

TRANSform Scotland

the campaign for sustainable transport

'Proposals for a new approach to delivering public transport infrastructure developments'

Consultation response from TRANSform Scotland

19th May 2006

1. Introduction

- 1.1 TRANSform Scotland is the national sustainable transport alliance, campaigning for a more sustainable and socially-just transport system. Our membership includes bus, rail and shipping operators, local authorities, national environment and conservation groups, consultancies and local transport campaigns.
- 1.2 We have an interest in the proposals set out in this consultation paper in as much as we have participated in the Parliamentary process for four of the six transport Private Bills entered into the Scottish Parliament; in one of these cases (Edinburgh Airport Rail Link Bill) we are an objector. We also have experience of the Order process used by the Scottish Executive for trunk road proposals, and have been an objector to a number of these.
- 1.3 We are broadly content with the proposals brought forward in the paper in so far as they apply to public transport proposals. However, the proposals do not go far enough in as much as they retain discrepancies between the procedures for public transport proposals, and those for road proposals. We consider that the proposals will leave public transport proposals under considerably greater scrutiny than that that exists for road proposals, a situation which sits uneasily with the Scottish Executive's claims that it prioritises investment in public transport.

2. Question 1

- 2.1 We do not agree with the judgement (paragraph 4.8) that the Bill proposals should not be extended to cover motorways and trunk road schemes; indeed we would argue that major port and airport developments should also be brought into the proposed legislation.
- 2.2 The extension of the proposals to cover road proposals would allow the removal of discrepancies between the procedures for road proposals and the procedures for public transport proposals. Such a move would make the planning procedures for transport developments to be considerably more understandable for the public, and allow greater public participation in the planning process.
- 2.3 From our experience as a sometime objector to both road and rail schemes, we would not agree with the contention (made by various third parties, including several MSPs) that procedures for Private Bills are more difficult for objectors than the Public Local Inquiry process for road proposals:
 - Firstly, objectors in the Private Bill process receive assistance from Parliamentary staff in submitting objections, as well as receiving the benefits of a well-organised system of recording of evidence sessions (resources that are generally unavailable to objectors to road proposals)
 - Secondly, we have found the PLI process for road proposals to be considerably more legalistic and formal than anything we have experienced in the Parliamentary context
 - Thirdly, and as the consultation paper acknowledges, the objection period for public transport proposals (60 days) is greater than that available for objectors to road proposals (42 days).
- 2.4 A common procedure for all major transport proposals (including the replacement of the Roads (Scotland) Act 1984) would also function as an aid to multi-modal corridor appraisal

and delivery, and be in better accord with the Scottish Executive's sustainable transport policy objectives.

- 2.5 These proposals leave public transport proposals having to go through three sets of scrutiny: Ministerial scrutiny, public examination, and Parliamentary scrutiny. Under the existing system, Scottish Executive road proposals, by contrast, have only to pass public examination (and even then only on the occasions that proposals are called in by the Scottish Executive for Public Local Inquiry).
- 2.6 The final sentence of paragraph 4.8 suggests that "certain trunk roads ... of ... national significance ... ought" to be subject to Parliamentary scrutiny. The consultation paper then fails to make any proposals to ensure that this might happen. We would welcome the inclusion of such provisions in the Bill proposals.

3. Questions 2 and 5

- 3.1 In keeping with our comments above, we are of the view that the Executive should provide for consistency between road proposals and public transport proposals.
- 3.2 We consider it manifestly unfair, and in conflict with the Executive's sustainable transport policy objectives, that the available objection period for public transport proposals is greater than the objection period for road proposals. We would welcome the standardisation of objection periods for road proposals and public transport proposals at 60 days.

4. Question 3

- 4.1 We have no view on this matter at this time.

5. Question 4

- 5.1 We would question whether the promoter should not be expected to bring forward a Strategic Environmental Assessment of the proposal rather than an 'environmental statement', as indicated in the consultation paper.

6. Question 6

- 6.1 We are broadly content with the process set out in this section.

7. Question 7

- 7.1 We agree that projects not included in the National Planning Framework should also be subject to Parliamentary scrutiny. These would include projects promoted by the Regional Transport Partnerships.
- 7.2 The reference in paragraph 5.2 to "lesser developments" that would be exempt from Parliamentary scrutiny is vague and unsatisfactory. The consultation paper presents no grounds or criteria upon which this exemption would be justified. We recommend that such grounds or criteria be specified in the Bill proposals, or such exemptions be dropped.

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