



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

NTS2 Delivery Plan BRIA Consultation Report

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1. Introduction

1.1 Purpose of consultation

Scotland's National Transport Strategy 2 (NTS2) sets out the vision for Scotland's transport system to the year 2040. The NTS2 outlines the four priorities for Scotland's transport system as follows:

- Reduces inequalities;
- Takes climate action;
- Helps deliver inclusive economic growth; and
- Improves our health and wellbeing.

The first annual NTS2 Delivery Plan (for 2020 to 2022) sets out strategic policies and the broad actions the Scottish Government (SG) is taking to deliver on the NTS2's vision and priorities to the end of March 2022, taking account of the impact of the COVID-19 pandemic.

Impact assessments are being undertaken by AECOM on 37 strategic policies within the first NTS2 Delivery Plan. The impact assessments are:

- Social and Equality Impact Assessment (SEQIA (incorporating an Equality Impact Assessment (EqIA), Children's Rights and Wellbeing Impact Assessment (CRWIA), Fairer Scotland Duty Assessment (FSDA));
- Island Communities Impact Assessment (ICIA);
- Health Inequality Impact Assessment (HIIA); and
- Business Regulatory Impact Assessment (BRIA).

Impact assessment screening reports were produced in October 2021 and published for consultation from November 2021 to January 2022. This report provides a summary of the consultation responses and feedback relating to the BRIA screening reports. A separate report has been produced outlining the responses relating to the SEQIA, ICIA and HIA. The feedback and findings of the consultation presented in this report will contribute towards completing the full BRIA on the first NTS2 Delivery Plan.

1.2 BRIA requirements

Business and regulatory impact assessments (BRIAs) help to assess the likely costs, benefits and risks of any proposed primary or secondary legislation, voluntary regulation, codes of practice, guidance or policy changes that may have an impact on the public, private or third sector organisations. The BRIA process requires engagement from businesses, trade associations and business organisations to ensure that the assessment of these potential impacts is accurate.

SG recommends and encourages the completion of a BRIA as best practice to assess the impact of new legislation, as well as other changes such as voluntary guidance or policy changes, even where they do not necessarily present additional obvious burdens. In such cases, BRIA can either help confirm understanding that the change will not result in an impact or will identify and address unintended impacts which have not been identified.

The content of a BRIA should be proportionate to the problem involved and the size of the proposal. A BRIA [Toolkit](#) and [Template](#) have been developed to provide guidance and information.

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In order to ensure that the views of the business community are gathered and taken account of within the NTS2 Delivery Plan, Transport Scotland undertook a period of consultation between November 2021 and January 2022 on the BRIA Screening Report, which has been produced to accompany the NTS2 Delivery Plan.

2. Consultation Overview

2.1 Consultation form

A consultation survey form (see Appendix A) was developed to capture a combination of quantitative and qualitative information, allowing respondents to share their views on the impact assessment screening reports and provide feedback to inform the development of future NTS2 Delivery Plans, strategic policies and actions.

One survey form was created with each impact assessment addressed through a specific section of the form. It was recognised that some of the survey questions would not be directly relevant to everyone, and therefore, respondents were encouraged to comment on the specific strategic policies of most relevance with the opportunity to skip questions.

The survey form adhered to best practice principles of survey design following guidance available from Delib and the Scottish Government. It was designed to be compliant with the General Data Protection Regulations (GDPR).

2.2 Consultation dates and duration

The consultation was open to the public and stakeholders from the 3rd November 2021 to 5th January 2022. The consultation was carried out over a two month period to give the public and stakeholders adequate time to review the impact assessment reports and consultation form and provide their responses.

2.3 Methods of responding

The consultation form was accessible via the following formats:

- Online via the Scottish Government's consultation hub, [Citizen Space](#),
- A downloadable version of the survey form available for return via email to a dedicated email address or by post.
- Respondents could also request a paper version of the survey form via email.

Those using the consultation hub to respond, were directed to the 'About You' page before submitting responses. This captured details about the respondents as well as asking them to indicate how their responses were to be handled and, in particular, whether they were content for their response to be published.

Those responding via email or post were asked to complete a Respondent Information form (see Appendix B) to return with their survey forms.

Respondents were made aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to the consultation. Respondents were directed to Scottish Government's [privacy policy](#) for information on how personal data would be handled as part of this consultation.

2.4 BRIA specific consultees

The following business organisations were also directly contacted by email and telephone to request their input into the BRIA assessment:

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- Airport Operators Association
- British Ports Association (BPA)
- Confederation of British Industry (CBI)
- Confederation of Passenger Transport (CPT)
- Logistics UK
- MaaS Scotland
- Rail Freight Group
- Road Haulage Association
- Scottish Chambers of Commerce
- Scottish Engineering
- Scottish Enterprise
- Visit Scotland

2.5 Survey analysis

At the end of the consultation period, completed consultation forms were reviewed and any confidential information redacted by Transport Scotland in line with GDPR requirements. All email responses were also uploaded to Citizen Space.

Due to the relatively low number of responses consultation analysis has focused on the qualitative feedback received. A review has been undertaken using the thematic content analysis approach to highlight and categorise responses according to the relevant components of the BRIA and identify any recurring thematic groups and

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recommendations for actions to be taken forward into the final impact assessment. Key feedback from the consultation is provided in Section 3 of this report.

3. Summary of Responses

Responses to the BRIA were received through Citizen Space, email and one-to-one discussions. At the close of consultation, seven responses relating to the BRIA were received from:

- British Ports Association (BPA)
- Confederation of Passenger Transport (CPT)
- Logistics UK
- Perth and Kinross Council
- Scottish Chambers of Commerce
- Tactran

One further response was received from an organisation which chose not to be named.

Several consultees highlighted the need for a more coordinated approach across TS departments and timescales. Highlighting that the delivery plan should tie-in to other strategies and governance structures more clearly. The Scottish Chambers of Commerce specifically commented that:

“It is likely that longer-term strategic issues will be picked up by the STPR2, however, given the NTS2 Delivery plan operates over the shorter-term, it should be bolder in its approach to tackling these issues.”

The potentially inadequate level of government support necessary to deliver on the ambition of NTS2 was an issue raised by respondents. The BPA drew attention to this in relation to freight exports:

“Without major investment or regulatory stimulus policies won’t have a big impact.”

The sufficiency of government support levels was particularly prominent in relation to the importance of COVID-19 recovery measures. The Scottish Chambers of Commerce highlighted recovery from the pandemic as a key issue, which was considered to not be fully addressed by the Delivery Plan, stating that:

“Our overarching response to the Delivery Plan is that it fails to fully recognise the magnitude of the post-pandemic landscape and many of the policies outlined seem to respond to a business-as-usual situation, rather than the one we find ourselves in currently. From a business perspective, recovery from the pandemic is of the highest priority at present.”

The CPT also raised concern in relation to bus operators re-establishing market share in the aftermath of the COVID-19 pandemic whilst also decarbonising their fleet operations:

“The ability of operators to meet other government aims such as the decarbonisation of the bus fleet will depend not only on the quantum of continued additional support but on the flexibility within that support to enable operators to fund the investment needed to accelerate fleet renewal.”

The impact on local authorities of not having the resource available to implement actions within the Delivery Plan was raised several times, including by the CPT, who stated that:

“there will be an impact for local authorities as they do not currently have the resource to pursue bus franchising options.”

Tactran also raised this issue, stating that:

“Without additional resources, it remains uncertain whether Local Authorities and their Regional partners will have the ability to adequately resource the delivery of NTS2.”

Other frequent comments drew attention to the importance of recognising wider UK interdependency, particularly in relation to freight logistics and decarbonisation of aviation. Logistics UK commented that:

“A huge proportion of the goods leaving Scotland for non- UK destinations are moved by ships and planes which leave from England. The most significant airport for the Scottish supply chain is Heathrow, and the most significant ports are the English southern ports (Felixstowe, London Gateway, Southampton, and Dover).”

Potentially overburdensome requirements was raised in relation to bus franchising and fleet decarbonisation, with the specific needs of rural bus operators being of particular concern in this respect. To this effect, the CPT commented that:

“Forcing compliance will counterintuitively lead to businesses either striving to afford new vehicles by increasing fares and reducing services or will lead to business closures”

The role of the planning system was raised as a potential barrier to implementation of the 20-minute neighbourhood concept, with Logistics UK urging that planning policy:

“accounts for and fully value logistics when considering housing and other development proposals.”

The Scottish Chamber of Commerce asserted that the planning system had a role to play in responding to changing behaviours whilst also keeping traditional centres alive, stating:

“The 20-minute neighbourhood concept is likely to favour those in urban areas with access to shops and services but be irrelevant for those operating in rural communities. The NTS2 Delivery Plan could therefore do more to promote travel to and from town and city centres.”

With changing behaviours around shopping, home deliveries and the role of town centres as commercial and social hubs, a potential impact on small firms was identified, which is not fully recognised in the Delivery Plan. One community organisation who responded to the consultation, articulated this concern:

“the cost of implementing and maintaining digital solutions can be a financial burden for many smaller bus operators and the benefits for their area of operation may not outweigh the costs.”

On occasions where government funding or a support payment was considered, the potential for subsidy control implications was raised, especially in relation to the impact on incumbent operators of externally funded market entrants. The BPO commented specifically that:

“Grant funding may be good for market entrants but bad for the incumbent, who may have invested heavily to get where they are.”

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The ability of the market to respond to the requirements of NTS2 in relation to freight modal shift was raised in relation to changing consumer patterns, with the Scottish Chambers of Commerce stating that:

“The concept of ‘reverse logistics’ should be explored along with the altered role of city centre retail spaces as showrooms, offering a consumer experience and encouraging use of town and city centres while also offering deliveries which can be consolidated into fewer trips overall.”

it was highlighted that procurement methods should be closely considered when planning for electric car charging infrastructure, in order to ensure fair competition, with Tactran stating that:

“Targeted interventions are required to kickstart more investment and unlock competition, particularly in remote areas, where the commercial case for investment is weak, which means there’s a risk these will be left unserved and in on-street charging where roll-out is slow and local monopolies could arise if the market is left unchecked.”

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Appendix A: Consultation form

NTS2 Delivery Plan: Business and Regulatory Impact Assessment Consultation

A BRIA helps to assess the likely costs, benefits and risks of any proposed primary or secondary legislation, voluntary regulation, codes of practice, guidance, or policy changes that may have an impact on the public, private or third sector.

A screening of impacts on businesses and regulators has been undertaken and provides a high-level assessment informed by evidence from Transport Scotland and other Scottish Government officers.

The BRIA screening report considers how each strategic policy has potential to impact on the public, private and third sector as well as consumers. The BRIA screening report identifies key potential impacts associated with the 2020-22 Delivery Plan. We are seeking your views on these impacts as well what actions should be included in next year's Delivery Plan.

More information on the BRIA process can be found in the [BRIA toolkit](#).

B1) Do you think that the NTS2 Delivery Plan 2020-22 will impact (positively or negatively) on individual businesses operating in Scotland?

Yes / No / Don't Know

If 'Yes', please explain how businesses could be (positively or negatively) impacted:

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[...]

B2) Do you think that the NTS2 Delivery Plan 2020-22 will impact on micro and small firms specifically?

Yes / No / Don't Know

If 'Yes', please explain how this could be (positively or negatively) impacted:

[...]

B3) Do you think that the NTS2 Delivery Plan 2020-22 is likely to change the level of competition for businesses?

Yes / No / Don't Know

If 'Yes', please explain how this could be (positively or negatively) impacted:

[...]

B4) Do you think that the NTS2 Delivery Plan 2020-22 will impact (positively or negatively) on consumers? We would be looking to capture impacts around, for example, the availability of legal aid or the potential for increased opportunities for third parties to take advantage of vulnerable consumers.

Yes / No / Don't Know

If 'Yes', please explain how this could be (positively or negatively) impacted:

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[...]

B5) Do you think that the NTS2 Delivery Plan 2020-22 will impact (positively or negatively) on regulators?

Yes / No / Don't Know

If 'Yes', please explain how this could be (positively or negatively) impacted:

[...]

B6) Do you think that the NTS2 Delivery Plan 2020-22 will impact (positively or negatively) on local authorities?

Yes / No / Don't Know

If 'Yes', please explain how this could be (positively or negatively) impacted:

[...]

B7) Do you think that the NTS2 Delivery Plan 2020-22 will impact organisations in the third sector?

Yes / No / Don't Know

If 'Yes', please explain how this could be (positively or negatively) impacted:

[...]

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B8) Do you think that the NTS2 Delivery Plan 2020-22 will impact any ‘other’ organisations?

Yes / No / Don't Know

If ‘Yes’, please explain how this could be (positively or negatively) impacted:

[...]

B9) Are there any implications from changing digital technologies and markets that should be taken into account by the NTS2?

Changes to policy, regulation or legislation can often have unintended consequences, should the Scottish Government fail to consider advances in technology and the impact this may have on future delivery. Consideration is needed as to whether any changes being made from the implementation of the strategic policies can still be applied effectively should business or government processes change – such as services moving online. We would like to know your views on the following:

- Does the strategic policy take account of changing digital technologies and markets?
- Will the strategic policy be applicable in a digital/online context?
- Is there a possibility the strategic policy could be circumvented by digital / online transactions?
- Alternatively, will the strategic only be applicable in a digital context and therefore may have an adverse impact on traditional or offline businesses?

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- If the strategic policy can be applied in an offline and online environment will this in itself have any adverse impact on incumbent operators?

More information on the BRIA process can be found in the BRIA toolkit

Yes / No / Don't Know

If 'Yes', please explain how this could be (positively or negatively) impacted:

[...]

B10) Would you like to comment on any of the specific policies contained within the NTS2 Delivery Plan 2020-2022?

Please write the reference numbers of each policy to help us identify which one you are referring to.

B11) As part of the full BRIA there is a need to quantify impacts on businesses. Do you have any applicable information or evidence to support the quantification of impacts?

Yes / No

If 'Yes', please provide a comment and submit any evidence to nts2impactassessments@aecom.com:

Appendix B: Respondent Information Form

Title

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:

<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

Individual

Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

Publish response with name

Publish response only (without name)

Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No



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