

**TRANSPORT AND WORKS (SCOTLAND) ACT
2007**

**ANNUAL REPORT ON TRANSPORT AND
WORKS ORDERS**

**Laid before the Scottish Parliament by the Scottish Ministers in pursuance of section 21
of the Transport and Works (Scotland) Act 2007**

SG/2009/179

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Background

Section 21 of the Transport and Works (Scotland) Act 2007 (“the Act”) provides to the effect that:

1. The Scottish Ministers are, by 1 October in each year after the year of Royal Assent, to prepare a Report on orders made, or not made, under that Act and applications or proposals for orders made or still current during the year.
2. Matters contained in the Report are to include –
 - (a) details of each order, and as the case may be of –
 - (i) each applicant and application for an order, or
 - (ii) each proposal where the Scottish Ministers are acting as the promoter for the project,
 - (b) where the Scottish Ministers have –
 - (i) dealt with an application,
 - (ii) made, or determined not to make, an order pursuant to a proposal where the Scottish Ministers are the promoters for the project, or
 - (iii) made a direction in relation to an order that if it is made that it cannot come into force unless laid before and approved by resolution of the Scottish Parliament,

a summary of the reasons which they had for doing as they did; and

 - (c) in relation to each order made during the period of the Report (or which the Scottish Ministers have, during that period, determined not to make) –
 - (i) on an application, the length of time which elapsed between the application being made and the date on which the order (or determination) was made, or
 - (ii) where this arose from a proposal by the Scottish Ministers who are promoters for the project, the length of time which elapsed between notice of the proposal to make the order being published and the date on which the order was made or the Ministers determine not to make it.
3. The Scottish Ministers are to lay a copy of the Report before Parliament as well as publish the Report.
4. The relevant period is the period of 12 months which ends on 31 July in each year. The relevant period for this Report is the period 1 August 2008 to 31 July 2009.

TAWS Report

5. No applications or proposals for an order were current at the start of the period of this Report. No orders were made during that period and the Scottish Ministers did not determine not to make an order during that period. During the period of the Report an application, by virtue of section 4 of the Act, has been made. That was formally received on 11 February 2009 from Network Rail Infrastructure Ltd:

The Network Rail (Waverley Steps) Order 200 []

6. An application that the Scottish Ministers direct that planning permission for the development be deemed to be granted has also been submitted along with the application for that order. The works consist of:

Works No. 1 - 3 banks of escalators and renovation of steps to improve access to and from Waverley Station to Princes Street.

Works No 2 - Construction of walkway across the roof of Princes Mall.

Works No 3 - 2 passenger lifts and associated shafts, providing access between the roof of the Princes Mall and the Waverley Station mezzanine.

7. The statutory 42 day objection period began from receipt of the Order and concluded on 25 March, 2009. Six objections were received, two of which were from statutory objectors, the City of Edinburgh Council and Shepherd and Wedderburn on behalf of Rocco Forte & Family plc. As a consequence, the Scottish Ministers decided to hold a Public Local Inquiry (PLI) and referred the case to the Directorate for Planning and Environmental Appeals (DPEA). A pre-inquiry meeting was held on 10 June 2009 and the Public Local Inquiry held week commencing 27 July.
8. All objections were either withdrawn prior to the PLI commencing or once it had begun, although the Inquiry Reporter took evidence to better inform him on his recommendations to the Scottish Ministers which are expected by the end of September 2009. The Scottish Ministers will make the final decision on the Order and application that planning permission for the development be deemed to be granted.

Transport Directorate
September 2009