



GD/GM/haf

16 May 2006

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Dear Sir/Madam

**First ScotRail response on a New Approach to Delivering  
Public Transport Infrastructure Developments**

Thank you for the opportunity to respond to the above consultation on this important policy issue.

I hope that our attached response is of assistance and please do not hesitate to contact me should you require anything further.

Yours sincerely

Gordon Dewar  
**Commercial Director**

## **FirstGroup plc Response to Scottish Executive Consultation on Rail Priorities**

**Question 1: Are there any other transport works beyond rail, tram, guided busways and inland waterway developments that should be in scope and if so why?**

FirstGroup believes that the proposed scope covers all required modes and project types that would benefit from the revised procedures.

**Question 2: What reasons exist for lengthening or indeed shortening the 6-month minimum designated statutory pre-application period between the promoter publicising initial proposals and presenting an application for an Order to the Scottish Ministers.**

Shortening this period would assist in addressing the concerns held by many in the transport sector about overall project delivery times. The concern for shortening is of course the ability for third parties to prepare a case to object or for a wider debate and consultation to occur. However, this phase is not the final period by which these activities can occur and shortening to 3 months would not substantially hinder such activities across the overall process.

**What process should apply to enable a promoter; without a statutory right, to enter land to conduct preliminary investigations?**

A number of options exist to protect the reasonable rights of landowners to have full and uninterrupted enjoyment of their property while not imposing unnecessary restrictions for competent projects. One such option may be a certification process whereby parties that wish access are certified by local authorities or the Scottish Executive as competent and interested parties. Organisations that undertake feasibility studies and design works as part of their regular activities would therefore hold such certification that could also require due notice periods and a statement of justification and cause for each access requirement. One-off applications for certification could also be made and where there is no justification for holding certification for more than one specific project this could be an attached condition. Competence could be decided upon professional services e.g. Engineering design, architectural services etc. all of which have readily recognisable qualifications that would act as the standards for approval.

**Question 4: What documentation should be supplied by the promoter in support of the application? Is there sufficient information contained within the proposals?**

With the minor addition of neighbour effects as well as compulsory acquisition targets being advised, the proposed information is considered appropriate.

**Question 5: What are the implications of reducing the time period for objections from 60 to 42 days.**

In the context of the overall process, the 18 day saving is unlikely to be meaningful (where for example three months could be saved elsewhere). This is a sensitive area where it may effect private individuals with limited resources and knowledge to respond where the 60 day period allows the opportunity for the best possible response.

**Question 6: Are there any reasons why, once the Scottish Ministers have determined that the application meets the procedural conditions and the specified criteria conditions, that the application should be considered by the Scottish Parliament prior to a public examination of the objections?**

It is believed that Parliament would be best aided by having knowledge of the wider objections prior to any debate to ensure that it is fully informed. Therefore, FirstGroup does not foresee any reasons why the Scottish Parliament should consider the application in advance of the public examination stage.

**Question 7: Are there any reasons for extending Parliamentary consideration and approval of projects beyond those contained within the NPF? Do you agree that it should also be possible for the Scottish Ministers to designate other transport related projects not in the NPF for Parliamentary consideration should they see fit?**

Maximum flexibility for Scottish Ministers would be a benefit. However, general criteria that may attract designation would be helpful (e.g. scale, geography, etc.) such that Promoters may be able to anticipate the likelihood of designation and plan accordingly.