

**TRANSPORT AND WORKS (SCOTLAND) ACT 2007
ANNUAL REPORT ON TRANSPORT AND WORKS ORDERS**

Background

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

“(1) The Scottish Ministers are, by 1st. October in each year after the year of Royal Assent, to prepare a report on—

- (a) such orders as were, in the relevant period, made (or by virtue of section 11(2)(c) not made) under section 1,
- (aa) such draft statutory instruments containing orders under section 1 which were laid before Parliament in the relevant period but which had not been approved by the Parliament as at the date that period ended,
- (b) such applications as were made by virtue of section 4 (whether in the relevant period or before it commenced) and remained current as at the date that period ended, and
- (c) such proposals as were (whether in the relevant period or before it commenced) the subject of a notice published under section 6(3)(b) and remained current as at that date.

(2) Without prejudice to the generality of subsection (1), the report is to include—

- (a) details of each order and draft statutory instrument and as the case may be of—
 - (i) each applicant and application, or
 - (ii) each proposal,
- (b) where the Scottish Ministers have—
 - (i) dealt with an application,
 - (ii) made, or determined not to make, an order notice of the proposal for which was published under section 6(3)(b), or
 - (iii) made a direction under section 13(1)(c) or (7)(c), a summary of the reasons which they had for doing as they did,
- (c) in relation to each order made during the relevant period (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) other than on an application, the length of time which elapsed between notice of the proposal to make the order being published under section 6(3)(b) and that date,

- (d) in relation to each draft statutory instrument the length of time which elapsed between—
- (i) the application for an order being made under section 4, or
 - (ii) where no application was made, notice of the proposal to make the order being published under section 6(3)(b), and the draft statutory instrument containing the order being laid before the Parliament.
- (3) The Scottish Ministers are to lay a copy of the report before the Parliament and are to publish the report.
- (4) In this section the “relevant period” means the period of 12 months which ends on 31st. July in the year in which the report is prepared (except that in the case of the report first prepared under this section, it means the period which begins on the day on which section 1 comes into force and ends on 31st. July in the year in which the report is prepared).”

The relevant period for this Report is the period 1st August 2015 to 31st July 2016.

TAWS Report

1 The TAWS Unit is established within Transport Scotland’s Transport Policy Directorate.

2 Advice was given to the following:-

2.1 Network Rail

2.1.1 The redevelopment of Glasgow Queen Street Station forms part of the Transport Scotland funded Edinburgh Glasgow Improvements Programme (EGIP), being delivered by Network Rail (NWR) for the Scottish Government that will provide a comprehensive package of improvements to Scotland’s railway infrastructure by 2020.

2.2.1 In order to undertake the works in association with the redevelopment of Queen Street Station, NWR submitted under the Act an application to Scottish Ministers on 11th September 2015 for the following TAWS Order - Network Rail (Glasgow Queen Street Station) (Land, Redevelopment and Ancillary Works) Order 201[6].

2.3.1 Following the publication of the Notice in the Gazette on 11th September 2015 for the TAWS Order application, and the applications for Listed Building and Conservation Area consents for the redevelopment works to Queen Street Station by NWR, the TAWS Unit received thirteen objections to the TAWS Order application.

2.4.1 The need for a Public Local Inquiry (PLI) was determined in consultation with the Scottish Government Directorate for Planning and Environmental Appeals who are responsible for the holding of a PLI. The PLI which started on 9th May 2016 and finished on 25th May 2016, considered the outstanding objections in relation to the

following three applications:-

- i) The TAWS Order application;
- ii) The application for Listed Building Consent; and
- iii) The application for Conservation Area Consent.

2.5.1 The reporters hope to submit their PLI Report to Scottish Ministers by autumn 2016 and the final decision will be taken by Scottish Ministers in due course.

2.2 Strathspey Railway Charitable Trust

2.2.1 The TAWS Unit continued to discuss matters with the Strathspey Railway Charitable Trust in relation to their proposed draft TAWS Order for extending their Heritage Railway from Broomhill to Grantown on Spey. To date, the actual TAWS process has still not commenced.

Orders

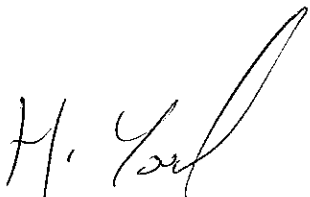
3 During the relevant period :-

- i) No orders were made (or by virtue of section 11(2) (c) of the Act, not made) under section 1 of the Act;
- ii) No draft statutory instruments containing orders under section 1 were laid before Parliament;
- iii) Network Rail submitted an application for a TAWS Order for the redevelopment of Glasgow Queen Street Station and this remains current; and
- iv) No proposals by the Scottish Ministers to make an order under section 1 of the Act were published in a notice, nor did any such proposal remain current at the end of that period.

Conclusions

4 Scottish Ministers will make a decision on the application by Network Rail for a TAWS Order, and Listed Building and Conservation Area consents for the redevelopment of Glasgow Queen Street Station in due course once they have received and considered the PLI Report.

5 The TAWS Unit will continue to provide procedural advice and guidance to the Strathspey Railway Charitable Trust on the drafting of their TAWS Order application for extending their Heritage Railway from Broomhill to Grantown on Spey.

 26.09.16

MEMBER OF THE SCOTTISH GOVERNMENT