

## **TRANSPORT AND WORKS (SCOTLAND) ACT 2007 FIRST ANNUAL REPORT ON TRANSPORT AND WORKS ORDERS**

### **Background**

Section 21 of the Transport and Works (Scotland) Act 2007 (“the Act”) states that:

1. The Scottish Ministers are, by 1 October in each year after the year of Royal Assent, to prepare a report on orders made, or not made, under that Act and applications or proposals for orders made or still current during the year;
2. Matters contained in the report –
  - a) details of each order, each applicant and application or each proposal,
  - b) where Scottish Ministers dealt with an application or proposal or made a direction that a proposed project be treated as a national development, a summary of the reasons for doing as they did, and
  - c) in relation to each order, the length of time taken from receipt of the application or, in the case of a proposal, the date of publication of a notice of that proposal, to determination.
3. The Scottish Ministers to lay a copy of the report before Parliament as well as publishing the report.
4. The relevant period is the period is the 12 months which ends on 31 July in each year.

The relevant period for this Report is the period 28 December 2007 to 31 July 2008.

### **TAWS Report**

1. The TAWS Unit has been established within the Transport Directorate, Roads Policy, Traffic Management and Transport Decisions Branch.
2. Secondary Legislation (SSIs) came into force on 28 December 2007 with the remaining legislation – Access to Land – coming into force on 22 May 2008.
3. Production of easy to read Booklet “Guide to Transport and Works (Scotland) Act 2007” and “Technical Guidance to Transport and Works (Scotland) Act 2007”. Both well received by all parties involved in the development planning process.
4. A TAWS website has been developed which currently contains information about TAWS/the above booklets/copies of all the legislation which governs the TAWS/ our contact details and useful links to other Agencies/Department and reference material.  
([www.scotland.gov.uk/Topics/Transport/TAWS](http://www.scotland.gov.uk/Topics/Transport/TAWS) )
5. TAWS case tracker system developed which will also be integrated with the local roads and truck roads casework handled by the Directorate.

6. A Seminar took place at Anderson Strathearn Solicitors on 11 December introducing TAWS to a range of professionals involved in the transport devolvement planning process, including lawyers, engineers, planners and consultants. This provided an important introduction to the requirements of the TAWS legislation.
7. Internal workshop on 18 December to introduce TAWS was well attended and included DPEA (Reporters Unit), Historic Scotland, Scottish Natural Heritage and Scottish Environment Protection Agency.
8. Mackay Hannah in association with Network Rail, held a conference on 18 February where Mr John Swinney MSP delivered the keynote speech. His speech mentioned the new TAWS powers and how these powers will deliver new important guided transport systems.
9. Future TAWS Orders and advice given to the following:-
  - a. Network Rail – Waverley Steps, Edinburgh. Frequent meetings and site visits.
  - b. Strathspey Railway Company – Heritage Railway. Frequent correspondence and site visit Aviemore.
  - c. Borders, Waverley Route Heritage Association – Heritage Railway. Correspondence and a site visit have been arranged.
  - d. Transport Scotland. Frequent meetings and correspondence.

### **Orders**

During the relevant period –

No orders were made (or by virtue of section 11(2) (c) of the Act, not made) under section 1 of the Act.

No applications were made or remained current as at the date that period ended.

No proposals by the Scottish Ministers to make an order under section 1 of the Act were published in a notice, nor did any such proposal remain current at the end of that period.

### **Conclusions**

Our first short year involved establishing the TAWS Unit and providing help and advice on developing Orders for submission. We now expect to start receiving cases and it is expected our first Order will come from Network Rail for the Waverley Steps in Edinburgh before the end 2008.

**MEMBER OF THE SCOTTISH GOVERNMENT**