

General -

6b Publications and Consultations

- Purpose of Report

The purpose of this report is to inform members of a number of recent publications and consultation papers and to seek approval of draft responses as appropriate.

- Development Planning and Management Transport Appraisal Guidance (DPMTAG)

Transport Scotland are currently consulting on this new draft transport appraisal guidance. The publication of DPMTAG signifies a new approach to transport and land use planning and brings together principles set down in earlier planning advice and guidance. It reflects recent changes in development planning regarding strategic and local development plans, supporting documents and key stages in plan preparation.

The stated aim of the document is “to enable Transport Scotland to support the principle of the land use allocations and transport interventions set out in development plans as they affect the strategic transport network.”

Essentially, DPMTAG attempts to establish some clarity around different levels of appraisal that will be required to support proposed land releases in strategic and local development plans. It will cover all of Scotland and makes allowances for areas of lower growth and recognises that there is a difference between the level of detail available and therefore level of appraisal required for local over strategic development plans.

It further recognises that the level of transport appraisal it outlines “will require time and resources that may prove challenging within the development plan preparation timetable.”

The proposed response of the North East SDPA is concerned with the above three themes; the aim of the guidance, the different levels of appraisal it requires and the time and resources needed. Appendix 1 provides the response developed in partnership with the Strategic Development Plan team. The consultation on DPMTAG concludes on 15 November 2010.

- Network Rail East Coast Main Line Capacity Review

On 31 August, Network Rail published a review of capacity on the East Coast Main Line covering the period to 2016.

The Capacity Review is intended to provide further information on the issues relating to capacity constraints on the line, which will be used to inform an addendum to the Rail Utilisation Strategy (RUS) established for the line in 2008.

A draft response to the consultation is attached as Appendix 2 to this report. Comments are sought by 1st November 2010.

- EU Consultation on Congestion Charging

There are currently a number of reviews on the future of European Union transport policy and funding going on at the moment. One of these relates to congestion charging and the European Commission is presently finalising a business case for setting up basic rules at EU level for congestion charging schemes and Access Restriction Schemes.

CoSLA has asked the Regional Transport Partnerships to consider this issue and coordinate input from a Scottish perspective. Responses were required by 15 September and it was therefore necessary to provide an officer's view in time for it to be taken into account.

The response is attached as Appendix 3 and members are asked to homologate the response.

- Revised approach to publication schemes - consultation

The Freedom of Information Commissioner, Kevin Dunion, has launched a consultation on a revised approach to publication schemes. The aims of the proposal are to:

- * Support authorities to publish as much information as possible;
- * Simplify publication schemes for authorities and for the public; and
- * Move resources to monitoring compliance.

The Commissioner's proposal is also a response to impending pressures on public services. Scottish public authorities are concerned about continuing to meet their statutory obligations with fewer resources. Proactive publication is considered to be of benefit to the public, and also for authorities, by ensuring that the public can access the information they want to see, while reducing the demands of responding to information requests faced by authorities.

The Commissioner proposes the introduction of one single model publication scheme, suitable for adoption by all Scottish public authorities. The current requirement for authorities to submit schemes to the Commissioner for approval will be replaced with a simple notification procedure and production of a guide to information for the public. The Commissioner's staff resources will move from approval of individual schemes to scrutiny of whether information is being made available.

The consultation paper and response form are available online at <http://www.itspublicknowledge.info/home/News/PublicationSchemeConsultation.asp>. A draft response is attached as Appendix 4 to this report. The consultation closes on Friday 29 October 2010.

- Recommendation

It is recommended that Members note the contents of this report and agree the attached appendices as Nestrans' comments where appropriate.

RD/KM August 2010

Draft Nestrans response to DPMTAG

The Aberdeen City and Shire Strategic Development Planning Authority (SDPA) and Nestrans welcomes the publication of this new approach to better integrating transportation and land use planning and appreciates the opportunity to comment at this stage. Comments are restricted to the development planning sections.

The document has the potential to be a useful tool for planning authorities, allowing them to have greater certainty when considering transport and plan-making and an improved dialogue with Transport Scotland (TS). The SDPA and Nestrans appreciates the role and responsibilities that TS has and is extremely satisfied with the level of engagement and relationships established with TS staff and representatives in recent years.

The stated aim of the document is “to enable Transport Scotland to support the principle of the land use allocations and transport interventions set out in development plans as they affect the strategic transport network.” The SDPA wishes to work with TS and other partners to ensure as far as possible that early and ongoing engagement from key agencies, including Nestrans, and other significant stakeholders results in a robust and deliverable strategic development plan for north-east Scotland in 2012.

We seek clarification on a couple of fundamental questions relating to the aim of DPMTAG. The support of TS is of course desirable for any development plan and the work done recently on the Cumulative Impact Study has shown what a worthwhile exercise it has been and how well stakeholders have worked together.

However, whilst support is important, having an awareness of discussions and the reasons why particular decisions are taken are equally valuable. As with any plan making process, the eventual outcome may be amended as proposals pass through the committee process or indeed as a result of the examination held by Reporters appointed by the Scottish Ministers. The focus on preferred solutions based on transport objectives cannot be at the expense of other possibilities that may emerge.

The SDPA would wish to secure the support of TS as far as reasonably possible and believe TS should therefore adopt a more flexible and positive approach to facilitating development decisions taken at the local level. This should especially be the case where funding mechanisms could be employed from developers, which have no impact on TS investment criteria or spending reviews.

Comment – Transport Scotland must recognise the benefit of being part of the plan-making process and whilst their level of support may change over time, adoption of a more facilitative approach to new development would be desirable.

In terms of the “strategic transport network”, we would seek clarification on whether this relates only to the trunk road network, or whether other ‘A’ class roads should form part of any appraisal to be undertaken. Clearly other routes, such as the A93, A944 and A947 are of huge significance to the north-east and link to key projects such as the AWPR.

Comment – the strategic transport network includes more than just the trunk road network and appraisals should potentially consider a wider scope.

There are several references to appraisals being “objective-led” and a need to express the “transport outcomes sought for the plan.” It is noted elsewhere in the document that transport and accessibility analysis “together with other non transport factors should lead to

a view on the preferred strategy and alternatives.” The SDPA and Nestrans are unclear who it is felt should be involved in the setting of such objectives and outcomes.

Comment – who does Transport Scotland believe should set plan objectives and outcomes? For example, there is no reference to Regional Transport Partnerships or what role they might play.

The document continues with “option generation and sifting” and “appraisal of remaining options.” Whilst these are key stages in the process, these paragraphs may make more sense coming later, perhaps after Table 2.

Comment – para. 35-41 would make more sense later in the document after levels of appraisal are covered.

In terms of the levels of appraisal, the SDPA and Nestrans is concerned that it may be difficult in many cases to determine whether a level 1 or 2 appraisal is required at the outset of preparing a main issues report. The monitoring statement stage will provide information on the previous forecasts of land use change, but until preferred and alternative options are more refined it will be impossible to consider a level 2 appraisal. Given the emphasis on efficient plan-making, this could result in transport appraisals often running into the period between the MIR and proposed plan.

Comment – the SDPA and Nestrans is concerned that in many cases it will be extremely difficult to undertake an appraisal to the satisfaction of Transport Scotland in the timescale set out in DPMTAG.

Table 2 of the document sets out the level of appraisal required based on types of intervention. However, the SDPA and Nestrans is of the opinion that the earlier information on levels of appraisal suggest that the scale of development has a bearing on the level of appraisal and this would appear to make greater sense as identification of interventions will only emerge *after* the appraisal. Therefore, Table 2 should be based on the scale of development. Where it is known that the change in level of development is not substantial between the previously adopted or approved plan and the one being prepared and / or the spatial strategy has not significantly changed, a lower level of appraisal will probably be sufficient.

Comment – Table 2 should primarily be based on whether the scale of development and / or spatial strategy has changed significantly from the previously adopted or approved plan.

Draft Nestrans response to ECML Capacity Review

N13/6

Richard Eccles
Director of Network Planning
Network Rail
90 York Way
Kings Place
London
N1 9AG

Dear Mr Eccles

East Coast Main Line 2016 Capacity Review Draft for Consultation

Thank you for your letter received on 3 September 2010, relating to the above consultation.

Nestrans is the statutory Regional Transport Partnership for Aberdeen City & Shire, representing strategic transport interests in the north east of Scotland. Although the East Coast RUS focuses on the line south of Edinburgh, it is important to consider the East Coast Main Line services covering the entire length of the line, between London Kings Cross and Aberdeen.

Whilst it is acknowledged that many of the key issues for the East Coast Main Line relate to the southern section of the route, particularly in relation to capacity, it is nevertheless disappointing that the consultation document makes no reference to Aberdeen or that part of the route north of Edinburgh.

As you will be aware, the East Coast franchise includes three through trains between London and Aberdeen as well as services to Inverness. Reference to these routes and services should be included in documentation relating to the East Coast Main Line, with recognition of the importance of these links as part of the overall route and the continuing need for these through services to continue.

I hope that you will be able to take account of these comments as part of your consultation and include suitable reference in the revised RUS when published.

Yours sincerely

Derick Murray
Director

Draft Nestrans Response to EU consultation on Congestion Charging

Serafin Pazos-Vidal
CoSLA
Brussels

Serafin

Thank you for the opportunity to contribute to CoSLA's response on the EU consultation on Congestion Charging.

Nestrans and the constituent local authorities in Aberdeen City & Shire have previously made it clear that there are no intentions to bring forward congestion charging in this area outwith a national scheme. Any such national scheme would be unlikely to focus on individual areas and is more likely to relate to a national charge, perhaps based on congested routes or peak times.

The challenges facing the EU in transport include the need to decarbonise transport, reduce reliance on non-renewable and imported fuels, improve air quality in urban areas, reduce the number of casualties in road traffic collisions and reduce congestion.

While there are many drivers working toward achieving some of these objectives, there is no doubt that a review of funding and charging for transport would seem an easy way of influencing travel behaviours and achieving quick wins. Potentially, charging may also provide a revenue stream to provide further options and further influence travel choices towards achieving these objectives.

The principles behind congestion charging should ensure that they are only introduced as a replacement for other means of charging for transport such as Vehicle Excise Duty. Importantly, schemes should also be able to demonstrate that revenue raised should be hypothecated or ring-fenced for expenditure on transport projects within the area.

This would imply a shift from national tax raising powers (whereby currently charges are made by national Governments often for ownership of vehicles) towards local charges based on vehicle usage, probably targeted at the busiest routes at the busiest times and that all funds should be clearly and demonstrably for the benefit of transport projects within the local area. This would necessitate responsibility for introducing schemes being decentralised to an appropriate level. In Scotland, this would probably be to Regional Transport Partnership level where scheme proposals could be made to the Scottish Government for approval and subject to the approval of the local authorities whose areas are affected.

Insofar as the draft questionnaire is concerned, I would make the following comments:

The phrase "Access Restriction Schemes" seems unduly negative and should be replaced with a more meaningful and informative label relating to the aim of improving the quality of urban areas;

Nestrans would support CoSLA's comments regarding subsidiarity, proportionality and respecting local competences;

We would also support CoSLA's stance that the EU should only get involved by supporting the development of existing local transport frameworks and oppose any EU measure to introduce mandatory local transport rules.

I hope these comments are helpful in formulating a CoSLA response to the consultation, but if you require any further information or wish to discuss any aspect, please feel free to contact me

Yours sincerely

Derick Murray
Director

Draft Nestrans response to Consultation on Publication Schemes

N5/2

Sarah Hutchison
Head of Policy and Information
Scottish Information Commission
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Dear Ms Hutchison

Revised approach to publication schemes - consultation

Thank you for your email of 7 September containing a link to your consultation on Publication Schemes.

The consultation was considered by the Nestrans' Board at its meeting of 29 September and the enclosed response was agreed.

If you wish to discuss or require any further information, please do not hesitate to contact us

Yours sincerely

Derick Murray
Director

Consultation Response Form

Please complete this form and send your response to:

Sarah Hutchison, Head of Policy and Information, Scottish Information Commissioner,
Kinburn Castle, St Andrews, KY16 9DS

Or email to: publicationschemes@itspublicknowledge.info

If you have any questions about the consultation, please contact the Policy and Information Team in the Commissioner's Office at the above address or telephone 01334 464610.

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We propose to publish all responses to this consultation on our website after 29 October 2010. We plan to publish the name of the respondent in each case and the name of any organisation they represent. We do not propose to publish respondents' contact details on our website. If you are happy for your response and your name to be published, please now go to the Consultation Questions below.

If you **do not** wish your response or name to be made public, please complete the boxes below. Note: The Scottish Information Commissioner is a public authority and subject to FOI law. If he receives a request for any unpublished responses or names he will usually have to release the information unless there are good reasons for withholding it.

I am happy for you to publish my response but not my name

Please do not publish my response at all

Provide reasons for withholding your name and / or response here:

Consultation Questions

A single model publication scheme

1. Do you think the proposed approach will be more or less efficient for public authorities than the current approach? Why?

A single model publication scheme should be more efficient for public authorities as it will be easier to know the types of information and style required.

2. In what ways will the proposal improve public access to public authority information?

It should also make gaining access to information easier for the public as it will be more obvious and readily understood in a consistent manner.

3. Do you agree that the model scheme should include a standard charging policy for all authorities (with an opportunity to submit individual variations to the Commissioner for approval)? Why?

Yes. Consistency would avoid ambiguity and disputes regarding appropriate levels of charging.

4. Do you foresee any practical difficulties arising from the proposal?
(If so, do you have any suggestions for how those difficulties might be overcome?)

No.

5. Do you have any other comments on the proposal for a single model publication scheme?

No.

Guides to information

6. Do you agree with the proposal that authorities should develop guides to information?

Yes, a guide to information which is available and where to obtain that information would be helpful.

7. Do you think this will bring efficiencies for public authorities?

Efficiencies are likely to be marginal.

8. Do you think the public will find the approach helpful?

Yes, members of the public will be able to access information more easily.

9. Do you foresee any practical difficulties arising from the proposal?

(If so, do you have any suggestions for how those difficulties might be overcome?)

Authorities should be required to publish their publications schemes, including making them available on websites. However, there should be no requirement to advertise these as rates for publishing public notices can be very high.

Notification

10. Do you think notification is necessary and desirable?

No. The Commissioner should have the right to request an authority's publication scheme, but it should be up to him to ask for it rather than the responsibility of the authority to provide notification.

11. Any other comments on the proposal for a notification procedure?

No.

Guidance on publishing information

12. What aspects would you like the Commissioner's guidance to cover?

Clarity on the type of information which should be published and the levels of charging which would be appropriate.

Is there anything else you would like to tell us about the proposal?

No.