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Our Ref Strat/113/071/pb.  
Your Ref

25 April 2006

Mr A Cruickshank  
TWA Consultation  
Transport Strategy & Legislation Division  
2D- Dockside  
**Scottish Executive**  
Victoria Quay  
Leith  
EH6 6QQ

Dear Sir

**SCOTTISH EXECUTIVE CONSULTATION:  
PROPOSALS FOR A NEW APPROACH TO DELIVERING PUBLIC TRANSPORT  
INFRASTRUCTURE DEVELOPMENTS (TRANSPORT & WORKS BILL).**

I refer to your letter of 24 February 2006, inviting responses to the above Consultation.

With respect to this, please find the views of Glasgow City Council on the issues under consultation outlined within the document attached.

Should you require further information about this response, or clarification of any matter relating to it. Please contact the officer named below who will be pleased to assist.

I hope this is satisfactory and helpful.

Yours faithfully



Robert Booth  
Director of Land Services

Enc.

**If phoning or visiting please ask for Paul Buchanan**  
**Direct phone 0141 287 9229 fax 0141 287 9698**

STRAT-113-071-PB, PRPSLS, NEW APP, PT INFRSTR (T&W) BILL.DOC

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## **CONSULTATION BY SCOTTISH EXECUTIVE**

**Titled:**

**“PROPOSALS FOR A NEW APPROACH TO DELIVERING PUBLIC  
TRANSPORT INFRASTRUCTURE DEVELOPMENTS (TRANSPORT &  
WORKS BILL)”.**

## **RESPONSE BY GLASGOW CITY COUNCIL**

Please find the views of Glasgow City Council on the proposals, which are the subject of consultation, outlined within the following. Please note that the response is structured in tabular form with the consultation questions shown in the left hand column of the table, and the corresponding response (view) on the subject matter of each question shown alongside in the right hand column.

<b>Consultation Question</b>	<b>Response (Views expressed on behalf of Glasgow City Council)</b>
<b>General Comments</b>	<p>The intent of the proposed changes to the present private bill promotion procedure, designed as they are to streamline the current system, and to bring promotion of Private Bills relating to transport into line with the existing system in England and Wales, is to be welcomed. The proposed changes will have the effect of putting the Scottish Ministers at the centre of the decision making process and will remove at least one layer of parliamentary debate, thereby helping to streamline the current system.</p> <p>It is agreed that the existing Private Bill process for the delivery of non-road transport projects is drawn out and a considerable hurdle to cross compared to that applying to trunk roads. However, as a ‘qualification’ of this agreement, there is concern that the replacement of the process by one based on the Transport and Works Act 1992, applying to England and Wales, may not deliver the expedited procedure envisaged, if the experience of many schemes promoted using this order is to be considered. There may be benefit in reviewing the TWA process and giving consideration to whether improvements can be made in the light of experience to date.</p>

Consultation Question	Response (Views expressed on behalf of Glasgow City Council)
<p><b>Q1. Are there any other transport works beyond rail, tram, guided busways and inland waterway developments that should be within the scope and if so why?</b></p>	<p>It is agreed that these types of development should form the focus of the new process. However, further consideration should be given to guided bus schemes, which may benefit from being separated out and dealt with under road powers. In Glasgow a key consideration for the Clyde Fastlink scheme was the speed of implementation in order to meet the redevelopment programme. This meant that the approach made to the provision and operation of infrastructure and the need to use a non-guided vehicle was determined by the requirement to avoid the delay caused by the private bill procedure. The approach being taken is to designate the off-road bus-way as a private road and to use traffic regulation orders for the on-road sections to control access to the bus lanes.</p> <p>Equally it may also be beneficial to consider that Trunk Road projects such the M74 Completion be dealt with in similar fashion to the types of projects listed under Section 4.7 of the Consultation document. Projects such as this are of prominent national importance. Additionally, in order to ensure that a <b>consistent approach</b> to all major transport projects can be adopted, major trunk road schemes and nationally significant harbour developments should at some point be brought within the scope of the new procedure.</p>
<p><b>Q2. 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 Scottish ministers?</b></p>	<p>Six months is considered an adequate period for a promoter to publicise a scheme, undertake consultation and provide for negotiation to attempt to resolve potential issues that could turn into objections.</p>



Consultation Question	Response (Views expressed on behalf of Glasgow City Council)
<p><b>Q3. What process should apply to enable a promoter, without a statutory right, to enter land to conduct preliminary investigations?</b></p>	<p>We consider that the proposal for the issue of a 'certificate of fitness', subject to appropriate conditions, to be a reasonable measure prior to scheme promoters requesting access to land. However, clarification is required as to the circumstances it is proposed that the certificate will be issued by the Scottish Ministers, as opposed to the local planning authority.</p> <p>On the issue of rights of access when agreement cannot be reached between a promoter and a landowner, we consider that the proposal for Scottish Ministers to consider the issue and make a determination to be appropriate.</p> <p>Notwithstanding the above comments, it will be important that the timescales for such matters is set out clearly, in relation to other aspects of the process, in order that the issue of certificates of fitness and consideration and determination by Scottish Ministers on issues of access do not in themselves become hindrances to a streamlined process.</p>
<p><b>Q4. What documentation should be supplied by the promoter? Is there sufficient information contained within the proposals?</b></p>	<p>The minimum proposals relating to the list of documentation that the promoter is required to provide in support of their application would appear to be comprehensive, and is certainly adequate. A potential shortcoming in the list of documents to be submitted is the lack of a requirement for a STAG appraisal.</p> <p>Furthermore, a key issue will be the level of design information that requires to be provided. Sufficient information needs to be provided to understand the implications/impact of the proposal. However the promoter should not be required to go beyond this basic level until the actual powers are obtained.</p>
<p><b>Q5. What are the implications of reducing the time period for objections from 60 to 42 days?</b></p>	<p>On schemes of national importance a two-week reduction in the period for objection would be insignificant. However, it might also be possible to achieve substantial reductions in timescales by speeding up the process for examinations and reporting. It is noted that these particular aspects are, to a degree, able to be influenced by the Scottish Ministers.</p> <p>It is considered that quicker reporting by SEIRU could potentially substantially reduce the timescale for delivery of schemes.</p> <p>Moreover, the procedure for all transport projects needs to be aligned. In this sense if 42 days is sufficient for trunk road projects then it may also be sufficient for other types of transport projects.</p>

Consultation Question	Response (Views expressed on behalf of Glasgow City Council)
<p><b>Q6. 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?</b></p>	<p>No. It would appear prudent to limit discussion by the Scottish Parliament until public examination had been concluded and reported into the public domain.</p> <p>Notwithstanding the above, it is notable that this proposed stage, which will consist of a detailed consideration by Scottish Ministers, followed by final ministerial and parliamentary approval, remains largely unchanged from previous procedure.</p>
<p><b>Q7. 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 in the NPF for Parliamentary consideration should they see fit?</b></p>	<p>The National Planning Framework should contain all national strategic transport projects, however provision should be made for those limited instances where projects arise in the interim that require to be taken through a Parliamentary process.</p> <p>Furthermore, in this respect it is important to recognise that the purpose of government is to actively 'govern'. Consequently government must have the freedom to identify projects that it considers to be of significant national importance.</p>

25/04/2006