TRANS*form* Scotland

the campaign for sustainable transport

Transport and Works (Scotland) Bill

Written evidence to Local Government and Transport Committee
23rd August 2006

1. Introduction

1.1 TRANS*form* Scotland is the national sustainable transport alliance, campaigning for a more sustainable and more socially-just transport system. Our membership includes bus, rail and shipping operators, local authorities, national environment and conservation groups, consultancies and local transport campaigns.

1.2 We have an interest in the proposals set out in the Bill in as much as we have participated in the Parliamentary process for five of the seven transport Private Bills entered into the Scottish Parliament; in one of these cases (Edinburgh Airport Rail Link Bill) we are an objector. We also have experience of the Order process used by the Scottish Executive for trunk road proposals, and have been an objector to a number of these.

1.3 We support the Executive's view that the Bill proposals will improve the efficiency of the process for promoting public transport projects, and that it should reduce pressure on Parliamentary time and resources. However, from our experience as a sometime objector to both road and rail schemes, we would not agree with the contention that the new procedures are of significant benefit to objectors.[i]

2. Order-making process for public transport & inland waterway projects

2.1 We are broadly supportive of the Executive's proposals in so far as they apply to the promotion of public transport projects.

2.2 We have for some time advanced criticism of the differences in procedures for rail projects (requiring Parliamentary legislation) and trunk road projects (requiring Executive orders), and have regarded this state of affairs as being to the detriment of public transport projects vis-à-vis trunk road projects. As such, we welcome the broad thrust of the Scottish Executive's proposals to address this discrepancy.

3. Order-making process for other transport projects

3.1 However, we believe that the Bill proposals do not go far enough in as much as they retain discrepancies between the procedures for public transport proposals, and those for trunk roads and harbours.

3.2 The Scottish Executive consulted on this matter and the results of this consultation would appear to support our view. The Bill's Policy Memorandum (hereafter PM) §84, reports on the consultation, stating that:

"[T]here appeared to be a clear consensus that [trunk road and harbour developments] should be incorporated into the new process."

3.3 From this, we would question the Executive's contention that the existing order-making powers for these developments are "adequate and consistent" (PM §4).

3.4 We note the Executive's view that the proposals should make trunk road and harbour developments "subject to a similar level of scrutiny and approval" (ibid.), and that the

changes reflect "one step in a phased change … [that] … creates a level of conformity that is appropriate at this stage" (PM §84).

3.5 We believe that the standardisation of order-making procedures such that they also cover trunk road and harbour proposals would make the planning procedures for transport developments to be considerably more understandable for the public, and allow greater public participation in the planning process. A common procedure for all major transport proposals would also function as an aid to multi-modal corridor appraisal and delivery, and be in better accord with the Scottish Executive's sustainable transport policy objectives.

3.6 As such, we regard the Bill proposals as somewhat of a missed opportunity in this regard, and suggest that the Committee should consider requesting the Executive to amend the Bill proposals further such this that this matter be fully addressed, or at the very least requests that the Executive provides a timescale for bringing forward further legislation on this matter. Otherwise, the reassurances made above (PM §84) are meaningless.

3.7 Nonetheless, and with the above caveats in place, we welcome Bill §§23-24, which bring forward limited amendments to the Roads (Scotland) Act 1984 and the Harbours (Scotland) Act 1964, so that trunk road and harbour developments deemed to be "developments of national significance" should be "subject to the scrutiny and approval of the Scottish Parliament" (PM §20).

4. Financial assistance for objectors at public inquiry

4.1 The Policy Memorandum discusses, at §128, the possibility that the public inquiry rules should consider the possibility that objectors, and in particular those "not legally trained" receive financial assistance in order to make their case. We consider our organisation to fall within this definition, and thus consider this section to be relevant to ourselves.

4.2 We would welcome provisions within public inquiry rules for objectors to receive financial assistance. However, should this provision only be open to those objecting to the transport projects specified under Bill §1 (i.e. public transport and inland waterway projects), it would open the discrepancy of objectors to public transport projects receiving financial assistance, whilst objectors to trunk road and harbour developments did not. This would be unacceptable.

5. Conclusions and recommendations

5.1 We are broadly supportive of the proposals brought forward in the Bill in so far as they apply to the promotion of public transport projects.

5.2 We remain critical of the Executive's failure to bring forward a thorough overhaul of order-making process for all transport developments, and suggest that the Committee should consider requesting the Executive to amend the Bill proposals further such this that this matter be fully addressed, or at the very least requests that the Executive provides a timescale for bringing forward further legislation on this matter.

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[i] See our response to the Scottish Executive's consultation, available at <http://www.transformscotland.org.uk/info/docs/2006-05-19_Transport_and_Works.pdf> for further comments on this matter.

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