

**EXECUTIVE NOTE TO**  
**THE TRANSPORT AND WORKS (SCOTLAND) ACT 2007**  
**(CONSENTS UNDER ENACTMENTS) REGULATIONS 2007**  
**SSI/2007/569**

1. The above instrument would be made in exercise of the powers conferred by sections 14(3), (4) and (5) and 28(6) of the Transport and Works (Scotland) Act 2007 (asp 8). The instrument is subject to draft affirmative resolution procedure.

**Policy**

2. These regulations make provision for:
- removing the requirement for a consent under section 34 of the Coast Protection Act 1949 on the making of an order under section 1 of the Transport and Works (Scotland) Act 2007;
  - deeming hazardous substances consent (under the Planning (Hazardous Substances)(Scotland) Act 1997) to be given on the making of an order under section 1 of the Transport and Works (Scotland) Act 2007; and
  - assimilating procedures relating to the making of an order under section 1 of the Transport and Works (Scotland) Act 2007 and for listed building consent and conservation area consent under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979.
3. The policy objective is to seek to ensure that permissions and consents that may be required for a particular development can, as far as possible, be considered and granted at the same time as the order for that particular development is being considered and approved, and in so doing make for an efficient process.
4. Under Section 34 of the Coast Protection Act 1949 the consent of the Scottish Ministers is required for the following operations:
- the construction, alteration or improvement of any works on, under or over any part of the seashore lying below the level of mean high water springs;
  - the deposit of any object or materials below the level of mean high water springs;
  - the removal of any object or materials from the seashore below the level of mean low water springs (e.g. dredging).
5. The purpose of the consent is to regulate works which may be detrimental to the safety of navigation. The regulations, made under the Transport and Works (Scotland) Act 2007, accordingly remove the requirement to obtain specific consent under section 34 of the Coast Protection Act 1949 i.e. for any proposal coming forward that would ordinarily have required consent under the Coast Protection Act 1949 that consent will be dispensed.
6. The regulations also ensure that for an order under section 1 of the Transport and Works (Scotland) Act 2007, where such an order contains proposals that involve the presence of a hazardous substance, the Scottish Ministers may direct that consent is deemed to be granted under the Planning (Hazardous Substances)(Scotland) Act 1997.

7. The regulations further enable the assimilation of notification procedures and in particular the holding of an inquiry relating to listed building, conservation area or scheduled monument consent to be held concurrently with an inquiry into an application (or a proposal by the Scottish Ministers) made under section 1 of the Transport and Works (Scotland) Act 2007.

8. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 includes specific controls in respect of works to buildings that are listed as being of special architectural or historic interest, and to buildings in designated conservation areas. The Ancient Monuments and Archaeological Areas Act 1979 provides specific controls, over and above any planning permission requirements, in respect of works to scheduled monuments.

9. Ordinarily where the proposals in a draft order under section 1 of the Transport and Works (Scotland) Act 2007 include works that would affect a listed building, a conservation area or a scheduled monument in a way that would require consent under either Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or the Ancient Monuments and Archaeological Areas Act 1979 the applicant for the order would need to make a separate application for such consent. In the case of listed building or conservation area consent the application would be made to the appropriate local authority. In the case of scheduled monument consent the application would be made to the Scottish Ministers (for the attention of Historic Scotland).

10. The effect of these regulations is to “call-in” for determination by the Scottish Ministers any application for listed building consent or conservation area consent where such consent is required in consequence of proposals included within an application for an order under section 1 of the Transport and Works (Scotland) Act 2007.

11. These regulations set out the procedures that would apply to listed building consent, conservation area consent or scheduled monument consent if an application for such consents is either made not later than 10 weeks after an application for an order under section 1 of the Transport and Works (Scotland) Act 2007 has been made or in the case where the Scottish Ministers have given a direction that these procedures should apply.

12. These regulations would not apply if the applicant has obtained listed building consent, conservation area consent or a scheduled monument consent in advance of applying for an order under section 1 of the Transport and Works (Scotland) Act 2007.

13. The procedures under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Ancient Monuments and Archaeological Areas Act 1979 are modified, in respect of applications, by these regulations in ways summarised below.

14. The applicant for listed building consent and conservation area consent must not more than 14 days before and not later than the date of the application for that consent publish a notice in the Edinburgh Gazette and in a local newspaper circulating in the area in which the relevant building is, or buildings are, located. The notice must indicate the nature of the works that are the subject of the listed building consent or conservation area consent application. It must also name all of the places in the area where a copy of the application, and of all plans, and other documents submitted with it, may be inspected free of charge at all reasonable hours during a period specified in the notice, being not less than 42 days from the date of the application.

15. The local newspaper notice for a listed building consent or conservation area consent application should state to whom the application has been, or is to be, submitted and the address to which any representations should be sent. The notice may be combined with the local newspaper notice required in respect of the application for an order under the Transport and Works (Scotland) Act 2007. In practice, this would only be possible where the applicant submits a listed building consent or conservation area consent application at the same time as the Transport and Works order application.

16. Where, under the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007, notice of an application for an order made under the Transport and Works (Scotland) Act 2007 is required to be served on the owner of a listed building, scheduled monument or building in a conservation area, the applicant may give notice of the application for listed building consent, conservation area consent or scheduled monument consent in a combined notice. It should be noted however that the wording of the modified notices provide only for the situation where the application for listed building consent, conservation area consent or scheduled monument consent is made on or before the date of the application for an order under the Transport and Works (Scotland) Act 2007.

17. The planning authority retains responsibility for posting notices of an application for the listed building consent or conservation area consent on or near to the building or buildings affected. These notices must contain the same information as is required for the local newspaper notices. The notices must be displayed for not less than 7 days during the 42 days allowed for making objections to, or representations about, the application.

18. Where any listed building consent, conservation area consent or scheduled monument consent applications are assimilated (in terms of procedure) with an application for an order under the Transport and Works (Scotland) Act 2007, the definition of an "owner", for the purposes of those applications, is that which applies in the Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007.

19. Where inquiries for listed building consent, conservation area consent or scheduled monument consent are held concurrently with an inquiry in respect of an application for an order, or a ministerial proposal for an order, under the Transport and Works (Scotland) Act 2007 the rules applying to that inquiry will be those that apply to the inquiry in respect of an application or proposal for an order under the Transport and Works (Scotland) Act 2007.

### **Consultation**

20. A formal written consultation on the draft secondary legislation of Transport and Works (Scotland) Act 2007 was conducted between 2 July and 31 August 2007. There were nineteen respondents. A summary of all responses was published on 27 September 2007 on the Scottish Government website<sup>1</sup>.

21. Some respondents suggested that other consent regimes should be considered for incorporation within the regulations. The Scottish Government agrees that there is merit in the principle of seeking to incorporate appropriate consents, directions and licences within the authorisation process so as to provide a comprehensive one-stop shop and indeed originally considered and subsequently rejected for legal and operational reasons many of the

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<sup>1</sup> <http://www.scotland.gov.uk/Publications/2007/09/Transport>

consents proposed. The Scottish Government, however, intends to assess the effectiveness of the legislation in addressing the proposed set of consents and then in the light of review is prepared to consider, if appropriate, the future inclusion of other consents, directions and licences in due course.

### **Financial Effects**

22. It is not envisaged that there will be any significant financial effects arising from the provisions. It is clear that in “calling-in” applications for listed building consent and conservation area consent any costs that might otherwise have fallen to local authorities in determining those applications will now fall to the Scottish Ministers (in the guise of Historic Scotland) however the amounts and instances of such happening are not considered to be great.

23. A regulatory impact assessment for secondary legislation under the Transport and Works (Scotland) Act 2007 has been produced and a copy accompanies this note.

Transport Directorate  
November 2007

## **Transport and Works (Scotland) Act 2007**

### **Composite regulatory impact assessment of rules and regulations under the Transport and Works (Scotland) Act 2007.**

**Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007**

**Transport and Works (Scotland) Act 2007 (Inquiries and Hearings Procedure) Rules 2007**

**Transport and Works (Scotland) Act 2007 (Consents under Enactments) Regulations 2007**

#### **24. Title of proposals**

24.1 This is a composite regulatory impact assessment of rules and regulations under the Transport and Works (Scotland) Act 2007: those being rules and regulations being Applications and Objections Procedure Rules 2007, Inquiries and Hearings Procedure Rules 2007 and Consents under Enactments Regulations 2007.

#### **25. Purpose and intended effect**

##### *(i) Objectives*

25.1 The rules and regulations made under the Transport and Works (Scotland) Act 2007 (the “TAWS”) and as detailed above set out the procedures for the making of applications for Orders under Part 1 of the TAWS and for making and considering objections and representations in respect of those applications, and assimilation of procedures for other consents.

##### *(ii) Background*

25.2 TAWS Orders are the means of authorising the construction and operation of railways, tramways, other guided transport systems, trolley vehicle systems and canals. Applications are made by promoters of schemes (either public authorities or private concerns) to the Scottish Ministers. The Scottish Ministers may also at their own volition promote schemes.

25.3 The nature and size of schemes could vary considerably. They could range from a small scale heritage railway through to a major heavy rail scheme, with light rail, trams and guided bus schemes somewhere in between.

##### *(iii) Rationale for government intervention*

25.4 In previous years promoters of schemes were required to seek a Private Bill of the Scottish Parliament. That mechanism was viewed by many, including the Scottish Parliament as being unwieldy, time-consuming and inappropriate. The TAWS remedies procedural deficiencies identified in the Private Bill process in respect of transport related developments. The TAWS also replaces the need for applications for a Light Railway Order – the current mechanism for authorising a heritage railway.

25.5 Since the Applications and Objections Procedure Rules provide a regulatory framework for making and considering applications for TAWS Orders and subjecting

them to public scrutiny, the statutory procedures must operate effectively, efficiently and fairly if decisions are to be taken promptly, while being sound and well-informed. The rules fully respect human rights and ensure that the environmental effects of schemes are to be properly considered.

25.6 The rules place great emphasis on process efficiency; an efficient process is in everybody's interests. It is important for promoters, who will be keen to get on with implementing their schemes. It is also important for objectors to schemes, who are faced with uncertainty and possible blighting of their property while a decision is awaited. Moreover, in terms of the general public interest, an efficient TAWS approval system can help to ensure that important improvements to Scotland's public transport infrastructure are delivered within a reasonable time-scale.

25.7 The Inquiries and Hearings Procedure Rules regulate the procedures prior to, the conduct of proceedings during and the procedures after an inquiry or hearing held under section 10 of the TAWS. The objective is to allow statutory objectors an opportunity, which is both fair and public, for a detailed examination by means of an inquiry or hearing of an application by an independent reporter. By having rules there is conformity and understanding for all parties taking part in the examination process.

25.8 In respect of the regulations relating to Consents under Enactments the policy objective is to ensure that permissions and consents that may be required for a particular development can, as far as possible, be considered and granted at the same time as the TAWS Order for the proposed development is being considered and approved, and in so doing make for an efficient process.

## **26. Consultation**

### *(i) Within government*

26.1 Internal consultation within the Scottish Government has been extensive throughout the Administration's various directorates, including transport, planning, environment and justice. Consultation has also been undertaken with Scottish Government agencies, namely, Historic Scotland and Transport Scotland.

### *(ii) Public consultation*

26.2 A consultation paper<sup>2</sup> was published on the Scottish Government's website on 4 July 2007 and invited views by 31 August 2007. A wide range of organisations were notified of the consultation exercise. These included all Local Authorities, both National Park Authorities, every regional transport partnership, all relevant Government agencies, business and environment interests as well as legal firms and representative bodies that expressed an interest during the passage of the TAWS.

26.3 Nineteen responses were received to the consultation. A summary of all responses was published on 27 September 2007 on the Scottish Government website<sup>3</sup>. In the light of the consultation the Applications and Objections Procedure Rules were

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<sup>2</sup> <http://www.scotland.gov.uk/Publications/2007/07/consultation>

<sup>3</sup> <http://www.scotland.gov.uk/Publications/2007/09/Transport>

strengthened to improve the consultation requirements placed on applicants with a greater requirement to consult with a wider range of consultees in respect of particular types of works in particular circumstances. As a consequence of respondents' comments it was decided that a fee should be applied to an application for a TAWS Order.

26.4 The Inquiries and Hearings Procedure Rules did not stimulate much comment as consultees were content with the proposals, and therefore no substantive changes were required or made.

26.5 Some respondents to the consultation suggested that other consent regimes should be considered for incorporation within the Consents under Enactments Regulations. Whilst the Scottish Government welcomes endorsement of its approach to incorporate appropriate consents, directions and licences within the authorisation process, so as to provide a comprehensive one-stop shop, it had originally considered and subsequently rejected for legal and operational reasons many of the additional consents proposed by the respondents. The Scottish Government, however, intends to assess the effectiveness of the legislation in addressing the proposed set of consents and then in the light of review is prepared to consider the future inclusion, if appropriate, of other consents, directions and licences in due course.

26.6 The Scottish Government is very grateful to all those who have provided comments and observations in response to the consultation exercise.

## **27. Options**

27.1 Two options have been identified:

Option 1 - Do nothing. Clearly this is not a realistic option; rules and regulations provide a structure that ensures conformity and understanding for all parties engaged in the process.

Option 2 – Provide a set of rules and regulations that ensure efficient, fair and consistent procedures that deliver swift decisions but without sacrificing the quality of decisions and the ability of interested parties to make their views known. This is the preferred option.

## **28. Costs and benefits**

28.1 The bodies and individuals likely to be affected are those that can make applications (which might include, for example, local authorities or Network Rail); those whose interests are affected by a proposed development (which might include, for instance, owners and occupiers of land); those who are required to be consulted on matters arising from a proposed application (which might include bodies such as Scottish Natural Heritage or the Scottish Environment Protection Agency etc.); and the Scottish Ministers who will take an active role in administering the process.

28.2 The rules and regulations will affect everyone directly involved in the TAWS application process as well as the interests of the public at large and are intended to

benefit all interested parties, whether they are for or against a proposed project or scheme.

28.3 The Applications and Objections Rules have been designed to ensure equity and fairness in the TAWS procedures by ensuring that all interested parties, regardless of their status and their interest in the application, are given a full and fair opportunity to participate in the consideration of applications, in accordance with the principles of natural justice and the need to arrive at well informed decisions. All parties will continue to be treated equally fairly, and the Rules will deliver benefits to everyone involved in the TAWS application process. It is not considered that the Rules will bring disproportionate benefits or have disproportionate effects on any particular groups. (Neither, for the reasons given above, will the new Rules have any race or gender equality impacts).

28.4 The changes in procedures are intended to benefit everyone involved in consideration of a TAWS application. As explained above more efficient procedures will be in the interests of applicants and all other interested parties, whether they be for or against the scheme, as prompt decisions will reduce delay and uncertainty - including the possible blighting effects of proposed schemes on local residents and businesses.

28.5 From the point of view of the wider public interest, TAWS decisions are likely in general to lead to quicker delivery of infrastructure projects which can be important to the economic, social and environmental well-being of the country. Quicker decisions may also, potentially, reduce the costs of implementing schemes (many of which are largely publicly funded).

28.6 It is estimated that, all other things being equal, the changes could lead to savings on decision times compared to the Private Bill process, although much will continue to depend upon the quality of applications.

28.7 At the same time, the rules and regulations will not in any way lessen the very careful consideration that is to be given to the economic, social and environmental impacts of each individual application. On the contrary, when compared to the previous Private Bill process the fuller information that will need to be provided with applications, and the increased provision for public participation, will help to ensure that such issues are fully examined.

28.8 It is therefore considered that, in overall terms, the measures under the TAWS process to improve the efficiency and effectiveness of the authorisation of developments are capable of bringing significant economic, social and environmental benefits. Although these benefits are likely to vary so much from case to case (depending upon the size and nature of the project, the savings achieved in a particular case and a range of other factors) that they cannot readily be quantified.

28.9 It is recognised that the measures contained within the Applications and Objections Rules are liable to result in some extra compliance cost for promoters at the front end of the application process, as they will need to provide fuller information at the early stage. However, as the provision of fuller information at the beginning of the process, as part of a more 'front-loaded' approach, is designed to reduce the need



for promoters to spend much time later on in responding to queries from the Scottish Government (or in clarifying matters with objectors) the impact of those measures on promoters should, in cost terms, be broadly neutral.

28.10 The measures should not result in any extra costs on objectors or other interested parties. Whether, and to what extent, objectors and others choose to involve themselves in the TAWS process is, of course, very much a matter for them. It should be noted that the £20 charge which was also applied to any person raising an objection to a Private Bill proposal will not apply under the rules.

28.11 It is acknowledged that under the Private Bill process charitable concerns were charged £1250 and other promoters £5000 for the making of an application with the possibility of additional charges being applied for such matters as publishing the Bill and the holding of an inquiry. The Applications and Objections Rules provide for a fee (payable to the Scottish Ministers) of £10,000 to be applied, in respect of an application for a TAWS order by a public or private sector body, and £1000 if they are a charity or are seeking to promote a project which relates to a heritage railway.

28.12 The purpose of a fee is twofold, firstly, to obtain, in part, recompense for administering a consent process and secondly to apply a financial hurdle so as to prevent ill-thought or vexatious applications from coming forward.

28.13 In the Financial Memorandum to the then Bill fee levels were not discussed; though it was stated that it was likely that promoters would be charged a fee that would meet the cost of holding an inquiry conducted by the reporter's unit.

28.14 The legislation reflects the policy position of applying an up-front fee rather than seeking reimbursement of costs at the conclusion of the process. By having an up-front fee there are two clear benefits: one, promoters know from the outset what the charges will be and can build them into their financial plans and, two, such an approach alleviates the need for a bureaucracy to seek re-imburement of any Scottish Government costs from the promoter.

28.15 It is acknowledged that such an approach could conceivably mean that actual costs borne by the Scottish Government may prove greater than the fee level which the promoter is expected to pay since the likely duration of an inquiry will not be known when the application is made. It is believed, however, that this is a pragmatic position in that it seeks to minimise administrative costs whilst maintaining the principle of having the promoter contributing, at least in part, to the expenses generated by the process.

28.16 In terms of the overall picture, when account is taken of the potential benefits of quicker decisions arising from the implementation of the rules and regulations, as referred to above, it is considered that the new procedures should bring significant net cost benefits. As previously mentioned, though, these cannot readily be quantified as the size and nature of TAWS cases and the time taken to go through the TAWS process are liable to vary enormously.

**29. Small/Micro Firms Impact Test**

29.1 Small businesses, in the form of heritage railway operators, are likely to be applicants for TAWS Orders, although such applications will probably be of a small scale and relatively uncontentious (for example, a heritage railway company may seek authority to have a disused railway line transferred to them and to carry out some consequential works). More typically, small businesses are likely to be involved in TAWS cases as objectors to schemes, because of concerns about the potential effect of the construction or operation of a scheme on their business.

29.2 As the Applications and Objections Rules will apply equally to all applicants and to all persons who wish to object to, or make other representations about, applications, the above appraisal of costs and benefits will similarly apply to small businesses. For those who wish to object to or support a scheme, the procedures will not in any way prevent the opportunity for them to make their views known. Indeed, the requirement for promoters to provide comprehensive information in support of their applications and to engage in extensive consultation should make them well-placed to make informed comments.

29.3 For those who are promoting a heritage railway interest or hold charitable status the cost impacts of the proposals will be in terms of (a) having to provide fuller information with an application but (b) lower application fees. In regard to (a), the amount of extra information required is likely to be relatively small for a heritage railway scheme. Moreover, the impact of any extra cost involved at the application stage will be outweighed by savings later and by the benefit of receiving prompt decisions. In regard to (b), there is a decrease in fees. Those promoting a heritage railway interest would have required a Light Railway Order, which applied a fee of £5000 plus £1000 for each 0.5 hectares, or part thereof, in excess of 0.5 hectares if compulsory purchase powers were required and £750 plus £250 for each 0.5 hectares, or part thereof in excess of 1 hectare where either land is owned by the applicant or an access arrangement is in place with the land owner. As advised in paragraph 5.11 charitable concerns were charged £1250 under the Private Bill process: an application under the TAWS by a charity or in respect of a heritage railway interest will be £1000.

**30. Legal Aid Impact Test**

30.1 Assistance by Way of Representation and Civil Legal Aid are not generally available for the type of inquiry that will be conducted under the TAWS and therefore there will be no impact on the Legal Aid fund.

**31. "Test Run" of business forms**

31.1 Copies of forms to be used under the TAWS procedure were included within the consultation exercise and met with approval. A minor modification to improve clarity on some forms has been made in the light of comments from consultees.

**32. Competition assessment**

32.1 It is not considered that the rules raise any competition issues as the rules apply equally to all applicants and any other persons engaged in the process.

**33. Enforcement, sanctions and monitoring**

33.1 Responsibility for ensuring compliance with statutory procedures rests with the TAWS Unit, established within the Transport Directorate.

33.2 There are no criminal sanctions for non-compliance with the procedure rules. However, a failure to comply with the statutory procedures could lead to a legal challenge in the Courts, if it resulted in substantial prejudice to a party's interests. Furthermore, promoters will be aware that any failure on their part to comply with the statutory requirements (such as those relating to the making of applications and serving of notices) could, if this results in corrective action having to be taken, lead to unnecessary delays in processing their application.

33.3 The operation of the new procedures will be closely monitored by the TAWS Unit and the rules and regulations will be subject to ongoing monitoring and review.

**34. Implementation and delivery plan**

34.1 The intention is that the rules and regulations will come into force on 28 December 2007. However, in order to ensure continuity, any outstanding applications which have not been determined under the Light Railways Order procedures at that date will continue to be subject to those procedures.

34.2 The Scottish Government has implemented the rules and regulations at the earliest practicable date in order to ensure that the desirable efficiency improvements over the Private Bill process are introduced as soon as possible.

34.3 Full guidance will be given on the new procedure on its introduction by way of comprehensive material, which is to be published and also made available on the Scottish Government's web site. The Scottish Government has also produced a much shorter, user-friendly guide to procedures, which is mainly for the benefit of potential objectors. The TAWS Unit will also be conducting workshops with key stakeholders prior to and shortly after commencement in order to familiarise those parties with the new procedure.

**35. Post-implementation review**

35.1 Under section 21 of the TAWS the Scottish Ministers are obligated to prepare a report by 1 October each year reviewing the operation of the preceding year up to an including 31 July.

35.2 That report will be published and a copy will be laid before the Scottish Parliament. It is also expected that the relevant Scottish Parliamentary committee will review the report and, if appropriate, call the Scottish Ministers to provide comment.

35.3 TAWS Unit administrators have included within their work programme the need to conduct a formal review at least every 3 years on the effectiveness and appropriateness of the rules although if there were any significant defects in the rules these would be addressed urgently.

## 36. Summary

36.1 The Applications and Objections Rules are intended to provide a welcome benefit to all parties concerned, whether they are promoters, objectors or those with other interests in schemes by strengthening consultation, the provision of relevant information and a straightforward approach to the making and handling of objections and representations.

36.2 The Inquiries and Hearings Procedure Rules seek to provide a swift, comprehensive and independent examination of issues raised by an application by means of an inquiry or hearing.

36.3 The Consents under Enactments Regulations ensure that permissions and consents that may be required for a particular development can as far as possible be considered and granted at the same time as the order for that particular development is being considered and approved and in so doing make for an efficient process.

In summary:

- There will be a modest increase in staff costs to the Scottish Government in administering the TAWS process and the provision of reporters to conduct inquiries and hearings. Additionally, Historic Scotland will be consulted on a promoter's environmental impact assessment as well, should it arise, providing an assessment to inform the granting of listed building consent or conservation area consent. The impact, however, on Historic Scotland will be minimal.
- There may be a modest increase in costs to promoters in having to engage more comprehensively in consultation and publicity of proposals, and provide a wider range of information than would have been the case under the Private Bill process. The increased investment at the start of the process ought to reduce the number of objections to an application, and generate greater certainty and direction around the formal examination and assessment of the proposal.
- The impact on Scottish Natural Heritage and the Scottish Environmental Protection Agency will be cost neutral. These bodies will be called on in relation to a promoter's environmental impact assessment. However the provision and scrutiny of the promoter's statement on environmental information in advance of the making of an application will reduce their engagement over the life-span of the project.
- The impact on other statutory bodies who must be consulted by the promoter according to the type of application will not be significant. The extent to which these bodies engage with the promoter can be largely determined by their own internal priorities and resources. Whilst the Scottish Government appreciates the limited resources of some of these bodies, particularly voluntary/membership-based bodies, because of their specific function, the Scottish Government does not expect their input to be required on a regular or frequent basis and therefore does not expect significant demands to be placed on them in terms of engaging with applicants.
- The impact on local authorities and National Park authorities will similarly not be significant for the various reasons as outlined above.
- In respect of the impact on the public the Scottish Government has provided a process that provides the public with meaningful opportunities to influence the design and development of the proposed project. Although the decision to pay for

legal representation is entirely voluntary, the Scottish Government expects that the conduct of inquiries and hearings as set out in the Inquiries and Hearings Procedure Rules will reduce the inclination to require or acquire legal representation.

**37. Declaration and publication**

'I have read the Regulatory Impact Assessment and I am satisfied that the benefits justify the costs.'

Signed by the Responsible Minister .....

Minister for Transport, Infrastructure and  
Climate Change

Date .....

**Contact**

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