

# British Ports Association

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TWA Consultation  
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Scottish Executive  
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Dear Mr Cruickshank

## **PROPOSALS FOR A NEW APPROACH TO DELIVERING PUBLIC TRANSPORT DEVELOPMENTS**

Thank you for the opportunity to comment on the above consultation. The BPA's membership incorporates a substantial number of ports across Scotland, representing a fair cross section of the port sector in the country. This broad base allows the BPA to consult with a wide range of interests, and to a great extent, to speak for Scotland's port industry.

In general, the BPA is sympathetic to the Scottish Executive's aims in introducing this consultation. The process by which public transport infrastructure developments, and certainly infrastructure developments in ports and harbours are proposed and approved is long, fraught with difficulty and scope for delay, and is on occasion a major obstacle to achieving the timely and sustainable development that transport infrastructure requires if it is to achieve its main aim of facilitating and encouraging economic growth in Scotland.

This leads to a number of general observations on reform of the Private Bills process. First, and most important, is that any reform of the current process must add value to that process. To do that it must make the present system more efficient, reducing the timescale in which proposals are approved, and provide a more transparent system that affords promoters a greater degree of certainty when formulating their proposals.

Secondly, the proposals discussed in the consultation document are largely based upon the English Transport and Works Act system. The port industry's

experience of that system in England and Wales has not been by any means an unqualified success. The shortcomings of that system prompted the drafting of a Harbours Bill, currently before the House of Commons. A similar bill entered Scottish Law as a part of the Transport (Scotland) Act 2005. As a minimum, the BPA and its members would hope that any reform ensured that the provisions of the Harbours Bill were carried over into the new process.

In response to the specific questions the consultation posed:

1) Beyond rail, tram, guided busways and inland waterways, some large scale port developments, or infrastructure developments connecting ports with the wider transport network, ought to be subject to an improved consent process.

Ports play a vital role in the movement of good and people to, from and within Scotland. They provide life-line links to island communities. Additionally they are points where goods enter the country, as well as being significant points of economic activity in themselves. Some ports, for instance those involved in ro-ro traffic or the fishing industry are dependent on good transport links to move goods away from the port. All ports, when seeking to expand to provide new capacity, or attract more business, would benefit from a process that gave offered greater transparency and objectivity in decision making, allied to a more efficient process. They ought, therefore, to be considered for inclusion should reforms to the Private Bill process genuinely offer those advantages.

2) The Association sees no compelling argument for lengthening the existing minimum statutory pre-application period beyond six months. Equally, however, the BPA accepts that there are arguments against curtailing the period in the interests of transparency and public accountability. As such the BPA feels the current time period ought to be retained.

3) The BPA agrees with the proposal to give promoters the right to enter land for preliminary investigations, subject to certain conditions. This measure would reduce some of the uncertainty inherent in promoting a development. As such it would confer an advantage not only on the promoter, but also on other stakeholders who would benefit from a more accurate, transparent rendering of the details of any development.

4) The Association agrees that the level of information suggested as a requirement in the consultation is both reasonable and sufficient.

5) Reducing the objection period from 60 days to 42 days not only confers the advantage of reducing the time it takes to advance a planning application, it also brings some infrastructure developments into line with the existing process for road development.



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6) Consulting the Scottish Parliament twice under the revised process, in addition to a public examination of objections, risks unnecessarily delaying the development approval process.

Without wishing to trespass into the territory of constitutional lawyers or politicians, it seems that one period of scrutiny would be enough to give the Scottish Parliament satisfactory oversight of any development. Two is unnecessary and puts developments at risk of delay within the Parliamentary system. Equally, it could be argued that an independent public examination of objections actually provides a more transparent, expert, and thus appropriate, forum for the scrutiny of proposed developments than the political Parliament.

7) The BPA does not see any compelling reasons to broaden the scope of the NPF to bring more proposals within the framework of Parliamentary consideration, particularly given that process is currently under review and is likely to be reformed.

Once again, thank you for the opportunity to participate in this consultation. The BPA welcomes all such opportunities to represent the views of its Scottish members. It ought to be noted that whilst the BPA represents the views of a substantial part of the Scottish port industry, this submission does not in any way prejudice those that individual ports in our membership may make to this consultation.

As stated, the BPA broadly agrees with the aims of the Scottish Executive. The Association does, however, have some reservations regarding the proposals put forward for reform. The opportunity exists to make substantial positive changes to the current process whereby public transport infrastructure developments are delivered.

Yours Sincerely

David Bishop  
Association Secretary

