

Major Transport Infrastructure Projects

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CÒMHDHAIL ALBA

Mr Alan Reid
Alan.Reid@argyll-bute.gov.uk

Our ref:
2020/0004528

Date:
January 2021

Dear Mr Reid,

A83 Access to Argyll and Bute

Thank you for your email of 05 December 2020 to Michael Matheson, the Cabinet Secretary for Transport, Infrastructure and Connectivity regarding the A83 at the Rest and Be Thankful and the Old Military Road diversion. Mr Matheson has asked me to thank you for your email and to respond on his behalf.

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 will continue to seek ways to achieve that as quickly as possible, noting all of the options require complex Civil Engineering.

The recognised UK wide process for the assessment of roads schemes is set out in the Design Manual for Roads and Bridges (DMRB). We adopt this process because it has been proven to provide a robust evidence base for decision making and firm justification for the use of Compulsory Purchase of land (CPO) which is likely to be required to deliver this scheme. The process also ensures that environmental impacts form a central part of decision making and that people, communities, landscape and ecology are properly protected.

The overall process itself is explained on our project website at <https://www.transport.gov.scot/projects/a83-access-to-argyll-and-bute/project-details/#64778>

You have raised the issue of land acquisition and compensation. The process surrounding CPO is carried out in two stages. First we must justify the principle of the acquisition of third party land. That is the public local inquiry process and matters of compensation do not fall under the jurisdiction of the inquiry. The test is whether the Acquiring Authority is justified in using its powers of CPO. That is why the DMRB evidenced based process is so important.

On the basis that consent to proceed with the acquisition is granted, the second stage is the negotiation of compensation. As you say this is a recognised independently led process governed by the statutory compensation code and managed by the Valuation Office.



Negotiations are generally carried out beyond the point the land is acquired and are not an impediment to the Acquiring Authority taking title or starting works. Any unresolved compensation disputes may be settled at the Lands Tribunal.

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, it is important that the correct statutory process is followed to ensure a fair and transparent assessment of options and impacts on local communities and road users. We remain committed to progressing substantial shorter-term investment in the existing A83 in tandem with the work to identify a permanent solution as part of a two-phased approach.

I hope you find this information helpful.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Hughes', written in a cursive style.

Kimberley Hughes
Project Administrator