

Our Ref: 1.0/TR.1/CGR/KW

Your Ref:



14 April 2006

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Dear Mr. Cruickshank,

**PROPOSALS FOR A NEW APPROACH TO DELIVERING PUBLIC TRANSPORT
INFRASTRUCTURE DEVELOPMENTS (TRANSPORT AND WORKS BILL)**

I refer to your letter of 24 February 2006 to the Chief Executive enclosing a consultation paper which discusses proposals for an alternative approach to the current Parliamentary procedure involving Private Bills for the delivery of major public transport infrastructure.

We have no direct experience in Angus of promoting major public transport infrastructure via the Private Bill process. Indeed the use of this procedure throughout Scotland has been mainly confined to relatively few Strategic Schemes which are generally of national significance.

There is therefore little evidence locally on which Angus Council can base an informed response to the questions posed in the consultation paper. However, the broad intention to provide a simpler process for both scheme promoters and objectors appears desirable, given the difficulties and delays which appear to have arisen in some cases following the current procedures.

From this general standpoint the response on behalf of the Council to the consultation questions is as follows:-

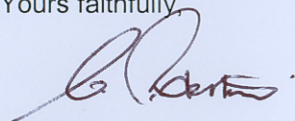
- Q.1 No other transport works identified.
- Q.2 Agree minimum six month time period. It is stated that statutory bodies such as Local Authorities be advised of proposed development (and presumably afforded the opportunity to make representations). It might be helpful to make it express which of the LA functions are to be considered as the relevant ones for the purposes of such advice e.g. planning, transport, roads, other?, especially given the emerging position on the planning, transport and roads functions vis-à-vis RTP's, City Regions, etc.
- Q.3 Agree certificate of fitness process. However, why is it envisaged that the local Planning Authority might issue access certificates to a promoter? Are the LA best placed to determine the relevance of the proposals and the competence of the promoter and their agents? Might they not be attracting liability to themselves if issues arise in consequence of certifying such access rights? The consultation document mentions also the Scottish Ministers. What criteria are envisaged to determine the relevant Authority?

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- Q.4 Agree minimum documentation listed. The process appears to be being presented as analogous in some respects to outline planning consent and envisages in certain circumstances perhaps there being a subsequent need for detailed consent for certain elements. This seems a bit unclear and the boundary issues may be blurred, e.g. what may need subsequent detailed planning consent and what may not?
- Q.5 Either period may be short in a situation where if an objection requires to be substantiated it requires the commissioning of expert or specialised advice/evidence. Conversely it may be excessive (60 days) where such is not required.
- Q.6 Compliance/compatibility with National, Regional and Local Transport Strategies and the relevant Development Plan should be explicitly identified among the specified criteria. No reasons for consideration by Scottish Parliament prior to a public examination of objections.
- Q.7 Agree it should be possible to designate other transport related projects (not in NPF) for Parliamentary consideration where such projects clearly raise strategic issues of more than local significance.

I trust the above officer level views on behalf of Angus Council are of assistance, and I also enclose a completed Respondent Information Form as requested.

Yours faithfully



COLIN ROBERTSON
HEAD OF PLANNING & TRANSPORT POLICY

c.c. Director of Roads
Director of Law & Administration (F.A.O. – Mark Allan)