

Citizen Participation and Public Petitions Committee

6th Meeting, 2022 (Session 6), Wednesday
20 April 2022

PE1916: Request a public inquiry into the
management of the rest and be thankful
project

Note by the Clerk

Lodged on	2 December 2021
Petitioners	Cllr Douglas Philand and Cllr Donald Kelly
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry regarding the political and financial management of the A83 rest and be thankful project which is to provide a permanent solution for the route.
Webpage	https://petitions.parliament.scot/petitions/PE1916

Introduction

1. The Committee last considered this petition at its meeting on [19 January 2022](#). At that meeting, the Committee agreed to write to the Scottish Government.
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. The Committee has received a new response from Transport Scotland which is set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found [on the petition's webpage](#).

5. Further background information about this petition can be found in [the SPICe briefing](#) for this petition.
6. Transport Scotland's initial position on this petition can be found on [the petition's webpage](#).

Action

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

Clerk to the Committee

Annexe A

PE1916: Request a public inquiry into the management of the rest and be thankful project

Petitioner

Cllr Douglas Philand and Cllr Donald Kelly

Date Lodged:

02/12/21

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry regarding the political and financial management of the A83 rest and be thankful project which is to provide a permanent solution for the route.

Previous action

We have raised 2 petitions at the Scottish Parliament calling for a permanent solution. We have the support of our local MSP Jenni Minto, our Local MP Brendon O'Hara and the previous cabinet secretary Michael Russell. We undertook a petition in 2012 and had more than 400 businesses and over 10 thousand signatories for a permanent solution. We advocated for an A83 Task force which is currently in process.

Background information

The 2 petitions raised with the committee are freely available to view with all the actions well documented at the Scottish Parliament. It is important to state that on the hillside presently there is 100.000 tonnes of unstable hillside which could fall at any time. If this were to fall it would be devastating for the connectivity of the area. This problem has been well documented over the years and how serious a problem this is.

The work by the Scottish government to date whilst welcome has not and will not provide stability to the only lifeline road in and out of Argyll and it can be said confidently if the M8 between Glasgow and Edinburgh were to constantly be blocked it would not take 19 years to find a permanent solution. Since the petitions were launched with the backing of 10,000 signatures the cost of the mitigation exercise has been in the region of £90 million since 2007 with no permanent solution in sight.

Annexe B

Extract from Official Report of last consideration of PE1916 on 19 January 2022

The Convener: Our last new petition is PE1916, which requests a public inquiry into the management of the Rest and Be Thankful project and was lodged by Councillor Douglas Philand and Councillor Donald Kelly.

As promised, I am delighted to welcome back Rhoda Grant for the final petition this morning. I will come to her shortly.

The petition calls on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry regarding the political and financial management of the A83 Rest and Be Thankful project, which is to provide a permanent solution for the route.

Transport Scotland explains in its submission that, following a number of landslides across Scotland in 2004, a nationwide Scottish road network landslides study was carried out.

The study concluded that the A83 Ardgartan to Rest and Be Thankful is one of the most highly ranked debris flow hazard sites in Scotland.

In 2012, Transport Scotland commissioned a study to identify and appraise potential options to minimise the effects of road closures.

The final A83 route study, which was published in February 2013, explains that the decision was made to progress with the red option, as it was considered at that time to offer the best performance and the most cost-effective way of meeting the study's objectives.

Those objectives included maintaining the existing alignment of the A83 with a range of landslide mitigation measures such as additional debris flow barriers at locations where the landslide hazard was considered highest; the improvement of hillside drainage adjacent to and under the road; and the introduction of vegetation and planting on the slope.

In its submission, Transport Scotland provided a range of data that shows the number of days on which the various stretches of road in and around the A83 were closed due to landslides. The data shows that the events that occurred in 2020 and 2021 were significantly larger in scale than any of the previous events.

Following that, several new measures were introduced to make it quicker, easier and safer to open the road should it be closed by a landslide. In 2020, a consultation exercise was carried out to consider 11 route corridor options to address issues at the Rest and Be Thankful route.

More than 650 people provided feedback, and the Glen Croe corridor was chosen as the preferred route.

The Transport Scotland submission advises that “timescales for completion of a long term solution to the issues at the Rest and Be Thankful range from 7–10 years”.

In the interim, Transport Scotland advises that work is progressing “to look at a medium term resilient route through Glen Croe” and that “that work will seek to develop a finalised proposal by Autumn” this year.

The submission states: “Since the A83 Taskforce was set up in 2012, meetings have been held every 6 months” and that “a substantial project update” is due “at the next Taskforce meeting in early 2022”.

A project-specific web page has also been launched on the Transport Scotland website.

Against that background, I am happy to invite comments from Rhoda Grant.

Rhoda Grant: As you have said, convener, over the past 14 years, the Rest and Be Thankful has been closed on quite a number of occasions, and it has cost over £87 million in efforts to keep it open and keep traffic safe.

You referred to the large landslide in August 2020, in which 10,000 tonnes of debris fell on the A83 and the old military road.

The old military road, which sits in the valley below, is used as a temporary route when the A83 is closed.

In that situation, the traffic could not use the A83 or the old military road, and there was a 60-mile additional journey over the A82 because of the closure.

Another landslide occurred in September, only six days after the A83 reopened. That led to the A83 being open for less than 50 per cent of the time in the four months at the end of 2020.

It has been estimated that £5.5 million was lost to the local economy between August 2020 and March 2021. That does not take account of potential economic development that has gone elsewhere because of the uncertainty over the route.

Depopulation is also a big issue in the area, and it will get worse because of that uncertainty. As you said, convener, options were consulted on, and there is a preferred solution that follows a similar route. However, that requires quite a lot of work to examine rerouting and building a viaduct or tunnel.

A medium-term solution through Glen Croe is also being discussed. There is real frustration locally about the length of time that that is taking and the money that it is costing.

We know that 100,000 tonnes of unstable material is risking lives and livelihoods in Argyll.

Given the impact that was caused by 10,000 tonnes, we can imagine what 100,000 tonnes would do.

Despite all the time that has passed, there is no clear indication of when a solution will be in place. We need a clear timetable for emergency measures and for medium and long-term solutions, and we need to know whether finance will be available to carry out that work. Hence the petitioners' call for a public inquiry.

The Convener: I remember standing there on a site investigation with the previous committee. You are absolutely right that the military road sits in the shadow of the principal route. It is hardly a wonderful alternative, but at least it was an alternative, although not when there was a significant landslide. The route in the valley opposite was regarded as being far too steep to be developed for heavy goods vehicles or other larger vehicles. It has been a significant on-going problem.

Alexander Stewart: I pay tribute to the MSPs who have worked tirelessly on the issue in the past and those who are working on it presently, because it is an enormous issue for the local area. As the convener indicated, the previous committee visited the site and saw it at first hand. Having been an MSP in the previous parliamentary session, I am aware of how many times the issue has been discussed in the chamber through oral questions and of how the situation has progressed. I look at where we are objectively, but I am not sure where we can go as a committee on the issue. A public inquiry would in some ways exacerbate the situation, because it would take time. There is already a huge amount of frustration in the community, and people want a solution to the problem. We have heard that proposals are coming forward that might cover that. They may not please everybody, but at this stage I do not know what else can be done to facilitate and ensure a solution, because everybody, including Transport Scotland and local members, has worked tirelessly. The council has participated and 600 people gave feedback, so there has been a big involvement from the community.

Could a public inquiry find a solution? I suggest that that might not be the most effective way forward. I have concerns about how we take forward the issue, so it would be useful to hear other members' opinions.

David Torrance: Like Alexander Stewart, I doubt that we could take forward an inquiry, because I do not think that the Government would agree to one. If we include the previous Public Petitions Committee, we have taken evidence on the issue over more than six years. The convener and I have been on site visits and seen how difficult the environment and terrain are. There is no easy fix and Transport Scotland has worked tirelessly and engaged with the local community to try to find solutions, but it is a difficult task to make the road stable and ensure that landslides do not continue in the area.

Measures have been put in place to catch a lot of the debris that comes down. The old military road is an alternative. Transport Scotland is trying to find solutions and work with the community. There is no place for the petition to go, so I am happy to close it under rule 15.7 of standing orders.

The Convener: It is a difficult situation. I understand the underpinning motivations of those who have lodged the petition, and I sense that they want the Citizen Participation and Public Petitions Committee to keep the issue alive in the mind of Parliament, notwithstanding the intractable issues that sit around it.

The Scottish Government indicated that there would be a substantial A83 project update in early course. I note Mr Torrance's recommendation, but I wonder whether it is appropriate to find out when that update might be and what is said in relation to that, and to keep the petition open meanwhile. We cannot keep the petition open for a further six years in the way that the previous committee did with the earlier petition, because I am not sure what that would achieve. However, we are in a new parliamentary session and it would be useful for us to at least see what the position is and whether we can shed any further light on the situation. I sympathise with Mr Stewart's view that a public inquiry may not ultimately be a suitable way forward. The suggestion of a public inquiry is the principal difference between the petition and, as David Torrance mentioned, the previous petition on which the committee heard extensive evidence over a number of years. Notwithstanding Mr Torrance's recommendation, I am minded to hold the petition open while we clarify when Transport Scotland will give its strategic update and hear what it has to say. I indicate to the petitioners, who might be watching, that, on the basis of the submissions that we have heard and the engagement that is already in place, I do not know whether the committee is altogether persuaded by the public inquiry route. Does that approach have the support of the committee?

[Members indicated agreement.]

[Member Discussion to clarify actions for a petition discussed earlier in the meeting, before returning to PE1916]

The Convener: Thank you. I thank Rhoda Grant for joining us and for her contribution. As she will have heard, we will keep PE1916 open for the time being and see what response we get. I understand that there are considerable issues, and she highlighted the considerable costs that have been associated with simply trying to make do in relation to the existing facility. I thank everybody for their forbearance with the remote format and for their contributions, and I look forward to future meetings. Having said that, I gather that David Torrance wishes to contribute further on the points that we have been discussing.

David Torrance: On PE1916, I was happy to agree with you about writing to the Scottish Government to seek clarification on the project update. However, the petition requests a public inquiry into the management of the Rest and Be Thankful

project. Can we also ask the Scottish Government whether such an inquiry will go ahead, because we will then get a definitive answer for the petitioners?

The Convener: I am happy for us to do that. For the reasons that Mr Stewart articulated, I think that a public inquiry is unlikely—that is my expectation—because it might prolong the more detailed discussions that are required and might exacerbate things. However, we can do what Mr Torrance suggests. Nothing that we have said diminishes the importance of progressing a solution, because we have been wrestling with the issue for a very long time. Again, I thank everybody for their contributions.

Annexe C

Transport Scotland submission of 16 February 2022

PE1916/B - Request a public inquiry into the management of the Rest and Be Thankful project

Thank you for your letter dated 20 January 2022 regarding the above-named petition. The committee have asked two questions which we have responded to below.

When is the next substantial A83 project update by Transport Scotland is likely to take place?

I can confirm that an A83 Taskforce meeting is scheduled for 3rd March 2022 and an email confirming this date has been issued to all Taskforce members. At this meeting we will provide a full project update and share the results of the data we have been gathering for this project.

We are also working on an interactive mapping tool which will be added to our [A83 Storymap](#) website. This will allow the public to view the route options in more detail as well as view the data gathered by being able to switch 'layers' of the map on and off depending on which data the person wishes to view. Examples of 'layers' which the public will be able to view will include, but not limited to, road models of the options, environmental surveys and baseline flood mapping.

This reinforces the openness and transparency of the project.

The Committee is also keen to understand if Transport Scotland would consider undertaking a public inquiry regarding the management of the A83 project and as per the call for views in this petition.

Transport Scotland is of the view that a public inquiry in to the management of the A83 project would take valuable resources off the project in order to prepare for and attend a public inquiry. We do not believe this is in the best interest for the project and an inquiry would likely add delay to the project.

Furthermore, a public inquiry would not find a solution to the problems at the A83 Rest and Be Thankful. At best, such a process would simply review past decision making and would not positively move the situation forward. As stated in our response letter the ongoing assessment and design work is being undertaken in accordance with the Design Manual for Roads and Bridges (DMRB) which sets a UK-wide standard of good practice that has been developed principally for trunk roads and is accepted within the industry. The DMRB supports the implementation of the statutory process for all new roads as set out in the Roads (Scotland) Act 1984. It is an evidenced based process that requires robust data inputs which we are currently gathering.

The committee may also take comfort from our recent benchmarking of the process and timescales for the project against those undertaken by the Norwegian Public Roads Administration. Norway is often quoted by third parties as providing examples of fast, effective tunnel construction. The process and estimates being adopted for the Rest and be Thankful work align well with those used in Norway and the parties have agreed they form a reasonable expectation.