

Citizen Participation and Public Petitions Committee

11th Meeting, 2023 (Session 6), Wednesday
28 June 2023

PE1992: Dual the A9 and improve road safety

Lodged on 28 December 2022

Petitioner Laura Hansler

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to deliver on the commitment it made in 2011, and address safety concerns on the A9 by:

- publishing a revised timetable and detailed plan for dualling each section;
- completing the dualling work by 2025; and
- creating a memorial to those who have lost their lives in road traffic incidents on the A9.

Webpage <https://petitions.parliament.scot/petitions/PE1992>

Introduction

1. The Committee last considered this petition at its meeting on [14 June 2023](#), where it heard evidence from the Petitioner, Laura Hansler, from Grahame Barn, CECA Scotland, and from Transport Scotland officials. At that meeting, the Committee agreed to consider the evidence heard at a future meeting.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).
4. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.

5. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#). Transport Scotland provided an update on this position, which can also be found on the [petition's webpage](#).
6. The Committee agreed, at its meeting on 22 February 2023, to take evidence from the Minister for Transport at a future meeting.
7. Every petition collects signatures while it remains under consideration. At the time of writing, 3,854 signatures have been received on this petition.
8. Members may wish to note that the dualling of the A9 was raised during First Minister's Question Time on 15 June 2023. A copy of the Official Report is available [here](#).

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

PE1992: Dual the A9 and improve road safety

Petitioner

Laura Hansler

Date lodged

28 December 2022

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to deliver on the commitment it made in 2011, and address safety concerns on the A9 by:

- publishing a revised timetable and detailed plan for dualling each section;
- completing the dualling work by 2025; and
- creating a memorial to those who have lost their lives in road traffic incidents on the A9.

Previous action

Have been in contact with Fergus Ewing MSP and Kate Forbes MSP.

Background information

A social media awareness campaign called “A9 Dual Action Group”, was formed to highlight the following issues:

The exponential rate of fatalities. The A9 has now become a road barely fit for purpose with an unsustainable influx of traffic on the infrastructure.

In 2011, the Scottish Government pledged as "priority" an ambitious dualling scheme to be completed by 2025, between Perth to Inverness in its entirety. Since then, 59 people have lost their lives on the Perth to Inverness section of the A9 (based on figures provided by Transport Scotland).

Whether there should be an investigation into the procurement procedure associated with this project.

The need for mandatory safety features to be deployed on the A9 before any further loss of life.

The Action Group are also concerned that, more than 10 years after being labelled a priority, it is looking increasingly likely the Scottish Government will fail to deliver on their commitment to complete the A9 dualling project by 2025.

Annexe B

Extract from Official Report of last consideration of PE1992 on 14 June 2023

The Convener: Our next continued petition is PE1992. I am delighted to say that we are joined by the petitioner, Laura Hansler—a very warm welcome to the committee, Laura.

The petition calls on the Scottish Parliament to urge the Scottish Government to deliver on the commitment that it made in 2011, and address safety concerns on the A9 by publishing a revised timetable and detailed plan for dualling each section, completing the dualling work by 2025, and creating a memorial to those who have lost their lives in road traffic incidents on the A9.

As well as the petitioner, we are joined by Grahame Barn from the Civil Engineering Contractors Association Scotland. A warm welcome to Mr Barn as well.

We are also joined by a number of MSP colleagues, and others will be joining us later. First, we welcome Edward Mountain, who joins as a reporter on the petition for the Net Zero, Energy and Transport Committee. Mr Mountain will be assisting us in our consideration of the petition, including during today's evidence sessions. It is nice to have you with us.

We also welcome Murdo Fraser and Kate Forbes, who I understand may be following proceedings online at present but will join proceedings later. Mark Ruskell also joins us. We have apologies from Jamie Halcro Johnston, who had hoped to join us.

All members who join us will have an opportunity to contribute at the end of the second evidence session. We have also received a written submission from Rhoda Grant, who is unable to join us due to other committee business.

A positive galaxy of parliamentary investigative talent will be brought to bear as we pursue the inquiry. After we have heard from our two witnesses, we will suspend briefly then hear from Transport Scotland.

I understand that, in the first instance, the petitioner would like to make a short statement. I am very happy to invite her to do so.

Laura Hansler: Thank you for allowing me to bring the petition to the committee. I first became involved with the campaign as a direct result of listening to families' first-hand accounts of losing their loved ones as a consequence of road traffic collisions—RTCs—on the A9.

The history of dualling the A9 dates back to the 1970s, when the original road was rerouted to bypass our small Highland villages, such was the dramatic rise in the

volume of traffic and the need to improve road safety—a direct comparison that we can note today.

So, why dualling? By virtue of dualling, the proclivity for a head-on collision is removed by almost 100 per cent if there is a fixed central reservation in place. Head-on collisions are normally the most horrific accidents, involving multiple vehicles and producing the greatest number of fatalities. In 2022, 12 of the 13 fatalities on the A9 were the direct result of multiple-vehicle RTCs on single-carriageway sections. Only one fatality was on a dualled section, and it involved no other vehicle. In just three months, nine innocent people lost their lives on the A9 within a distance of 28 miles—all on single-carriageway sections. Five of those fatalities were within metres of one another at Slochd and took place within a matter of weeks; the people killed included two grandparents and their two-year-old grandson.

However, it is in more recent times than the 1970s—specifically, in the Scottish National Party's 2007 manifesto—that the matter of dualling has become more pressing. In 2009, the Scottish Government outlined ambitious plans to dual the A9 with a £3 billion project. In 2011, it became a pledge of the utmost priority to complete dualling in totality from Perth to Inverness by 2025, such was the exponential increase in the rate of deaths by RTCs on the A9 at that time.

Today, we have no clear indication of when the nine out of 11 initial sections might be dualled. Only 11 miles of the promised 80 are dualled to date, and there has been no clear guidance from the recent briefings in the chamber by the former Minister for Transport, Jenny Gilruth, who insisted that she would produce a revised timetable after consultation with Transport Scotland. The timetable was to be made available by October 2023. To date, we have been given no clear indication, after numerous changes within the Government, as to when there will be—or who will make—a concerted effort to refocus on the dualling of the A9. Many of us fully expect there to be a retraction of plans to partially or fully dual the remaining sections.

As has been discussed in the media by me and civil engineers, each section takes at least one year for procurement and two years of construction. Bearing in mind that there are nine sections yet to be dualled, the maths is pretty simple, and 27 years from 2023 brings us to 2050, which is an utterly shambolic state of affairs. However, those figures are conservative. So far, no two sections have been dualled consecutively or sequentially, and there have been very significant delays between the dualling of sections. It is an untenable situation, with no real explanation or apology from the Minister for Transport or the Scottish Government.

There have been various pockets of moneys, but they are just an Elastoplast on an already haemorrhaging wound. Where has the £3 billion budget gone? Where has our money gone? On 22 February, Collette Stevenson, an SNP MSP, in response to a motion that was lodged by Graham Simpson, clearly stated in the chamber that a significant portion of the money had been siphoned off to the beleaguered Edinburgh tram project.

Furthermore, figures that we obtained through a freedom of information request revealed that, in 2017, an accident would have cost £2,158,284 per fatality. Calculating using the 59 fatalities from 2011 until the end of 2022 brings us to the horrific figure of £127,338,756. Please remember that that is an underestimate in the figures. We should never put a cost on anyone's life. However, that appears to be exactly what the Scottish Government is doing, because innocent people are playing with their lives day in, day out on the A9.

The A9 itself is a long and laborious drive and, throughout the year, drivers can experience changeable, variable and exceptional weather conditions. The ambiguity of dual to single carriageway; poor signage; unlit junctions; lack of adequate white lines; cat's eyes that no longer reflect; the presence or not of snow poles; and the fact that you swap every few hundred yards between a newly resurfaced section of road that is therefore completely up to date with safety legislation and a section that is terribly maintained all compound the ambivalence of the A9, giving it the infamous title of "Scotland's killer road".

The A9 is a main arterial road through Scotland. It is often referred to as "Scotland's spine", yet it is treated like a country back road, despite the fact that nearly 33,500 vehicles use it every day, from local commuting to heavy goods vehicles bringing essential supplies and our emergency services keeping our rural communities safe. It is a direct link to our islands: Skye, Lewis and Harris, Orkney and beyond. Inverness is now one of the fastest-growing cities in Europe, and a great deal of investment is going into the freeport at Invergordon.

In addition, it is an essential tourist route, which brings much-needed revenue to the Highlands and Islands. Moneys were ploughed into the north coast 500 route, but how utterly ironic it is that we have no safe road by which to get people there.

I requested an investigation into the procurement procedure. Why are major road projects in Scotland so highly unattractive to the construction industry? However, many answers lay directly with the Scottish Government, which, unlike our English counterparts, finds it acceptable for the burden of risk to lie 100 per cent with the construction industry. In addition, to lodge each tender bid costs a company in excess of £500,000. That makes major roads projects in Scotland a highly risky and unlucrative proposition.

Recently, we had the failure to secure the contract for the section from Tomatin to Moy, which has been in the news numerous times. Only one contractor submitted a bid, and that bid was subsequently rejected on the grounds that it failed to deliver value for money. The section is currently up for retendering, with absolutely no guarantees that it will attract further interest.

Within the past two weeks, the A9 has claimed yet another innocent life—this time, that of an 18-year-old man, on that very section from Tomatin to Moy, at Dalmagarry quarry. One cannot help but think that, maybe, had the transport minister and

Transport Scotland got on with their jobs, we would not yet again be in the situation of a family burying its son and the community being without its loved one.

We have asked without success under freedom of information to obtain the statistics for life-changing injuries and disabilities as a direct result of RTCs on the A9. In the short term, there is the loss of earnings. In the longer term, there is the loss of career and the subsequent pressure to secure suitable benefit support, and the loss of the home through a lack of earnings or a house subsequently becoming unsuitable and unsafe for those who have life-changing injuries.

In our emergency services, a sharp rise has been noted in post-traumatic stress disorders as a direct result of attending accidents on the A9. That has been seen throughout our mental health services. In addition, for the loved ones who are left behind and who are unable to process that unfathomable burden of grief, there has been suicide.

We simply cannot allow that wholly unacceptable state of affairs to continue. Yes, it is a betrayal of the Highlands but, mostly, it is a complete and utter disregard and disrespect to those who have lost their lives and the loved ones who are left behind.

A total of 335 people have now lost their lives in 252 collisions on the Perth to Inverness section of the A9 since 1979, when the old road was bypassed. Those people are not statistics that I will allow to be hidden in a drawer to make the situation more palatable. That is why I call for a national memorial—every name should be etched in the memory of every minister who has ever been involved with dualling the A9. That would be, by a small measure, a means of apology to our families and communities. Unfortunately, it is a very sad indictment. I sit here with a very heavy heart today, at the beginning of our summer holidays, knowing that many more lives—the lives of innocent people going about their daily business—are going to be lost on the A9 over the coming months.

The Convener: Thank you very much. I will ask an introductory question of both witnesses, and then invite colleagues to come in.

We may come back to touch on the memorial that you referred to at the end of what you said, but how has the delay that has taken place impacted personally on you, and what is your view of the interaction that Transport Scotland has had with communities and the way that that has evolved during the process?

Laura Hansler: Where I live was one of the first sections to be dualled. I do not even use the dualled section. Back in 2009, the initial roadshows were very promising, interactive et cetera. Since then, there has been a lack of direct communication with communities. A lot of people do not know what is happening. Certainly, during the period when accidents tend to happen on the A9—between the Easter school holidays and the October school holidays—local people try to avoid it as much as they can. However, certainly in our small villages, we can no longer avoid the A9. It

is part of the daily commute. In peak season, people do not want to use it unless they really have to.

The Convener: Mr Barn, good morning and welcome. In 1993, we had George Bush Snr, Boris Yeltsin and John Major, and “Jurassic Park” was the top movie of the year. Your submission rather suggests that dinosaurs still rule the earth and Transport Scotland, when it comes to the way in which contracts are awarded. It seems to be the central point of your case that the process that is in place will not encourage interest.

Grahame Barn (Civil Engineering Contractors Association (Scotland)): Thank you for that, convener. My submission contains two strands. The first is about how we dual the A9 and the possible options for a timescale. Secondly, we have to overcome a couple of hurdles, one of which is the bespoke standard contract that Transport Scotland uses, which is highly unattractive to the contracting industry.

The Convener: Just to be clear, I referred to 1993, because that was when the rest of the country moved away from using that form of contract.

Grahame Barn: That was when the new engineering contract was introduced, and it has become the industry standard in the intervening period.

The standard Transport Scotland contract is unattractive to contractors, because the financial risks lie with the contractor. Those risks include, but are not limited to, ground conditions, weather, utilities and third-party consultations. They can all take up time and that means that, when the contract is a fixed-price one with time penalties at the end, the risk all lies with the contractor.

Our contention is that other contracts are much fairer and share the risk more equitably between the client and the contractor, and we find that there is a better working relationship between the client and the contractor on those projects. It must be borne in mind that the principal contractors in almost every recent major road project have all lost significant sums of money. They are therefore not too keen to continue with that process.

The way to allow contractors to come back into the game again is to change the contract to one that is fairer and more attractive to the contracting industry.

Fergus Ewing: I thank the petitioner for setting out so comprehensively the sad series of unacceptable facts on this issue. I will not repeat what the petitioner has said but she has done a service for the people of the Highlands.

I want to focus on how we move forward and get dualling done as swiftly as possible. I have two areas of questioning for Mr Barn. The first is about the read tendering of the Tomatin to Moy section and the second is about what he, as a representative of 80 per cent of the civil engineering sector in Scotland, which is the vast majority of the businesses that are involved in doing that work, thinks is the solution. What needs to change?

I will take Tomatin to Moy first. There was only one bidder and the bid was rejected because it was said not to offer value for money, which appears to mean that it was too high. Is that your understanding? That contract is being retendered, and in a late submission to the committee—it was submitted this morning or perhaps late yesterday—Transport Scotland said that it has engaged with you, Mr Barn, and others in the industry about changing the risk profile of Tomatin to Moy. Has it done that, and is there a risk that, when the Tomatin to Moy contract is retendered, which is supposed to be done by the end of this year, we might end up with an even higher price than the one that was rejected because it was deemed to be too high?

Grahame Barn: You are absolutely correct that there was only one bidder for Tomatin to Moy, and that bid was rejected on price, I believe. I do not know what the final bid price was, because that is commercial, but there was only one bidder, so there was no competition for that particular section. Transport Scotland has consulted us and we have been working with it on how we can make the sections, and all road projects in Scotland, more attractive. The issue that we still have is that Transport Scotland is trying to tweak the existing contract by changing the risk profile rather than moving to the industry standard contract.

That is where we are on that, and it remains to be seen how many contractors will bid for the Tomatin to Moy section when it goes back out to tender again. We have not seen the tender documents yet, so I do not know what the contract might look like at this stage. There may be competition—it might be attractive enough to bring in one or two more bidders, but I cannot say for certain. However, I am fairly certain that the price will probably have gone up. Six months have passed, and construction inflation is running at between 10 and 15 per cent, so it is likely that the bid will be more expensive than it was the first time round.

Fergus Ewing: So, it could be even higher than the price that was deemed to be too high.

Grahame Barn: It could be, yes.

Fergus Ewing: The profit margin in the contracts is 2 per cent. Is that standard?

Grahame Barn: That is a standard profit margin for civil engineering contractors across all work that we do, so it does not take much to go wrong with a job for it to go seriously wrong, and especially on a job where all the risk lies with the contractor. That is what makes such jobs unattractive.

Fergus Ewing: From memory, the figure that was provided in the tender for Tomatin to Moy as the estimated value of the contract was £115 million. Can you explain from your industry knowledge whether that represented a detailed estimate after ground investigations had been done? In other words, how robust is that figure as an accurate indication or estimate of the likely cost of the project?

Grahame Barn: I am not sure just how up to date that pricing was. That is perhaps a question for the colleagues in Transport Scotland who are sitting behind me.

However, from what I have heard within the industry, it does not seem that it was a very accurate costing. I do not know whether that is because it is a good few years out of date, but the feedback that I have had from within the industry is that it was not a very accurate price in the first place.

Fergus Ewing: The point that I am making is that it is perhaps wrong to postulate that £115 million was a proper estimate at all; it was more or less a stab in the dark. We do not actually know whether that figure was a valid basis for a yardstick of value. Is that a fair comment?

Grahame Barn: Yes. There is recent history where Transport Scotland has awarded a contract with just one bidder—it awarded the Haudagain roundabout job with just one bidder.

Fergus Ewing: So, there is a precedent there.

I want to ask about the way in which Transport Scotland conducts the tender process. My understanding is that, once the process gets going, Transport Scotland ceases contact with the tendering companies. In the course of the timescale of the Tomatin to Moy tender process, I discovered that some supply companies in the quarrying sector had not been approached for estimates. I found information that indicated to me that it was unlikely that a particular company was going to submit a bid, because it had not bothered to get estimates from the company from which it normally gets estimates.

As I understand it—tell me if this is correct—Transport Scotland does not engage with the various contractors that are on the approved list to bid and therefore perhaps it was not really aware, until far later than it might have been had it pursued a more collaborative approach, that it might end up with only one bidder.

Grahame Barn: Clients have to be mindful of procurement law and must be seen to be fair to all tenderers. However, most clients have enough local knowledge to find out what is actually going on around their particular project. It is surprising that they were not aware that there was truly only one bidder for this project.

Fergus Ewing: If I may, convener, I will move on to the second area of questioning, which is on Mr Barn's view about how this can best be sorted.

The Convener: We will move on to that in a second. I will invite Mr Fraser to address the committee later, but he has a supplementary that he would like to ask now on the Tomatin to Moy issue.

Murdo Fraser (Mid Scotland and Fife) (Con): Thank you, convener. I am particularly obliged to you for letting me in as I am not a member of the committee. I want to put a particular point to Mr Barn in this area. The petitioner made what I thought was a powerful comment earlier about the Tomatin to Moy section and the young man from Moray who tragically lost his life at Dalmagarry, just two weeks ago.

We can only speculate what might have happened had progress been made on dualling that section instead of it being a single carriageway.

I just noticed that a Government-initiated question was lodged on Monday afternoon, in the name of Jim Fairlie. It reads:

“To ask the Scottish Government when the new procurement for the dualling of the A9 between Tomatin and Moy will commence”.

As you know, convener, a Government-initiated question is lodged when the Government wants to make an announcement to Parliament and it asks a back bencher to lodge a question that enables that to be done. Curiously, however, this question was not answered on Monday, and it has now been withdrawn, which suggests that an announcement might be imminent, but for some reason it is not yet ready to be made. That is a very curious issue, which perhaps we can explore further with Transport Scotland when it appears before the committee. However, as Mr Barn is here, I wanted to ask him whether he is aware of any moves by Government to advance the bidding process on that particular section, given that something appears to be happening in the background.

Grahame Barn: No. All that I am aware of is that we are working to the timetable that was announced by the Minister for Transport, according to which an award will be made in the back end of this year. That means that the procurement process that we go through, which normally takes a year, will have to be shortened. Transport Scotland advised me that that was still doable within the timeframe. That is the only information that I have, sorry.

Murdo Fraser: I have one follow-up question to that. If the intention was to award the contract by the end of this year, what is the reasonable last date at which a contract could have been put out to bid?

Grahame Barn: It depends on what information they are asking for from the contractor, but six months is going to be pushing it.

Murdo Fraser: We are very tight for time.

Grahame Barn: We are very tight for it just now, yes.

The Convener: Thank you, Mr Fraser. I noted that there is a mysterious statement to be made in the final half hour before we rise for the summer recess, the content of which we know not at this time. Perhaps we can all live in hope. I return to Mr Ewing.

Fergus Ewing: In the statement that you provided to the committee, Mr Barn, which is extremely helpful and succinct, you set out the ways in which you, as the voice of industry, believe that procurement can be changed in order to achieve the objective that the petitioner has set out—namely, the as-swift-as-possible completion of the A9 project. I believe that, yesterday, the First Minister said that the Government’s commitment to that is “cast-iron”. That is welcome, but how do we get it done? The

petitioner has already said that, at the current rate of progress, we will not see the job done until 2050, and I think that I will be pushing up the daisies by then.

The issue before us is, how can we make the necessary changes in order to get the job done as swiftly as possible? I think that there are two or three options. I wonder whether it might be helpful, convener, if Mr Barn can set those out for us in his own words.

Grahame Barn: I have given some examples of ways that it can be done through procurement, but there are multiple other ways in which you can do it.

I can tell you some, in no particular order; I favour none of these ways in particular because there are pros and cons to each of them. If you are looking for the quickest way to complete the A9, do it in two or three sections all at one time. That would make it absolutely terrible to drive between Perth and Inverness, and Inverness might be cut off while it is being done, but that would be the quickest way of completing it. The other challenge would be how to fund that, because there could be £4 billion worth of work to be done in dualling the remaining sections.

Another option would be to take a private finance initiative approach. It is for the Government to decide how it wishes to fund the project, but all measures depend on the available funding. Doing it all in one go would involve using a whole pile of the capital budget, but it could be done through the public sector by using a PFI.

UK contractors might have some concerns about the PFI approach. If the same contract is used, they are unlikely to be at all interested, so you might have to go to a European contractor. There would then be the problem of a European contractor not having a supply chain and having to use the existing Scottish supply chain.

There are a number of reasons why UK contractors are not interested in PFI. There is a double whammy if they use the old contract: they get penalised by the client if risks cause a project to run late and they also get penalised by the finance company that is not getting any interest from the client who is not prepared to pay for a road that is not ready. The contractor on the Aberdeen western peripheral road project was paying charges of £100,000 per day, so you can understand why contractors are not particularly interested in proceeding with the risks that would come from using that sort of contract.

There are other options. There could be a framework, perhaps for 10 years. All the contractors could bid to get into that framework and work could be allocated to those contractors to work on sections of the road as and when there is money to do that. That costs money: it might cost a contractor £400,000 or £500,000 to bid for and get on to that sort of framework. They will only spend that money if they think that there is a real possibility of work coming to them through the framework. There must be a cast-iron guarantee that funding is available to complete the dualling, or contractors will say, "There's work elsewhere. Why would we spend that money without a guarantee of work coming through the framework?"

Yet another option would take the longest time but would probably be the easiest to fund. It involves breaking the sections down into even smaller sections and doing the work as and when the Government can afford to pay for it. That would take longer but it would support the indigenous Scottish contracting industry and retain road building capability within Scotland. However, it would take a very long time for the road to be dualled that way.

Those are just some of the possibilities.

Fergus Ewing: A framework contract could involve several companies, perhaps mostly from Scotland, sharing the work to complete the A9. It would be possible to put the section of the A96 from Smithton to Auldearn, which is also a Government commitment not affected by the Bute house agreement, into that framework. That might have the benefit of limiting the disruption, or spreading it out across the road network, rather than risking the closure of the A9 to Inverness, which is an unattractive prospect for many of my constituents. Would it be possible to put that into the framework contract?

Grahame Barn: That is all possible. The way that that is all bundled together is down to the client.

Fergus Ewing: The companies in the framework contract would have guaranteed work, really, for that period of 10 years, so they would be able to recruit some retained staff more easily; have a long-term relationship with suppliers; perhaps get more keen prices for quarrying and other material; and have a guaranteed order book. That would instil confidence and retain employment in Scotland at a time when, as I understand it, many other opportunities exist in the UK for civil engineers to do work—down south, for example.

Grahame Barn: Yes, that is absolutely correct.

Fergus Ewing: All the benefits would accrue.

I appreciate your time, convener; I would like to ask one further question.

The Convener: There is a queue behind you, Mr Ewing, but please go ahead.

Fergus Ewing: I am sure that they will wait with due patience.

The Convener: I am sure that they will.

Fergus Ewing: Well, they do not really have much choice, do they?

Seriously, I want to ask one further question. As the petitioner rightly said, nine sections out of 11 have not been done. Only one of those has not had a design sorted out—essentially, the Dunkeld section. Three sections have had ministerial approval, but four have gone to what is called made orders, which means that they have gone through the legal process. The legal process for two of those four sections was completed well over a year ago—coming up for two years ago, I think.

Am I right in saying that absolutely nothing—apart from an unwillingness to devote sufficient funding—prevented the Scottish Government from progressing those four sections immediately after completion of the made orders, had there been a necessary will to implement the promised dualling of the A9? The made order means that you have sorted out compulsory purchase and ancillary roads orders; that you have gone through the process of consultation; that you have your design route; and that everything has been sorted out and is ready to roll—“shovel-ready” is the phrase. Given your knowledge of the practicalities about how those sorts of things work, is that an oversimplification or is it a fair comment and correct explanation?

Grahame Barn: In my opinion, that is a fair view.

David Torrance: I put on record that I am somebody who knows the A9 well and has been to the Moy fair for the past 25 years—Fergus will probably testify to seeing me there.

Your first option, which is the quickest way to do it, is to break the road down into three sections. How much would that disrupt the tourism industry? Would it cut it off for a long time in the area?

Grahame Barn: It would be a disruptive way to do the road. You would have three sections there, so trying to manage three traffic management systems across a huge length of the A9 would be very difficult for everyone, to be honest with you.

David Torrance: Just to put on record, those communities around there and a lot of the holiday towns—Aviemore and such places—would be devastated, would they not?

Grahame Barn: It would be for a period of time; the construction could last four to five years or perhaps longer.

David Torrance: I know that it is to do with contracts, but how difficult is it to get the workforce there and get accommodation for it? From speaking to people who stay in the area in which I am, I know that winter rates are cheap and that the communities rely on tourists in the summer. Therefore, workers were moved off the A9 and away and found it very difficult to get accommodation—they were having to travel. Having to travel huge distances to get to those sections is not an attractive prospect for anybody who is employed in that industry.

Grahame Barn: Civil engineering work involves a great deal of overnight travel and all the rest of it, so the people who work in that particular industry are familiar with having to work away from home. You are absolutely correct to say that one of the real challenges in the north of Scotland is accommodation for the workforce.

We are not just talking about the A9. There will be a huge amount of work in renewables in the civil engineering sector over the next decade and getting the workforce will be key to that work. Indigenous Scottish contractors have that workforce: they are—and, in some cases, stay—local, and that would be the

attraction for using contractors that are indigenous to Scotland or the UK. European contractors that come in do not have a workforce; they would have to find one from somewhere, which would be a significant problem for them.

Edward Mountain (Highlands and Islands) (Con): Before I say anything else, I should remind members of my declarations in the register of members' interests: I have a tourism business relating to a fishery where people have to travel up the A9. In addition, I travel up the A9 at least twice a week—it is probably more likely to be four or five times a week. Therefore, I have an interest in the topic.

I want to question Grahame Barn about the procedure. Both the Aberdeen peripheral road and the Kincaig to Dalraddy section were undertaken as a joint venture. Interestingly, it was always said that the Kincaig to Dalraddy section was opened on time. What a load of nonsense. It was opened on the right day and then closed the day after. Things had to be sorted out, because they had not been done.

Do you think that joint ventures in which the Government pays the other parties all the money and then allows them to decide which subbie gets paid or does not get paid is the right way to do it?

Grahame Barn: Joint ventures are a fairly standard approach in which contractors will share financial risk on larger projects, where they do not wish to do those all by themselves. How do you ensure that they get paid? You make sure—I believe that Transport Scotland does this anyway—that you put clauses in contracts to ensure that the principal contractors pay their subcontractor chain in a timely manner.

I represent companies across all parts of the supply chain—first tier, second tier and even third-tier contractors. The key to a client using and making that work properly is monitoring the situation and having proper key performance indicators on payment down the supply chain to make sure that that is done. You also have other mechanisms by which you can ensure that the money goes down the supply chain and is not at risk with the contractors.

Edward Mountain: However, if cost overruns happen—they are part of life—on a fixed-term contract with an agreed sum, somebody somewhere will have to bear the loss. It will be up to the joint venture to decide which subcontractor gets saddled with that loss. Is not that the inevitable outcome?

Grahame Barn: No. If you take the Aberdeen western peripheral route as an example, the three contractors all shared the loss. They took huge losses on that project.

Edward Mountain: If I am a subcontractor to a joint venture and I am taking all the risk—based on historical events, the chances are that there will be a loss on it—would I not want to ensure that my price is much higher so that I do not make a loss?

Grahame Barn: On how people pull together the pricing on a job, if there is one principal contractor, as is the case on the Tomatin to Moy upgrade, they will go out to

a subcontractor with packages. They will try to find the most competitive package—they will go out to tender, essentially. You then have tier 2s tendering to tier 1s. Risk is shared along the way—and yes, risk is involved if a project goes wrong.

Edward Mountain: Okay. From my experience as a surveyor, if you place the risk on somebody, they will inflate the price to ensure that the risk to their company is such that they will be able to survive at the end of it. Surely, that is not the best way of getting the best price. Surely, if the risk is shared between not only the person who is carrying out the work but the person who is commissioning the work, that is a more equitable system, because the person commissioning the work knows that the industry needs to survive. That would encourage people to take part in the tendering process.

Grahame Barn: Absolutely.

Edward Mountain: That is not what we have, is it?

Grahame Barn: No.

Edward Mountain: Thank you, convener.

Laura Hansler: Can I come in for a wee second?

The Convener: Yes, of course.

Laura Hansler: This information is for Mr Torrance and is about the impact on tourism and the hold-up if we start dualling roads sequentially. When the A9 gets closed to allow accident investigators to go out, it is quite often shut for 24 hours. On an occasion when it was shut recently, the traffic was diverted 70 miles across the Dava moor. The road is mostly single track and is completely inappropriate for the HGVs that had to use it. It also creates tachograph-related issues for HGV drivers, as the diversion was taking them miles out of their way.

If there is an accident on that road, we are completely stuck. It is a remote and barren road, so given the time that it takes to shut the A9 and divert traffic, surely, as far as tourists are concerned, it is better to get people there safely and slowly than it is to shut the road for 24 hours or put diversions in place that add three to four hours to the journey on completely inappropriate roads.

David Torrance: I have been caught in diversions several times, especially when going to the Harley-Davidson rally. I have had to wait for six hours. In some communities, people would not travel if they had to wait a lengthy time in diversions, especially to places such as Aviemore for skiing, given that there are alternative ski resorts in the area, off the A9. A long delay—

Laura Hansler: I am sorry, but I am talking specifically about the delay when the road has been closed because of an accident.

The Convener: I promised that we would consider another aspect of the petition, which is the proposal for a national memorial. Alexander Stewart has questions on that.

Alexander Stewart: The memorial is one of your wishes in your petition, but it appears that Transport Scotland has dismissed that because of road safety fears. I commend you for bringing forward the proposal, but what is your view on Transport Scotland's position and how do you respond to the fact that, from my reading of the papers that it has provided, it is quite dismissive of that proposal?

Laura Hansler: First of all, it is not my wish: that proposal came forward from the communities and people who we have interacted and communicated with. To make it clear, we do not mean a small roadside memorial; we mean a memorial that would be specific to Highland Perthshire, Inverness-shire or somewhere in the mid ground, and it would very much be off the road. It would be a memorial garden. After all, we are not talking about half a dozen names here. We are talking about 330-odd names. I would see a memorial as a means to an apology and an acceptance of what has happened to these families. It would be an apology to those communities for what has gone on.

Alexander Stewart: As I said, I commend you for that proposal, because I think that something of that size and stature is required, if you wish to ensure that those individuals are remembered in the correct manner. You have indicated that you have some ideas about where that might be located. What discussions have you had with communities that might wish to have that memorial in their area?

Laura Hansler: Obviously, we need to fully explore that. Before that kind of thing can happen, different communities would have to speak to families. It is very much a founding interest that was brought to us that we should acknowledge that that has happened in the Highlands.

The Convener: Before we draw this part of our evidence taking to a conclusion, is there anything else that either of our witnesses feels that we might want to touch on?

As there is not, I have a question about something that intrigues me. I have colleagues here who are immersed in the realities of the A9, on which I am a sometime traveller. In the context of this project, who first brought up the date of 2025? Who advised them to say 2025, and was it ever realistic?

Grahame Barn: I cannot answer the question of who advised the person to say it. I would imagine that it would have been a minister who said it at the time. I think that it was realistic at that time, but it needed the commitment to do it straight from the beginning and a real commitment over time to do it, and that is what we have not had.

Fergus Ewing: I have a final question for Laura Hansler. I know that the petitioner has not only come here today but been extensively involved in taking the matter forward in other ways, in the media and by directly lobbying. I believe that she might

have reached out across the political spectrum in order to garner support, and cross-party support, which I hope that we have on this issue, is always a good thing. Has the petitioner done that and, if so, what response has she received from the various parties that she has approached?

Laura Hansler: I spoke to every party in Parliament, and I must admit that I have had a lot of support. There is one party that has not supported me, and which really stonewalled it, to be honest. I was exceptionally disappointed with its comments, including in the chamber, with regard to dualling the A9. Some of the comments that I have heard are really concerning.

Fergus Ewing: Which party was that?

Laura Hansler: The Greens.

Fergus Ewing: Thank you.

The Convener: On that note, I thank both our witnesses for their evidence and your contributions.

We will have a short suspension to allow the next witnesses to come in.

The Convener: Welcome to our second session on PE1992. We are joined by representatives from Transport Scotland. I am delighted to see that we have Lawrence Shackman, Robert Galbraith and Morag Mackay. They have been following our proceedings avidly this morning. I noticed them faithfully sitting through all our deliberations on other petitions as well as the one that is before the committee now.

Do you want to make an opening statement or are you content to move straight to questions?

Lawrence Shackman (Transport Scotland): I just want to say that we all have the utmost sympathy for those who have been involved in accidents on the A9. I know that it has been said several times before, but one life lost is certainly one too many. There is nothing good to be said about having accidents on the A9. We truly recognise that.

The Convener: Thank you for that. It might play to the discussion that we want to have about a national memorial and the possible misunderstanding between all parties about where that might be sited or the desirability of it, but we can come back to that.

Colleagues are very interested in this subject. I want to start where I finished in the earlier session, if I can be the daft laddie in relation to the petition. Did Transport Scotland ever advise the Scottish Government minister that the A9 could be completed by 2025? If not, did it warn the minister who gave that assurance to the

public some years ago, particularly to all those who use the road regularly, that Transport Scotland could not meet such a target?

Lawrence Shackman: Obviously, that happened a long time ago and I do not know what advice the minister of the day was given. I can say that the aspiration was to dual the A9 by 2025 and it would have been a big achievement if it had been done by 2025. I know that Grahame Barn thought that it was achievable and, with a fair wind, perhaps it could have been, but many events along the way have prevented it from happening, as Ms Gilruth, the then transport minister, said in her statement on 8 February.

The Convener: Were ministers adhering to that date of 2025 on a wish and a prayer or did they continue to believe that the target was achievable?

Lawrence Shackman: In 2022, leading up to the statement, it got to the stage at which it became abundantly clear that 2025 was not achievable. Even allowing for building every section of the A9 concurrently, as committee members have heard today, it would have been impossible to achieve that date of 2025, given that each section would have taken three years, depending on the size of the section that we were looking at. During 2022, that was very much apparent towards the end and—I hold my hands up—with the Tomatin to Moy issue, it was clear that ministers needed to make a statement to say that 2025 was not achievable.

The Convener: Well—

Lawrence Shackman: I am sorry to interrupt, but I should also add that between 2020 and 2023, a lot of things were going on in the world that did not exactly help with progress on dualling the A9. The Covid pandemic stopped construction for a while—

The Convener: We understand that. We are very familiar with the fact that there was a pandemic from ministerial replies to questions about every other deficiency in public life and that it was responsible for a number of things, not least of which was its tragic consequences in the first instance.

Mr Ewing will come in with questions first, to be followed by Mr Choudhury.

Fergus Ewing: The witnesses will have read the statement by Mr Barn and will have heard the evidence that he gave to the committee this morning. What he is saying is very clear. He praises the professionalism of Mr Shackman and his colleagues, and I endorse that, but the praise ends there. In his statement, he goes on to say that, from a civil engineering contractor's point of view, Transport Scotland is the worst client in Britain.

That is not a personal comment; that is based on his assessment, which you have heard, that, as far as road building in Scotland is concerned, your form of contract, which passes all risk to the contractor, who has minimal margins of profit at 2 per cent, has resulted in the completely unacceptable outcome of there being only one

bidder in two contracts—the Haudagain roundabout and the Tomatin to Moy section—despite the fact that the whole purpose of a tender process is to attract competitive bids. That has failed.

I am not trying to catch you out, but do you accept that the current procedure is just not fit for purpose and that, therefore, we now need to move on from that, without overly recriminating about the past, because we cannot do anything about that? Perhaps the committee can help in working out together how to solve the problem of getting a form of contract—a form of procurement—that, provided that the Scottish Government is willing to put up the money, which is not your responsibility but its responsibility, can deliver the swift completion of the project of dualling the A9, for all the reasons that the petitioner so eloquently and passionately set out in her opening statement.

Lawrence Shackman: I do not disagree with Grahame Barn about our current form of contract. It has been in place for well over 20 years. When I started working in the then construction branch, at around the time of devolution, it was still being used heavily and we were getting a lot of good tenders.

Although it is not written into our contract, we have always tried to collaborate as best we can with contractors, to help to solve problems along the way and to minimise risks. However, as time has gone by and, as Mr Barn has pointed out, attitudes have changed and we need to have collaboration at the heart of our contract. I accept what he said. We need to move forward. When I came into my role as project director, 18 months ago, I said in one of my first meetings with Grahame Barn that I could not see a future for our form of contract as it is at the moment.

The alternative form of contract is very much up for discussion within Transport Scotland and with our advisers. Obviously, we are informing ministers about how we should go forward appropriately, so that we can balance value for money for the public purse against ensuring that contractors make a reasonable profit. We do not want contractors to make losses. That is not in anyone's interests. As Grahame Barn has said, 80 per cent of his members work for Transport Scotland. If they are not making a profit, they will not tender for us. We need to come together to ensure that we get a consensus and a reasonable risk profile for contractors to make a reasonable profit, at the same time as getting good value for the public purse. That is not easy.

There are different varieties of NEC contract, not just one type, and risk profiles can vary within the NEC contract. For example—I am trying to say this in very simple terms—we can have a fairly basic NEC contract, but certain clauses can be adjusted to increase the risk profile. In Transport Scotland's form of contract at the moment, we could vary our risk profile very much towards that which applies in an NEC contract. For us, that means a balance in how we manage our contracts through the construction period. We tend to have a lot of the commercial discussions at the end of the contract, whereas, if the NEC contract is used, those commercial discussions

and issues that happen during construction are dealt with there and then. We need to look at the different style of managing those contracts.

Fergus Ewing: I understand that those are all complex matters, and I know that you have been in regular dialogue with CECA, which you meet several times a year. What I do not understand—I do not say this to be recriminatory—is that you have admitted mea culpa, that the system is broken and that it is not fit for purpose, which is patently the case and has been obvious for quite a long time. Surely, therefore, particularly over the past couple of years of this parliamentary session, the advice about precisely how the contract should be changed—to perhaps some form of contract as set out by Mr Barn—so that risk sharing is used, should have been given back in 2021, at the latest. Why have we not made more progress more quickly? Mr Barn referred to glacial progress. Is he right about that as well?

Lawrence Shackman: I think that the Tomatin to Moy procurement has really crystallised the issue. We have been looking at the potential to change our contracts for a while, but, over the 20-plus years in which we have used the contract, it has given ministers a good surety of outturn cost compared with the tender cost. For a long period, there was about a 3 per cent variation between tender costs and outturn costs. The contract was very effective in protecting the public purse, but the risk profile is very much being looked at as we speak.

Fergus Ewing: I have two further questions. Was it the case that Transport Scotland did, in fact, do some work that has not been made public in which some use of private finance was considered, but, by the time that the work came to fruition, the financial crisis had emerged and interest rates had risen, so that option no longer became applicable? If that was the case, can you share with us the document that shows what consideration has been given to all those matters?

I appreciate that that decision may not be for you and that it may be for the Scottish Government, because under FOI—FOI requests have been made to you on such things frequently—there is an exemption to cover ministers' desire to have candour of internal discussions. That has been invoked in response to a FOI request about the A96 that I have seen recently, for example. Have you given advice to ministers on that? Will you share that with us? Have you considered the options that Mr Barn set out? Did you leave things too late because, by the time that you came up with the proposal, interest rates had risen, which made the finance package unaffordable? Can you share with us what work you have been doing over the past two and a half years on all of that?

Robert Galbraith (Transport Scotland): I will take that question, Mr Ewing.

We have been working on comparing options for a considerable time. Fundamentally, we are comparing procuring a series of design and build contracts using capital funding versus procuring a smaller number of private finance contracts using resource funding as alternative options. We had significantly advanced in that work last year and were getting towards a point of preparing to put advice to

ministers when some of the fundamental assumptions that underpin in particular the private finance solution, which relies on cost of borrowing assumptions, began to change in a very volatile fashion in the aftermath of the UK Government's mini-budget in September.

Fergus Ewing: It was too late.

Robert Galbraith: It took several months for things to begin to settle down.

It is not really a case of leaving it too late. We have had to go back and redo that work. We have had to look again at the base assumptions against which we can make that comparison. When that work is complete, advice will be brought forward to ministers. In effect, we have had to go back and redo a whole series of work.

Fergus Ewing: Okay. I want to put to you a point that Mr Barn made. Four of the sections have made orders. In two sections, the made orders were made well over a year ago; the other two were made more recently but still some time ago. Mr Barn said that, as soon as things reach that point, the contracts are ready to go. People are ready to press the button and ready to go into procurement, provided that the Scottish Government provides the money. Did you ask the Scottish Government to provide the money for each of those sections as soon as they reached made orders? If so, what was the response?

Robert Galbraith: I will pick that up to start with; my colleague might then want to come back in.

I described a comparison between a series of design and build options versus a smaller number of PFI contracts. One of the features of PFI contracts to make them attractive to competitive parties is that a pipeline of bidding opportunities has to be offered. If we start to subtract elements of what would make up that pipeline, we will no longer have a PFI option available. In trying to get to a position to compare approaches, taking out elements of one approach would make that approach fundamentally impossible to deliver in the future. That is a reason why it would be difficult to do what you suggest.

Fergus Ewing: Are you saying that you have not been held back by the lack of funding from the Scottish Government?

I have been critical of my own Government because the delays cannot be justified or defended in any way. It is disgraceful. I am sad to say that, but that is what I have said.

We want to know to what extent the Scottish Government has had the money ready, but you have not got the process ready. We also want to know to what extent you have asked for money, but we have not got yes as an answer. We need to know that for our inquiry. Moreover, to be frank, the public has a right to know.

Lawrence Shackman: To a large extent, it has been—I hate to use this phrase—a chicken-and-egg situation because one of the key things is knowing which procurement route is best to enable us to package up the sections so that we can then ask for the correct amount of money and the right sort of money, whether it is capital or revenue funding. Obviously, the PPP route would require sums of money into the future, whereas capital-based projects would need money up front. That means that there is a completely different profile with the financing and it is a difficult conundrum to try to get out of.

Fergus Ewing: I appreciate that it is all complex. I do not detract from what Mr Shackman says in any way, but I would like Transport Scotland to produce the documentation showing the exchange of views between it and the Scottish Government—submissions, emails and other documents—so that we can get to the bottom of it for the sake of the petitioner and all those who have lost their lives on the road over far too long.

Lawrence Shackman: As you mentioned, we have been the subject of FOI requests on all of those aspects ad infinitum in recent times so a lot, if not all, of the information is out there.

Fergus Ewing: I have just been refused some information—or, at least, information has been refused under FOI legislation—on the grounds of internal candour. That is the information about which I am talking. It is specifically about the interchange between you and the Scottish Government on value for money and the sufficiency of Scottish Government funding. As long as that information is not published, there will be unanswered questions, frustration, anger and irritation. That just will not go away so the sooner that the Scottish Government does what it did in the Holyrood inquiry in 2003, and the more recent Salmond inquiry, and publishes the available advice notes, the better for our work and, more important, the public interest.

The Convener: I welcome Kate Forbes to our proceedings. I will invite her to comment after we have heard the evidence, but I have, unusually, agreed that, if there is a point during the proceedings when she would like to put a question to the witnesses, I will be happy to facilitate that if she lets me know.

We move to Mr Choudhury.

Foyso Choudhury: It is clear that completion of the project by 2025 is not possible any more. Do you have a date in mind when it could be completed, Mr Shackman? For the time being, are any emergency procedures being taken so that no more accidents happen? What are the temporary measures? Are there any at all?

Lawrence Shackman: Ministers have mentioned several times that they will make a statement in the autumn about how the A9 project will be progressed—the timescale and what will happen when. That is still planned for the autumn.

Morag Mackay can comment on short-term road safety measures.

Morag Mackay (Transport Scotland): The former minister advised Parliament that £5 million would be put towards measures last financial year and in the next two financial years. We have worked with stakeholders—Police Scotland and the road safety professionals in the operating company that covers the A9—to understand the causes of the accidents that have happened on the road and have targeted measures at those. Therefore, a £5 million package of works is being undertaken.

We have started that work from Luncarty to the Birnam to Dalguise section. That is the first single-carriageway section as you travel north, and we picked that section specifically because it is the first one and because we were doing the measures over winter and they were less likely to be affected by the winter weather.

The measures include signing and road markings, and we are looking to improve the transitions between dual and single carriageway by making them more conspicuous. We have increased the lining and are using a specific product that has better reflectivity and acoustics to target the drifting of vehicles on single carriageways by making them rumble when they go over the white lines. We have also put in mobile variable message signs to deliver road safety messages. We have started down that section, but we will continue with the other single-carriageway sections.

Foysof Choudhury: Is this published, or has the information been given to the people in the area? Do you still think that 2025 is achievable?

Lawrence Shackman: No, 2025 is not achievable. The former minister said that in her statement in February. Ministers will come back with a revised timeline in autumn.

The Convener: I will go to Mr Fraser before Mr Mountain, if I may, because Mr Choudhury's question touched on a point that Mr Fraser raised with our previous witnesses and he would like to pursue it again just now.

Murdo Fraser: Thank you, convener, and thank you for bringing me in. I wonder whether you can shed any light on this rather curious issue that I raised with the earlier witnesses. I am just looking for the exact reference.

A Government-initiated question was lodged on Monday afternoon in the name of Jim Fairlie MSP:

“To ask the Scottish Government when the new procurement for the dualling of the A9 between Tomatin and Moy will commence.”

As I am sure you are aware, the purpose of a Government-initiated question is to allow a statement to be made to Parliament, so such questions are lodged only when the statement is ready. Curiously, in this case—I have never come across this before—the question was not answered and it was withdrawn this morning, which is rather extraordinary. Can you shed any light on that?

Lawrence Shackman: I believe that the reason for its withdrawal is that, as you are aware, there is a new transport minister and the view was taken that she should be given time to have a think about the issue and make her own decision on how it should be taken forward.

Murdo Fraser: That helps with understanding the context, although we knew on Monday, when the question was lodged, that we did not have a transport minister. That is a matter for the Scottish Government; perhaps the committee can pursue that separately.

The Convener: Does that mean then that something was going to be announced but it has now been deferred so that the new transport minister can be given the opportunity to reflect on its content?

Lawrence Shackman: That is for ministers to answer.

Murdo Fraser: Can I follow up with the other question that I put to Mr Barn? We have gone through two new transport ministers, but when Jenny Gilruth was transport minister, she told Parliament at the beginning of the year that she hoped to make an announcement about the award of a contract for the Tomatin to Moy section by the end of this year. Mr Barn told us that, given the likely timescale, six months to award such a contract would be very tight. Are you in a position to tell us any more about the procurement process for that section?

Lawrence Shackman: No. We are still working through that. I agree that it would be extremely tight to award that contract by the end of the year. We are certainly aiming for that target, but we will have to wait and see what happens when the new minister has decided on the procurement route and when it will be launched.

Murdo Fraser: Right. To go back to the conversation that we have just had with Mr Ewing about the type of contract, are you proceeding on the basis of the existing contract, or are you looking to adjust that for the Tomatin to Moy section?

Lawrence Shackman: It is highly unlikely that we will use the existing contract.

Murdo Fraser: It sounds as though there is still a lot of work to be done before you put it out to tender.

Lawrence Shackman: No, there is not too much to do. You will remember that we had the original Tomatin to Moy contract and the vast majority of that was about where we want the road to go, how wide it will be, where we want kerbs and where we do not want kerbs, and that sort of thing. All that is in the bank, so to speak. It is about the front-end contract. Is it an NEC contract? Is it using Transport Scotland's terms and conditions albeit heavily modified? It is not going to take too much longer to do those things.

Murdo Fraser: Presumably, the process is that you publish a tender document, and then you have to wait for responses for a period.

Lawrence Shackman: We publish a tender notice, which is an advert—a sign to the market—that we will procure. That is the start of the procurement, basically.

Murdo Fraser: Can you give us any indication of when you expect that to be done?

Lawrence Shackman: I cannot, at the moment, because that is subject to the involvement of the new minister and other ministers.

Murdo Fraser: But, clearly, the clock is ticking when it comes to getting the contract awarded by the end of the year, as was promised to the Parliament.

Lawrence Shackman: It is, yes.

Edward Mountain: I have just two areas of questioning. First, when do you start the compulsory purchase order stage for the land that you want to acquire to build the road?

Lawrence Shackman: The statutory process for that happens after a project has got through the preferred route stage. We advertise that. We invite the public and stakeholders—anyone with an interest in the scheme—to see the material that has been produced. The environmental assessment report and the draft road and compulsory purchase orders are all put into the public domain.

If we get objections to that process—if an affected landowner, say, or a statutory body does not like a particular part of it—we may need to go through a public inquiry process, for which a reporter will be appointed who will make a decision. On some sections, we have had to go through a public inquiry process. On others, we have been fortunate in many ways that we have not had to have a public inquiry.

Ministers have then decided that they will make the orders. Orders have been made for some of the sections, which means that we have a three-year period in which to vest the land, before we would have to go back to the start and promote the scheme again. In some cases, we have yet to make the orders. How that will be managed is part of what we plan to announce in the autumn.

When it comes to the procurement process, the making of the orders and the vesting of the land are not constraints on the timescale for construction, albeit that we have not yet got the Dunkeld section through that process.

Edward Mountain: If somebody objects to a compulsory purchase order, is there not quite a complex process to go through, which could take years rather than months?

Lawrence Shackman: Objections can be made only about the process. Once the compulsory purchase orders are made, people cannot really object to the making of them or to the purchase of the land, unless there is some problem with the legality of how we have done things. By that stage, it has been through due process.

Edward Mountain: Once the order is made, is there nothing to stop the road from being built?

Lawrence Shackman: No. Just buying the land is the thing after that, then—

Edward Mountain: Then the compensation at the end of it, once that is agreed.

Lawrence Shackman: Yes, when that is all wrapped up.

Edward Mountain: Convener, if I may, I will go back to the question that I asked in the first session, about sharing risk. Lawrence Shackman, you have alluded to that. Do you think that, by coming up with a new contract, you will convince subcontractors across the Highlands who might possibly tender that they will not be left hanging out to dry? That has happened to them in the past. A lot of them have spoken to me about it and are unhappy about it. Can you rebuild those bridges?

Lawrence Shackman: I would be surprised if local subcontractors were not a major part of dualling the A9, because of its location. Even if we were to go for PPP—the public-private partnership finance option—through which we would be likely, as Grahame Barn mentioned, to attract a lot more foreign construction companies, those companies still need local labour and local materials. They need people in the locale to be able to construct the road.

We are talking about a huge amount of road building. It is comparable to the upgrading of the A74, back in the 1980s and 1990s. It is at that sort of scale. There were 10 or 11 contracts. Back then, we found a way to build those contracts, so I do not see any reason why local labour and suppliers cannot be heavily involved.

As you will know, that question was asked many times when the Queensferry crossing was being built. A lot of contractors from abroad were involved in that project, but they used a huge amount of local labour and local supplies. The topic was regularly discussed in committee meetings relating to the Queensferry crossing. I believe that the same applies to the Aberdeen western peripheral route, which Robert Galbraith was heavily involved in.

Edward Mountain: I clearly remember discussing these issues in relation to the Aberdeen western peripheral route when I was on the Rural Economy and Connectivity Committee, as well as the Kincaig to Dalraddy section. A lot of people got their fingers burned and are nervous about the process in the future.

My final question is this: do you think that you have some bridges to build metaphorically speaking before bridges can be built on the A9?

Lawrence Shackman: We will always engage with the industry and the supply chain as much as they will let us, to be honest. We are more than happy to do that. We have initiatives in which we always ask our tier 1 contractors to advertise any opportunities on the public contracts Scotland portal. That approach was pioneered with the Queensferry crossing, and it is now a standard way of doing things.

As we touched on earlier, we have project bank accounts for our projects, and we ensure that tier 2 and beyond suppliers and subcontractors are paid on time so that they do not have to wait for payment. That system is working really well, and we have that for all our projects.

We are doing a number of things to try to ensure that we embrace local suppliers as far as we possibly can, and we will continue to do that.

The Convener: Alexander Stewart will return to the point that we raised on the petitioner's ambition for a national memorial.

Alexander Stewart: It would be useful to get a flavour of your views and opinions on the proposed memorial. As I indicated when I spoke to the petitioner, it appears from your previous comments that you dismissed that type of memorial on the ground of road safety concerns. Now that you have heard from the petitioner what the intention may be, do you have a similar view, or has your view been changed?

Morag Mackay: We responded based on that memorial being by the roadside, and we gave the reasons for that response. We follow guidance from the Society of Chief Officers of Transportation in Scotland on roadside memorials. I appreciate that the petitioner suggested that the memorial could be somewhere else more localised—maybe in a community on the A9. Obviously, we have not considered that, because we thought that the ask was about the roadside. That can be considered further. However, tragic as the lives that we have lost on the A9 are, we have to recognise the road deaths that there have been across Scotland. We have to be mindful of doing something specifically for the A9 as opposed to for people who have lost loved ones on the other roads across Scotland.

Alexander Stewart: I acknowledge that. However, given the strong case that has been made in communities the length of the A9, which has been called the “spine of the country”, I think that doing something of that nature would go a long way to managing community involvement. I look forward to hearing how that might progress, depending on how things move forward.

The Convener: Will Transport Scotland reflect on that, given the petitioner's evidence this morning, and give us a flavour of what it thinks might be possible for us to consider further at another date? I would be very grateful for that.

Are there any other questions from colleagues?

Fergus Ewing: Is there a risk that the retender of the Tomatin to Moy section will lead to an even higher price, as we heard Mr Barn elucidate? Can you answer his point and recommendation that, although one must treat all parties equally in a tender process—that is a plain and clear legal requirement of procurement—that does not prevent you from reaching out to all the contractors to inquire about their progress, provided that they are asked the same questions, in order to be able to ascertain whether it is likely that you will end up in the same situation again, with one

bidder only, but this time with an even higher price than the price that was previously rejected because it was deemed to be too high?

Lawrence Shackman: We use our Transport Scotland process to speak to the contractors during the development of their proposals because they are responsible for both the design and the construction, not just the construction. Therefore, they are fully responsible for coming up with a design that is competent and fully embraces all the requirements of the contract. We have consultation meetings through the procurement process with each individual contractor. They are confidential meetings and, yes, we ask for an update on how they are doing with their design and how they are likely to build the contract. Their methods are important to understand.

In the Tomatin to Moy project, part of the way through the process, we asked the contractors what they thought about our tender estimate. You are correct that the middle figure is £115 million, and I think that that is at April 2021 prices. The two tenderers, including the first one, who withdrew, both thought that it was reasonable at that point. I do not know what happened with the one bid and why the contractor put in the bid to the value that they did. I do not wish to reveal the commercially confidential aspects of that.

We engage fully with contractors. Although the contractors do not particularly like our terms and conditions, we try to derisk projects as much as possible. For example, through the tender period, we undertake an additional ground investigation. I think that, on the Tomatin to Moy project, the cost of that was about £1 million. It is a pretty substantial extra ground investigation to help to derisk the project and get the contractor in a position to put in a competent price. That is one of the methods that we use all the way through our alternative tendering initiative projects.

The Convener: Thank you all very much. Your evidence has been very much appreciated. Is there any final point you would like to touch on that we have not addressed?

Lawrence Shackman: No. We are fully committed to dualling the A9. We are waiting to see what the autumn statement holds, as I am sure everyone is.

The Convener: Rest assured.

Lawrence Shackman: Only two days ago, as you all know, the First Minister made a very strong commitment to dualling the A9.

The Convener: And many other things.

Two parliamentary colleagues have joined us: Kate Forbes and Murdo Fraser. O comes before R, so I invite Kate Forbes to address to the committee comments that we can take into account as we consider the petition.

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Thank you for having me at the meeting, convener.

I express my sincere thanks to Laura Hansler and the A9 dual action group for bringing the petition before the committee and, indeed, raising the profile of the issue. It is the product of frustration but also grief at the number of fatalities on the road, as well as accidents and near misses, which do not get recorded.

I will make some very brief comments about the matter not being just a Highlands problem. It is an issue of national concern for three reasons. The first is that there is no transition to net zero without dualling the A9. That is contrary to arguments that have been made about it being inconsistent with our move to net zero. However, the Highlands and rural Scotland disproportionately rely on car use and we must have an electrified, dualled A9 for safe use. Secondly, the Highlands relies on the road for economic reasons, which have already been covered. Thirdly, the region is reliant on it when it comes to safety. Above everything else, that third reason is perhaps the most important.

There is a cast-iron guarantee to dual the A9. We are exercised about seeing the timetable and ensuring that it is backed up with appropriate procurement processes, which have come in for some criticism, and a budget. I know the constraints on our budget. Clearly, given a £5 billion capital budget every year, an A9 dualling programme that costs £3 billion needs to be prioritised. That will mean difficult decisions elsewhere but, such is the importance of the project, we need that prioritisation and that funding.

That is all that I have to say, because the topic has been adequately covered, but I cannot stress enough the importance of the programme both to my constituents and to those whose lives have been affected as they wait for the updated timetable—including those who are subject to compulsory purchase orders, who have been waiting in some cases for almost a decade for dualling to go through and the sale of whose houses, for example, has been affected. It also impacts on the rest of Scotland. Those three really important groups want answers.

The Convener: Thank you, Ms Forbes, including for referencing again the petitioner on whose behalf we are pursuing our inquiry this morning.

Finally, I call Murdo Fraser.

Murdo Fraser: Convener, you have been very kind in letting me ask questions, so I will be brief in making final comments. My colleague Jamie Halcro Johnston, who represents the Highlands and Islands, had hoped to be here, but he is in another committee this morning. Clearly, he is interested in this matter, too.

As Kate Forbes said, this affects the Highlands but, elsewhere, it affects my constituents in Perth and Kinross, as part of the Mid Scotland and Fife region, who have very similar concerns not just about the accident rate on the A9 but about the economic impact of the road not being dualled.

It has been very helpful to hear from the petitioners and from Transport Scotland. We wait with interest to hear what will happen on the Tomatin to Moy section. It sounds as though some announcements are imminent on that. We hope so. However, that is only one of the remaining sections of the A9. It sounds as though the preparatory work has been done on all but one section—at Dunkeld—so the only issue that is holding up progress is finance, provided that the contract issues can be dealt with. That is a matter of political will and priorities.

I refer to the petitioner's comments at the start of the meeting about the number of people who have died. Sadly, as we enter peak tourist season, I dread turning on the news in the morning and hearing about people who have lost their lives on the A9. Some of those are visitors to Scotland who have come on a family holiday but have lost their lives. Sadly, that will continue until the road project is finally completed.

I therefore encourage the committee—if it needs any encouragement—to be like a terrier in pursuing the matter to a conclusion and to continue to press the Scottish Government for the definite timescale that the petitioner is looking for.

The Convener: Thank you, Mr Fraser.

Although, as I said earlier, I am on the A9 occasionally, in an earlier time in my political life the A77 from Eastwood to Ayr was notorious for loss of life. That issue was resolved with the dualling of that section. At one point, I think, more people lost their lives on that road, annually, than on any other in Scotland. Dualling is the ultimate and only reliable way in which we can hope to provide a safe journey and, as Kate Forbes said, achieve other objectives that are also in the national interest.

Thank you all very much. Are my colleagues on the committee content to consider at a subsequent time the evidence that we heard both from the Lord Advocate and in this session?

Members *indicated agreement.*