

Nicola Sturgeon MSP submission of 23 November 2023

Inquiry into A9 Dualling Project

This submission is in response to the Committee's letter to me dated 30 October 2013, requesting information on the advice I received on the progress of the A9 dualling project during my time as the Cabinet Secretary for Infrastructure, Investment and Cities, and for any reflections I have on the evidence the Committee has gathered to date.

I held office as the Cabinet Secretary for Infrastructure, Investment and Cities from 5 September 2012 until 19 November 2014. Although Keith Brown, Minister for Transport & Veterans, was the ministerial lead for the A9 dualling programme during this period, I was sighted on relevant issues.

In preparing this response, I have reviewed papers relating to A9 dualling that I would have seen during the above period – either sent to me as the principal recipient or sent to Mr Brown as the principal recipient and copied to me for awareness. I have been provided with access to these papers by the Scottish Government. I am therefore reliant on it to ensure that everything relevant has been included.

Given the focus in the Committee's evidence so far on a minute dated 28 May 2012 to the then Infrastructure Secretary, Alex Neil, I have also reviewed this document.

As you are aware, I am not able to share with the Committee any of the documents provided to me. Any documents that the Committee wishes to see should therefore be requested directly from the Scottish Government.

The papers that I have reviewed reflect the fact that the A9 Dualling programme was at a very early, pre-construction stage during my period as Cabinet Secretary for Infrastructure. The focus was on preliminary matters such as public consultation, design, ground investigation, environmental assessment, traffic surveys, business case development, and the procurement of resources to support such preparatory work.

This work proceeded to plan within the budget that had been allocated to it within the spending review period in question.

Many of the papers I have reviewed are routine - for example, references to the A9 programme in general briefings and in updates to the Infrastructure Investment Plan; and copies of briefings for meetings and visits being undertaken by the Minister for Transport & Veterans.

However, the following is a summary of substantive briefings received and key decisions taken during this period.

October 2012: ministers advised that an OJEU notice would be issued to start the procurement process for Luncarty to Birnam ground investigation.

November 2012: ministerial approval for a series of public exhibitions to take place in December 2012.

January 2013: ministerial approval to commence the procurement competition for the appointment of designers. This submission highlighted that in addition to funding challenges, the key constraint on delivery of the programme was likely to be supply chain capacity and availability. Accordingly, it was recommended that dividing the A9 into three sections and procuring three separate design contracts would allow for better management of risk and promote greater competition and value for money than a single contract. The submission also highlighted that while the amount allocated in the current spending review period for preliminary work was £18.95 million, the overall cost of design work was likely to be £200 – 300 million, and so there would be a need to significantly increase available funding in the next spending review period.

April 2013: update on strategic planning. A submission to me provided an update on the emerging strategies in relation to junctions and accesses; provision of non-motorised user facilities; and route selection. The submission also provided an update on the emerging scheme detail for Luncarty-Birnam and Kincaig-Dalraddy and indicated that both were ready for public consultation. The submission also provided an update on the approach being taken to developing the business case. Finally, it sought approval for a further series of public exhibitions to be held in June 2013.

April 2013: ministers advised of an OJEU competition for a topographical survey.

July 2013: ministers advised of appointment of contractor to undertake a geodetic survey for the A9 (and A96).

October 2013: ministers advised of the imminent publication of the Draft Orders and Environment Statement for the first of the A9 Dualling schemes – Kincaig-Dalraddy.

January 2014: advice on the establishment of a Business Reference Group on A9 dualling.

January 2014: advice to Mr Brown that three key work packages for A9 Dualling programme were nearing completion. These were – the preliminary corridor assessment and strategic environment assessment; an updated programme and strategy for sub-dividing the route for the purposes of taking forward the statutory processes; and draft road and compulsory purchase orders for Luncarty-Birnam.

February 2014: note, in response to a request by Mr Brown for consideration of whether progress on Kincaig-Dalraddy could be accelerated, with construction commencing during 2014. This note concluded that the various statutory, procurement and environmental assessment requirements meant this was not possible.

March 2014: briefing to Mr Brown for a visit to launch the 'Fitting Landscapes' framework and give an A9 programme update. The update included a revised design and development programme, publication of the Strategic Environmental Assessment and Preliminary Engineering report, and confirmation of the commencement of the statutory process for Luncarty-Birnam.

May & June 2014: ministers advised of traffic survey work.

July 2014: ministers advised of traffic management arrangements to allow for Kincaig-Dalraddy groundwork.

August 2014: ministers advised of traffic management arrangements to allow for Birnam-Tay Crossing ground works.

September 2014: advice on the composition of a Business & Community reference group.

I have also been asked for my reflections on the evidence gathered by the Committee to date. I have read the oral evidence of Alex Neil, my predecessor as Infrastructure Secretary. Given that Mr Neil made particular reference to a submission received by him on 28 May 2012, I requested sight of this. I understand that the Committee has asked the Scottish Government for a copy of this submission. That is not a matter for me, but I am certainly of the view that a proper assessment of Mr Neil's evidence would be aided by the Committee having sight of it.

The submission provided a delivery strategy and high level programme demonstrating how the 2025 target could be achieved. However, it also made clear that there was still a significant amount of work to be done.

From my reading of his evidence, Mr Neil seems to be suggesting that the advice in this submission answered all the necessary questions sufficiently definitively to assure him that the project was 'physically and financially' deliverable on the 2025 timescale. On funding in particular, while I have not had sight of the analysis behind the £14.7 billion figure he suggested was unallocated in the capital budget, I note that he did not disagree with Fergus Ewing's characterisation of his position being that there were 'masses of cash' available.

Mr Neil is correct that the submission included a delivery timescale for completion in 2025, with milestones dates for each section of the programme. It is also clear, however, about the complexity of the programme.

On funding in particular, the following may give more context to Mr Neil's comments. The submission indicated that capital budget constraints were such that it had been necessary to explore potential opportunities for leveraging private finance – for example, a single scheme NPD, Hub model, or arm's length company; that considerable further work was required to develop approaches to securing funding for both development and construction; that, at that time, no capital construction budget had been identified for Luncarty-Birnam and Kincaig-Dalraddy, the early sections of the programme; and that within the current spending review period, only a small proportion of the development funding for the programme had been secured by Mr Neil (around £18m of an estimated overall requirement of £200-300m), with a need to increase this substantially in the next review period.

It is important to stress that none of the above is unusual in respect of large infrastructure projects spanning several years and more than one spending review period. However, it is context in which Mr Neil's suggestion that by the time he moved to a new ministerial role in 2012, all of the issues upon which delivery depended had been answered, and that the necessary funding had effectively been secured, needs to be considered.

In conclusion, throughout my time in the Scottish Government there was a strong commitment to completing the dualling of the A9. The importance of this programme for reasons of safety, economic growth and connectivity was always recognised. Significant challenges around funding, procurement, statutory processes and, of course, the unforeseen matter of a pandemic, have been encountered along the way in delivering a programme of the scale and complexity of A9 dualling. However, the commitment to overcoming these challenges and completing the programme remained.