



## Notes for the Joint Community Council of Moray on the A96 dualling proposals

### Introduction

A request was made at the Joint Community Council meeting in February 2017 for some “thoughts and findings” from the Finnerne Community Council on the proposed A96 dualling project.

From the onset it should be stated that the Finnerne Community Council support the fundamental concept of improved road infrastructure in Moray and recognise the importance of the A96 in this regard. The economic health of the area is in need of significant boosts and we will support any projects that help this as long as they are conducted with the wider interests of the area in mind.

We recognise that a project of this size and complexity cannot be delivered without adverse impacts of some members of the community. Our key objective as a community council is to ensure that decisions impacting our community are evidence based and that information provided about the project is accurate. People need to be provided with information in a clear and transparent manner so that they can understand the decisions taken. This may not mean they will agree with the decision but there will at least be some degree of consistency in understanding.

The following notes outline our concerns to date.

#### 1. Cost benefit analysis

Much is being made of the potential economic benefit of the road infrastructure project and the Finnerne Community Council recognises the fundamental importance of this project to the area.

There has, however, been a number of anecdotal references to the proposed “end to end” dualling of the A96 being the “**best**” option in terms of a cost to benefit analysis. This is factually incorrect.

The recommendations section of the Strategic Business Case (SBC), published in September 2014, clearly states that on a cost/benefit basis the best option was dual carriageway bypasses and dualling of heavily trafficked sections of the A96 plus targeted trunk road improvements (i.e. Option 5).

Extract from SBC: Option 5 conclusion

*“With a BCR of 1.25-1.5, this option is forecast to deliver the greatest value for money of all options. In addition, by dualling approximately 50% of the route, which are the most heavily trafficked sections, it provides significant wider economic and driver frustration benefits. **It does not, however, entirely achieve the ambitions set out by the Scottish Ministers of connecting Scottish Cities by dual carriageway.**”*

The additional cost to dual the entire length of the A96, some £650m at the estimate stage, delivers a significantly diluted differential benefit which is poorer than the 3rd worst option in cost benefit terms. The overall cost benefit of the full dualling (i.e. option 6) is obviously still positive otherwise Transport Scotland could not have credibly recommended it; but it is not the “best” option in cost benefit terms.

The key point of this, which has also not been explained to many members of the public, is that the decision to dual the A96 from end to end was taken in order to meet the Scottish Government’s ambitions to “link the cities of Scotland by dual carriageway”. We make no judgement on the validity or otherwise of this political aspiration (that is for individuals to decide for themselves) but references to option 6, full end to end dualling, being the best cost/benefit option is highly misleading for members of the public who are unlikely to have read the 42 pages of the Strategic Business Case.

**In discussions with community members it is important that it is understood that the choice to dual the A96 along its entire length was influenced by the ambitions of the Scottish Government, rather than simply a cost/benefit driven decision.**

## 2. Traffic volumes

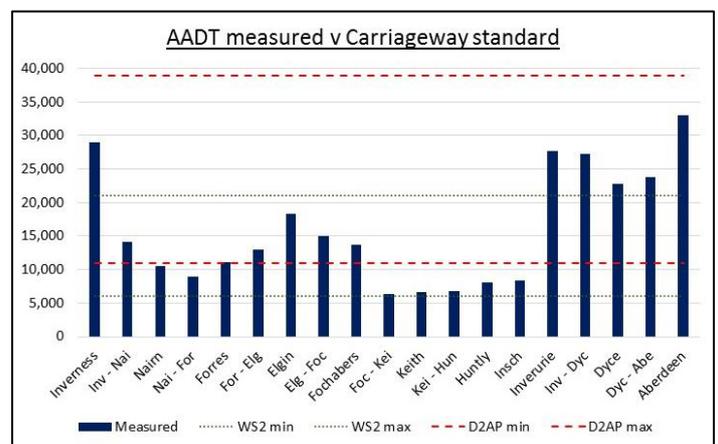
Much is being made of the traffic volumes issue with the existing A96 and the need to improve the road infrastructure to alleviate these problems. There is absolutely no doubt that there are sections of the A96 which are long overdue for improvements and that the provision of a dual carriageway is the obvious solution. However, the suggestion that “end to end” dualling of the A96 is required because of road traffic volumes is completely misleading.

The DMRB has very clear guidance on the road solutions for differing traffic volumes (table 1 below) and that the measured traffic volumes shown in Transport Scotland’s Strategic Business case (graph below) clearly demonstrate that end to end dualling would not be carried out on the basis of traffic flow. In specific relation to the Forres area, the DMRB assessment guidelines indicate that traffic flows could almost double before a wide, single carriageway, road was deemed an inappropriate solution in traffic volume terms.

**DMRB Part 3 – Traffic flow range for use in the assessment of new rural roads (TA46/97)**  
24 hour Annual Average Daily Traffic (AADT)

Carriageway Standard	Opening Year AADT	
	Minimum	Maximum
Single carriageway = S2	Up to 13,000	
Wide single carriageway = WS2	6,000	21,000
2-lane dual carriageway = D2AP	11,000	39,000
3-lane dual carriageway = D3AP	23,000	54,000
2-lane Motorway = D2M	Up to 41,000	
3-lane Motorway = D3M	25,000	67,000
4-lane Motorway = D4M	52,000	90,000

(table 1)



**We are not trying to say that the road should not be upgraded to dual carriageway but simply that the rationale for the upgrade should be transparent and not clouded by misleading references to traffic flow volumes.**

## 3. Design Manual for Roads & Bridges and grade separated junctions

There is significant belief amongst members of the public that grade separated junctions are an absolute requirement of the A96 dualling and the DMRB is often cited as the “policy” which legislates this requirement. It is important that the public understand that the exclusive use of grade separated junctions along the length of the A96 is a choice (recommended by Transport Scotland to the Scottish Government Minister), and not an absolute requirement.

The Design Manual for Roads and Bridges is very clear on this point. In **Volume 5 Section 1 Chapter 4 TA 30/82 Selection of the Preferred Option** the general guidance is unequivocal

*4.1 To give definitive advice on how entries in the Framework should be used in taking decisions would be presumptuous. Circumstances vary from scheme to scheme; there is no common unit of measurement; and judgement will differ between individuals in finely balanced cases. Ultimately the decision-taker is the Secretary of State.*

This guidance is reiterated in relation to junction choice in **Volume 5 Chapter 5 Section 1 TA 30/82 Factors Affecting Particular Decisions**

(c) *Choice of Junction Type*

5.14 *It is common practice in some offices to base junction choice on high growth traffic forecasts alone. In many cases, considerations of the kind outlined in the last paragraph will lead to a choice of junction type which is commensurate with high growth, but this is not always the case. For example, on the "cost of being wrong" criterion (see paragraph 4.6), it might be sensible to defer a major improvement to a junction on an existing road if the extra costs of grade-separation at the later date, in terms of higher contract rates, and the extra delays to traffic during construction, are not likely to be excessive. In other cases environmental factors will be important, especially in relation to grade-separated junctions in built up areas. Some consideration should always be given, therefore, to all options which would be appropriate for at least part of the range.*

5.15 *The economic appraisal can be used to justify the case for grade separation as against at-grade solutions, but no choice of junction type should rely on economic appraisal without careful sensitivity testing and optimisation of lower standard options using operational analysis. Fortunately many decisions on junction type are either robust over a range of flows (eg in most rural locations, the roundabout which meets minimum deflection requirements provides near maximum capacity); or the costs of being wrong may be low (eg conversion of major/minor junction to small island roundabout) and unlikely to call for further expenditure until later years if at all.*

**In discussions with members of the community it is important that it is made clear that any decision to use grade separated junctions along the entire length of the proposed A96 dualling is a Transport Scotland recommendation and not an absolute DMRB requirement.**

4. Good practice guidelines on consultation

Transport Scotland is only legally required to consult at the statutory processes stage when the publication of the draft Orders and Environmental Statement takes place. This is the stage after the final decision on the route of the road has been made and compulsory purchase orders start to be issued. Unfortunately there are virtually no legislative documents which state exactly how long the consultation period should be and so the Scottish Government operate a set of "good consultation practice guidelines".

It is worth noting that the A96 proposals are required to meet the requirements of the Environment Assessment (Scotland) Act 2005 and that this act does not actually stipulate an exact period for consultation on plans, programmes and strategies. Moreover, neither does the European Directive (Directive 2001/42/EC aka Strategic Environment Assessment Directive) which was transposed in Scottish law by the act in 2005.

The Scottish Executive publication of September 2006, the **Strategic Environmental Assessment Tool Kit**, highlights the fact that no specific timeframe is laid down in the statute and very clearly states that consultation should ensure

*"early and effective opportunity for the public to express their opinions"*

and goes on to advise

*"that different time frames may be appropriate but care should be taken to allow sufficient time for opinions to be developed on complex, contentious issues and for the responsible authority to take views into account before finalising the programme, plan or strategy"*

It was precisely because of a lack of defined consultation periods in many legislative documents that the good practice guidelines were developed and call for a **12 week consultation period in all but exceptional circumstances**.

We have pressed Transport Scotland (TS), and their consultants Mott Macdonald SWECO (MMS) on this issue but they are being very careful to emphasise that the current processes, such as the community council forum, are public “engagement” exercises, and that they are not legally required “consultations”. This means, therefore, that they are not required to meet the Scottish Government’s good consultation practice guidance of 12 weeks.

During the “preferred route selection” stage there will be a critically important requirement for CC’s to canvass the views, opinions and concerns of their community to feed into the process. The time allowed to do this will be dictated by TS/MMS without any need to refer to the good practice guidelines and, if the experience to date in an indication of future process, will be nearer 4-5 weeks in duration.

**Community Councils will need to have highly effective community canvassing processes in place if we are to ensure that the voice of the community is heard at critical decision stages in these proposals.**

#### 5. Role of the Moray Council

Finderne Community Council have publically expressed their concern in the complete lack of proactivity by the Moray Council on this issue. Council officials have been equally public in their views that they believe the project is purely the responsibility of Transport Scotland and that the council is merely a consultee in the project.

The FCC does not expect the Moray Council to duplicate the work of Transport Scotland but we cannot understand the reluctance of the local authority to facilitate discussions amongst local businesses, special interest groups and community groups to identify the key aspects that a road infrastructure project of this type should bring to Moray if the economic benefit is to be maximised. Transport Scotland has a statutory requirement to conduct an economic impact assessment on the overall provision of the project, but in doing so it will use generalised criteria.

We do not believe it is the role of The Moray Council to define the final route of the road; that is clearly the responsibility of Transport Scotland. We do, however, believe that the council should have a strategic plan for the area which clearly articulates the differing beneficial impacts of A96 route alternatives.

**This project offers a once in a life time opportunity for Moray and it concerns us that the local authority merely believe their input is to “critique” the decisions of Transport Scotland.**

The Joint Community Council can play an important role in ensuring that the views and concerns of the people of Moray are heard during the process of developing the A96 proposals. There is no doubt that some of the communities will be adversely impacted by this project and none of us want it to be ours. As community councils we will have little or no influence on the final decisions beyond attempting to ensure our constituents are given all of the facts and that the voice of our local community is at least heard.

Finderne Community Council  
March 2017