



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Monday 7 September 2015

Session 4

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PUBLIC PETITIONS COMMITTEE

14th Meeting 2015, Session 4

DEPUTY CONVENER

*David Torrance (Kirkcaldy) (SNP)

COMMITTEE MEMBERS

*Jackson Carlaw (West Scotland) (Con)

*Kenny MacAskill (Edinburgh Eastern) (SNP)

Angus MacDonald (Falkirk East) (SNP)

*Hanzala Malik (Glasgow) (Lab)

Michael McMahon (Uddingston and Bellshill) (Lab)

*John Wilson (Central Scotland) (Ind)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Derek Mackay (Minister for Transport and Islands)

George McKenzie

Jonathan Moran (Transport Scotland)

Keith Murray (Transport Scotland)

Michael Russell (Argyll and Bute) (SNP)

CLERK TO THE COMMITTEE

Catherine Fergusson

LOCATION

The Inveraray Inn, Inveraray

Scottish Parliament

Public Petitions Committee

Monday 7 September 2015

[The Deputy Convener opened the meeting at 14:00]

New Petition

Scottish Red Ensign (PE1569)

The Deputy Convener (David Torrance):

Good afternoon, everybody, and welcome to the 14th meeting in 2015 of the Public Petitions Committee. I remind everyone to switch off mobile phones and electronic devices, as they interfere with the sound system. Apologies have been received from Angus MacDonald and Michael McMahon, and I welcome Mike Russell to the meeting.

Agenda item 1 is consideration of PE1569, by George McKenzie, on the reintroduction of the Scottish red ensign. George, you have five minutes to put your case, after which members will ask questions.

George McKenzie: Thank you, convener. Good afternoon, gentlemen and—as there are ladies present—ladies. I open my short statement by thanking the committee for the invitation to appear before it today.

Over the past 60 years, I have sailed under the red ensign as a yachtsman, under a defaced red ensign as a sea scout officer and under the white ensign as an officer of Clyde division of the Royal Naval reserve, but in the past 25 years I have noticed an increasing number of vessels wearing the Scottish red ensign around our coasts, to the extent that five vessels in Bute, including mine, now regularly fly the flag. It has become widely available through internet flag retail outlets based mainly in England and Northern Ireland, and the Glasgow flag maker James Stevenson said that there is a steady demand for it. Despite its increasing popularity, it is an improper ensign and, under the Merchant Shipping Act 1995, it is technically illegal to wear or fly it on a British vessel.

Little did I realise that I would end up appearing in front of a parliamentary committee when, in late 2010, I was asked by a close friend to suggest a suitable nautical gift that her aunt Dr Winnie Ewing could present to the representatives of the former Scottish staple of Veere in the Netherlands to mark her retirement as the conservator of the Scots privileges at Veere. Veere was Scotland's main

trading port in the low countries from 1488 to 1789. I immediately suggested that a Scottish red ensign would be more than appropriate, for that would have been the flag flown by the merchant vessels from Scotland that traded throughout the 300 years for which Veere was the Scottish staple.

At a ceremony at Holyrood in January 2011, the ensign was presented by Winnie, to the delight of the Dutch delegation and the representatives of the political parties of the Scottish Parliament present, including the First Minister. It was that spontaneous reaction, coupled with an article I had read about the States of Jersey attaining its own voluntary or informal red ensign and a recent sighting in the Greek islands of a yacht flying a Scottish red ensign with no apparent problems from the maritime authorities, that encouraged me to find out whether and how the Scottish ensign could be legalised as an informal or voluntary ensign for Scottish vessels. That initiated the process that has led to today's hearing.

Although my petition details the officials and authorities with whom I have corresponded, I point out that at no time during that correspondence have I received advice that a warrant application was not possible or would fail, and the only delay in the process so far has been a deferral of the issue for two years because of a recent referendum. Additionally, given that British ship registration is a reserved matter and vested with the United Kingdom's Maritime and Coastguard Agency, I stress that my petition does not seek to replace or supersede the red ensign. If a warrant were to be granted, Scottish vessels would have the option of legally wearing either the red ensign or the Scottish red ensign.

This country has, for its size, had a major effect on the world's maritime history. As one who was born and brought up in Glasgow beside the River Clyde, I can recall when the words "Clyde built" were held in highest regard worldwide. For more than 50 years, Rothesay was the venue for the prestigious international yacht racing event called Clyde fortnight, which was regularly supported by kings and princes and on a par with Cowes week. Yachts that had been designed and built in the yards around the Clyde estuary regularly led the field. We have become prone to forgetting how great a maritime nation we once were, and the thought that we still are in some fields has led me to think that the reintroduction of the Scottish red ensign for use by our vessels might restore some sense of identity and pride among those Scots who sail at home or abroad, albeit mainly for leisure purposes nowadays.

Those thoughts were echoed by the head of maritime administration and registrar of British ships for the States of Jersey, Piers Baker, when I

asked him whether Jersey's informal or voluntary red ensign had been successful. He said:

"We find it valuable in our advertising and in distinguishing ourselves from the United Kingdom and other members of the Red Ensign Group. Abroad in particular, owners like to fly it as it is clear statement of identity. However it has not proved so popular with local boat owners who are members of the Jersey Yacht Clubs as they already hold warrants for their club ensigns."

It is my opinion that granting the Scottish red ensign a warrant would have the same effect in this country and would help to enhance our maritime identity. I am sure that "sailscotland", the annual publication that promotes our magnificent sailing waters, would value it as a useful advertising tool to help to promote the wonderful sailing, harbours and marina facilities that Scotland now has to offer visiting yachtsmen from home and abroad.

Finally, I was pleasantly surprised that the 531 signatures that the petition received included a number from around the world. Of the 70 signatories who added their comments, the only one against the proposal was a member of a yacht club that already holds a warrant for a blue ensign. The number of comments was small, perhaps, but they indicated wider opinion on the matter.

Thank you for this opportunity to present my petition, convener. I commend it to members.

The Deputy Convener: Thank you for your evidence, Mr McKenzie. Do members have any questions?

Jackson Carlaw (West Scotland) (Con): Good afternoon, Mr McKenzie. I was struck by the following paragraph in your petition:

"In recent years flag etiquette amongst leisure and small vessels around our coasts has deteriorated to the extent that on any day at sea you will see yachts and fishing vessels flying the Red Ensign, the Scottish Red Ensign, the Saltire, the Royal Standard or the Skull and Crossbones."

That very graphic illustration of the issue made me wonder about the significance of the ensign that a ship or vessel flies. Is it less significant internationally such that nobody is unduly concerned by it, or is there a deeper significance to it? Was it very important at one time, given the atmosphere on the waters, and is it now less so? Clearly, if this were a matter of concern in international waters, the fact that someone was flying the skull and crossbones might suggest that they were about to take you to task.

George McKenzie: Sadly, flag etiquette at sea has declined over the years. When I started sailing in the 1950s and 1960s, it was held in high regard. It was considered important that people always flew flags in the right place and at the right time, and that they flew the correct flags according to which yacht club they were in or which country

their yacht was registered in. As I said, nowadays, if you go out in a boat, you will find everything hanging from the back of yachts, or from their masts—even dirty dishcloths, sometimes.

I find it rather sad that we have reached a stage where people no longer regard what they fly—sorry, people do not "fly" a flag; they "wear" it. I find it sad that people no longer wear a flag at the stern of their vessel. If everyone was going about wearing the red ensign or the Scottish ensign, I would be overjoyed. I would just like to see something happening about it. The Merchant Shipping Act 1995 lays down strict penalties for not flying the correct flags. The problem is that there is no enforcement procedure.

Jackson Carlaw: That is part of what intrigues me. If someone travels abroad as an individual, they have a passport. That is an official, legal document and they would be hard pressed to travel without it. You mentioned the 1995 act and said that, technically, to fly a Scottish ensign would be illegal. I think that you are saying that, although a formal code—almost a legally enforceable code—is at play, nobody any longer regards it as being anything other than an informal guide.

What is the significance of the flag that you fly? Is it simply a badge of identification or is there a stronger legal underpinning—or some guarantee or protection when you are at sea—from flying what is the official ensign of a country?

George McKenzie: British ships are supposed to fly the red ensign. They might not fly it at sea, but they must fly it when leaving or entering port, and a ship must fly the flag of the country that it is registered in when it enters a foreign country. That is a legal requirement. The French in particular are very tight on which flag is being flown when a ship arrives in France. If someone is flying a flag that is not the flag of their country of registration, they are liable to be hit by a substantial fine by the French authorities.

Enforcement is up to the foreign authorities. I understand from people who have contacted me that the Scottish ensign is now accepted by the Greek authorities with no problems at all, and one of the people who wrote in about my petition said that he sailed round the world flying the Scottish ensign and it was accepted by authorities round the world. However, a nation state could turn round and say, "No—that's an illegal flag and you will be fined for it."

Jackson Carlaw: In effect, flag etiquette has changed because how it is viewed internationally has become much more relaxed.

George McKenzie: In some countries, yes.

Jackson Carlaw: What you seek is for the Scottish ensign to be included in the roster of

ensigns that are formally regarded as legal within the overall context, so that it is an option for individuals to choose.

George McKenzie: Yes. At present, the only legal ensign in the United Kingdom is the red ensign. Nothing else is legal. For example—

Jackson Carlaw: Yes. You wish the Scottish ensign to be—

George McKenzie: I want the Scottish ensign to be given the same level of acknowledgment as the—

Jackson Carlaw: In the atmosphere of informal etiquette, it is being used widely, and you would like it to be given the legal status of a formally recognised ensign.

George McKenzie: Yes, as Jersey has done with its ensign.

Jackson Carlaw: Thank you.

The Deputy Convener: I call Mike Russell.

Michael Russell (Argyll and Bute) (SNP): Thank you for allowing me to attend the meeting, convener.

George, I must commend you for your persistence on the matter. You and I first talked about it some years ago. I will make two points and ask you for clarification of them. First, you say that you are not seeking to replace the red ensign. Am I right in thinking that the ensign that is used in Jersey is available only to ships below a certain tonnage, so that it is not imposed on large commercial carriers but is more of a leisure and small boat issue?

George McKenzie: The Jersey informal ensign is only for vessels under 400 tonnes. The registered merchant ships still fly the red ensign; they do not have the option of flying their own informal ensign. Jersey's informal red ensign was mainly aimed at the leisure and small craft industry and, as Piers Baker has said, it has proved popular.

14:15

Michael Russell: It is in the leisure and small craft industry that you most often see the Scottish ensign. I have given you a photograph, which I know you have used, of the ensign flying from a yacht in Corfu harbour. You see it quite often in other countries and it draws you to the saltire but, surprisingly, one or two people have raised the option of having Scottish ensign as a matter of undermining the British merchant fleet. In reality, if a 400-tonne limit applied, it would not do that.

Secondly, the British merchant fleet has done a pretty good job at undermining itself when it comes to flags, has it not? The registration of

vessels is often not in the United Kingdom. I think that you have told me before that the largest flier of the red ensign is probably a company such as CalMac Ferries, because large UK companies do not fly the red ensign; they are often registered elsewhere. For example, the largest cruise ships are registered in Bermuda or elsewhere.

George McKenzie: Yes. As part of my research for this meeting, I had a look to find out who the biggest red ensign fliers were, and Stena Line and CalMac came out top. I find it terrible to say this, but our largest cruise liner in the world, the Queen Mary II, is registered in Hamilton, Bermuda, and sails under the Bermuda flag, as do all Cunard ships and P&O ships and cruise liners.

Michael Russell: In other words, the proposal would not undermine the use of the red ensign and it would not undermine the British commercial fleet—

George McKenzie: Not at all.

Michael Russell: So it is a win-win proposal.

Hanzala Malik (Glasgow) (Lab): Mr McKenzie, you really make me proud. I am very grateful that you have brought the petition to the committee. I do not care whether the proposal undermines anybody; I care about the will of the Scottish people. If the Scottish people would like to have the flag, they should have it and our Government should accommodate it. Therefore I support your petition. Sometimes we make political statements, but this is not a political statement; it is something that we should have. We have a right to it and I see no reason why we should not have it, so good luck to you.

The Deputy Convener: As there are no other questions from the members, I ask them for their recommendations.

Hanzala Malik: We should recommend to the Scottish Government that it should support the proposal.

The Deputy Convener: Do all committee members agree to make that recommendation?

Members *indicated agreement.*

The Deputy Convener: Mr McKenzie, thank you for coming along and giving evidence. The committee will write to the Scottish Government asking it to make representations that an order to allow the flying of the Scottish red ensign should be adopted.

George McKenzie: Thank you very much.

The Deputy Convener: I suspend the meeting to allow for a change of witnesses.

14:18

Meeting suspended.

14:19

On resuming—

Continued Petitions

A83 (Rest and Be Thankful) (PE1540)

The Deputy Convener: The next petition is PE1540, by Douglas Philand, on a permanent solution for the A83. I welcome Derek Mackay, the Minister for Transport and Islands.

The Minister for Transport and Islands (Derek Mackay): If you want me to kick off, convener, I will make an opening statement. I am sure that members will then have many questions.

The Scottish Government fully appreciates the importance of trunk roads in Argyll and Bute to the local, regional and national economies. Already this year we have seen the opening of the Crianlarich bypass and the Pulpit Rock scheme—schemes totalling over £15 million that this Administration has delivered. We trunked the remaining section of the A83 from Kennacraig to Campbeltown in August 2014, and we have already invested more than £2 million on this section in another demonstration of the Government's commitment to the area.

We recognise the A83 as a lifeline route that serves communities throughout Argyll, Kintyre and the isles, and we are acutely aware of the effect on those communities of road closures and inconvenience caused by diversions following landslides at the Rest and Be Thankful. We cannot prevent landslides from occurring, but we need to manage their consequences effectively. Since 2007, there have been 24 recorded movements of material on the hillside above the Rest and Be Thankful, eight of which events impacted on the road at 13 individual places, resulting in the A83 being closed for 40 days to date.

The Scottish Government is keen to reinforce the message that Argyll, Kintyre and the isles are open for business, which is why we have invested more than £48 million in the A83 since 2007. It is also why my predecessor, Keith Brown, set up the A83 task force in 2012. The task force's remit was to oversee actions to construct an emergency diversion route at the Rest and Be Thankful and a wider study into permanent risk reduction measures for landslides in the area; to ensure that there was communication with the wider stakeholder group and that their views were taken into account; and to consider the options arising from the A83 trunk road route study and agree next actions. The task force consists of representatives of various stakeholder groups in

Argyll, including Argyll and Bute Council, Mid Argyll Chamber of Commerce, MSPs, Loch Lomond and the Trossachs National Park Authority, community councils and transport bodies plus tourism, forestry and business representatives.

The work that began on the diversion route along the old military road was completed in May 2013, and Jacobs Consultancy was commissioned to carry out a route study of the A83 and report its findings to the task force. A stakeholders consultation workshop was held in Inveraray on 22 August 2012, and the draft A83 trunk road route study report was published on 14 December 2012. The 11 options that were identified in the consultation exercise were sifted against the transport planning objectives and six potential options were progressed to the appraisal stage while five options did not meet the objectives.

A further appraisal was carried out in accordance with the Scottish transport appraisal guidance, which resulted in the red, yellow and green options being taken forward. The red option was substantial lengths of additional landslide mitigation measures—netting, debris fencing and drainage—on the existing A83 Rest and Be Thankful. The yellow corridor option was the construction of a new 1.5km-long single carriageway, 1.2km of which was to be on viaduct offset from the existing A83, which was to be set at a level sufficient to permit debris flow events to pass below the viaduct. The green corridor option was a new single carriageway along the route of the forestry road on the opposite side of the valley.

The appraisal report concluded that the red option offered the best performance against the assessment criteria and provided a similar level of benefits to the other options at a significantly lower cost. Consultation with the task force followed and, at the meeting of 25 February 2013, the conclusions of the study were accepted and the red option was progressed. The Scottish Government then committed funding of £4 million in 2013-14, £6 million in 2014-15 and a further £3 million in 2015-16.

At the task force meeting of 7 July this year, it was confirmed that the netting and drainage works of the red option were complete. The group highlighted that clarity on the long-term solution is key for stakeholders and the community. Following a healthy discussion, it was concluded that the long-term strategy to provide continuity of access to the region would be to improve the operation of the local diversion route and to continue to review and assess the effectiveness of the red option—the debris-flow netting and drainage works. The group agreed with that proposal for continuity of access as the long-term solution. My officials are progressing those works and a meeting to present

their findings to the task force will be held in early 2016.

The Scottish Government is acutely aware of the importance of the A83 to the communities of Argyll, Kintyre and the isles and has already invested £48 million from 2007-08 to 2014-15. That includes a spend of more than £10 million through the task force, of which £7 million has been invested in the Rest and Be Thankful and the upgrade of the local diversion route. When that is added to the £2 million that was invested in landslide measures at the Rest and Be Thankful prior to the setting up of the task force, that brings the total investment in landslide measures at the Rest and Be Thankful and in the local diversion route to £9 million.

Through the task force, £3 million has also been invested in delivering a programme of works to improve the resilience and operation of the A83 more widely. In the current financial year, we have committed a further £3 million to the task force programme, which demonstrates the Government's on-going commitment to ensuring that Argyll, Kintyre and the isles have continuity of access and stay open for business.

I realise that I have covered a lot of ground, convener. I am happy to turn to your questions.

The Deputy Convener: Is there an estimate of the cost to the local economy of the 40 days for which the A83 has been closed?

Derek Mackay: We have some information. We should bear in mind that that is the cumulative total of days lost since 2007 and that there has not been a 40-day closure. The most recent incident was in October 2014. We have an understanding of the costs that are incurred as a consequence of closure, which has helped to inform our benefit cost ratio. I ask Keith Murray to say a bit more about our understanding of cost.

Keith Murray (Transport Scotland): It is estimated that the cost to the Argyll and Bute economy for an average landslide closure of five and a half days is £286,300. The range of landslide closures has been from two and a half days to 13 days, so the cost ranges from £130,000 up to £676,000, for a 13-day closure.

The Deputy Convener: One benefit of bringing the committee out of the Parliament is that we were able to see the area and the 1,200m stretch of road in question, as well as the old military road. Is the old military road sufficient as a diversion route?

Derek Mackay: For a diversion route, it is sufficient, but it requires further works. If we do not use the old military road—the local diversionary route—we would be left with the main carriageway. If that is closed, there are no other

options. Therefore, to have continuity of access, we need the ability to use the old military road. There have been problems in the past and issues to do with whether the route is sufficient and how quickly it can be brought into operation. The road cannot be used at night because of its condition and the local characteristics, but it can be prepared to be put into use during daylight hours. With such improvements and using the convoy system, it can be used, but it is certainly not in carriageway condition. However, I would rather have it in use so that people have continuity of access than not in use, so that we are totally reliant on the main carriageway, which as we know can be blocked.

The Deputy Convener: Are there any plans to upgrade the old military road so that it can be used in both directions at the same time?

Derek Mackay: Yes. That is what we are working on at the moment—further works on the old military road arising from the last task force meeting. If the principle is continuity of access, I need an option or, indeed, a range of options that we can turn to should the main road—the A83—be blocked. From that point of view, yes we want to improve the old military route and make it a local diversionary route so that we can deploy it if it is required. That means making improvements to the route and the road.

We also carry out checks before the road is brought into use. We operate a convoy system in co-operation with the landowner to ensure that the road is clear. For example, if animals are on the route, we have to take care of that. That is one of the reasons why we can operate the diversionary route during the day but not necessarily at night. The option is not ideal, but we are pursuing it to ensure that we have alternatives to the road if it is blocked. Equally, the old military route could be blocked, which is why we need to have a range of alternatives for the A83.

I can give the committee more information about the works that are planned and what we propose to do once we have further reports.

14:30

The Deputy Convener: That would be helpful, thank you. Do members have questions?

Jackson Carlaw: Good afternoon, minister. That was quite a rainbow assortment of options. They were costed at £120 million, £95 million, £520 million, £75 million and £91 million. What was it that first attracted you to the £9 million to £10 million red option? [*Laughter.*]

Derek Mackay: I can safely say that it was not my decision, but I can imagine what my predecessor would have thought. The benefit cost

ratio would have been of some significance to you, Mr Carlaw, as a good Tory. Surely achieving the same kind of output for less money would get your attention, too.

Jackson Carlaw: I do not disagree. We were there this morning in very benign conditions, I have to say. We travelled along the old military road; I remember being taken along that road by my grandparents in the 1960s before the other road was there.

Given the benefit cost ratio that you identify, and having seen the barriers that have been put in place, I can see that before any other more expensive, ultimate solution is considered, the barriers ought to be properly tested. However, if the current solution does not achieve the hoped-for result, the works on an alternative road along the ground that can be used in emergency circumstances would not address the main point. Is the Government's mind closed to ultimately having a fallback position in which it would consider a more radical solution? Of those other solutions, which did the group that you mentioned regard as at least technically feasible as opposed to perhaps technically fantastic?

Derek Mackay: The weather is glorious today and it has given us the opportunity to see how beautiful the area is. Messaging is quite important here. The significant events that have caused blockages and severe disruption to the area have impacted on the community, but we must get the message out that the area is very much open for business and people are not taking their lives in their hands when they visit. If you read some commentaries, that is what you would conclude. We have an issue to address but the area is absolutely open for business. Incidents occur but they are few and far between and we have to mitigate the problems.

Even if there were further incidents, the benefit cost ratio would not change drastically. The yellow options, which range from £83 million to £95 million—at 2012 prices, which are very likely to have increased since then—represent a range of engineering and technical solutions and the benefit cost ratio probably has not changed that much. If there was an increase in the number of incidents, I suppose that it would put more pressure on, but those analyses will not change.

The fundamental answer to your question about whether the Government is close minded is no—we are not. We will always take the right decision about the most prudent and effective use of public money.

Over time, we will have to move away from descriptions of the options and where they were because we have already moved on to a wider principle around continuity of access. We know

that the netting and the drainage have captured some of the slurry, muck and stones that have been coming down the hills. We know that it is working because the nets are catching some of the debris that otherwise would have gone on to the road.

There has not been an incident since October 2014 but, of course, one could happen at any time. A range of further work, including geothermal analysis, is going on to understand where the risk is and where an incident is likely to occur. However, the situation is very unpredictable. Indeed, at no one point can we say, "That's what the problem is and everywhere else is fine, so if you build a tunnel at that 500m range the problem will be solved." It is not as simple as that unfortunately, because of the topography and the environment.

Our approach is to take the planned measures, along with any further measures as required. There was consensus when the task force last looked at the alternatives. We looked at the forestry track and the old military road. The latter, while being far from ideal, is better than the forestry track. For example, it would be far more difficult for the average driver to navigate the hazards that exist on the track than it is to navigate the old military road, particularly given that it will be supervised and that we will have put in place other measures when it is brought into use. If all that fails, the Government will have to go back to the drawing board. However, it is not as though we think that we have a solution but we have walked away; rather, we are looking at the issue all the time through our operating company and our experts, we are making further investments and the work of the task force is on-going.

Jackson Carlaw: Of those options, is there one that—even if its cost benefit ratio is not great—seems to be the most technically feasible?

Derek Mackay: If you had all the money in the world, you could build a tunnel right through the land. That would be a massive expense but, being an underground tunnel, it would not be at risk to landslides, although it would come with other risks. However, that is not practical and it would never meet any cost benefit ratio; other folk would argue that it would not be great for the environment.

Jackson Carlaw: In that case, I would have expected you to say that that was not the most technically feasible option. What did the task force think was the most technically feasible alternative of the shortlisted options?

Derek Mackay: Are you talking about the June meeting?

Jackson Carlaw: Yes.

Derek Mackay: The June meeting focused very much on the red option, which is what we are doing, plus the other measures that are needed to get the old military road back into use in order to give continuity of access. We then discussed a range of other matters following on from that. We did not go back to the other options; we were very much focused on the red option as it is described, plus what else we can do. That is where we are. The study and the work on the other options all predate the progress that we have made.

Jackson Carlaw: I am willing the option that the Government is progressing to succeed, because I can see that that has the ideal cost benefit ratio. However, I am slightly concerned because I think that you are saying that, if that option does not work, there is no preferred alternative. In that case, we would have to go right back and start the work again.

Derek Mackay: The effort that is being made is on the old military road—not on a second-best option—so that there is a more credible plan B or alternative. To me that feels like the most likely response. The other options are—

Jackson Carlaw: Too fantastical?

Derek Mackay: Too fantastical, or they bring their own issues. There seems to be a consensus in the task force around the red option, but with greater use of the old military road, which was seen to be a sufficient diversionary route.

Michael Russell: As a task force member, I can say that there is consensus about mitigation—the red option—and that continuity of access would be secured only by having an alternative route that is usable all the time, meaning that the old military road or the forestry road would become a second carriageway. There is also what I have christened the Donald Clark option—he is not here to defend himself—which is to put a lid over the 1,200m of road where the real problem is. That approach is used in Europe to deflect any debris that comes down. However, because the military road would be below the proposed lid, there would be issues with doing that.

I will make two points and will then ask a question. Councillor Philand, the MacLeods and local businesses, as well as people from Inveraray who are affected by the closures, are here. First, I think that the cost of £50,000 a day for closure is extraordinarily low and I do not think that anyone locally would recognise that figure as being the cost. I would like to see the basis of that calculation. I think that there would be strong arguments locally about that cost not being the case—the cost would be much higher than that.

Secondly, I am grateful to the minister for accepting the principle of continuity of access, which is absolutely vital. There must be no

occasion on which we cannot get into Argyll through the A82 or any comparable route. However, having continuity of access demands that additional work be done. The mitigation work has produced some results, but rainfall levels have risen by about a third in the past 10 years. That has undoubtedly helped the hydro industry—a new hydro scheme was opened just along the way in Cairndow last week—but it has not helped the Rest and Be Thankful section of the A83, which is prone to landslides.

Given that there will be continuity of access and that additional resource will have to be spent, my question for the minister is: what is the timescale for change? There is at least one other person present who has been on the task force, whose argument has been that, while consideration is being given to what is required, work should be done to get a resource together to allow the process to move forward faster than it has done.

Derek Mackay: I totally agree with Mr Russell on the principle of continuity of access. I do not want to be one of two politicians arguing over who coined the term, but I think that it was me. We both agree that continuity of access is important, and that is what I have tasked my officials to achieve.

I would not want anyone to think that we are sitting around, waiting for reports to be written up before we do anything. I have described Government spend on current mitigation actions, which have been pretty effective. However, the road could be subject to an incident at any point in time. Indeed, the equivalent of what has been caught by the netting would have caused greater impacts in the past, in terms of days or weeks of closures—I am thinking of the 2009 incident, for example. We could say that the current situation is due to good planning or luck, but, in any case, there has been investment to mitigate impacts and that investment will be on-going. I must defend the Government and say that there is on-going action through our operating company and our experts, who are looking at the issue.

In terms of further work, I will ask Jonathan Moran to speak about the report that will be produced in January, which will focus on the alternative route, particularly the old military road. We are now into autumn and, as we head towards winter, I want to be certain about how quickly we can deploy the local diversionary route if it is needed, so that it can have an effective impact. That contingency planning is happening right now alongside the further measures that we have proposed. The January task force meeting will be presented with further information based on the discussions that we had in the summer.

Some people have argued that we should have greater dependence on the forestry track, but I am

sure that Mr Russell is well aware of the discussion around why that route would be inappropriate. For example, if there was a blockage on that route, it would present another self-inflicted difficulty.

Michael Russell: It would be possible to upgrade the forestry track, but that would cost a great deal more and it would still be riskier at the top end.

Derek Mackay: That is right. It is still a risky route that has gradient and topography problems. Many drivers would not be happy to drive on parts of that track.

Be assured that I am not speaking on the matter just from behind a ministerial desk. I have been in a heavy goods vehicle on the A82 and A83 route to see what driving on it is like. The more exciting points of the route are not for the faint hearted, but experiencing them helped me to understand the risks and hazards on some of the roads network.

Jonathan Moran can say more about the timescale for the reports leading up to the January task force meeting.

Jonathan Moran (Transport Scotland): In July, we discussed what the next steps for the task force would be and what Transport Scotland and our operating company, BEAR Scotland, would look at next. The first step is the review of the effectiveness of the netting operations—the red option. The first draft of that report is with us and we are reviewing it. We hope to present the report to the minister by the end of the year, prior to taking it to the task force after the turn of the year.

We are looking at the old military road, which is a local diversionary route, in two lights. First, we want to see what we can do through engineering to improve the road and make it a more usable, resilient road for operation. Secondly, whether or not there is an incident, we are always reviewing our incident response procedures. Whenever there is an incident, we look for feedback from the local community, the police force, bus drivers and anybody else on what they feel that we could do to make improvements. That has led to a load of improvements since the old military road came into operation.

With regard to the timescale, we are looking to the end of the calendar year and will present our report to the task force at the start of 2016. We will look at further improvements in the operation of the response plan for the old military road, at the engineering measures that we can put in place to improve the road and reduce travel time, and at the effectiveness of the operations that we have undertaken so far.

Derek Mackay: The projected spend is £3 million for the current financial year.

14:45

Michael Russell: Before the end of the financial year, work is due to start on aligning part of the road at Strone Point, between the Rest and Be Thankful and Inveraray. A lot of work is being done on the road—I do not think that anyone denies that a large amount has been invested.

I certainly would not go to the wall in disputing with Derek Mackay who was the first to start using the phrase “continuity of access”—I always defer to him as the begetter of such things. However, I make it very clear to the committee that the timescale is a strong issue. There have been two task force meetings this year, in January and July. At the first meeting, the task force accepted the principle of continuity of access and was keen to move forward in that respect. At the meeting in July, there was disappointment that more progress on alternatives had not been made, but we accept that there were reasons for that. However, if we get to January before we hear proposals for the next stage, 12 months will have passed.

I am trying to remember when the petition was submitted—Councillor Philand might remember. The petition has remained open and the situation has been severe for a long time. It is important that people are reassured that investment and progress will continue within a defined timescale, because that makes a difference. If people think that there is no defined timescale, they will begin to wonder what is happening.

I am not criticising the minister or the Government—I would not criticise the Scottish Government for the world—but I stress to the committee that a defined timescale is absolutely vital.

Derek Mackay: I understand Mr Russell’s concern around the issue. I know that, if there is disruption on the A83, Mr Russell will get to me before my officials do. He has been consistent on the importance of continuity of access.

I would not want anyone to think that we are waiting on reports. If options are presented to me, as the minister, I will pursue them. If those options take that principle forward and are in keeping with what the task force has agreed, I will approve them. We will not wait until January to take ministerial decisions on commissioning work.

I am working to give the task force—which has a range of partners and representatives, as outlined earlier—its place and I am consulting it, but I am pretty clear about the elements on which we are progressing and I am clear that we will not wait until January to commission work.

Everything that is commissioned will be in keeping with what we have agreed. The task force is important in enabling us to hear what people

think and in presenting what we have done. To date, I have found it to be very constructive in sharing with me local opinion and some of the finer points that I might not otherwise have heard.

There is no question but that we will keep our foot on the accelerator—if you will pardon the pun—and ensure that we continue to spend resources to support the area. We have a communications group, because it is important to reinforce the message that the area is very much open for business, and we are doing what we can to continue our work.

It is important to note that the transport network can be disrupted anywhere at any time and that I cannot guarantee 100 per cent access. The issue in this case is that, if the route is blocked, there are few alternatives. There is sometimes the ferry option, but we need to ensure that there are alternative road options, too, and that is where our effort is going.

John Wilson (Central Scotland) (Ind): My question follows Mr Russell's line of questioning. When would you wish the work on the old military road to be completed in order to give people confidence that there would be continuity of access if anything were to happen on the A83 in the meantime?

Derek Mackay: Now. The weather here today is wonderful but, when I arrived in Inveraray, I asked officials how long it would take us, should there be a turn for the worse, to get the old military road operational. The operating company and Transport Scotland believe that we could do it within one hour during the day. In the past, it has taken four hours but, when the most recent event took place, the old military road was open within an hour. That is the target that I would like to set, but that target can be met only during daylight hours because of the extra risks that exist at night.

The answer to your question is that I want the old military road to be operational as a plan B or a contingency from now. Indeed, that should have been the case before now, since we made our decision. However, I can say, for the purposes of parliamentary clarity, that that will be the case from now. Further work will go into enhancing the road's condition.

On the deputy convener's first question, the standard of the road is not ideal but the road must be of a standard that means that it can be used as a satisfactory alternative.

John Wilson: You did not answer Mr Russell's question about the figure of £50,000 a day being the average loss when the A83 is closed. He wanted to find out where that figure comes from. You mentioned the 40-day closure, which, according to that figure, would have cost £2 million. You also rightly mentioned the wonderful

weather that we are having today. Such weather makes a lot of tourists want to come to this part of the world to enjoy the scenery and the hospitality. An average loss of £50,000 a day seems quite low given that a number of international companies operate on this side of the A83. It would be interesting to find out exactly how the figure of £50,000 was worked out and whether we could get more detail from the local business community on what it estimates the cost of the closure of the A83 to be.

Derek Mackay: I think that I have given pretty comprehensive answers to the questions that have been asked, but I will try to provide absolute completeness. You mentioned a 40-day closure, but there has never been a 40-day closure. There has been a cumulative total of 40 days of closures since 2007. It is important to make that point for the sake of accuracy.

John Wilson: I accept that, minister. However, a cumulative total of 40 days of closure amounts to a loss of 40 days' business for businesses in the area.

Derek Mackay: Okay, but we must not give the impression that there has been a closure of 40 days.

Because of the technology and the services that can now be deployed in the response, the route is being reopened much more quickly than was the case in the past. That also shows that we have become more alert to what the issues are. It is important that we reopen the route safely. If some of the boulders that have come down the hill had not been caught and had gone on to the main carriageway, that would have been extremely serious.

I can go into some detail now and can share all the detail that we have on how we arrived at the cost benefit ratio figure. We have statisticians and experts who can talk about the issue until the coos come home in a far more expert way than I can, but I am more than happy to share that information. Keith Murray will have a stab at explaining how the figure was arrived at.

I should also say that, earlier this year, I commissioned more consultative work with the local business community to establish exactly what closure or disruption means for their businesses and their community. I will be more than happy to share that work with the committee and with the task force when it has been concluded. I have not relied just on civil service figures or figures from our operating company or our experts with regard to what the cost benefit ratio is; I am asking members of the community what disruption costs them. Of course, the key objective is to prevent or minimise disruption, but a better understanding of the extent of the disruption

that is caused has been commissioned. I am sure that Mr Wilson will welcome that.

Keith Murray might be able to say a wee bit about the methodology. If Mr Wilson wants to probe that further, I am open to his doing so. I give him the reassurance that it is the same methodology that we would use for other areas, so we have not plucked the figure out of the air.

Keith Murray: As part of the study of the A83 at the Rest and Be Thankful, a review was undertaken of the socioeconomic impacts of road closures resulting from landslides. The outcome of that review provided evidence in addition to—in place of—the standard economic appraisal that was undertaken.

Using evidence from that review, which was drawn from several key stakeholders, we estimated the additional annual cost to the A83 economy from previous landslide episodes at the Rest and Be Thankful to be £286,300 at 2010 prices. That figure is for five and a half days of road closure, which is the average duration for the six most recent events. Sensitivity analysis shows that additional annual costs to the A83 economy from previous landslide episodes at the Rest and Be Thankful are in the range of £130,200 for a closure of two and a half days to £676,800 for a 13-day closure.

Those are the economics. I am not an economics expert, but that is what the study says.

John Wilson: You said that those figures are based on 2010 prices, but this is now 2015. When will those figures be adjusted to take account of the current economic circumstances that are faced by many in the community? For example, petrol and diesel prices and food prices would have been lower in 2010 than they are now. Can you talk about transport costs and the cost of the lost benefits that might have come to the community had the road been accessible and had people been able to export goods to elsewhere in the UK and the world? It is fine to say that those figures are based on 2010 prices but, unfortunately, the economic world has moved on, costs are higher and the loss to the communities could well be greater.

Derek Mackay: I reiterate that, as well as having undertaken that almost desktop analysis, we are consulting local business now. That report will be concluded and available for consideration at the January task force meeting. It will give us local opinion. Moreover, we will be able to put real-terms or inflationary increases into the modelling and the modelling will put in increases for the costs of other works as well as the costs of disruption, both of which aspects will be helpful. I am, of course, happy to share that information with the committee.

Hanzala Malik: Good afternoon, minister. I have been told not to give you a hard time.

Derek Mackay: Feel free.

Hanzala Malik: Are you sure about that? On a serious point, though, I climbed that hill and walked the old military road when I was a young lad in the Territorial Army. That was when I was fit—now I feel tired just looking at it.

Instead of calling the point Rest and Be Thankful, I think that there should be a sign saying that you should be thankful if you managed to pass this point. It actually looks dangerous. I am not criticising anyone—I am not and do not intend to be an engineer, so I do not have the answers—but I simply want to point out that local people who regularly use that road are perhaps at a greater risk than tourists or suppliers. Hats off, therefore, to the local community who have to travel this road and who know that, from time to time, they will face the danger of landslides, spillage on to the road and so on.

I was on the minibus that travelled up the old military road, and as it got to the top of the hill, I could smell the clutch burning. It was a small minibus; it was not carrying a lot of goods; and it was put through its paces in order to get up the hill. You might or might not wish to address the issue of the steep gradient at some stage—I do not know, but what I do know is that it looks very dangerous.

I welcome your comment that you are not specifically waiting for the report to come out in January and that you are seeking to get some positive feedback and engage before then. However, in order to allay the fears of the local businesses and the local community, we need to do a lot more. If I was living here and had to travel that road every day, I would be worried.

15:00

Derek Mackay: Are you talking about the A83 or the old military road?

Hanzala Malik: Well, both, because they go hand in glove. If the A83 closes, the alternative is the old military road, which is a difficult road at the best of times. Let us not put all our eggs into one basket by thinking that, if the A83 closes, we can use the old military road as a temporary solution. I do not think that it is good enough for that in its current state. I do not know whether you are going to try to put two lanes in it, but there is talk of some bits of the road having two lanes and it is not a particularly big road. I do not want to give you a difficult time, but I am unimpressed by the amount of work that has been done to date. It does not give me confidence that the road is as safe as it ought to be.

Derek Mackay: A good thing about the Parliament getting out of Edinburgh—indeed, a good thing about members from Glasgow and, in my case, Renfrewshire North getting out of the central belt—where every road is up to a certain standard is that members gain an understanding that other parts of the country have needs as well. I therefore appreciate Mr Malik's view on the A83. The old military road is not up to the carriageway standard that I would expect of a local authority road or, indeed, a trunk road. However, it is not meant to be—it is an alternative to be used in the event of a blockage, when a diversion from the main carriageway of the A83 is required, and it is of a different standard. I know that there are issues with decades of underinvestment in the roads network, but the A83 is of a safe standard. With the best will in the world, I cannot change the topography or the nature of some of the gradients, and there are issues with the A83 as there are with other roads.

I know that you would be unimpressed with the old military road if it were a main carriageway, but it is not—it is an alternative that can be used to ensure that there is continuity of access if the main road is out of commission for whatever reason. We do not know where the next slippage, flooding or other incident may happen, so we are trying to improve the access points to the old military road. I also reassure Mr Malik that the route is taken by convoy and is checked beforehand, so it is used in a very safe and controlled way. People are not left to their own devices. That takes time, because the convoy must be led one way and then the other, but the route is safe and checked. We try to minimise any risk that may exist.

Given your familiarity with Glasgow, you will also know that every road—in fact, every form of transport—carries some degree of risk and potential of disruption. Yesterday and this morning, I regret to inform you, the M8 was disrupted because of incidents and events. That happens. There is risk and hazard, but we are trying to provide alternatives to address the issues that we face on the A83, which have principally been the landslides that can happen at any point.

One point that I did not pick up from what Mr Russell said is Mr Clark's suggestion that there could be tunnelling. From memory, I think that the premise of Mr Clark's suggestion was that there is a critical stretch of 400m to 500m where the landslide incidents occur and that, if a remedy could be found for that point, that would pretty much solve the problem. However, I have looked at the detail of where the landslides have been—where the boulders have come down—and have seen that it is a much wider area. Therefore, a solution based on that premise would not work. I just wanted to add that to complete the picture.

Michael Russell: Well—

Derek Mackay: I now regret completing the picture, because it has got Mr Russell going again.

Michael Russell: Mr Clark wanted a bigger bit to have a cover over it—it was not going to be a tunnel—that would deflect falling material. I do not think that it was predicated on addressing just a short stretch; it was to be a solution over a reasonable length of the carriageway.

Derek Mackay: From memory, I think that Mr Clark was under the impression that there were a few points where there had been repeat incidents and that that was the critical area. However, it transpires that the problem is much wider than that—that is the information that we got back.

I say all that by way of reassurance to Mr Malik. Members of a parliamentary committee should pursue any matter that is important to them in any fashion that they see fit. You do not need to worry about being hard on me if you do not think that the Government is doing enough; I am more than happy to answer for that. Nevertheless, I think that it sends out the wrong message from this area to the rest of Scotland to say that the road is dangerous and should not be driven on. I object to that. This is a beautiful, wonderful area of Scotland with a thriving tourism-based economy, so we should be encouraging people here and making their access easier. Anything that is contrary to that message is unhelpful.

Hanzala Malik: Minister, you cannot take the credit for Scotland being beautiful—God made Scotland beautiful. I am sorry, but I am not going to give you that one.

I want to come back to the point about the military road, which I had not quite finished. With climate change, there are more pressures on our roads because of the weather changes. There are also more pressures due to changes in lifestyle because a lot of just-in-time trade now takes place, which means that what suppliers supply to retailers has a short shelf-life because they do not want it to be there for any length of time. If there is disruption either in supplies from here going down or in supplies coming up, it hurts our economy. It is not only a matter of health and safety; it is a matter of business and of our environment.

The issue is not only whether the road is safe—whether we are doing enough and spending enough and asking what the solutions are. It is far more complex than that. We need to take the bull by the horns and deal with the issue.

From what I saw during the inspection today, I am not impressed. That is not to say that what is there is wrong; I am simply saying that, as a road user who had an opportunity to have a good look today, I do not think that it is safe. As for the point

about frightening people, Scots do not frighten that easily, so I am not frightening anybody. I am saying that the road is unsafe and it needs to be seen to. That is all that I want to say at this stage.

Derek Mackay: It will not surprise you to hear that I agree with your points on goods and perishables, for example. You are right that people need products to be brought into the area. That process can be disrupted, which is why we have the turnaround that we do and why we get the alternatives and diversions up as quickly as possible. We get roads opened and cleared as quickly as possible so that there is no waste of time.

Sometimes road closures right across Scotland take time if there has been a road traffic collision because the police have a function to carry out. That is not normally the case, of course, if there is a landslide, but the landslide must be removed safely. I am sure that you have seen the images—some of the boulders are massive and if a car or any vehicle were to collide with them, it would be catastrophic so they must be handled and removed safely.

Equally, I have talked about goods coming into the area. Perishables such as some food produce as well as time-limited goods must be transported quickly. I am very aware of the haulage industry's perspective as well as that of residents and businesses, so I totally agree with your point about getting turnaround as quickly as possible. It is right to try to get the roads cleared, which is why I welcome the quick response that we have in place.

I will not debate back and forth whether it is safe, but I will say that if this high-powered committee of the Scottish Parliament says that a road is unsafe, that will be reported. I ask the committee to consider very carefully the message that it sends out. By all means call for action, but be very careful about the terminology that you use when describing a part of the country.

Mr Malik, normally you lobby me for more resources for Glasgow; this is the first time that you have not done that. That is not lost on me, and I am sure that it shows the importance that you attach to the issue.

The Deputy Convener: As there are no other questions from members, I ask the committee to consider reflecting on the evidence that it has received from the minister and the information from the site visit today at a future meeting.

John Wilson: I will just add that we would welcome early sight of any additional paperwork that the minister referred to today so that the committee can include that in its further consideration of the matter.

The Deputy Convener: Okay. I thank the minister as well as Mr Moran and Mr Murray for their attendance.

15:09

Meeting suspended.

15:12

On resuming—

Tinkers' Heart of Argyll (PE1523)

The Deputy Convener: Our final item of business today is consideration of PE1523, by Jess Smith, on giving the Tinkers' Heart of Argyll back to the Travelling people. Do members have any comments?

Michael Russell: I am sorry to speak again. It is just that I have encouraged the petitioners of all three petitions at various stages.

I am delighted and grateful that you and the committee are here, convener. I think that it was Mr Malik who raised the possibility of your coming here, and it has been very helpful. I am particularly pleased that you came to see the Tinkers' Heart this morning. Jess Smith and her husband are here, and I think that everybody is grateful to the committee for supporting the petition at a crucial moment and doing something quite remarkable.

Historic Scotland has never recognised the culture of the Travelling people in Scotland but, equally, it has never recognised the intangible cultural heritage of Scotland, which is an important issue. Such heritage is widely recognised in other parts of the world, but never in Scotland.

By scheduling the monument, Historic Scotland has recognised not only the contribution that the Travelling people have made to who we are now but also the fact that, in Scotland, we do not simply have to commemorate castles, big houses or battlefields. We can also commemorate the contributions that people make to building, developing and changing the culture and the country, and that is what the Tinkers' Heart tells us about.

There is a lot of gratitude to the committee, to Historic Scotland and to everybody who has fought for the scheduling, but there is still more work to be done. I want to draw the committee's attention to that. You all saw the site this morning, but first you had to park in a difficult place and cross a busy road, and you will have seen that there is virtually no signage.

15:15

A few simple changes could be made to create a safe parking area on the site of the old road; to put proper signage in place; and to ensure that people have full access to this important site. I hope that the committee will support that proposal, and I will campaign with the formidable Jess Smith and all those around her, alongside the Tinkers' Heart trust that has now been set up, to take such changes forward.

Hanzala Malik: I go along with all that Michael Russell says, but I will go one stage further. The group may want to look to the local authority for assistance in making a compulsory purchase of the land next to the site if the landowner is not co-operating. That would be one way forward. Historic Scotland should also support the group—indeed, I am sure that the group will attract more support given that it has the support of the local MSP.

It is very important that we enhance and take control of our heritage, as we do not want to lose it. No heritage is insignificant: every piece of heritage in Scotland is valuable and precious and should be kept, and our young should be taught about it. We need our own identity. Scotland is not just about bagpipes and haggis; we have a lot more to offer the whole world. I am very supportive of the scheme.

John Wilson: Far be it from me to tell Mr Russell to look at the *Official Report* of the committee's previous meetings to find out which member suggested that we come to Inveraray to visit the Tinkers' Heart.

As a committee, we welcome the opportunity to come along on this glorious day, which Jess Smith organised for us so that we could see the site in its full glory.

A lot has been done, and Michael Russell is right to highlight the fact that various agencies in Scotland now recognise the site. However, as others have indicated, there is still a lot more work to be done on the site—for example, Michael Russell mentioned issues with access, signage and parking. All those matters must be addressed to ensure that we make the Tinkers' Heart a tangible heritage site for people to visit safely.

When we parked up today, we had to cross a road that can be busy and dangerous at times. In gaining recognition for the site, we must recognise that there should be appropriate facilities at the site to allow people to enjoy the historic artefact fully.

I would like to think that, when we have that recognition, the site can be returned to its former use. For the Travelling community in Scotland, it is almost a site of pilgrimage that many in the

community will take the opportunity to visit. As Jess Smith outlined in her original petition, the Tinkers' Heart was a site for handfastings and for celebrating births and other occasions that were important to the Travelling community.

Although I am happy to close the petition at this stage, I look forward to receiving a future petition from Jess Smith to ask that we start working on making the site fully accessible to those in the Travelling community and others who want to visit the site, recognising the work that was done by the Travelling community in Scotland over centuries.

The Deputy Convener: It was a privilege to be up at the site today to see the Tinkers' Heart in all its grandeur in such lovely weather. I can see where Jess Smith's passion for fighting for the site comes from, and I say well done to her for submitting the petition. I now ask members to agree formally to close the petition.

Members *indicated agreement.*

The Deputy Convener: That concludes the committee's formal business today.

Meeting closed at 15:18.

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