is required.

I want to say publicly that we are also working very hard with the BBC and STV so that, when they make announcements about the impact of weather, they indicate that the A83 is still open, even if the old military road is being used as a diversion, which is important. In the past—and this still happens sometimes—they have said "The A83 is closed", which implies that Argyll is closed, but it is not. As I said, things such as that can also make a difference, although I acknowledge that that addresses a different point to your question.

My officials might be able to talk about what is required and when with regard to the roll-out of spend.

Lawrence Shackman: Currently, we are continuing with ground investigation works, and there are costs associated with that. We are trying to ensure that, when we get to the construction phase, as much information as possible is known about the ground conditions. In civil engineering, most of the issues are with things that you cannot see, such as what is in the ground. In this case, that involves issues such as ensuring that we

know where the rockhead is for the foundations of the debris flow shelter.

Taking cognisance of what the cabinet secretary has said about the objection and representations period that we are in at the moment, once that and a public inquiry, if it is necessary, is out of the way, we will be able to move on to the procurement stage. We will then finalise the type of contract that we will put in place, bearing in mind that there is an active hillside, which will mean that the contractor will face strong challenges throughout the construction period.

10:30

Procurement could take a year or 18 months or so, depending on how we factor in those particular concerns. During the construction period—of probably three or four years—that will follow, we will try to maintain traffic flows, using the old military road to a large extent. We hope that we will get contractors with a good eye for innovation, to make sure that the period of disturbance to local users is minimised as much as possible, and that they build the works in a safe and appropriate manner.

Jackie Baillie: If I have picked you up correctly, you are saying that, with a fair wind, the timeline could be six years.

Lawrence Shackman: Yes. Obviously, it will depend on the particular contractors and how well they do, as well as what the weather is like during construction. If there is a landslide, that would have an impact.

Fiona Hyslop: Part of that is about the momentum and making sure that things keep moving. To reassure you, there is £18.5 million for this financial year as part of the medium and long-term solutions.

The Convener: That brings us to petition PE1967, which relates to the A82.

Maurice Golden: We move slightly closer to home, I suppose. The petition calls on the Scottish Government to protect Loch Lomond's Atlantic oakwood shoreline by implementing the high road option for the A82 upgrade between Tarbet and Inverarnan, which is one of three options that Transport Scotland considered during early project assessment.

In correspondence to the committee on 19 March this year, the petitioners stated:

"We are demanding Transport for Scotland conducts a full STAG Appraisal of the A82 Tarbet to Inverarnan Project as required by Law."

Cabinet secretary, what assurance can you offer that Transport Scotland has fully complied with its legal obligations?

Fiona Hyslop: The point that you raise about the petitioners' request for a STAG process to be applied is central to the petition.

You are looking for reassurance. Concerns regarding the application of the STAG process to the A82 Tarbet to Inverarnan scheme were raised separately with Audit Scotland, in similar terms to those that were put forward in the petition. Audit Scotland investigated and confirmed to Transport Scotland on 15 November 2022 that it had considered the requirements of the STAG process and reviewed relevant evidence. The auditor concluded that the STAG process had been applied in the initial stages of the work on the A82.

Maurice Golden: Thank you—it is useful to get that on the record.

Earlier, you mentioned the existence of different views, and that is one aspect of PE1967, which supports the high road option. I note the correspondence from the Loch Lomond and the Trossachs National Park Authority about that.

Could you take us through the timeline for the upgrade? Is there anything that you would like to put on the record in relation to the high road option?

Fiona Hyslop: Clearly, this proposal has completed certain of the phases. There are still issues as to whether, in the next phase, there will be any objections or, indeed, a public inquiry. There are strong feelings about the proposal, but there are strong feelings about most roads in most places. The issue probably relates to the landscaping and the loch's natural environment.

As part of the process, environmental and economic issues have to be addressed not only at the strategic outline business case stage, but at all five stages. One of the key things to relay is that, although the petitioners do not like the route that has been chosen, consideration is being given to the feasibility and attractiveness of combining with adjacent schemes to make sure that the tree line and other environmental aspects are considered. There is still time left in the process to address that point.

There is an important point to be up front and candid about, which is that, because of the interaction between the A82 and the A83—in particular, the A82 being used when there are problems with the A83—we do not think that it would be appropriate to do work on the A83 and the A82 at the same time. Because of the safety issues and the road's importance to the economy and the people of Argyll in particular, we would prioritise the A83 over the A82. It is probably important to put that on the record.

Maurice Golden: Thank you, cabinet secretary.

Jackie Baillie: I may have slightly more to say about the petition.

The Convener: Within reason.

Jackie Baillie: Okay—I hope that you will indulge me.

To date, the consultants who have been employed by Transport Scotland have spent something like £19 million. Are you aware that work package 1 of the contract requires a STAG appraisal to be carried out? That has not been done. Are you also aware that a design for the promised active travel route alongside the A82 has not been produced? In addition, it has been suggested that some of the cost estimates might be slightly inaccurate. Therefore, it might be useful for the petitioners, Transport Scotland and the Loch Lomond and the Trossachs National Park Authority to have a meeting to understand some of those issues.

While I am talking about the national park authority, I will add a second question. If there have been any discussions with the national park authority, on what date did those take place? I ask that because of how sensitive the bit of the A82 that we are talking about is, as it borders Loch Lomond. You will appreciate that, as you know the area. There are plans for the national park authority to regenerate and extend the Atlantic oak woodlands and the natural habitat corridors that exist there. It strikes me that the low road option is probably the least sensitive when it comes to respecting that environment.

I rolled two questions into one, convener.

Fiona Hyslop: There was a lot in that.

Jackie Baillie: Sorry.

Fiona Hyslop: I will ask Nicola Blaney to respond in a second. I reassure the member that I have had more general meetings with the national park authority. I am impressed by what it is trying to do on active travel, and I understand its interests. Clearly, it has a statutory planning role, so I can understand where it sits in the process.

By and large, people want road improvements to happen, as opposed to not wanting them to happen. People will want the A82 to be improved, but it is a question of which improvement. I understand and appreciate the sensitivity on the matter; people feel very strongly about it.

I dealt with the question of whether a STAG appraisal has been carried out, which is what the petition is about, in my answer to Maurice Golden. That has been assessed by Audit Scotland and confirmed. That does not mean that there will not be continuing interest in the road, which will probably continue into the next session of Parliament. I appreciate the strength of feeling on

the part of the petitioners. However, I think that, from a technical point of view, the petition has probably been dealt with.

On the specific point about costs, I do not know what your sources are for that—

Jackie Baillie: A freedom of information request.

Fiona Hyslop: All right.

Jackie Baillie: You are the source.

Fiona Hyslop: Thank you very much—we are very open, and we provide lots of information all the time.

Communication is really important. People understanding what we have done, how we have done it and what the process is can go a long way. We can then focus on what the real points of difference are. Sometimes those can be resolved, but sometimes they cannot be. It is helpful to be open about that.

On the point about the active travel route, in general, we try to ensure that there is such provision. We will need to address that, but that will depend on the timing and sequencing of what happens. Nicola Blaney might have more technical detail on that, which is probably what Jackie Baillie was looking for with her question. Nicola, are you able to help with that?

Nicola Blaney: The Scottish transport appraisal guidance and the design manual for roads and bridges are both pieces of guidance that, when adhered to, represent good practice in the development of transport projects in Scotland. However, they are not applied at the same time or for the same reasons, as I mentioned earlier.

An appraisal is undertaken to look at a geographical area, and that informs the strategic business case. We look at the problems and opportunities that an area is facing, which helps to determine what we call a case for change. We then consider a long list of options—often across all modes—against multiple criteria. That list is refined until there is an intervention or a package of interventions that can be taken forward.

The design manual for roads and bridges is applied once the intervention for a road scheme has been determined. At that point, we assess route options, and that assessment principally informs the outline business case stage.

The STAG process is not a replacement for mode-specific design processes—those would follow on from the completed transport appraisal. I understand that the “A82 Tarbet to Inverarnan Upgrade: Strategic Business Case” was published, and that it built on the evidence from the national transport appraisal, the first “Strategic

Transport Projects Review Final Report”, which was published in October 2009.

I hope that that is helpful insight on the context and on where the differences are. There is not much else that I could add.

Fiona Hyslop: It might be helpful to add that— notwithstanding the current processes—I would expect there to be discussions with the national park authority. It would be helpful, from the point of view of openness, to meet the national park authority to go through where we are, what the implications are and any information on the active travel route.

Lawrence Shackman: There has been continuing dialogue with the national park authority on the detail and the make-up of the scheme. It is fundamental to consider the active travel facility throughout the whole scheme and to incorporate that in a sympathetic way. That is quite a challenge. The topography alongside Loch Lomond and in the surrounding hills is quite demanding. It is a difficult scheme to progress, but that has been done in a sympathetic manner, showing due regard to all the other environmental issues—including making sure that as much as possible is maintained of the trees, flora and fauna in the area, and looking at how that can be replicated in other parts of the route as we develop the scheme further and move towards draft orders.

The Convener: Jackie Baillie has a quick supplementary.

Jackie Baillie: I will try to be quick, convener.

The petitioners are in the public gallery; I think that they understand your reasoning, cabinet secretary, but they disagree with it. They were surprised to see reference in work package 1 to the requirement for a STAG appraisal. I do not know whether that was missed by officials.

I am interested in your views on whether the low road route is the best one in relation to traffic hold-ups. You will appreciate that the A82 is an extremely busy route. If you construct on the existing route, the hold-ups will be a nightmare. They will be catastrophic for the area. A high road is a better option. What analysis have you done of the resilience of roads and of the traffic disturbance that would be caused by sticking to the low route?

Fiona Hyslop: That level of detail on the traffic management and engineering is not within my capabilities, but I will ask officials to respond.

The Convener: Alasdair Graham, this is your debut—we should properly acknowledge your contribution at the start.

Alasdair Graham: Thank you, convener. As part of the design manual for roads and bridges

stage 3 assessment, which is the detailed development assessment of the preferred option, constructability is one of the key issues that we are looking at, and we will continue to do so as the process evolves. As Lawrence Shackman has already highlighted, we are consulting with the national park authority. We are trying to make sure that we minimise any disruption during the construction phases. That work is on-going, and we will continue to develop it.

At the end of the DMRB stage 3 assessment, reports will be published that will outline the developed preferred option and the impacts that it would have during construction.

The Convener: Jackie Baillie has a supplementary supplementary. Be very brief, please.

Jackie Baillie: As a local who uses that road, where are you going to divert people to? Are we going to have to go on to the loch to get around the construction? Frankly, that is the only way that it is going to work. It is the most challenging roads project.

Alasdair Graham: Yes, that is acknowledged.

The Convener: I thought that you were going to say yes, we would have to go on to the loch.

Jackie Baillie: Speedboats at the ready. [Laughter.]

10:45

Alasdair Graham: There will be closures on the road, but we will try to minimise those as much as possible during the work that we undertake. We will strive to keep one lane open for traffic to use during the construction phase.

Fiona Hyslop: That is done regularly. However challenging and difficult it is, that has happened. We acknowledge that the A82 is a major route, which is one reason why we will not be able to do the work on it at the same time as the work on the A83. Everyone is fully aware of that. It will be a case of handling and managing the situation. That will be very important indeed when the time comes. However, as I said in my general remarks, we cannot improve roads, or have new projects, without disruption. The issue is how that disruption is handled.

Jackie Baillie: Absolutely. My point is not that we are against road building but that there is a better alternative.

The Convener: That has been stated. I feel in my bones that a subsequent petitions committee will end up revisiting this issue in the next session of Parliament.

That brings us to PE2132, which might be the final one, but it is in no sense less important. It deals with the dualling of the A96 between Inverness and Nairn. I invite Fergus Ewing to take forward the questions on the petition. He has sat very patiently through our consideration of all the other roads before getting to the one that he would say is most important.

Fergus Ewing (Inverness and Nairn) (SNP): We now travel from Loch Lomond up to the inner Moray Firth as I speak to PE2132.

In her introductory remarks, the cabinet secretary said that orders have been issued, that the compulsory purchase process will be completed and that, thereafter, the procurement will be determined and a timetable will be set. The petitioner asked for a timeline and a completion date for the dualling of the Inverness to Auldearn section of the A96, including the Nairn bypass, to be published by this Easter. Although I do not want to dwell on what is now classified as ancient history, the pledge to deliver a Nairn bypass was first made—by our party, cabinet secretary—in 2009 and became a Government pledge in 2011. As far as I know, it has been repeated at seven elections, which must make it the daddy or the granddaddy of all pledges and the longest extant undelivered promise by the Scottish Government.

I have one very simple question for the cabinet secretary. Will she today provide a clear and unambiguous assurance that a ministerial statement will be made before the end of this session of Parliament to set out a detailed timetable for the delivery of the dualling of the road between Inverness and Auldearn, including the Nairn bypass, and will that statement include a firm date when the work will be completed?

Fiona Hyslop: The petition asks specifically for a timetable to be declared before Easter. As long ago as last summer, I was openly and publicly making it clear that a timetable could be determined only once we had completed all stages of the process. The final stage is the acquisition of land and we cannot progress until we have made that acquisition, which will take place from 21 April. That is a definitive point, after which we can move to the next stage.

I have been quite clear and open that the timetable will be determined by the type of procurement that we progress. The ideal would be the use of capital, which gives us more control of the timescales.

I have been open about another aspect, which is the issue of whether we do all the work in one package, aligning it with the work on the Inshes to Smithton section, which we are also looking at, or whether we progress the bypass on its own. It was

quite clear that there is a real need to get the bypass work done early.

I do not know where the Easter date came from: the first that I heard of that date was from Mr Ewing himself. I do not know whether Mr Ewing has been involved in determining the content of the petition, but that Easter date has come from somewhere else.

Fergus Ewing: With respect, cabinet secretary, we know all that and you have said all that. We are not on “Just a Minute” but with repetition, deviation and hesitation allowed. We are in Parliament, and we want an answer. The question was, will the statement be issued before the end of this session of Parliament? Yes or no?

Fiona Hyslop: I am here to answer on the petitions specifically, which is why, in relation to all the roads that we have discussed, I have tried to focus my remarks on the petition that is in front of us.

On the determination of the timetable, I assure the member that the potential to use the mutual investment model for the A96 from Inverness to Nairn, including the Nairn bypass, is being consulted on as part of the engagement with industry. That started on 24 February. At the conclusion of that engagement, we will be able to identify the proposal.

Of course I want to make, and would be open to making, a statement on the A96 Inverness to Nairn bypass before the end of this parliamentary session. However, I want to be able to provide as much information as possible, so therefore it is related to—

Fergus Ewing: Okay. The answer is no, then—you are not giving that assurance, cabinet secretary, I am afraid.

Fiona Hyslop: Actually, I do not think that—

Fergus Ewing: You have not given it. I have asked you for it and you have not given it, so I will move on to the next question.

At the moment, the Scottish Government’s capital budget for 2024-25 is £6.2 billion, of which £4.7 billion comes from His Majesty’s Treasury. That is just one year’s budget. The cost of the work that I am talking about is considerably less than that.

There has not really been a substantial investment in major road improvements in the Highlands. We have seen welcome improvements in the rest of Scotland. I welcome that, as a Scot, and that is great, but we have not seen those improvements in the Highlands. Our argument—the excellent campaigning efforts of the *Inverness Courier* are exactly aligned with mine—is that it is the Highlands’ turn.

The Government has repeatedly promised that these roads will be delivered, including the A96, by 2030. So far, we have spent £100 million on the dualling of the A96 project but not one centimetre of tarmac has been laid. That is quite an extraordinary feat of profligacy—

The Convener: You need to ask the cabinet secretary a question, Mr Ewing.

Fergus Ewing: Surely, if we assume a capital budget of £4 billion to £6 billion for the years ahead—that is what it has been historically—there is more than enough money to fund the project from existing capital. Cabinet secretary, are you not able to say that, if the consultation concludes that public finance is not the right option, you will nonetheless be able to provide the assurance that the funding can come from the existing capital budget, which is plainly more than sufficient to do the work, provided that the Highlands are treated as a priority?

Fiona Hyslop: Clearly, a great deal of capital investment is being made in the Highlands and I am happy to write to the member to relay all of that. I am very pleased about the procurement of the third and fourth contracts for the A9, which I spoke about in my opening remarks. Indeed, the work is commencing on the Tomatin to Moy section of the road, and there will be further work on that.

On the investment in the Inverness to Nairn section of the A96, the member used the figure of £100 million. That is not the correct figure. I have recently written to Douglas Ross, who raised the same issue, and I am happy to share my response to him. I can advise that, to date, the spend for the Inverness to Nairn section is about £33 million. That is important because the costs are for the engineering design, environmental, traffic and economic assessments, stakeholder engagement, supervision of ground investigation works and topographical survey works. All those must be done.

I will give the recently approved £9 billion lower Thames crossing project as an example. It is the case that £1.2 billion has already been spent on planning but nothing has been built. Of course investment is needed in engineering and other works, and the cost of those elements for the Inverness to Nairn section of the A96 is £33 million.

It is always important to be accurate when we are reporting things to the Parliament, and I intend to be accurate. There is a lot—

Fergus Ewing: Can I just address that?

The Convener: Please pause until the cabinet secretary has finished.

Fiona Hyslop: The member raised a lot of issues. That is understandable, and I know that he has felt passionate about the matter for a very long time.

On investment from the transport budget, the vast majority of the capital budget, which is a big figure as the member mentioned, is on rail, on the maintenance of and investment in our ports and harbours, and on the maintenance of our roads to ensure that they are safe, which is the subject with which we started.

The vast majority of the capital investment on rail—not the running costs—is well over £1 billion. The idea of making available capital for any one particular road must be carefully budgeted for and calibrated. An investment for the A96 is available for this year; I will look to identify future investments. Again, we have been very public about what the costs were for that in 2014.

The member said that I am not prepared to give a statement. I said that I was open to giving one. However, anybody who has experience with this Parliament knows that it is not for me to decide whether I do so; it is for Parliament to decide who makes a statement and when.

Fergus Ewing: The figure of £100 million comes from adding the compulsory purchase costs, which you have estimated and mentioned, to Transport Scotland's figure of £90 million that applies to the whole A96 project and was valid last summer. However, that is a detail.

Has there not been, sadly, a delay in the processing of the various milestones of that project? I refer you to the Transport Scotland document of February 2016, which I have here. It states that the draft road orders and compulsory purchase orders were to have been issued in 2016. However, those were not finalised until 2024. The process took eight years, which in itself must be a record.

Has not the Scottish Government deliberately delayed the completion of the necessary statutory processes? It seems, even now, to be unwilling to give a categorical, unambiguous assurance that the promises that we have made collectively, as individuals and politicians, for the past 14 years will in fact be funded by the Scottish Government. Meanwhile, projects in other parts of Scotland are going ahead. Has that delay not been quite deliberate, cabinet secretary?

Fiona Hyslop: I do not think that it has been deliberate. Your question is interpretive and asserts an opinion—to which you are entitled.

I will run through the timescale. In November 2016, the draft orders and environmental statement were published. There were 154 representations—including, interestingly, 127

objections—following their publication, which led, at the end of 2018, to a public local inquiry to consider unresolved objections. I have already relayed, in relation to other issues, that the time that public inquiries can take up is necessary. That is the process, should there be significant objections. As transport secretary, I have been encouraging people to do as much work in advance with interested parties to try to avoid that.

In October 2019, the public local inquiry reporters' report was submitted to the Scottish Government. In February 2021—you will be aware that that was during the pandemic—the decision to proceed was announced, following consideration of the objections, along with, importantly, the reasoned conclusions and recommendations of the reporters.

This is where I recognise that there has been a delay. In March 2024, made orders for the scheme were published, which provided Scottish ministers with the powers to acquire the land to build the scheme. In March 2025, all the relevant landowners were communicated with, and procedural steps to acquire the land were taken, as those were required for the scheme to be completed. As I said, Scottish ministers will take title to the land on 21 April 2025. Our having completed those procedures helps us to identify the funding routes and the potential funding mechanisms.

Importantly, on the timetable—the focus of the petition—that is about determining whether it is a smaller project, which would start with the bypass itself, or a longer one, or which sections are done. That will help to determine the timetable.

I have been as open as I can be, and as I have been previously, in laying out what the procedures have been. The public local inquiry, with 127 objections, was a key issue in that process, which is not necessarily the case for the other projects that we are talking about.

11:00

The Convener: We are running out of time, but there is one small supplementary question.

Fergus Ewing: We can agree to disagree about that, but I will try to be helpful and make a suggestion. Ms Baillie might have an interest in this as well. I am thinking ahead to the work that we might do together in the next session of Parliament. We might want to take a leaf out of the book of the approach in Germany. In 2003, the German Government published a plan of all roads infrastructure projects that were to be undertaken by 2030. Laying out that plan had the benefit of giving certainty to the public and assurance to the contractors that the work would be available in a continuous stream over that period of nearly three

decades. It also served to take the heat out of the political debate. Therefore, the nation came together to produce one plan.

We all support projects in our own part of Scotland. Whether it is you, cabinet secretary—or whoever happens to be the cabinet secretary; I no longer harbour such ambitions—or Ms Baillie, surely it would be sensible to do this better in Scotland, because the way that we are doing it means that every part of Scotland is disappointed to some degree. However, we all reckon that we cannot do everything at once, and a long-term plan would surely be a far better approach for the next few generations ahead.

The Convener: Thank you, Mr Ewing. That peroration is probably a fresh petition in its own right, but I will allow the cabinet secretary an opportunity to respond.

Fiona Hyslop: The member shows his spirit of positivity in making that constructive suggestion. He makes an important point. Of course, he will know that there is a distinction, as Germany is an independent country that controls everything, including what moneys it can raise. Why is that important? That is important because the recent fluctuations in our capital budget have caused issues—I am very open about that. It also causes issues for long-term planning. It is essential to have long-term infrastructure investment, whether that be in road or rail, because that helps to drive projects and gives certainty to investors. I know from the rail side of things that a regular pipeline of investment is important.

I think that you are suggesting that approach for the future. We could not do that immediately, because we still do not know what issues will arise from the UK Government's capital spending review. We are expecting that to report in the summer, and it will inform our infrastructure investment plan.

The infrastructure investment plan will provide a view. I think that is currently due in the autumn, but, again, the timing will depend on what the UK Government says and on its timings with regard to capital investment. That will have a multiyear timeframe.

You mentioned having a 30-year timeframe. I would want to do that if I had the full levers to raise capital, and an understanding of where I could get capital and of what I could do on borrowing—all the different aspects that you have less control over in a devolved Parliament. In principle, that is exactly what you should be doing on infrastructure and investment.

The Convener: We have covered a range of petitions, and it has been very helpful to the committee to take forward a number of them in the

time that we have left. There might be some other petitions—there is still controversy ahead.

Would you like to add anything further, or do you feel that you have managed to convey everything that had to be said in the time that we have spent together?

Fiona Hyslop: I just want to say thank you. I know that everybody wants their part of the county to be seen as a priority. The south-west wants to be seen as a priority, as do other parts of the country. The challenge for any cabinet secretary, particularly the Cabinet Secretary for Transport, is that members feel passionately about their area and want to pursue the best for their constituents. I know that I cannot please everybody all the time, but I reassure the committee that, since becoming the Cabinet Secretary for Transport, I have given every attention to getting momentum and making progress in a number of areas, including the ones that you have identified in these petitions.

The Convener: I thank Lawrence Shackman, Alasdair Graham, Nicola Blaney and the cabinet secretary for their time this morning. I also thank Jackie Baillie and Emma Harper, who joined us to take forward the consideration of the assorted petitions.

I suspend briefly to allow the witnesses to leave.

11:04

Meeting suspended.

11:06

On resuming—

Fatal Accident Inquiries (Deaths Abroad) (PE2085)

The Convener: Agenda item 3 is consideration of continued petitions. To facilitate colleagues who are joining us this morning, I will take PE2085 first, which is out of sequence. We are joined by Michael Marra, and Bob Doris has just advised the committee that he has an interest in the petition and is on his way. Tess White is in the public gallery alongside the petitioners.

PE2085, lodged by David Cornock, calls on the Scottish Parliament to urge the Scottish Government to introduce a statutory definition for fatal accident inquiries into deaths abroad. We last considered the petition at our meeting on 15 May 2024, when we agreed to write to the Scottish Government, the Crown Office and Procurator Fiscal Service, Police Scotland and relevant legal stakeholders.

The Law Society of Scotland, the Crown Office and Procurator Fiscal Service and the Scottish Government consider that the definition of

“ordinarily resident” in common law is widely recognised and accepted. The First Minister’s submission explains that officials who have been working on the issue with the Crown Office have reached the conclusion that it is not necessary to change the law at the present time. Similarly, the Law Society of Scotland’s response states that it does not consider that it would be necessary or desirable to develop a bespoke legislative definition for the purposes of fatal accident inquiries.

The petitioner’s written submission reiterates his position that the ordinarily resident definition is not understood and is vague, untenable and arbitrarily applied. The committee is aware that the system of coroners’ inquests, which is used in England and Wales, is significantly different to the Scottish system of death investigations. In England and Wales, a coroner’s investigation takes place in circumstances in which the death was violent or unnatural, the cause of death was unknown or the deceased died in state detention. The inquest mainly determines how, where and when someone died. Coroners will rarely make wider recommendations but can do so through a prevention of future deaths report.

In Scotland, fatal accident inquiries aim to establish what happened and prevent future deaths from happening in similar circumstances. They take place in limited circumstances at the Lord Advocate’s discretion in circumstances in which a death was sudden, suspicious or unexplained, if it gives rise to a serious public concern or if she considers that it is in the public interest to hold one. The Crown Office and Procurator Fiscal Service has a role in investigating a wide range of suspicious deaths, but only a small proportion of those are deemed to require the level of public investigation that is delivered by a fatal accident inquiry.

In relation to residency, the UK Minister for Victims and Violence Against Women and Girls explains that, in England and Wales, a coroner’s jurisdiction is based solely on the deceased person’s body lying within their coroner area. Therefore, when a person dies outside England and Wales, regardless of whether they were previously resident, the coroner’s jurisdiction is engaged if the body enters the coroner area and the death is reported to the coroner. The UK minister’s response also provides information about the number of inquests that there have been into deaths abroad and the number of such cases for which a prevention of future deaths report was issued.

The petitioner has outlined a number of improvements that are being progressed as a result of his campaigning work. The Crown Office and Procurator Fiscal Service is working with the

death certification review service and Police Scotland to produce new guidance on reporting and investigating deaths abroad. A memorandum of understanding on investigations abroad is being created for the Crown Office and Procurator Fiscal Service and the Foreign, Commonwealth and Development Office. The website has been updated to include contact details for the Scottish fatalities investigation unit.

Before I ask colleagues where we might consider going, I ask, in the first instance, Michael Marra if he would like to speak to the committee.

Michael Marra (North East Scotland) (Lab): I begin by thanking the committee for its continued interest in the petition. Having spoken to MSPs across the Parliament, I know that many members from right across Scotland have constituents who are affected by the issue. There is considerable interest in it across all political parties.

Today, we are joined by David Cornock and his wife, Margaret. I pay tribute to Davy, as he is known to me, for his campaigning work. Convener, you have outlined some of the changes that he has managed to obtain, but we should recognise that it is a time of continuing grief and great challenge for his family. I pay tribute to them for their work.

Since I spoke in support of the petition at the committee on 15 May 2024, you have received, as you have outlined, a considerable amount of correspondence from key stakeholders. Police Scotland highlighted that the decision to hold a fatal accident inquiry into a death abroad lies solely with the Lord Advocate. The Crown Office and Procurator Fiscal Service stated that, although it is correct that the COPFS can conduct inquiries short of a fatal accident inquiry in relation to deaths abroad, it relies on the person being ordinarily resident in Scotland. The Law Society of Scotland stated its view that the concept of ordinary residence is widely recognised and accepted. The First Minister confirmed the Scottish Government's position is that it is not necessary to change the law at present.

The UK Government's Minister for Victims and Violence Against Women and Girls supplied statistics that showed that around 1,500 deaths of people from England and Wales abroad were reported to the coroner annually, and between 200 and 400 inquests have been concluded on deaths abroad in each year since 2016. Meanwhile, in Scotland, since the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 was passed, not a single fatal accident inquiry has taken place into the death of a Scot abroad. Given that 200 to 400 inquiries have concluded in England and Wales each year, it is simply not credible to suggest that, in the past nine years,

there have been no such cases that involve Scots or relate to Scotland.

The evidence suggests that Scottish families are being denied justice. Convener, you outlined some of the key differences in the system in your opening remarks. We recognise that the system has differences, but the outcomes for people are the key issue for the committee to consider in its work.

We have reached the point at which, as your committee's inquiries and correspondence have made clear, the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 is not meeting the needs of Scottish families. Whether or not the legislation has met the Scottish Government's intentions is another question. At this stage, it is only right that the committee considers asking the Lord Advocate and the appropriate Scottish Government minister to come and tell the committee and bereaved families across the country why they believe that the current situation is satisfactory. I believe that it is entirely unsatisfactory, and many grieving families agree with me.

The Convener: Thank you, Mr Marra. The committee understands that the Foreign, Commonwealth and Development Office has provided information to Dave Doogan MP on requests relating to deaths abroad. The Foreign, Commonwealth and Development Office's figures reflect the number of requests that it has received for documents to assist with coroners' inquests, rather than the number of inquests that have taken place, which accounts for the discrepancy in the numbers that the committee has received in response to our formal inquiry.

It is the case that, when considered in the abstract, such things may seem to be one thing, but individuals who then have to deal with the system find it to be wholly unsatisfactory in how they have to work and navigate their way through it.

11:15

Bob Doris has joined us. Good morning, and welcome, Mr Doris. I am sorry that we began discussing the petition just ahead of your arrival, but would you like to say something to the committee on the petition?

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I give my apologies for not notifying Mr Marra that I was coming along to the meeting.

My involvement in the petition came when my constituent Julie Love contacted me and made me aware of it—it was remiss of me not to know about it until now. Julie and I campaigned on the issue

ahead of the Cullen review, which led to a change in the law for fatal accident inquiries so that the Lord Advocate and the Crown Office have the discretion, in exceptional circumstances, to make deaths that happen abroad subject to an FAI. My constituent and I have an interest in making sure that the system works as it was intended to at the time.

I offer my sympathies to the family that Mr Marra is representing. Julie lost her son, Colin Love, several years ago now, but I know that it still feels as if it was yesterday. She wishes that there had been a fatal accident inquiry at that point.

My only observation from a quick look at the evidence is that, although we might not need to define the term “ordinarily resident” in legislation, I want to know that the term is not restrictive and that, if the Lord Advocate and the Crown Office deemed someone not to be ordinarily resident, they would still be able to investigate appropriately and, ultimately, to have a fatal accident inquiry if it was in the public interest to do so.

I totally understand why that term is in the legislation. Back in 2016, we did not want to see—I hate to sound glib; that is not my intention at all—the thousands of expatriates who have made their lives in Benidorm, Spain and elsewhere being subject to fatal accident inquiries when they passed away. That was one of the reasons why the term “ordinarily resident” was placed in law. However, that was clearly not the case with the family that Mr Marra is supporting.

I want to make sure that the law is working as it should be. I also want an assurance that the Lord Advocate and the Crown Office have the discretion and flexibility to action investigations should they wish to do so, and that they are not duty bound to follow a definition of “ordinarily resident” that is restrictive.

The Convener: Thank you, Mr Doris—that is helpful. Having considered the issues that have been raised, do colleagues have any suggestions as to how we might proceed?

David Torrance: I find this quite difficult but, in the light of the evidence and the responses that we have had, I do not know whether the committee can take the petition any further. I would like us to consider closing the petition, under rule 15.7 of standing orders, on the basis that the Law Society of Scotland, the Crown Office and Procurator Fiscal Service and the Scottish Government consider that the definition of “ordinarily resident” in common law is widely recognised and accepted, and that disputes about whether someone is ordinarily resident in Scotland can be taken to court. Further, the Crown Office and Procurator Fiscal Service has progressed improvements on issues, including new guidance

on reporting and investigating deaths that happen abroad, as well as a new memorandum of understanding with the Foreign, Commonwealth and Development Office.

The Convener: I am in the awkward position of not knowing whether I entirely agree with that.

David Torrance: To add to that, I wonder whether the committee could just write—

The Convener: Could we not write to the Cabinet Secretary for Justice and Home Affairs to seek her views on the merit of the systems that operate in England and Wales? We have established a practice of meeting with cabinet secretaries. We had the Cabinet Secretary for Transport at the meeting today and we will be meeting with the Cabinet Secretary for Health and Social Care immediately after the summer recess. I just wonder whether, in the light of any response that we get, there might be an opportunity to have a round-table discussion with the Cabinet Secretary for Justice and Home Affairs later in the parliamentary session, at which we could potentially draw these things to her attention.

David Torrance: I will bow to your wisdom, convener.

Foysoil Choudhury: I agree with you, convener. We should write to the Cabinet Secretary for Justice and Home Affairs and we should keep the petition open until then.

The Convener: Would you be willing to support that, Mr Torrance?

David Torrance: I withdraw my recommendations.

The Convener: We will keep the petition open. We will write to the cabinet secretary to draw attention to the suggestions that have been made and suggest that the committee would be interested in more direct engagement before the end of the parliamentary session with the cabinet secretary on that and on responses that we have received to other justice petitions at that time.

Are we agreed on that, colleagues?

Members indicated agreement.

Wind Farms (Community Shared Ownership) (PE1885)

The Convener: We return to petition PE1885, lodged by Karen Murphy, which calls on the Scottish Parliament to urge the Scottish Government to make community shared ownership a mandatory requirement to be offered as part of all planning proposals for wind farm development.

The petition was last considered on 26 June 2024, and, at that time, we agreed to write to the

Minister for Energy and the Environment. We have received a response from the Acting Minister for Climate Action, which states that the Scottish Government continues to explore all avenues to enhance the provision of community benefits and shared ownership.

The response highlights the use of devolved tax powers to provide non-domestic rates relief for renewable energy producers. Under the renewable energy generation relief, up to 100 per cent rates relief is offered for those who provide community benefit.

The petitioner's written submission emphasises that that demonstrates the Scottish Government's ability to use tax powers to increase community shared ownership. However, her view is that it is not an effective scheme. She points out that developments with profits of more than £4 million are offered a 2.5 per cent relief in non-domestic rates, and argues that that is not a sufficient incentive for developers.

The minister's response also states that the Scottish Government continues to engage with the UK Government on a range of measures that support communities to benefit from energy transition, including shared ownership and consideration of mandating community benefits.

Fergus Ewing: Gillian Martin has taken a close interest in the petition and, from statements in and outside the chamber, I know that she has a keen interest in pursuing that work.

I am aware of a number of dynamic developments that are taking place at the moment. For example, the Republic of Ireland now mandates community benefit at a rate, in effect, of €8,000 per megawatt. That is compulsory. Here, the £5,000 per megawatt rate is not mandatory because there are no legal powers to mandate it, as has been noted by the Scottish Government.

However, there is movement. Just yesterday, a senior official at Highlands and Islands Enterprise informed me that SSEN Transmission is to set up a model of community benefit for upgrades to pylons and infrastructure. That is a new development, and I am keen to find out more about it. In addition, at least one offshore wind developer—BlueFloat Energy, together with Nadara—is considering and promoting community ownership for offshore wind. That is an example that many other projects may wish to follow, so it could have enormous importance.

Finally, coupled with that, I understand that the UK Government is not unsympathetic to some kind of scheme for community ownership, and one wonders whether that might be one of the most practical purposes for funding from Great British Energy, possibly alongside the Scottish National Investment Bank. HIE has a close interest in

taking all of that forward, because much of the activity is in the Highlands and Islands.

Although I appreciate that we are moving towards the end of this session of Parliament, all of those developments—and probably others of which I am unaware—mean that I am keen to write again to the Acting Minister for Climate Action to ask for further information as to when the energy strategy and just transition plan will be published and whether, specifically, it will contain proposals for community ownership. We could also ask for some detail of the work that is being done with the UK Government and for a ministerial statement at some point, perhaps in the autumn.

Community ownership is an idea for which the time has come—interest in it is growing throughout the country, and concern is growing about some aspects, including visual impacts, of renewable energy in Aberdeenshire, the Highlands and many other places south of Scotland. If we do not get on with it now, Scotland and Britain will be missing a trick. I am sorry to go on about it for so long, but I think that there are compelling reasons to keep the petition open and to allow the petitioners the full opportunity to benefit from what seems to be a congenial political environment.

Maurice Golden: I agree with Mr Ewing. I think that it would be useful to ask the Government to tell us in its response about some of the informal engagement mechanisms—Mr Ewing mentioned some of the formal aspects—to encourage overall community benefit. The petition is relatively narrow, but making shared ownership mandatory, although it could affect the asset base for some wind farm developers, could be in the wider scope of community benefit that would meet some of the petitioner's requests. It would be useful to get on record what the overall approach to community benefit in the round would be, particularly as we do not know when the Scottish Government's energy strategy will be published.

The Convener: Mr Ewing and Mr Golden have suggested that we keep the petition open and make inquiries. Is the committee content to keep the petition open on that basis?

Members indicated agreement.

High-caffeine Products (PE1919)

The Convener: Our next continued petition is PE1919, lodged by Ted Gourley, which calls on the Scottish Parliament to urge the Scottish Government to ban the sale of fast-release caffeine gum to under-18s for performance enhancement due to the risk of serious harm. My eyesight is making things a bit vague, but I think that Mr Gourley is in the public gallery—he is. I extend him a warm welcome.

Colleagues will remember that we last considered the petition at our meeting on 15 May 2024 and agreed to write to relevant stakeholders. The committee subsequently wrote to Team Scotland, the UK Youth Development League and the Scottish Schools Athletic Association to seek their views on the issues that are been raised by the petition and to ask whether they were aware of any issues with young people using fast-release caffeine products to assist their performance. We asked those questions in the light of a suggestion that there was not really an issue to pursue, although the committee felt that it was worth consideration.

We have received a response from Team Scotland, which notes that, although caffeine is not a banned substance, it is on the World Anti-Doping Agency's 2024 monitoring programme. The response goes on to say that if the position were to change, then education for selected athletes would be adapted, and that:

"Team Scotland is not aware of such products being promoted at sporting events where young people are present or competing. These products are not promoted at Commonwealth Games Federation / Commonwealth Games Scotland sanctioned events."

We have also received a submission from the petitioner, Mr Gourley, expressing his disappointment that the responses have not been forthcoming from other youth sport organisations. He shares his on-going concerns about the dangers of caffeine gum and its use for performance enhancement.

We have had pretty clear direction from the organisations that we have written to, and we have not heard from others. Irrespective of the committee's engagement with the issues that have been raised, I wonder whether there is much more that we will be able to achieve. Do colleagues have any suggestions for action?

David Torrance: In the light of the lack of evidence that the committee has received, should the committee consider closing the petition under rule 15.7 of standing orders, on the basis that the responses to the consultation on ending the sale of energy drinks to children and young people did not raise any issues associated with fast-release caffeine gum? The UK Athletics supplements position statement provides athletes with clear advice on how to reduce risk in the use of supplements, which would include fast-release caffeine gum, and the Scottish Government previously indicated that it will not be pursuing research on fast-release caffeine products at this time.

The Convener: Do members agree with that approach?

Members indicated agreement.

The Convener: All credit to Mr Gourley for raising the petition with the committee. In view of the responses that we have received, it is difficult for us to see how we can take the petition forward. If the position changes, a new submission in the next session of the Parliament might allow there to be a fresh take on the issue from, potentially, a different Government with a different attitude. However, at this stage, the committee feels that we have no option in the time that is left to us but to close the petition. We thank Mr Gourley for engaging with the committee, but regrettably, that is the position that we are in. We are not the Government and we are here only to see what we can do to advance petitions. Sometimes we can, and sometimes we cannot.

Venice Biennale 2024 (PE2030)

11:30

The Convener: Our next petition is PE2030, which calls on the Scottish Parliament to urge the Scottish Government to review cultural funding arrangements to enable Scotland to contribute to the Venice biennale in 2024, which is somewhat past now.

We last considered this petition on 15 May 2024, when we agreed to write to Creative Scotland. The committee received a response from Creative Scotland, dated 14 June 2024, confirming that the Scotland + Venice project was paused for 2024 and 2025 to allow for a period of reflection and review. The review considered a range of options, including returning to presenting at the Venice biennale from 2026, the cessation of the project, occasional rather than regular participation and a range of venue models.

As members will note from our papers, the review of the Scotland + Venice project concluded in July 2024, with Creative Scotland providing a further update on 26 March 2025 to let us know that the Scotland + Venice partners will publish the 2024 review in the coming weeks and set out plans for the project in 2026. The response goes on to say that, despite the pause in the project, the partner organisations have continued work to identify opportunities for artists, curators and producers to engage with the biennale in 2024 and secured Scottish participation in the professional development programme offered by the British Council fellowship in Venice.

In the light of all that, do colleagues have any suggestions or actions?

David Torrance: The petitioner has achieved their aims, although slightly later than they would have wanted. Given that fact, and the evidence that we have been given, the committee should consider closing the petition under rule 15.7 of

standing orders on the basis that the Scottish Government has published its international culture strategy, which noted that the review was under way, and states that the Scotland + Venice project has been an important platform through which to showcase Scottish creative practitioners. Further, the review into Scotland's participation in the Venice biennale has now concluded and Creative Scotland and partners are expected to publish it in the coming weeks and to set out plans for participation in the Scotland + Venice project in 2026.

The Convener: Does the committee agree to close the petition on the basis suggested?

Members *indicated agreement.*

Child and Adolescent Mental Health Services (High Schools) (PE2091)

The Convener: The last of our continuing petitions is PE2091, lodged by Kirsty Solman, on behalf of Stand with Kyle Now, which calls on the Scottish Parliament to urge the Scottish Government to provide funding to enable a child and adolescent mental health services worker and a school nurse to be placed in our secondary schools. We last considered the petition at our meeting on 12 June 2024, when we agreed to write to the Scottish Government.

The Scottish Government commissions six-monthly reports from local authorities on school counselling services. Those reports ask for the number of young people who access counselling broken down by gender and year groups. The Government's submission states that authorities are encouraged to share additional information, such as waiting times, if it is available. It also states that authorities have raised some concerns about capacity but no concerns have been raised about young people's needs not being met. The submission highlights the work of the school counsellors co-ordinators network, which has been considering the recommendations of the report by the Children and Young People's Commissioner Scotland on counselling in schools.

The submission also states that the school nurse role was transformed in 2018 to focus on areas that are most likely to impact a child's health and wellbeing. The Scottish Government undertook two surveys that examined how that transformed role has been implemented across Scotland's health boards. The report on that work found that 97 per cent of school nurses said that referrals under emotional health and wellbeing made up a high or moderate proportion of all referrals that they received. Health board responses to the survey suggested that the high level of referrals that school nurses received under emotional health and wellbeing highlighted a

cohort of children that had needs beyond the remit of school nurses but that did not meet the threshold for child and adolescent mental health services.

In light of that, do colleagues have any suggestions as to how we might proceed?

David Torrance: The committee should consider writing to the Minister for Social Care, Mental Wellbeing and Sport to ask what action the Scottish Government intends to take on mental health support for young people in schools in light of the findings of its report on the transformed school nurse role and, in particular, what action it will take to address the gap that has been identified between the remit of school nurses and the CAMHS referral threshold. Also, the committee should ask for an update on the counsellors co-ordinators network's consideration of the recommendations made by the Children and Young People's Commissioner Scotland on counselling in schools.

The Convener: Do members agree to keep the petition open and write to the minister as Mr Torrance suggests?

Members *indicated agreement.*

New Petitions

11:34

The Convener: Agenda item 4 is consideration of new petitions. We have two new petitions this morning. As always, for those who might be joining us remotely, I highlight that we seek the advice of the Scottish Parliament information centre—SPICe—and an initial view from the Scottish Government, simply in order to progress the petition at its first consideration.

International Covenant on Civil and Political Rights (Implementation in Scots Law) (PE2135)

The Convener: PE2135, lodged by Henry Black Ferguson on behalf of wecollect.scot, calls on the Scottish Parliament to urge the Scottish Government to give the International Covenant on Civil and Political Rights full legal effect in the devolved law making process prior to the next Holyrood parliamentary election.

The SPICe briefing explains that the international covenant was adopted in 1966 and ratified by the UK in 1976. Many of the rights that are set out in the ICCPR are reflected in international agreements and have been incorporated into UK human rights-related legislation.

The Scottish Government's response to the petition states that it is committed to a new human rights bill, which will incorporate further international human rights standards into Scots law. The Scottish Government has developed and consulted on proposals to give effect to the recommendations from the national task force for human rights leadership, which comprised a range of experts and stakeholders, such as the Scottish Human Rights Commission. The International Covenant on Civil and Political Rights was not among the treaties that the task force recommended for incorporation, although it did recommend that further consideration be given to restating the rights that are contained in the Human Rights Act 1998.

The submission explains that when incorporating international treaties into domestic law, the Scottish Parliament can only give effect to provisions within its powers and responsibilities. That route cannot be used to effectively extend the Parliament's powers by claiming that the incorporated international treaty provisions now allow the Parliament or Scottish Government to do anything that would previously have been beyond the Parliament's devolved competence.

The petitioner's submission questions the Scottish Government's position and states that the

issue of devolved competence is not relevant to the covenant's full implementation. He believes that the Scottish Government's submission seeks to restrict and undermine the sovereignty of the Scottish people.

Do colleagues have any comments or suggestions for action?

Fergus Ewing: I have studied the petitioner's response to the Scottish Government's written submission of 31 January. The petitioner's written response, published on 13 March, raises a whole series of issues, some of which are somewhat technical and legal.

The thrust of it is that the petitioner adduces various examples of statements, notably by the First Minister in 2023, who stated that there should be

"the right to public participation in public affairs as expressed in Article 25 of the International Covenant on Civil and Political Rights."

The petitioner has highlighted that MSPs continue to ignore the Parliament's motion of 2 September 2012, which acknowledges the sovereign right of the Scottish people to determine the form of Government that is best suited to their needs.

The petitioner also challenges the view that the matter is not within the devolved competence of the Scottish Parliament and he refers to the Scottish Human Rights Commission as endorsing that view. Without rehearsing all that the petitioner said on 13 March, the letter raises further issues of substance that the cabinet secretary, Angus Robertson, should be asked to comment on further in order to do the petitioner justice. This is the first time that we have considered the matter, and the petitioner is perhaps right when he states that it is disappointing that the Scottish Government's reply was not issued by Angus Robertson but by an official.

Perhaps Mr Robertson could be asked to give detailed comment on all the arguments that the petitioner set out in response to the initial Government position. I appreciate that that will take more time, but this is the first calling of the petition. The issues that have been raised are substantial and a mixture of political, legal and technical. I will not add to that, as I could quote extensively from the petitioner's detailed and helpful submission, but I feel that the petition requires a further response from the Scottish Government.

Maurice Golden: I echo Mr Ewing's comments. As part of the response, it would be useful for the petitioner and, indeed, the Parliament to understand what the Scottish Government's position is on the codification and enablement of international law in a devolved setting. The Scottish Government has a position on alignment

with European Union law, but I am unclear as to how international law in the devolved setting is to be adhered to.

I am not asking for that information treaty by treaty, but I note that, tomorrow, the Parliament has a debate about how the Aarhus convention of 1998 is being enabled in a devolved context. It would be useful to know the Government's overall approach to the issue. I have concerns that it might not be practical for the Scottish Government to adhere to the timescales requested by the petitioner, but it would be interesting to know what the overall trajectory is.

The Convener: Having looked at the petition, my own preference was to move to close it. Paying respect to the views of our two colleagues, is the committee content to let the petition run on the basis of the further inquiry to Mr Robertson that has been suggested?

Members indicated agreement.

Parking Badge for Pregnant Women (PE2140)

The Convener: Our final petition is PE2140, lodged by James Bruce. It calls on the Scottish Parliament to urge the Scottish Government to introduce a new parking badge to assist women to be able to get in and out their cars—I do not suppose that the parking badge would do that in itself—when they are pregnant and in the initial months after their pregnancy.

The petition's background highlights that pregnant women often face difficulty getting in and out of their car when the vehicle next to them has parked too close. The SPICe briefing provides us with information on the blue badge scheme, which supports disabled people to access parking bays that are situated closer to where they want to go. Members will likely be aware that the blue scheme applies to on-street parking and does not generally apply in off-street car parks, such as supermarket car parks. The briefing also includes information about the use of parent-and-child parking bays by pregnant women, and insurance companies and organisations such as Mumsnet and Money Saving Expert have said that if you are heavily pregnant and need to park in a parent and child space then you should do so.

In its response to the petition, Transport Scotland states that the blue badge scheme is designed to allow disabled people who experience severe barriers in their mobility to park closer to their destination, and the eligibility criteria is based on functional mobility rather than diagnosed medical conditions. While pregnancy and postpartum recovery would not automatically qualify under the legislation, individuals may still apply if significant long-term complications arise.

The Transport Scotland response goes on to say that there are no plans to create separate concessionary badges or widen the blue badge scheme's automatic eligibility criteria, and decisions to offer alternative parking concessions for off-street car parks are the relevant authority or landowner's responsibility.

Do colleagues have any suggestions as to how we might proceed?

Maurice Golden: To be blunt, we cannot go far on the petition, but some avenues to explore that might be helpful to the petitioner include writing to the Scottish Retail Consortium to find out what its member supermarkets' position is on pregnant women accessing disabled spaces or parent-and-child spaces on their premises.

The Convener: In doing so, we could note that the Scottish Government has said that it has no plans to create concessionary badges or widen the blue badge scheme's automatic eligibility criteria, so the scope of our ability to proceed is limited in that regard.

Let us take forward the inquiry, as Mr Golden suggested, and keep the petition open on that basis.

Members indicated agreement.

The Convener: That concludes the public part of our meeting. We will next assemble on 23 April. We will now move into private session to consider agenda items 5 and 6.

11:44

Meeting continued in private until 12:00.

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