

# Citizen Participation and Public Petitions Committee

15th Meeting, 2022 (Session 6), Wednesday  
9 November 2022

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

## Note by the Clerk

<b>Lodged on</b>	2 December 2021
<b>Petitioner</b>	Cllr Douglas Philand and Cllr Donald Kelly
<b>Petition summary</b>	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.
<b>Webpage</b>	<a href="https://petitions.parliament.scot/petitions/PE1916">https://petitions.parliament.scot/petitions/PE1916</a>

## Introduction

1. The Committee last considered this petition at its meeting on [20 April 2022](#). At that meeting, the Committee agreed to write to Transport Scotland.
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. Members may wish to note that in August 2022, the Scottish Government announced details of investment on A83 improvements. Further information on this announcement is available on the Transport Scotland [website](#).

## 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 20 April 2022

**The Convener:** The next petition is PE1916, which was lodged by Councillors Douglas Philand and Donald Kelly. The petition calls on the Scottish Parliament to urge the Scottish Government to instigate a public inquiry into the political and financial management of the A83 Rest and Be Thankful project, which aims to provide a permanent solution for the route.

We previously considered the petition in January, when we agreed to write to the Scottish Government to clarify whether it intends to carry out a public inquiry into the management of the project. We have received an update from Transport Scotland, which makes the point that a public inquiry not only would be protracted but would review only all that has been discussed to date and not necessarily identify any solutions.

David Torrance will know, and I can recall, that the committee has been involved in discussions on the issue for a long time. Although a public inquiry might look only at everything that has happened to date, Transport Scotland, in not seeking to pursue that route, implies that carrying out such an inquiry would delay it in taking forward a viable project. However, taking forward a viable project—or even the identification of one—is the big overhanging issue.

I am unwilling to close the petition at this point. It is not necessarily the case that I reject some of Transport Scotland's arguments, but I would not want to rule out a public inquiry if Transport Scotland and the Scottish Government are unable to move the project forward in some way.

I suggest that we go back to Transport Scotland and make it clear that it is implicit in its submission that it intends to do something. We can consider afresh whether a public inquiry is necessary, which will be contingent on whether any progress has been made on the issue. Are members content with that approach?

**David Torrance:** I agree with that suggestion. Two sessions ago, our predecessor committee went to the Rest and Be Thankful to see the progress that had been made. Like the convener, I would not like us to close the petition, so I go along with his recommendations.

**The Convener:** Although I do not necessarily accept the need to go down the public inquiry route, I want Transport Scotland to move forward with a proposal. I would rather not close the petition, only to find that another petition on the issue comes along at a later date.

**Fergus Ewing:** I support what you and David Torrance have said. As we all know, for the people who are served by the Rest and Be Thankful, this is a hugely important matter. I entirely agree with the conditional approach that you have suggested. It would be very useful to get a much clearer idea from Transport Scotland and the minister about timescales for a viable proposal—when will such a proposal be forthcoming?—and, indeed, what has prevented such proposals from being brought forward. The situation has been going on for a very long time—far too long for the people on the peninsula that is served by the road.

**The Convener:** I take it that colleagues agree to proceed on that basis.

Members indicated agreement.

## Annexe C

### Minister for Transport submission of 13 June 2022

#### PE1916/C – Request a public inquiry into the management of the rest and be thankful project

Thank you for your letter dated 16 May 2022 regarding the above named petition. The committee have asked three questions which I have responded to below.

Whether there is currently a viable proposal in place to provide a permanent solution to the issues at A83 Rest and Be Thankful

As outlined in the initial response letter to this petition from Transport Scotland dated 23 December 2021, the Scottish Government is committed to an infrastructure solution to address the A83 Rest and Be Thankful landslip risks. Delivery of a permanent and resilient solution is a priority and we continue to seek ways to achieve that as quickly as possible, noting all of the options require complex civil engineering.

Following completion of an assessment of 11 route corridor options for a long term solution to improve access to Argyll and Bute a preferred route corridor was announced on 18 March 2021.

This announcement also provided details of five possible route options that are being assessed within the preferred route corridor. These options range from traditional roads with localised structural protection, to full tunnel options. The range of engineering structures reflects the challenge of building resilience into the route.

The design of the route options within the preferred corridor are being progressed, and as with other projects to improve the trunk road network, there will be a need to complete the necessary engineering and environmental assessments and statutory process to allow any land to be acquired and the project constructed.

I can also confirm that we recently awarded a £1.8 million ground investigation works contract to best inform the design process. These works commenced on site in February 2022 and were completed in mid-May.

#### The timescale associated with this process

As outlined in Transport Scotland's letter dated 23 December 2021, timescales to complete a new permanent solution would be approximately 7 to 10 years, as detailed in the Preliminary Assessment Report published on the Transport Scotland website ([Preliminary Assessment Report - March 2021 - A83 Access to Argyll and Bute | Transport Scotland](#)). It is worth noting those timescales include design, assessment, completion of statutory process, procurement of a contractor and construction.

As was discussed with the A83 Taskforce members in September 2021, Transport Scotland anticipate announcing a preferred route option for a permanent solution by Spring 2023.

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.

We recognise that the timescales for developing an alternative to the current route and finding a long-term solution to the challenges created by the Rest and Be Thankful section of the A83 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.

In recognition of the urgency to find a solution Transport Scotland is also progressing work to look at a medium term resilient route through Glen Croe to include consideration of the Forestry Track, improvements to the

Old Military Road and other options on land already owned by Scottish Ministers. We will bring forward our proposals for this by late 2022.

We are focussed on developing a proportionate, resilient and safe route for all road users that may be able to be delivered quickly if we are able to work with the land or rights we already hold.

Transport Scotland continues to explore methods to reduce the timescales to bring forward both the medium term and long term routes as soon as possible, whilst continuing to maximise the availability of the A83 and the Old Military Road diversion route.

#### Why a viable proposal has not been forthcoming until now.

As outlined in Transport Scotland's letter dated 23 December 2021, the Scottish Government is aware of the A83's importance as the primary route into Argyll and Bute and in 2012 an A83 Route Study was commissioned by Transport Scotland to identify and appraise potential options for the A83 trunk road to minimise the effects of road closure from landslides. The Study objectives were:

- Reducing the impact on journey times by reducing the frequency and duration of road closures caused by landslides; and
- Reducing the economic impact to the A83 Study area by reducing the frequency and duration of road closures caused by landslides.

The final A83 Route Study and associated consultation feedback paper were published in February 2013 ([Transport Scotland's A83 Improvements Project](#)) with the decision to progress with the Red Option which maintained the existing alignment of the A83 and included a range of landslide mitigation measures such as: additional debris flow barriers at locations where the landslide hazard is considered highest; improved hillside drainage adjacent to and under the road; and, introduction of vegetation and planting on the slope.

The Red Option was taken forward at that time as it offered the best performance against the assessment criteria, providing a cost effective way of meeting the Study's objectives (i.e. reducing the impact on journey times and the subsequent economic impact of a road closure due to landslide). Since the installation of the Red Option suite of

mitigation measures over 2013 and 2014, it is estimated that these measures have helped keep the A83 open for at least 48 days when it would otherwise have closed.

Since the completion of the Red Option in 2014, as noted in Transport Scotland's letter of 23 December 2021, and given the change in circumstances at the Rest and Be Thankful, mainly the landslide events in August 2020, one of which was the largest recorded in the area, the then Cabinet Secretary for Transport, Infrastructure and Connectivity announced on 23 September 2020 that Transport Scotland would be taking forward the development and assessment work required to deliver a long term resilient infrastructure solution to the existing A83 in tandem with progressing substantial shorter term investment in the existing A83.

I hope this is of assistance.

## Petitioner submission of 28 June 2022

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

While we are very grateful that the Committee have decided to continue our petition, we are very concerned regarding the [recent announcement by the Scottish Government](#) indicating that there could be further slippage to strategic transport projects.

We feel, our communities have been kept in the dark for long enough and we demand that a definitive timescale is identified to end once and for all the unacceptable Rest and Be Thankful saga.

In response to [Transport Scotland's submission](#) of 16 February, we do not agree that a public inquiry into the costs of the mitigation measures at the Rest and Be Thankful cannot be run in parallel with the ongoing attempts to find a permanent solution to this situation. To say that a public inquiry will delay any permanent solution is, in our view, totally unacceptable and we feel that Transport Scotland are using this an excuse to avoid proper public scrutiny on this project. There must be, in

our opinion, some organisation held accountable for the mitigation measures which were costed at £2-3 million in 2012 and now exceed £100 million with no permanent solution in sight.

The question which requires to be answered is who is responsible for this fiasco, something we feel strongly should be the subject of a public inquiry.

Cllr Douglas Philand and Cllr Donald Kelly