

19 May 2006

Tony Cruickshank
Transport & Works Consultation
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Dear Mr Cruickshank

Scotland's Transport: Proposals for a New Approach to Delivering Public Transport Infrastructure Developments

The Royal Institution of Chartered Surveyors in Scotland (RICS Scotland) has noted the above consultation paper and is grateful for the opportunity to participate in this debate.

RICS Scotland is the principal body representing professionals employed in the land, property and construction sectors. The Institution represents some 9,000 members: 7,000 chartered surveyors, 200 technical members and 1,800 students and trainees. Our members practise in sixteen land, property and construction markets and are employed in private practice, in central and local government, in public agencies, in academic institutions, in business organisations and in non-governmental organisations.

As part of its Royal Charter, the Institution has a commitment to provide advice to the government of the day and, in doing so, has an obligation to bear in mind the public interest as well as the interests of its members. RICS Scotland is therefore in a unique position to provide a balanced, apolitical perspective on issues of importance to the land, property and construction sectors.

Having considered this consultation document at length, RICS Scotland wishes to make the following comments.

General

RICS Scotland is encouraged that the Scottish Executive has chosen to address this matter of major importance concurrently with parliamentary scrutiny of the Planning etc (Scotland) Bill.

Transport infrastructure is fundamental to economic development and a more streamlined approach to dealing with infrastructure, which will encourage investment in this key sector, is welcomed by RICS Scotland.

Question 1 – 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?

RICS Scotland suggests that roads, airports and ports should be included in the scope of these proposals. The inclusion of airports is particularly important in cases where flight paths have an effect on residential areas. For trains, the assumption is made that both underground and overground modes are included.

The inclusion of all transport works would have the benefit of encouraging promoters to put forward integrated proposals under a single process.

RICS Scotland believes transport infrastructure should be integrated to facilitate inter-modal exchange, which would enable the seamless movement of passengers and goods.

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?

RICS Scotland notes that it is common practice for consultations to run for a period of three months. We suggest that you may wish to consider this time period to ensure that the application process is not unnecessarily drawn out.

However, in accordance with good practice, RICS Scotland expects the proposer to have made early contact with the statutory agencies before a formal consultation is submitted.

Question 3 – What process should apply to enable a promoter, without a statutory right, to enter land to conduct preliminary investigations?

Provided that the rights of the owner are properly protected, the proposal to allow a promoter access to the land for preliminary investigations is supported by RICS Scotland.

We suggest that access could be allowed at the point at which the promoter serves notice on the landowner. The notice should have the effect of a purchase of the ground and the landowner's consent to conduct preliminary investigations should be assumed as accepted by both parties. Notice by the company of the intention to take the land should be assumed as an acceptance of the offer.

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

RICS Scotland suggests that a degree of flexibility is required on the issue of required documentation.

Much depends on the nature and scale of each project and we suggest that in this instance you may wish to consider a test of reasonableness. This would prevent unnecessary paperwork being required of smaller proposals and would allow further documentation to be requested in support of more complex proposals.

Question 5 – What are the implications of reducing the time period for objections from 60 to 42 days?

RICS Scotland supports the proposed 42-day time period for objections.

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

RICS Scotland does not consider there to be any reasons for applications, which meet the procedural conditions and the specific criteria conditions to be considered by the Scottish Parliament prior to a public examination of the objections.

Questions 7 – Are there any reasons for extending Parliamentary consideration and approval for 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?

Agreed.

On behalf of RICS Scotland, I hope you find these comments useful. Should you wish to discuss any of the issues further, please do not hesitate to contact me.

Yours sincerely

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