

Citizen Participation and Public Petitions Committee

3rd Meeting, 2024 (Session 6), Wednesday
21 February 2024

PE1916: Request a public inquiry into the management of the Rest and Be Thankful project

Petitioner	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 [17 May 2023](#). At that meeting, the Committee agreed to write to the Minister for Transport.
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 new responses from the Minister for Transport, and the Petitioners which are 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. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).

7. Every petition collects signatures while it remains under consideration. At the time of writing, 3 signatures have been received on this petition.

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

2 December 2021

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 17 May 2023

The Convener: We move to the further consideration of continued petitions. PE1916, which was lodged by Councillors Douglas Philand and Donald Kelly, calls on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry on the political and financial management of the A83 Rest and Be Thankful project, which is to provide a permanent solution for the route. It is a cause célèbre with which the committee is familiar, our having discussed it with regard to various petitions over a considerable period of time. No doubt Jackie Baillie, who joins the committee's proceedings this morning, has done so, too. I welcome Ms Baillie to the meeting.

We last considered the petition on 9 November, when we again agreed to write to the Scottish Government. Since then, we have received a response from Transport Scotland, which indicates that

“potential route designs”

for a permanent solution

“are being progressed”,

with an expectation that a preferred route option will be announced “by Spring 2023”.

As an aside, I recently read a novel in which somebody said that Stockholm does spring very nicely, to which the riposte was yes, but in July. Now that we are getting nearer to July, the Scottish spring might well be what we used to call summer. However, here we are.

Transport Scotland's response also notes

“the preferred medium term solution”

of improvements to the existing old military road, which was announced in December 2022. I remember visiting that with David Torrance a number of years ago for previous committee consideration of a petition.

We have also received a submission from the petitioners, highlighting concerns that improvements to the old military road might delay progress on a permanent solution as well as seeking information on Transport Scotland's timetable for progressing a permanent solution. As I recall, when someone gets to the end of the old military road, they are confronted with quite a tricky topographical consideration. It is very steep and windy.

Before I open up the discussion to wider comments, I am delighted to ask Jackie Baillie whether she would like to contribute anything at this stage. She is probably as perplexed as I am by the definition of spring.

Jackie Baillie (Dumbarton) (Lab): Good morning, convener. I am indeed perplexed by the definition of spring. Spring 2023 has now passed. We are ever hopeful, but I assume that we are now entering summer.

I recognise, as the petitioners do, that a new minister is in place and that budgets are tight, but the petitioners—and, indeed, the entire area—are keen to know whether there has been any slippage, what the timetable is for identifying a preferred solution and when the road will eventually be built. Understandably, the local aspiration is for it to be built by 2026, but the last time that a Scottish Government official opined on the matter, they said 2033. It is clear that there is a significant difference.

We are keen to understand what is going on, and the petitioners are keen to have an indication of the timetable and to know the magnitude of the slippage, if there has been any. It has to be said that they are slightly sceptical in that, although the investment in the old military road is welcome, it will be only a sticking-plaster approach, as a permanent solution has not been identified and progressed in good time. More money is being spent on a project that has consumed vast amounts of public money over the years without a permanent solution being in place.

I understand that the committee might not be entirely in favour of a public inquiry. However, the core of the petition is the petitioners' request for a public inquiry, because they do not think that value of money is being achieved.

We have a temporary solution in place at the Rest and Be Thankful that involves catch pits. Quotes for the cost of the pits started off at around £2 million to £3 million, but the cost is now over £100 million. There is no permanent solution in place, and the investment being made in the old military road is a sticking plaster.

When is this ever going to end? We would like dates for the preferred choice and when the road will be built and completed, and we would like to know what the slippage is. I recognise that there is a new minister, but the issue has gone on for long enough.

The Convener: Thank you, Ms Baillie. I think that that is reasonable. By 2033, even you and I might have retired along with other members of the committee.

Jackie Baillie: Speak for yourself, convener. [Laughter.]

The Convener: I find that increasingly hard to do these days, but I still try.

David Torrance, do you have any suggestions that we might make? It seems perfectly reasonable to try to find out where we stand, as we were given to understand that we would have heard something by now.

David Torrance: Like you, convener, I have visited the area and seen the measures that were put in place. We need to take the issue forward, because this has gone on for far too long. Officially, there are still 14 days of spring left, but I do not think that a report will be done in that time.

The Convener: We could certainly refer to that in any submission that we make. After all, we do not want another broken promise.

David Torrance: I suggest that we write to the Minister for Transport to seek an update on when the Scottish Government expects to announce a preferred route option for a permanent solution.

The Convener: Are we agreed? [Interruption.] Mr Ewing, are you agreeing, or do you want to comment?

Fergus Ewing: I was agreeing, but I was just going to request that we ask for some supplementary information, if I may.

The Convener: Please do.

Fergus Ewing: In the submission of 14 March, under the heading “Concerns voiced to me”, the petitioners raise the following question:

“If the old military road improvements work well will this kick the permanent solution into the long grass?”

That has been mentioned, but another point, which I do not think has been mentioned, is:

“The selection criteria for the Medium-Term Solution did not consider ensuring we have a two way road which stays open when it rains and is free from traffic lights, road closures, and convoys—a fundamental requirement of the people who actually use the road, and we would have assumed is the role for which Transport Scotland exists”.

I just wanted to read that into the record, because those are the petitioners’ concerns, and our job is to get not only a general response from the minister but a specific response to what appear to me to be legitimate points that the petitioners have raised.

The Convener: Thank you. Are we agreed?

Members *indicated agreement.*

Annexe C

Minister for Transport submission of 30 June 2023

PE1916/G: Request a public inquiry into the management of the Rest and Be Thankful project

Thank you for your letter of 19 May 2023 concerning the Petitioners' submission of 14 March 2023.

Firstly, you are **“seeking an update on when the Scottish Government expects to announce a preferred route option for the permanent solution on this project.”**

The Scottish Government is committed to an infrastructure solution to address landslip risks at the A83 Rest and Be Thankful and shares the urgency communities and businesses place on maintaining and improving connectivity of this vital route. Delivery of a permanent and resilient solution is a priority and we will continue to seek ways to achieve that as quickly as possible.

The Scottish Government has been working tirelessly to find a long-term solution to the landslip risks at the A83 Rest and Be Thankful. I can confirm that the identification of the preferred route option through the Glen Croe Valley was announced on 02 June 2023 and is a very important milestone in finding a solution to this long-standing problem.

Following detailed design and assessment work on the options under consideration, a debris flow shelter has been identified as the preferred option for the long-term solution. This option involves constructing a debris flow shelter over a length of approximately 1.4km with an additional 180m of catch pit and protection wall to protect the road and road users from future debris flow events.

Further details on the preferred route option is available from the Transport Scotland website at [Access to Argyll and Bute \(A83\)](https://www.transport.gov.scot/) ([transport.gov.scot](https://www.transport.gov.scot/)).

Addressing each of the concerns raised in the Petitioners submission of 14 March 2023, they ask **“If the old military road improvements work well will this kick the permanent solution into the long grass?”**

It is not the intention that the medium term solution will replace the long term solution if the improvements work well. The proposed medium term solution is a temporary solution which will add further resilience and operational benefits to the temporary diversion route for when the A83 is closed due to landslides or a risk of landslide.

The improvement works include debris catch fences, temporary bunds, drainage improvements and widening and discrete realignment to improve bends and avoid flooding. A detailed programme for the proposed improvements is now being developed. It is expected that these works will be carried out on a phased basis starting later this year with realignment of the southern end of the route.

The concern that **“The selection criteria for improving resilience considered the environment, topography alignment, structures, drainage, flooding, safety, operational considerations, and finance. The selection criteria for the Medium-Term Solution did not consider ensuring we have a two way road which stays open when it rains and is free from traffic lights, road closures, and convoys - a fundamental requirement of the people who actually use the road, and we would have assumed is the role for which Transport Scotland exists - why was this the case?”**

In response to this query, I can confirm that the aspects you refer to did not form part of the selection criteria for the preferred option of the medium term solution. As announced by the then Cabinet Secretary for Net Zero, Energy and Transport in March 2021, the purpose of the medium term solution is to deliver a safe, proportionate and more resilient diversion route for use if the A83 is closed. It should be noted that the medium term solution is a temporary solution which would improve resilience of the diversion route until the permanent solution is constructed. The medium term solution never committed to being a two-way road and guaranteeing unrestricted access all year round, that is what the permanent, long-term solution aims to do.

I can advise that an option was considered that provided full two-way working along the line of the existing Old Military Road over its full length, adopting the existing horizontal and vertical geometry. The widening required to achieve two-way working resulted in major engineering challenges, particularly extensive earthwork cuttings, resulting in substantial additional costs and making it extremely difficult to keep the Old Military Road available as an emergency diversion route. This was not considered a proportionate response for a medium term solution and would align more with the long term solution.

A report which summarises the assessment of each of the options for the medium term solution, one of which includes a two-way road, can be found on the Transport Scotland website at the following location:

[Medium term strategy - Options assessment report - January 2023 - A83 Access to Argyll and Bute | Transport Scotland](#)

“What is Transport Scotland’s timetable for a permanent solution?”

The Scottish Government recognises that the timescales for developing an alternative to the current route and finding a long-term solution are frustrating for the local community. However, this scheme is technically challenging and the landscape is dynamic so it is vital we understand the terrain we are working in, in order to develop a suitable solution of the correct standard in the correct place.

Following the announcement of the preferred route option for the long term solution on 02 June 2023, work is now underway on the next stage in the assessment process which is the detailed development and assessment of the preferred option. This stage will culminate in the publication of draft road Orders, compulsory purchase Orders and an Environmental Impact Assessment Report for formal consultation.

I would like to reassure the Committee that Transport Scotland will continue to look to expedite the programme where possible, as we take forward the next stage in the process with a view to publishing draft Orders by the end of 2024 for formal consultation. Progress thereafter will depend on the level and nature of any representations, including objections, to the published draft Orders.

Any potential construction start date for the long term solution will be subject to completion of the statutory processes, which may include a public local inquiry if objections are received which cannot be resolved, and the procurement of a contractor. It is estimated that construction will take three to four years.

Whilst there is always a desire to deliver proposed improvements to the trunk road network in a timeous and efficient manner to provide the associated benefits to the affected communities and population, it is vital that all due processes are followed and individuals have their statutory right to have their say on the proposals.

I hope you find this information useful.

Kind regards,

FIONA HYSLOP

Petitioner submission of 13 February 2024

PE1916/H: Request a public inquiry into the management of the Rest and Be Thankful project

In June 2023 Transport Scotland published its preferred route to provide a permanent solution to disruption caused by landslides at the Rest and Be Thankful. On 2nd October 2023, at the Travelling Cabinet meeting, Humza Yousaf pledged a “firm commitment” to funding the preferred route and stated “There’s no point in making a commitment in spirit without the money, the money has got to be there.”

This all looks like a solution is in sight and we have the money and the Scottish Government’s backing to get the job done, however we do not believe this to be the case and have three points to put as the Committee considers our petition:

1. Is this the right solution?

- The tunnel and viaduct options seem to have inflated costs, at least double what it is costing HS2 to provide similar infrastructure, the green route planned away from any recent landslide risks has

had so much protection added it has also been costed out of scope.

- The construction plans for the debris shelter included as 30-minute convoy for the site for 3 years during the construction phase while other options are built offline so the existing road can function normally.
- If an offline route were selected this would mean the planned £30m spend on upgrading the Old Military Road could be spent on work to develop a permanent solution.

2. It's taking so long to progress to a solution that any decision on spending priorities will be for the next administration and they will have different spending priorities.

- After the major flooding and landslides that cut Argyll off from the rest of Scotland on the 7th October, Argyll and Bute Council had to deal with 33 landslides, reroute a road around a major landslide on the A819, and replace 3 bridges. They did this within 2 months and now all major routes are running successfully.
- Argyll depends on the A83 and the Rest and Be Thankful for its survival, good communication links will help address the large population decline in the area and prevent further businesses from leaving the area (the latest is the fish farm at Cairndow).
- We cannot afford for this to take another 2 years before a final decision is made and construction is started.

3. If decisions on a solution had been taken quickly after the major landslides of 2020, building an offline green route solution could have been developed, planned and constructed by now. The length of time taken to resolve the Rest and Be Thankful problem has taken since 2007, 25 A83 task force meetings chaired by the 10 Transport Ministers over the past 17 years.

Our fear is a small upgrade to the Old Military Road rather than a permanent solution is all we will end up getting.