The Committee will meet at 10.00 am in Committee Room 1, to consider the following agenda items:

1. **Rail Inquiry (in private):** The Committee will consider possible areas of questioning for witnesses.

2. **Rail Inquiry:** The Committee will take evidence as part of its inquiry into the rail industry in Scotland from—
   - Nick Brown, Acting Managing Director, Scotrail
   - John Boyle, Director of Corporate Affairs, ScotRail
   - Jonathan Metcalfe, Chief Operating Officer, Great North Eastern Railways
   - Brian Johnson, Director for Service at Stations, Virgin Trains
   - Paul Furze-Waddock, Commercial Director, First Group Rail
   - Graham Smith, Planning Director, English Welsh and Scottish Railway (Freight)

3. **Public Petitions:** The Committee will consider the following public petitions—
   - **PE 377** by Mr Michael Kayes on polluting activities in built up areas
   - **PE 422** by Mr James Docherty on protection for school playing fields
   - **PE 430** by Mrs M Glendinning on the sale of school playing fields
   - **PE 454** by Mr Peter Watson on the sale of playing fields
The following public papers are relevant for this meeting:

| Submission from ScotRail  
| ---  
| (Agenda item 2) | TE/02/19/1 |

| Submission from Great North Eastern Railway  
| ---  
| (Agenda item 2) | TE/02/19/2 |

| Submission from Virgin Trains  
| ---  
| (Agenda item 2) | TE/02/19/3 |

| Submission from First Group  
| ---  
| (Agenda item 2) | TE/02/19/4 |

| Submission from English, Welsh and Scottish Railway (Freight)  
| ---  
| (Agenda item 2) | TE/02/19/5 |

| Covering note on petition PE 377 on polluting activities in built up areas  
| ---  
| (Agenda item 3) | TE/02/19/6 |

| Copy of the petition  
| ---  
| (Agenda item 3) | TE/02/19/7 |

| Covering note on the following petitions:  
| ---  
| PE 422 by Mr James Docherty on protection for school playing fields  
| PE 430 by Mrs M Glendinning on the sale of school playing fields  
| PE 454 by Mr Peter Watson on the sale of playing fields  
| (Agenda item 3) | TE/02/19/8 |

| Copy of the petitions  
| ---  
| (Agenda item 3) | TE/02/19/9 |
ScotRail welcomes the decision by the Scottish Parliament’s Transport and Environment Committee to conduct an Inquiry into the rail industry in Scotland. Having considered the remit for the Inquiry and the specific questions it will be examining, ScotRail is pleased to submit the following observations on which further information and advice can be given in oral or written evidence to the Committee if required.

Foreword

The announcement on 29 April 2002 of Government’s timetable for the reletting of the ScotRail franchise by April 2004 (when the present seven year franchise expires) gives added relevance and urgency to this Inquiry.

Major decisions - with correspondingly major financial implications for the Scottish Parliament - must soon be taken if the Executive’s long awaited Directions and Guidance for the ScotRail franchise are to meet their publication deadline this summer. By specifying what the Scottish Executive wants Scotland's passenger railway to deliver over the next 15 years, these instructions to the SRA will substantially influence the Scottish Parliament’s ability to deliver the integrated public transport policies for which it is responsible and the economic growth which will make Scotland a more prosperous and socially inclusive society. The Directions and Guidance are also the basis on which the SRA (as agents for the Scottish Executive) will invite and evaluate competing bids for the 15-year replacement franchise.

Twenty years ago the Serpell Report showed all of Scotland’s railways to be in decline and to be so heavily loss making that there was commercial/strategic justification for only one route in Scotland (the West Coast main line to Glasgow with a Carstair to - Edinburgh branch). Anything more than that would require steeply increasing levels of subsidy. There was no recognition of societal benefits. Apart from the London commuter and intercity routes, railways in Britain were in terminal decline and should be written out of the script - or so ran the Treasury argument as successive governments poured more and more money into new road and motorway construction.

Today Scotland’s railways still require substantial public support, but they are in demand, not decline and their wider importance to the economy, to the environment and to our quality of life is now increasingly recognised and valued. Public and political pressure for more investment in Scotland’s railways is unremitting. People want better, faster, more frequent train services with longer trains, more stations, and new routes (including heavy rail links to airports).

Before it can decide upon its requirements for the operator of the ScotRail franchise over the next 15 years, the Scottish Executive must address the fact that Scotland’s
present railway infrastructure, although perfectly safe, does not have the capacity comfortably to accommodate existing levels of service let alone all the new services the Executive or the SPT may wish to introduce or to specify in the Directions and Guidance for the ScotRail franchise. International studies of railway operations have shown conclusively that railway networks operate less and less efficiently once you get beyond 75% of theoretical track capacity. Parts of the Scottish network are now operating at above 90%.

The reality of operating the 15 minute frequency service on the pivotal Edinburgh Glasgow route exposes the tightness of the timetabling margins and the impact on the wider network of even the smallest delay arising from any problems with the infrastructure or in the brand new rolling stock on the route. Edinburgh Waverley station is working so close to the limits of capacity that after Edinburgh Cross rail and the additional Virgin services have been introduced further expansion of ScotRail services would be extremely difficult to accommodate. A further infrastructure constraint is that much of Scotland’s route mileage is single track, including long sections of express routes such as the main Highland line between Perth and Inverness, the Inverness to Aberdeen route (where only 5 out of 108 miles are double track) and the Aberdeen to Dundee route south of Montrose. Major infrastructure investment is required as a prerequisite to introducing further new passenger and freight services.

It is devoutly to be wished that, by its public examination of those issues in its published remit, the Transport and Environment Committee will benefit the railway industry in Scotland, the Scottish Executive and the Scottish Parliament by better informing and increasing the democratic accountability of those vital strategic and financial decisions now facing Ministers - decisions which will determine the shape, capacity and structure of Scotland’s railways over the next 15 years and beyond.

Once the Directions and Guidance are published the SRA can - in the light of its own continuing responsibilities for investment in Scotland’s railway infrastructure including the rebuilding of Waverley station - proceed to invite bids for the franchise into which its present operators National Express Group* have invested so substantially and, from the outset, expressed such a strong, long term commitment.

(* Internationally respected operators of major bus, coach and airport public transport undertakings in the UK, Europe, the USA and Australia, National Express Group plc is the UK’s biggest rail franchise operator with currently 9 passenger rail franchises in the UK and two heavy rail and one light rail (tramway) franchises in Australia.)

EVIDENCE :

1. Structure and relationships

The provision and regulation of rail services is a Westminster-reserved responsibility as was deemed appropriate to the GB- wide nature of the railway industry and the need for coherent, consistent national standards and rules governing its operation and safety. The structure of the industry and of its regulatory bodies is consistent with this view.

John Prescott’s 10 year, £180 billion transport plan for the UK recognised Scotland’s distinctive transport needs and the requirement for a distinctive, separate transport policy. Government has also recognised that Scotland’s passenger railways are so distinctive and so largely self contained within Scotland that, as part of the
devolution provisions, there was agreed the so-called “McLeish Settlement” of 1998. This provided that the Scottish Minister would issue clear objectives and instructions to the SRA in respect of the ScotRail franchise. For Anglo Scottish day services (operated currently by Virgin and GNER) the Scottish Minister would give “non-binding guidance”. These together account for around 5% of passenger services in Scotland.

(*It is a measure of ScotRail’s size - it is the largest franchise in the UK in terms of the number of daily services and route miles - that its 63 million passenger journeys a year are more than Virgin and GNER’s total patronage for the whole of the UK. Two thirds of these passenger journeys are on the SPT rail network)

The structure of the railway industry in Scotland, as elsewhere in the UK, is hugely complex. This is a direct consequence of the fragmentation of British Rail into more than 100 separate companies on privatisation. Relations between these private companies and with the industry’s regulatory and funding bodies are contractually based. The bureaucracy and inflexibility inherent in many of the various performance, regulatory and other contractual regimes often militates against progress and effective partnership. Railtrack Scotland’s decision to pull out of four schemes - Larkhall-Milngavie, Stirling-Alloa, Aberdeen CrossRail and the Gourock interchange - also illustrates the extent to which its priorities are determined (as are all railway strategic priorities) furth of Scotland.

The UK structure has been widely criticised. In Scotland, the system has worked better than elsewhere. It is easy to see why. Scotland is a single Railtrack zone within which there is one of several operators, ScotRail, (the biggest franchise in the UK in terms of route mileage and trains operated daily) which accounts for 63 million passenger journeys a year, leases almost all of Scotland’s stations and pays the lion’s share (currently £170 million) of the revenue Railtrack earns in Scotland every year (but has little say in determining how or how much of that money is spent in Scotland). There is a single PTA accounting for 2/3 of rail passenger journeys in ScotRail and one contractor, First Engineering, is responsible for much of Railtrack’s maintenance.

A close and effective working relationship exists between all these rail partners in Scotland. Even when difficulties arise over performance or regulation of the network, these are usually resolved quickly. Railtrack Scotland Zone has a better relationship with its customers than any other in the UK and ScotRail and the SPT work very closely together in the operation of the biggest suburban rail network outside London - and the most punctual! There is no question that operators would wish Railtrack Scotland to have a greater say in its own operations and particularly in the amount of money it spends in Scotland and how it is spent.

It has been suggested that a degree of vertical integration would reduce perceived problems in the structure and operation of Scotland’s railways. But neither ScotRail nor any private sector operator could realistically be expected to take over assets when even Railtrack does not have a full and accurate register of those assets and their condition. It is unrealistic to expect any private sector company, without Government guarantees, to take over these assets - as dramatically illustrated by Railtrack’s current problems at Dolphinstone and the recent need to re-route part of the Inverness to Kyle line.
There is no good technical or operational reason why the railway infrastructure in Scotland should be treated any differently from roads or highways (which are also subject to a UK wide safety and regulatory regime with consistent standards applied throughout).

The Scottish Executive could therefore take over the responsibility for the railway infrastructure thus ensuring that it does not continue to lose out

- as it always has done - to priority investment needs of the infrastructure serving London and its busiest commuter routes. Only in the SPT network has there been any significant new infrastructure investment in Scotland in the past two decades (apart from the northern end of the ECML electrification). Edinburgh Crossrail has been the only significant network enhancement since privatisation taking the total number of new stations since 1994 to 7 compared with 50 in the previous decade.

The Scottish Executive could also be responsible for ensuring that their contractors are rigorously managed to ensure absolute compliance with safety regimes and proper working practices. Performance regimes - as so rigorously monitored by Railtrack - should be re-designed to better serve the needs of the customer and replace the fault attribution (i.e. blame) culture with one which is more customer focussed.

Only through investment in the infrastructure can there be any realistic prospect of reliably accommodating additional services - and since the marginal cost of additional services will generally and often substantially exceed the additional income they generate - the requirement for a corresponding increase in support payments to the operator is obvious.

Such is the need for increased public funding that it has been suggested that the Scottish Parliament should determine service levels, fares, investment priorities and developments in much the same way as the SPT operates and with the contractor operating on an cost plus basis or with some joint revenue risk formula. The Parliament or its Executive would act as an overarching Scottish Passenger Transport Authority coordinating the excellent work of existing bodies like SPT, WESTRANS, SESTRANS and other bodies such as the Highland Rail Partnership. The relative merits of greater accountability and democratisation of the railway must be weighed against the contribution already made by the private sector in to improving the efficiency and cost effectiveness of the railway and of introducing and operating services in response to the changing needs of the market place with competitive fares and highly motivated management teams.

2. Funding

Funding will be the most critical issue if Scotland’s railways are to recover from decades of under investment, most obviously in infrastructure. That infrastructure will be under even greater pressure if freight and passenger services are to expand to meet government targets. Lessons have been learned from the first round of passenger franchising - ScotRail being the last of the regional railway franchises to remain solvent and the last to have been restructured to achieve at best break-even by the end of the franchise (National Express having made a cash payment to cover losses it realised would be inevitable in the ScotRail franchise).
In its last year of operating ScotRail (its last franchise) British Rail received £293 million in subsidy for levels of service below those introduced by the new private operator (who additionally ordered £200 million worth of new trains for the network). To date ScotRail have saved the taxpayer some £200 million, but clearly had dipped below the level of subsidy needed to maintain existing services, hence the repurposing through which the SRA has contractualised the additional services ScotRail introduced in excess of the franchise agreement. (ScotRail also bought 26 new Trubostar trains when the contract only called for 9 of these to operate the Edinburgh Glasgow services).

Significantly more funding will be needed to upgrade the existing infrastructure and to provide enhancements such as dynamic loops or airport links of new stations - few of which (if any) could be commercially justified. There is an issue about the extent to which government should pay directly for such improvements or, as under the privatisation arrangements, the operators must continue to finance all enhancement or development of the network.

Much will depend on government’s resolution of the Railtrack problem and the extent to which the Scottish Parliament’s responsibility for funding ScotRail and SPT will included strategic infrastructure investment (e.g. the funding of airport links as part of a national regional airports strategy). In that resolution it is to be hoped that ScotRail’s access charges to Railtrack will be paid directly by the Scottish Executive with the ScotRail support payments reduced accordingly.

Various mechanisms are in place to enable investment in public transport in general and railways in particular. These schemes encourage bids for smaller more localised projects and have generated the investments detailed in the Executive’s recently published transport delivery plan, the ten key elements of which were reiterated by the Minister on 29 April. Of these, the Waverley development (estimated at some £400 million) is clearly of critical strategic importance and will be funded by central Government through a separate mechanism.

The criticism of having these various pots of money for various types of investment is that bigger strategic investment issues in Scotland’s railways are inappropriate for this kind of funding. Yet another reason for the Scottish Parliament having a direct involvement in determining infrastructure investment within Scotland and for ensuring that schemes such as currently with the SRA are progressed and do not lose out to other developments elsewhere which require funding or specialist manpower resources.

Various ways of securing additional funding have been considered. There are arguments in favour of such mechanisms as congestion charging, workplace parking, parking at peripheral shopping malls which generate substantial road traffic, road tolling and, rather more easily from a political viewpoint, of securing a proportion of the uplift in land or property values resulting from rail developments or planning permissions which are conditional upon railway investment. All of these must be predicated by the commitment to hypothecate the revenue for public transport improvements. Certainly the case is clear for such revenues to be invested in improving the public transport infrastructure.

It is also clear that since the majority of the funding for the expansion of ScotRail services will continue to come from the Scottish Budget, the Scottish Parliament must have a greater and more direct involvement in determining the financing of
what it wants from Scotland’s railways than is the case under the McLeish Settlement which leaves such decisions with the Executive. The role of the SRA in determining the value for money aspects of any such investment - or of the bids for the ScotRail franchise is of critical importance, but it should not result as at present in key policy decisions affecting present and future investment in Scotland’s railways being taken in London.

3. The Importance of Rail to Public Transport in Scotland

Ministers have consistently stressed the importance they attach to rail as being “at the heart” of Scotland’s transport policies or as “critical” to their delivery. Certainly rail is a major factor - as 63 million passenger journeys annually on ScotRail attests. But there is scope for very substantial development of other modes of surface transport and the Committee will recognise this.

The Minister’s priorities for railway investment “bigger, better, faster, more frequent, more comfortable train services” are driven by the need to capitalise on what railways do best - move lots of people quickly along congested urban corridors or from city centre to city centre. The Borders railway if it should ever be built was seen an enhancing Edinburgh’s appeal as an international financial centre attracting people who would work in the city and enjoy the quality of life of living in the Borders and commuting comfortably there by rail. Because of the investment required such priorities are likely always to involve some degree of political direction, otherwise the private operator will tend to concentrate on services producing the best financial return unless otherwise incentive regimes apply.

It should therefore be for the Scottish Executive to determine the priorities, subject to whatever advice my be available from the Committee or the operators. Perhaps there is indeed a case for the Scottish Parliament to act as a Passenger Transport Authority for the whole of Scotland - the obvious consequence of that would be that the resultant prioritisation might not reflect the relative commercial viability or economic importance of the services specified.

4. Directions and Guidance

Stephen Byers, in the wake of the fiasco of the original bid evaluations for the East Coast Franchise, decreed that future franchise bids would be judged against very specific service and investment requirements so that fair comparisons could be made. The reluctance of the Scottish Executive to be absolutely specific about what it wants the next ScotRail to deliver is undoubtedly a reflection of its uncertainty about the affordability of the improvements it may want to see in Scotland’s railway - given that the starting off point would seem to be no reduction in the present level of services and, thus, higher support payments than currently.

The problem is compounded by the lack of clarity in what improvements it will have to finance out of the Scottish Budget and what provision - if any

• there may be to increase the block vote to Scotland to take into account central funding of the more strategic elements of railway investment. (like Waverley) or new national safety requirements. Furthermore, there are a number of studies currently underway which may significantly influence road versus rail investment priorities and the issue of heavy rail links to both of Scotland’s biggest airports, one of which, for example, could be funded from the congestion charging it is intended to introduce.
In the interests of all of the potential bidders for the franchise - which will include the National Express Group - the clearer the specification of the requirements and the strategy over the next 15 years the better for all concerned, not least the general taxpayer who will have to fund the much increased public support levels which will inevitably be involved.

The Committee’s Inquiry is therefore both urgent and relevant and therefore to be welcomed.

Nick Brown
Acting Managing Director
ScotRail Railways Ltd

6.5.02
INTRODUCTION

Since starting its original seven year franchise on the East Coast Main Line (ECML) in 1996, GNER has invested over £40 million in trains, stations, services and staff and achieved a 30% growth in passenger numbers. In January 2002 GNER was awarded a two-year extension to April 2005 and has committed to invest over £100 million in trains, stations and staff that serve Scotland.

GNER and its staff are fully committed to continuing to serve all its Scottish customers and destinations, ensuring the comfort and safety of passengers, the reliability of our trains, and the highest standards of staff training and development.

1 What are your views on the present structure of the rail industry in Scotland, and the relationship between the key bodies involved in the industry? Should there be any change to the current structure and relationships?

1.1 McLeish settlement – Although GNER answers to the SRA for its operation on the ECML franchise, it remains happy with the McLeish settlement which delegated Scottish SRA responsibilities to the Scottish Executive, including the provision for Scottish Ministers to issue advice and guidance to the SRA on the franchising of daytime cross-border services. GNER has found this process and advice very useful and is fully committed to consulting Ministers and appropriate transport specialists within the political parties in the Scottish Parliament and to acting on their advice.

1.2 The Scottish Rail Industry - The rail industry operating companies and associated bodies have, in recent years, been working well together for Scotland’s railways. Through a series of meetings and activity at party political conferences, the Scottish Rail Industry Partners have demonstrated a unity of purpose and a desire to work together for the benefit of rail users and the wider Scottish community. The industry partners are: The British Transport Police; EWS; First Engineering; Freightliner; GNER; The Rail Passengers Committee, Scotland; Railtrack Scotland; ScotRail; Strathclyde Passenger Transport; Virgin Trains.

1.3 Railtrack – Following the placing of Railtrack into administration the long-term infrastructure crisis is far from over and is likely to continue until Railtrack comes out of administration in the autumn of 2002. GNER is pleased that the day-to-day performance of Railtrack is improving and there is a need
to ensure that when Railtrack comes out of administration that the momentum is kept going and there is not a hiatus in performance. Railtrack (Network Rail) will play a pivotal role in the success and long-term investment in Scotland’s railways and also the relationships with train operating companies, SPTE and the Scottish Executive. GNER is supportive of the concept of turning Railtrack into a CLG, able to make a profit, and we hope that Network Rail’s bid will prove successful in paving the way for much needed stability and long-term investment in Britain’s railways.

1.4 Vertical Integration – There have been suggestions that reverting to ‘vertical integration’ on all, or parts, of the rail network may be a solution to both improved operational performance and better management of new infrastructure schemes. GNER’s initial view on vertical integration in Scotland was that there may possibly be a case for vertical integration, as 96% of services in Scotland are managed and run by the ScotRail franchise holder. GNER is presently working on a case for vertical integration which would involve the respective operators on the ECML.

1.5 The Scottish Executive has indicated an intention to create regional transport authorities, similar to the Strathclyde Passenger Transport Authority, for city areas in Scotland. GNER is happy to support any move that leads to true integration of transport in Scotland. However, such bodies must simplify relationships within the industry rather than increase fragmentation, as GNER already answers to the SRA and liaises closely with the Scottish Executive and many other stakeholder organisations in Scotland.

1.6 The Scottish Executive’s role in Scotland’s rail network should remain that of strategic vision, direction and funding rather than having involvement in daily operations.

1.7 Trade Unions - There is a common, but often misplaced perception, that an ongoing acrimonious relationship between the trade unions and train operating companies (TOCs) is prevalent across the industry. There are increasing examples of good practice, based on a long-term partnership approach. GNER has signed two ‘ground-breaking’ partnership agreements with trade unions to encourage better business practice and decision-making through close collaboration built on trust and transparency and to date has not lost a single day’s disruption due to industrial action. GNER has also successfully restructured, with the trade unions, the terms and conditions of more than 90% of employees. GNER’s view, and that of all progressive TOCs, is that trade unions are, and should remain, long-term partners in the industry helping to provide a better service for passengers.

2 What are your views on the present arrangements for funding rail developments in Scotland? Are the stated objectives of the Scottish Executive and the Strategic Rail Authority deliverable via the present funding arrangements? What levels of funding should be made available for rail, and from what sources? (if you believe more funding is needed, please indicate how this additional funding might be obtained)

2.1 It is essential that Railtrack’s successor has access to sufficient funds to operate, maintain and renew the rail network adequately. The Government
will need to ensure that when Railtrack emerges from administration that it has a credit rating of A or higher. This will ensure that the results of the administration are not a repeat of its predecessor’s failings.

2.2 GNER believes there are no quick fixes to the present funding of the rail network. Long-term planning and partnership is required through public and private partnership schemes (PPP). The Scottish Executive should decide whether it is worthwhile subsidising further investment to improve journey times in Scotland – a decision that needs to be addressed under the directions and guidance for the new 15-year ScotRail franchise. ScotRail at present has the highest total subsidy of any train operating company and the sixth highest subsidy per passenger.

2.3 GNER receives no subsidy and has a profit-share partnership agreement with the SRA and is committed to investing in its Scottish operations.

3 What are your views on the relative importance of rail within the Executive’s current transport priorities? What are your views on the rail developments which have been identified by the Executive as priorities? Is there scope for greater integration of rail with other forms of transport, and how might this be achieved in practice?

3.1 GNER welcomes the commitment to a 15-year Passenger Rail Franchise for Scotland. A new long-term franchise should be awarded with minimum delay if there is to be a step change in the quality of ScotRail services.

3.2 The redevelopment of the Edinburgh Waverley Station will provide a welcome increase in platform capacity for train operators in Scotland. From a GNER perspective the redevelopment must dovetail with the SRA’s ECML upgrade and capacity improvements.

3.3 GNER welcomes plans to improve inter-urban links and journey times and would request that attention is given to unlocking investment and ways of funding the rail infrastructure upgrades required between Edinburgh<>Aberdeen and Edinburgh<>Inverness in order to cope with the projected traffic growth. The principal problems for inter-urban services outside the Glasgow/Edinburgh corridor are that the road journey is far quicker and more comfortable than the rail journey. Additionally, the road journey is pretty reliable in terms of journey time given that Scottish roads are generally uncongested in comparison to the southern parts of England. The issue facing the Scottish Executive is deciding whether it is worthwhile subsidising investment in rail to improve journey times and capacity to cope with the predicted road-user growth. In order to reduce peripherality and get people off the roads, significant and wider investment in rail is required.

3.4 GNER is committed to modifying its timetable to achieve clockface arrival and departure times, where services at a particular station operate at precise hourly intervals. Through this innovation, GNER hopes that local transport providers will be able to work with us to dovetail their schedules to achieve genuine inter-modal opportunities. GNER will continue to work with ScotRail to provide a comprehensive interconnecting timetable – 30% of GNER’s customers in Scotland board services from ScotRail trains. GNER welcomes
the planned improvements for Traveline to provide travellers with customised information and making it easier to use public transport in Scotland including through-ticketing on local buses.

3.5 GNER would ask that the Executive recognises the role of intercity operators like ourselves in helping to reduce city congestion. As a company we hope to build a new parkway station close to Edinburgh (Musselburgh Parkway) which will encourage car-users to avoid the city-centre, park their cars away from the city and link directly into GNER services. GNER already play an important part in reducing commuter traffic into Edinburgh from/to Dunbar. From a specific GNER stand we would be keen to explore how ScotRail could provide an enhanced service to Dunbar, by perhaps splitting their trains at Drem with the front portion going to say North Berwick and the other portion going to Dunbar. This would also enhance the case for reopening stations such as East Linton.

3.6 GNER is pleased the Scottish Executive is tackling the issue of airport links by rail.

4 Have you any views on the directions and guidance which the Scottish Executive should issue to the Strategic Rail Authority with respect to a replacement ScotRail franchise?

4.1 GNER welcomes the commitment by the Minister to a 15-year Scottish Passenger Rail Franchise from April 2004. GNER’s experience is that shorter franchise periods and short-term franchise extensions do not support proper long-term investment commitments, nor do they provide incentives for operators to address long-standing, deeply-entrenched obstacles to improved performance. However, GNER is presently working with the SRA on an interim extension to 2008 in order to unlock investment for new trains. This would then fall in line with the SRA’s plans for new ‘super franchises’ operating into London termini.

4.2 The Scottish Executive has the opportunity to lead the way by providing a clear and strategic vision at the start of the franchising process. The Scottish Executive must give a clear indication to bidders of the destination they wish to reach under the new franchise in order to avoid a potentially, time-wasting, dispiriting and costly process for bidders. Uncertainty also deters potential private investors from engaging as fully as they might.

4.3 The need for contestability, under European law and to ensure value for money for the taxpayer, is well recognised. However, it is important that the Scottish Executive as the agent for the SRA engages with a preferred bidder as soon as possible rather than believing that it must keep at least two horses in the race to fit in with the timetable announced on 29th April. Likewise, having set out a timetable for the process, there is no benefit to train operators or passengers from sticking to it rigidly if the process can be accelerated. GNER’s experience of the ECML bidding process was that too much which could have been done to benefit passengers was put on hold while investors and decision makers awaited the outcome of the process.
3 May 2002

Dear Callum Thomson,

TRANSPORT & ENVIRONMENT COMMITTEE INQUIRY ON RAIL

Information about Virgin Trains may be helpful to the committee’s deliberations. I am happy to provide details of our expanding role in Scotland.

We expect to double passenger numbers as a result of substantial investment in new trains that will transform services. This investment of more than £2 billion in rolling stock, plus significant spending by Railtrack in partnership with Virgin Trains, confirms our commitment to supporting the Government’s aim of winning more passengers onto public transport.

Virgin Trains is jointly owned by Virgin (51 per cent) and Stagecoach (49 per cent). Two franchises were awarded to Virgin Trains in 1997 for 15 years each – more than double the term for most franchises because of the considerable amount of investment required after years of neglect.

The West Coast franchise includes Glasgow and Motherwell to London Euston, which is to be expanded to include new services from Edinburgh to London Euston next year. The CrossCountry franchise is the only truly national passenger train operation, extending from Aberdeen to Penzance and including South Wales.

The combination of a new CrossCountry timetable from 30 September this year, and further development on the West Coast Main Line next year, will double the number of trains operated by Virgin on Scottish services. More jobs are being created in Edinburgh and Glasgow to prepare for this.

The new 34 non-tilting Voyager and 44 tilting Super Voyager 125mph diesel trains, now taking over CrossCountry from rolling stock up to 30 years old, will allow shorter journey times and more frequent departures linking Aberdeen, Dundee, Edinburgh and Glasgow to more than 100 towns and cities in the English regions and Wales.

The 53 new tilting Pendolino electric trains now being prepared for the West Coast Main Line will also deliver significantly shorter journey times and more frequent services on the line to London Euston.

The considerable benefits of the investment currently going into the two Virgin Trains franchises demonstrate the value of a 15-year-term.

As a cross-border operator, Virgin is not directly involved in the franchise that supplies most of Scotland’s passenger rail services, but we work very closely with ScotRail, GNER and Railtrack Scotland. The railway industry in Scotland is noted for working in partnership to deliver service to the travelling public.
Railtrack has contracts with Virgin Trains to improve infrastructure, notably on the West Coast Main Line, where significant progress has already been successfully achieved by Railtrack Scotland.

Some of Virgin’s trains are serviced by GNER in Edinburgh. Most of the stations we call at in Scotland are staffed by ScotRail, including Lockerbie where Virgin is currently the only train operator. (Although our main interest is in cross-border journeys, we do cover some internal Scottish journeys such as Lockerbie/Edinburgh.) We have our own people providing customer service at Edinburgh Waverley and Glasgow Central, stations which are both managed by Railtrack. Elsewhere, we have arrangements for ScotRail to look after our customers at stations.

We are involved directly, and with other train companies, in the provision of through-ticketing between buses and trains in several areas.

Around one third of the passengers using Virgin Trains reach us or leave us on trains run by another operator. For example, people going from Inverness to Birmingham can travel by ScotRail or GNER to Edinburgh and then connect with Virgin Trains.

It is therefore vital that the current benefits of network operation, including through-ticketing and connections, continue to be maintained.

Virgin Trains would have no objection to a vertically integrated franchise within Scotland, provided an independent regulatory framework ensured fair play in the public interest and avoided potential conflicts of interest. If there were a combined infrastructure and passenger train operating company in Scotland, Virgin Trains would expect to have the same type of arrangement as at present to pay for access to track and stations.

Further improvements in, and expansion of, the Scottish railway network during the new Scottish passenger rail franchise would be welcome.

However, we believe it is important to make sure that network capacity is also provided for future growth in cross-border travel, as well as for domestic Scottish journeys. For example, Strathclyde Passenger Transport and Dumfries & Galloway Council are considering the prospects for a new regional train service between Carlisle and Glasgow. This could serve new or reopened stations such as Beattock and Symington, in addition to existing ones, including Lockerbie. We welcome the concept, provided capacity on the West Coast Main Line remains clear for long-distance trains as well as any new service.

We are happy to respond to an approach from the committee if more information is wanted. You may care to discuss this with our Corporate Affairs Manager Scotland, Allan McLean, who is contactable at this address, or by phone on 07771 827 855 or by email at allan.mclean@virgintrains.co.uk

Yours sincerely,

CHARLENE SLOAN
Business Manager Scotland
SUBMISSION FROM FIRST GROUP

First welcomes the Transport and Environment committee’s enquiry into the rail industry in Scotland. As a Scottish company, and the largest public transport operators in the UK, we believe this enquiry will bring together the views of all the major stakeholders in the Scottish rail industry. This can only lead to a better understanding of how rail can best meet the needs of the people of Scotland, and thus provide a solid foundation for the re-franchising of ScotRail.

First is a UK-based international passenger transport group with a £2 billion a year turnover, and in the UK we have demonstrated our commitment to the rail sector over the past 5 years, through our three Train Operating Companies – First Great Western, First Great Eastern and First North Western. Through these companies we have significant experience in delivering inter-city, commuter and regional rail services. In keeping with the Governments’ determination to improve the whole national public transport system, First is committed to providing safe, comfortable, quality, seamless travel. We are the UK’s leading provider of integrated transport. Through-tickets are provided for bus/rail links in all large towns and cities served by First. We are facilitating easy interchange between train and bus services, including timetables which co-ordinate with each other and facilities are being expanded to help motorists combine car use with public transport journeys.

We look forward to seeing the results of this extensive inquiry, and to subsequently bidding for the opportunity to operate the Scottish rail franchise.

Gerard O’Hanlon

Phone 07799 864537

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Introduction

EWS welcomes the opportunity to offer written evidence to the Scottish Parliament’s Transport and Environment Committee rail inquiry.

EWS is Britain’s leading rail freight operator, hauling over 100 millions tonnes of freight and moving over 21 billion net-tonne kilometres of freight per annum, equivalent to more than nine million lorry journeys. Since 1995, EWS has invested some £750 million in new rolling stock, equipment and systems and together with that from other rail freight operators, the total commitment in rail freight from private sector sources is roundly £1 billion. This investment is continuing and – along with supportive Government and Scottish Executive transport and land-use planning policies – has helped rail freight’s business to grow by 50% over the last six years, thus increasing rail’s share of the UK surface freight market (i.e. road + rail) from under 6% to 11% today. Latest data shows that volume growth continues, making the rail freight industry well placed to meet the Government’s target of 80% growth by 2010, as a means of reducing the impact of road congestion on the UK economy and environment.

In turn, a strong rail freight industry is vital to meet the rail and broader transport priorities of the Scottish Executive.

Summary

EWS believes that:

- Government’s provision of £4 billion for rail freight in the 10-year plan must be protected to ensure that the economic, environmental and user benefits of rail freight are generated
- There must be independent economic regulation
- There is a need for a national (GB) infrastructure provider with centralised train planning and control
- There should be national standards of maintenance and renewal
- There are many unanswered questions relating to vertical integration
- The future enhancement structure must take freight needs into account to avoid a repeat of the West Coast Main Line upgrade fiasco.
- The Scottish Executive must secure funding from the Strategic Rail Authority for Scottish enhancements.

Scottish Rail Freight

EWS is Scotland’s leading rail freight operator running services to the many locations across the nation. Approximately 200 coal trains operate every week in Scotland for customers across Britain, 11 daily high-speed trains for Consignia run six days a week, supermarket goods for Safeway are taken to Inverness and the Far North and parcel trains are operated for Securicor Omega to Motherwell, Inverness and Aberdeen. Other services include hauling timber, steel, pipes, and international traffic as well as running services for the Ministry of Defence and operating the Royal Train.

Powers of the Scottish Executive
The Scottish Executive issues freight facilities grants (covers capital costs i.e. rail sidings) and track access grants (covering Railtrack network costs of operating a freight service) in Scotland. Should a project be cross-border then the Scottish Executive and the Strategic Rail Authority jointly fund this grant.

While the Executive has increased the level of funding for the freight facilities grants and now has a £1 million fund for track access grants, EWS considers the administration of these grant schemes to have been poorly managed by the Scottish Executive. Prospective companies have been put off using rail because the Executive has taken more than two years to consider awards. This compares with the Strategic Rail Authority who provide a reply to applicants (whether positive or negative) in a matter of months. EWS would take the view that the process of FFGs and TAGs should be given a root and branch review in terms of the ability of the team in the Executive to administer them. Alternatively, the Executive could hand the power to award FFGs and TAGs back to the Strategic Rail Authority where they can administer the awards on behalf of the Executive.

The Executive has no other powers in relation to rail freight services, which is, in their view, a “reserved matter”. EWS has been disappointed that the long-term damage inflicted to Scotland’s international rail freight services through the Channel Tunnel, has not seen any firm action being taken by the Executive with the European Commission, the British Government and the French Government. While rail freight might be reserved, the Executive can defend Scotland’s economic interests that have been effected by the lack of Channel Tunnel rail freight services.

EWS has had little dialogue with the Scottish Executive for nearly two years despite raising rail freight issues, which have a serious impact on the value of Scotland’s economy.

In terms of the operation of the railway in Scotland, the needs of rail freight have been lost because of dominant passenger operators relationship with Railtrack Scotland. This is a particular concern for EWS, being the only truly national rail operator in Britain, trying to operate national services 24 hours a day.

Specific Questions from the Committee

What are your views on the present structure of the rail industry in Scotland, and the relationship between the key bodies involved in the rail industry? Should there be any change to the current structure and relationships?

EWS feels that the present structure of the rail industry in Scotland works well, however in terms of the interest of rail freight more could be done. EWS is of the view that Railtrack Scotland has developed unnecessary and damaging restrictions on the movement of freight. These are in direct conflict with policies of the Railtrack North Western or London North Eastern zones. For example, two-years ago Railtrack Scotland imposed a blanket speed restriction on all “merry-go-round” coal wagons in Scotland, increasing journey times and reducing the number of trains available for customers. The rest of the network in Britain has operated at the normal line speed for two years, and Railtrack Scotland has made limited attempts to restore the normal line speed.

This example indicates the need for independent economic regulation.

EWS is extremely concerned that the concept of localised vertical integration will produce freight “no-go” areas. EWS believes that there are a number of fundamental
issues that have not been addressed in previous discussion on vertical integration. These concerns are best posed in the form of a series of questions.

- Railtrack is a multi-faceted company with a wide range of activities. It is not clear what supporters of the concept would want to be integrated. Would it be capacity planning? Signalling? Procurement of maintenance and renewal? Network enhancement? Safety management?
- Who will decide the standard to which track and structures will be maintained? If there are no common standards it would become increasingly difficult to operate national services.
- Who will ensure that there are fit-for-purpose freight routes and freight paths throughout the country?
- EWS is a national long-distance operator, including postal and coal trains and international services from Mossend – Paris. Who will ensure that such trains will run through each vertically integrated area unhindered?
- What evidence exists that there is sufficient competence amongst operators and at local geographical level to manage the procurement of track maintenance and renewal?
- Who will ensure that local operators do not discriminate against the services of other operators in their area?
- Will vertical integration mean there is a need for more, rather than less, intrusive regulation?
- Who will ensure that there is a consistent approach to the provision of sufficient track capacity for future growth?
- Who will ensure that there is the appropriate capability to operate: longer, heavier, faster, wider and higher trains in the future?
- What are the implications of vertical integration in the light of EC directives that require separation of track and operational management?

EWS believes that there should be no change to the present structure of the rail industry in Scotland, except better management from Railtrack.

**What are your views on the present arrangements for funding rail developments in Scotland? Are the stated objectives of the Scottish Executive and the Strategic Rail Authority deliverable via the present funding arrangements? What levels of funding should be made available for rail, and from what sources?**

Funding for rail services in Scotland is limited to the ScotRail franchise, SPT support, freight facilities grants, track access grants and rail projects in the public transport fund. There appears, and the process to try and open the railway from Stirling – Dunfermline has shown this, to be little in the way of additional resources the Scottish Executive can use to deliver its own objectives for rail (be they passenger or freight).

In terms of funding for rail freight, the Government’s 10-year plan has a commitment of £4 billion of funding for rail freight projects and network enhancements. The job of the Strategic Rail Authority is to act for rail freight enhancements, for the Scottish Executive. The Scottish Executive should be securing a commitment from the SRA that Scottish rail freight enhancements will be allocated secured funding. It should be noted that this funding has not been ring-fenced as part of the Government’s 10-year plan. Unless centralised funding is secured for Scotland, the Scottish Executive will continue to run into the same enhancement problems as it has done in the past.

**What are your views on the relative importance of rail within the Executive’s current transport priorities? What are your views on the rail developments which have been identified by the Executive as priorities? Is there scope for greater integration of rail with other forms of transport, and how might this be achieved in practice?**
The Scottish Executive clearly wishes to move more freight by rail. The recently published Transport Delivery Report by the Executive reinforces the commitment to grow rail freight. This is essential if the Executive is to stabilise road traffic levels at 2001 levels by 2021. This aim requires deliverance of the vision to resolve congestion problems and complete missing transport links on the rail network. Put simply, a major increase in the operation of freight trains and freight tonnages on the Scottish rail network will be required in order to meet this strategic target.

For rail freight, the Executive has identified very little, rather leaving this work, correctly in the view of EWS, to the Strategic Rail Authority. Nevertheless despite the fact the Scottish Executive lacks powers to intervene, EWS has raised areas of fundamental concern about the rail network in Scotland which is restricting the haulage of rail freight with the Scottish Executive. EWS is disappointed that the Scottish Executive has not sought to fully explore these issues.

Have you any views on the directions and guidance which the Scottish Executive should issue to the Strategic Rail Authority with respect to a replacement ScotRail franchise?

As part of the Scotland Act, the Scottish Executive will issue directions and guidance to the Strategic Rail Authority on a new ScotRail franchise. It is important that the needs of rail freight are not lost in the desire to gain more for the public purse from any new franchise agreement.

EWS is concerned that in the enthusiasm for the planning of the new ScotRail franchise, problems will occur with commitments made upon delivery which forces other operators off the rail network. The introduction of the 15-minute Edinburgh – Glasgow service, as a franchise commitment, was a priority for delivery. The effect of the service was to heavily reduce capacity on this route for other services, with coal trains to Longannet and Cockenzie power stations being put onto diversionary routes creating longer journey times.

Franchise commitments cannot be made to deliver a greatly improved level of passenger frequency without the needs of rail freight being taken into account. Failure to do so would not be in the interests of the Scottish economy. The Scottish Executive, as part of its directions and guidance to the Strategic Rail Authority must seek funding to secure the capacity for rail freight services which could be displaced by ambitious and headline grabbing franchise commitments.

EWS would be pleased to provide the Transport and Environment Committee with oral evidence as part of its rail inquiry. For further information, please contact: Graham Meiklejohn, Media and Public Affairs Manager, EWS, 310 Goswell Road, London EC1V 7LW. Telephone 020 7713 2486. E-mail graham.meiklejohn@ews-railway.co.uk

_English Welsh & Scottish Railway_  
3 May 2002
TRANSPORT AND THE ENVIRONMENT COMMITTEE

Subject: Petition PE377 by Michael Kayes on polluting activities in built-up areas

Meeting No: 19th Meeting

Date: 6th June 2002

Author: Note by Clerk

Introduction

1. This paper asks the Committee to consider for the first time petition PE377 by Michael Kayes on the practice of toxic dumping, cattle incineration and other polluting activities in built-up areas. A copy of the petition is also circulated for this meeting (TE/02/19/7).

2. The petition expresses concern at the potential impact on local residents’ health of the concentration of polluting operations, such as toxic dumping and cattle incineration, in the East End of Glasgow. The petition requests that the Scottish Parliament carries out an urgent investigation into these practices. The petition includes some background information regarding the specific problems which the petitioner indicates are being faced by residents in the East End of Glasgow. Further information regarding the petitioners’ concerns can be found in oral evidence they gave to the Public Petitions Committee in June 2001, which is attached at Annex A of this covering note.

Progress of the Petition

3. The petition was considered by the Public Petitions Committee (PPC) at its meeting on 19 June 2001, when the Committee agreed to seek the views of the Scottish Environment Protection Agency (SEPA) on the issues raised in the petition, and on additional points raised by members. A response was received from SEPA (attached at Annex B), which was subsequently discussed at a meeting of the PPC on 11 September 2001. The relevant extract from the Official Report of that meeting is attached at Annex B.

4. The Public Petitions Committee referred the petition to the Transport and the Environment Committee with the request that it responded to the wider planning issues arising from the petition. Members should note that the Transport and the Environment Committee has previously agreed that the Committee should not take a view on specific local planning decisions. It would, however, be appropriate for the Committee to address the wider issues raised by the petition.

Issues Raised by the Petition

5. The petitioners set out a number of specific concerns in the petition. These are considered on a point-by-point basis in SEPA’s response to the Public Petitions
Committee. SEPA suggest in this response that the necessary environmental regulations and procedures were followed at the waste disposal site highlighted by the petitioners. Four enforcement notices issued by SEPA in connection with the site have now been complied with. SEPA also note that no link has been established between the waste disposal site and ill-health among local residents.

6. In addition, the letter from SEPA suggests that many of the petitioners’ complaints do not fall within the responsibility of SEPA, but instead relate to planning decisions (for example, relating to the particular location of the site). SEPA notes that it does not have the power to withhold the granting of a licence where planning permission has been granted for a process which uses technology appropriate to meet emissions standards for that source material. The Convener of the PPC noted at the PPC Committee meeting that Glasgow City Council refused the original planning permission but that the Scottish Executive overturned this decision on appeal.

7. There are a number of general issues relating to the planning system which are highlighted by the petition. These include the circumstances in which Scottish Ministers decide to overturn the planning decisions of local authorities and the extent to which the planning system and environmental regulations are meeting local residents’ concerns regarding waste disposal near their homes.

Recent Developments

8. Recently, local concern has been expressed that BSE-infected cattle may be being processed at the incinerator despite the operators not having the necessary license for this type of incineration. There has also been concern that BSE-contaminated waste may be discharged into the sewage system. The Convener wrote to SEPA and Scottish Water respectively on these matters and this correspondence, including the two responses, is attached at Annex C.

9. It would appear that SEPA is not able to specifically prevent the incineration of BSE-infected cattle. In practice, however, it has adopted the precautionary principle and has therefore included conditions within the authorisation granted to the operator which dictate that the operating methods to be used will ensure the destruction of any BSE prion as part of the incineration process.

10. Scottish Water has recently granted a trade effluent consent in respect of the water used in the wash down of floors, plant and machinery and their response states that the sewage treatment processes have the ability to break down organic material.
Options for Action

Two options which the Committee may wish to consider are—

Option A

11. The Committee could note the petition, and write to the petitioner to inform him that the Committee has previously agreed not to take a view on specific local planning issues.

Option B

12. The Committee could write to the Scottish Executive to seek its views on any general planning or environmental protection issues arising from the petition or the operation of the incinerator.

Recommendation

13. The Committee is invited to consider its response to the petition.

Callum Thomson
Clerk, Transport and the Environment Committee
May 2002
The Convener: The next petition, PE377, from Michael Kayes, is on toxic dumping, cattle incineration and other polluting activities. I understand that Michael Kayes and Bill Malcolm are here to address the committee.

Michael Kayes: Thank you for having us here to speak on behalf of the people of the east end of Glasgow.

Three years ago, a cattle incinerator was opened in Carntyne. A cattle incinerator is out of place in a built-up area. At the time, we were assured that there would be no smoke or fallout from the incinerator but, as the pictures I have with me show, we had nothing but smoke and fallout for 18 months.

The Scottish Environment Protection Agency has let us down. I am here to ask the committee whether it can force SEPA to do something about the situation. I understand that the incinerator will reopen under new ownership in the near future. I do not see the new owners curing the problem. I live 50 yards from the incinerator and it is close to playing fields where more than 400 kids play football every weekend.

The photographs show how residential the area is. They also show new housing developments. I ask the committee to stop the plant from reopening until an investigation has been carried out into the problem as well as into dumping in the east end of Glasgow. I do not see why the incinerator problem should be allowed to add to the dumping problem.

Bill Malcolm: The Carntyne local plan was adopted in 1991 with the aim of controlling industrial development and eliminating local industrial pollution. It has singularly failed to do so. With the help of the Public Petitions Committee, the residents of the Carntyne community would like the planning permission refused retrospectively. The ground for that is that it is not an acceptable use of land that lies so close to public housing.

In an area of about 500m around the plant, there are two primary schools, a nursery, an old folk’s home and 10 football pitches where, every Saturday and Sunday, 200 to 300 kids play. The previous owners, Westcot Hides, guaranteed that no smell, smoke or vile substances would come from the plant. They failed to ensure that. On 12 occasions that we know of, SEPA had to serve the company with enforcement notices to stop its operations.

The new operator, Sacone Industries, said that it would produce a new system of burning cattle. That system will process 200 cattle on seven days of the week, for 52 weeks of the year. Smells emanate from the plant when wagons containing 20 dead cattle that have lain there for a fortnight are opened. The smell rises into the atmosphere and surrounds the area completely. Sacone Industries has assured us that that will not happen, but we do not believe that, as the previous company also made that promise. The photographs that we have presented to the committee show smoke coming out of the chimneys. The plant is located in the area shown by the white square drawn on the photographs. The rest of the area is green fields or housing.
The Scottish Office allowed this situation to develop. Glasgow City Council planning department refused planning permission to Westcot Hides, but the Scottish Office granted permission on appeal, completely against the wishes of local people. In one day, we gathered two petitions of 1,000 names—the area has not one dissenter.

We ask members of the Public Petitions Committee to use the weight and power that the committee has been given by the people of Scotland to force the Intervention Board not to award the contract to Sacone Industries. At the moment, the company is repairing the plant in the hope that it will receive a contract at the end of this month. We do not want the plant to start up again. The last firm almost went bankrupt because it could not maintain guaranteed production due to stoppages. People do not want to have that happen again.

With the committee's assistance and its support of PE377, we hope that that will not come to pass. I thank the committee for giving us its attention.

The Convener: We do not have the power to interfere in the process of application for licences.

Bill Malcolm: It is support that we want.

The Convener: We have other powers that we can use to intervene in a situation such as the one that has been described. I repeat, however, that we cannot stop the lawful issue of licences.

Dorothy-Grace Elder: I declare an interest. I am one of the MSPs who works in the east end of Glasgow. Over some 25 years, I have been involved in places where dumping has occurred. The major problem in all dumping situations is SEPA's secrecy and the way that it works. I have dealt with quangos for many years and I have never encountered a more secretive quango than SEPA, which has been in existence only since 1996.

No consultation was held with local people in Carntyne before the licence was granted. Local people organised a recent public meeting, which SEPA attended. Its answers were evasive. The agency is not trusted in the local area. People are desperate to stop the plant starting up again, as all that SEPA will do is handle individual complaints. It will not reach to the root of the problem.

There is overdumping in the east end of Glasgow—the area is well worthy of special investigation by the Transport and the Environment Committee and of reference to the European Committee. We have at least five major dumping and/or incineration operations in the east end of Glasgow. Paterson's dump, which is very near Carntyne, takes in 500,000 tonnes of toxic waste material each year. The recent public health report on Paterson's dump noted that smells are at times literally breathtaking.

The emissions are already in the atmosphere. To add to that, the plant will again create a belching smoke plume that will distribute ash from dead cattle over the district, especially in summer weather. The smoke plume contains noxious fumes. Children in the area see terrible sights. At times, blood from the dead and half-decapitated animals that are being trucked into the plant runs down the gutters in one or two of the Carntyne streets. A built-up, residential area such as this is no place for such an operation. Such plants must be located well outside urban areas.

I am concerned about the health of the people of the east end of Glasgow. A Department of the Environment, Transport and the Regions probe is under way in
London and links in parts of Glasgow. We have not yet seen the results of that probe and we have not been able to afford a full health inquiry in Glasgow. There are undoubtedly clusters of cancer and other diseases. It is not proven that they are linked to dumping, but their incidence is unusually high.

The east end of Glasgow has had quite enough problems without this plant being reopened. I appeal to the convener to write a strong letter to SEPA asking it to justify why, in view of the plant’s history, it granted the licence. Its feeble response is bound to be because planning permission was granted, but receiving planning permission does not mean that SEPA automatically has to grant a licence, particularly as permission was granted only after the application went to a Scottish Office reporter on appeal.

I ask the committee to word our communications as strongly as possible. I suggest that we pass PE377 to the Transport and the Environment Committee and to the European Committee. In view of the survey of dumping and other problems throughout the British Isles in which the Department of Health in London is a participant, I suggest that we write to that department.

The Convener: At this stage, we are meant to ask questions of the petitioners.

I welcome John Farquhar Munro to the committee. Do you have any questions at this point?

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Not yet.

John Scott: Was there a difference in the level of smell throughout the summer and winter months?

Michael Kayes: No. The smell was continuous. Whenever a load of cattle arrived at the plant, the smell was present day and night. SEPA served the past operators with enforcement orders. That led to the Intervention Board taking the contract away from Westcot Hides, which went out of business. We had the smell of the smoke, winter and summer, day and night. I had burning ash on the roof of my house and cattle hairs on my car. For 18 months, we had those problems day and night.

John Scott: How close is the plant to the majority of the housing?

Michael Kayes: If members look at the photographs, they will see a drawing of a wee blue box. That is the incinerator. My house is in the area marked by the yellow box. I live in a caravan site that has 32 residential caravans for retired show people. The incinerator is only 50yd from the site. A 9in boundary wall is all that stands between the plant and the playing fields, where the kiddies play every weekend. Just 150yd from that are green fields and the Cardowan Road housing. On the other side we have Old Shettleston Road housing and the new housing development. The plant is out of place. It is smack in the middle of 10,000 to 20,000 houses. That small industrial area should not be in that location.

John Scott: I was going to ask what the direction of the prevailing wind is, but that is irrelevant because the plant is surrounded by housing.

Bill Malcolm: The prevailing wind in Glasgow is south-westerly.
John Scott: There is no orientation on the map, but it does not matter: there are houses in every direction.

Michael Kayes: Also, we are in a valley. The plume goes up and falls down where we are, which is between Edinburgh Road and Tollcross. It has nowhere to go, bar on the people.

The Convener: Why are cattle being incinerated in the middle of a city?

Michael Kayes: The previous owner of the site was a hide company. When cattle that were older than 30 months had to be got rid of because of BSE, there was a market for the incinerator, although the planning application says that no BSE cattle are to be burnt at that incinerator. Starting next month, all cattle that go to an incinerator must be decapitated, have a brain-stem sample taken and have the spinal cord taken out. That must be done to all cattle, not just BSE-infected cattle. While testing is being carried out, Daisy—as I call the cattle—will have gone through the incinerator and up the chimney. However, when—10 to 14 days later—the results come back that Daisy had BSE, it will not be possible to find her, because she will have been incinerated within 24 to 72 hours. The company will be burning BSE-infected cattle without our knowing—and we will never know—despite the fact that the planning application does not allow it to burn BSE-infected cattle.

Dorothy-Grace Elder: You were concerned about the heat of the furnaces.

Michael Kayes: The furnaces cannot burn hot enough. We have an independent report that says the furnaces are not designed to burn BSE-infected cattle. I am led to believe that the furnaces burn at 850 deg C. To get rid of the BSE agent, they have to burn at 1450 deg C, but the furnaces are not designed to do that. The ash, smoke and smell are not healthy.

Dorothy-Grace Elder: Can you confirm that at a public meeting the new owner of the incinerator, Mr Batty, stated that 850 deg C is as high as the furnaces can go?

Michael Kayes: That is right. I asked him about that. I also put it to him that the incinerator would be burning BSE-infected cattle. He could not confirm that he would not be burning such cattle, because the test results would be received after the cattle had been burnt.

Dorothy-Grace Elder: That moves us into an emergency situation.

The Convener: Are there any other questions for the petitioners?

John Farquhar Munro: Before the incineration of cattle started, were there objections about the emissions from the stack as a result of the previous activity at the site?

Bill Malcolm: There was no stack then. A tanning operation was on the site, from which there was an offensive smell. It was defined as an offensive trade, but that definition has been removed from legislation. No business is called an offensive trade now, but there is still an offensive smell. In the old days, when cattle were
taken in and the hides were treated to make leather, there was a strong smell, but that was in the past.

For the environment and the health of people, such places should not be in areas with a lot of housing. A foundry and Parkhead forge, which was a massive employer of 30,000 people, have been closed down. All industry has been taken out of the area and only social activities take place there. However, the incinerator was allowed because, three years ago, the Government was under a lot of pressure to get rid of dead cattle. There are still 4.5 million cattle lying around somewhere that have to be destroyed.

John Farquhar Munro: Looking at the issue objectively, it is absurd that the local authority and a public agency such as SEPA should approve an exercise such as this in such close proximity to public buildings and schools and in such an intensely built-up housing area.

Bill Malcolm: Unfortunately, the wee strip of land on which the incinerator is found, which is about half a mile wide, is designated as an industrial area because it is alongside the railway line. It is meant for light factories, such as sewing machine factories or the Carnyntne knitwear factory, which are no problem. The cattle come from the Borders in refrigerated trucks and must go through the whole of Glasgow. They should be dealt with out in the countryside.

John Farquhar Munro: Although the area is classified as industrial, it is absurd to apply the designation of industrial to the function of the incinerator.

Bill Malcolm: The planning permission says that it is an industrial area, but we say that a cattle incinerator is a wrongful use of the industrial area.

John Scott: How many jobs are involved?

Bill Malcolm: Six to 10, so the managing director tells us. Two or three men will operate fork-lift trucks to put cows on to a conveyor and into the furnace and there will be a few office people. The previous firm had about 15 employees. The new owner reckons that, given the company’s equipment, the number of jobs will be 10 to 20 at most. Shettleston does not need 10 jobs; it needs 10,000 jobs.

The Convener: If there are no other questions, I thank you for your evidence. We will now consider what to do with the petition. You are welcome to stay and listen to the discussion.

We must stress that we cannot interfere in the application process for licences, but we can take up the issue with SEPA. It is suggested, as Dorothy-Grace Elder said, that we ask SEPA to respond to the points that have been made in the petition and in the discussion this morning and to outline its policies and procedures for granting licences to toxic dumps and incinerators in urban areas. While we await a reply, we will send a copy of the petition to the Transport and the Environment Committee for its information. We will pass on whatever we receive from SEPA to the Transport and the Environment Committee in due course. Is that agreed?

John Scott: I agree. As Dorothy-Grace Elder, the petitioners and John Farquhar Munro have said, it is unacceptable in this day and age to have such a plant in the
middle of a residential area. New planning guidelines may have to be developed for
the siting of incinerators. It is logical that they should be sited in areas where the
prevailing wind will blow away unpleasant smells and potentially dangerous ash.
With regard to BSE, perhaps I am in a position to put the petitioners’ minds at rest. Any
cattle that are known to have BSE would not be sent to that plant.

Bill Malcolm: That is correct.

John Scott: However—and I have raised this issue with the Scottish Executive with
regard to foot-and-mouth—it may be that a few cattle of more than five years old that
are infected with the BSE agent are being burnt at that plant and on funeral pyres
and are depositing BSE-infected material all over the country. Nonetheless, I have
been reassured by the Executive that the incidence of such animals is low.

Dorothy-Grace Elder: Could we ask John Scott, as a farmer, where 200 cattle a
week are coming from? They are called fallen animals. That puzzles me.

The Convener: We should ask SEPA, rather than John Scott. He is not responsible
for answering such questions.

Dorothy-Grace Elder: Could we also ask about the lack of public consultation?

The Convener: Absolutely. The *Official Report* of this meeting will be sent to SEPA,
which should be asked to respond not just to what the petition says, but to the points
that have been raised in discussion.

Michael Kayes: May I make one more point?

The Convener: Technically, you cannot, but I will allow it.

Michael Kayes: John Scott said that the cattle would not have BSE. Mr Norman
Batty said that all the cattle that go the incinerator are checked by vets. If that is the
case, why do they have to take the heads off the cattle and send them for testing?

The Convener: That is a fair point, which was also made in the back-up literature.

Helen Eadie: Like other committee members, I share the concerns that the
petitioners have expressed. Not only is there an important issue about national
planning policy guidelines, there is the issue of the growth in the number of
incineration plants. I can remember the case of the Bonnybridge incinerator, in which
Alex Falconer, our MEP at the time, was involved. You will remember that case,
convener, and the concerns that were expressed throughout Scotland.
My concern is that health and safety legislation includes powers of prohibition in
certain cases, but it does not include powers of prescription. It is a matter of the
filters that ought to be installed when the flues are put in place. From the Westfield
inquiry when an incineration plant was proposed there, I understand that research
from America stated that certain dioxins get into the atmosphere because
appropriate filtration is not put into plants. I would like an approach to be made to the
Secretary of State for Environment, Food and Rural Affairs in London to ask whether
changes will be made in legislation so that there are powers of prescription as
opposed to powers of prohibition. That must be considered not only on this aspect of
health and safety, but in the wider context.
The other point that I would like to make is that the Royal Commission on
Environmental Pollution is in the throes of setting up a remit for an inquiry into the
effects of chemicals in the environment. It might be worth your while to visit its
website, as you might want to make representations to it. Organisations and
communities throughout Scotland that are concerned about chemicals in the
environment ought to be preparing evidence to submit to that inquiry. It is important
that we tune into the work that is going on in London.

The Convener: It has been suggested that when we write to SEPA we ask it, in
addition to all the other points that I have mentioned, to explain the current position
in the health and safety legislation and any changes that are in the pipeline, so that
we can consider that as part of further consideration of the petition. Would that be
satisfactory?

Members indicated agreement.

Dorothy-Grace Elder: I have a tiny correction to what John Farquhar Munro said.
He said that both SEPA and the local authority were in favour of planning permission
being granted. Unusually for Glasgow City Council, it did not grant permission. That
is why the matter had to go to a fight. How many more voices will it take before they
are listened to? The folk in the east end are not being listened to.

The Convener: It is important to emphasise that the opening of the incineration plant
was against the advice of Glasgow City Council.
Is the action agreed?

Members indicated agreement.
ANNEX B

Extract from the Public Petitions Committee Official Report – 11 September 2002

The Convener: The next petition, from Mr Michael Kayes, concerns toxic dumping, cattle incineration and other pollution activities in built-up areas, with particular reference to the dumping and other disposals that are currently taking place in the east end of Glasgow. At our meeting on June 19, we agreed to ask the Scottish Environment Protection Agency to respond to the issues and to additional points that had been raised by members. A copy of the petition was also passed to the Transport and the Environment Committee for information. We have received a response from SEPA, which is detailed in the committee papers. SEPA appears to regard the matter as a planning issue, rather than an environmental one, and therefore a matter for the local authority to decide. However, if the local authority has decided against the activities of that unit and it was only on appeal to the Scottish Executive that the unit was allowed to operate, there are certain national implications.
SEPA believes that the company is operating within the parameters of the licence that was granted and that several of the issues that were raised by the petitioner are planning issues. Glasgow City Council refused the initial planning application, but the Scottish Executive overturned that decision on appeal. As the committee cannot become involved in individual planning decisions such as this, we could agree to take no further action. Alternatively, we could refer the petition to the Transport and the Environment Committee with a view to asking it to consider the wider issues involved in current planning legislation. There seem to be national implications arising from the Glasgow situation, given that the local authority’s decision was overturned.

Helen Eadie: The petition should be sent to the Transport and the Environment Committee. You are right to say that this is a national issue and that similar things have happened throughout Scotland. When I was a member of the Transport and the Environment Committee, the issue came up time and again and it was thought that the committee would, at some stage, conduct an inquiry into the matter.

Dorothy-Grace Elder: I declare an interest, as Mr Kayes lives in my constituency area and I have been doing work on the matter of the cattle burner for several months. Margaret Curran, who is the MSP for Baillieston, and I agree that the incinerator should not be allowed to start up again—it is not operating at the moment.

The cattle incinerator in the east end of Glasgow is the only such facility to be in a built-up area. It is next to two schools, playing fields that are used by 400 children, many houses, two caravan parks and a hospital. It operated under a different owner until September last year, when conditions for the local people got so bad that it was forced to close—it had also lost an Intervention Board contract. It now has a new owner and is due to reopen soon as part of the BSE surveillance scheme. However, the burner is not licensed to take cattle that have been proven to have BSE. The burner’s top temperature is only 850 deg C and the facility does not have enough refrigeration to store the animals.
I suggest that we send the Executive an urgent letter. Only to some extent is this a planning issue. It is a shame for Glasgow City Council which, four years ago, before the burning of any BSE-infected cattle was proposed, decided that the area should not have the incinerator and turned down a planning application. However, that decision was overturned by a Scottish Office reporter. The report that was produced stated that no animal that had been proven to be suffering from BSE should be burned at the plant. However, the words in that clause can be played with, as the cattle that arrive have not been clinically proven to have BSE. We have seen Government documentation from England and Scotland that says that there is a high risk of the cattle that are involved in the BSE surveillance scheme having BSE. Those cattle are the fallen stock that the European Union wants us to investigate in an attempt to find out how small or large the incidence of BSE is in British herds. That means that the people of the east end of Glasgow will have to suffer as a result of a European statistic-gathering exercise.

The last time the burner was in operation, the situation was horrendous. The plumes of black smoke from this virtual crematorium were going 150ft into the air. Singed cattle hair was falling on gardens, prams and children’s toys all over the area. At times, blood was running down the streets approaching the incinerator as cattle trucks arrived with dead cows. That is unlikely to be prevented this time, as refrigerated transport is not being used. I will go into the grisly details as people in the east end of Glasgow will have to live through this horror story. The results of the test for BSE—which involves the head of the animal being removed—do not come back for 14 days. The rules say that the carcases must be incinerated within 72 hours. We will not know until afterwards whether a BSE cow has already been incinerated, and that would break the planning requirement, but retrospectively. This is complicated.

Glasgow City Council still does not want the plant. It never wanted it in the first place. The east end people, who have protested in their hundreds over another local pollution issue, do not want it and say that they will barricade the entrance to the plant if it reopens. Those are not idle threats—they have done it before at another local polluter, and 100 police had to be called to attend one street. I do not want that to happen month after month, and we cannot afford for the people in the east end to suffer any more risk to their health.

The constituencies concerned are the two unhealthiest in the whole of Britain. The site borders on Shettleston, which is the unhealthiest constituency, and goes into Baillieston, one of the next unhealthiest. What is proposed to be perpetrated is an absolute outrage, simply because it is a burner in that built-up area. I am not complaining about the BSE surveillance scheme, and realise why it has to be carried out, but it is absolutely essential that the cows are removed to another plant that is not located in a built-up area—and there are other plants in Scotland.

I appeal to the Executive through you, convener. I would like a letter to be sent, asking for an immediate investigation into where else those cows could be sent. Ministers have held off signing the contracts, I believe because we all started protesting in early July. My main plea has been to hold off signing the contracts to avoid getting into a legal situation later. SEPA has claimed that it helps with meetings and has been open. It was certainly not open at the public meeting that I attended. A senior representative of SEPA was on the platform, and it was declared that the burner’s reopening had absolutely nothing to do with BSE or BSE cattle. We then found conclusively that it was to do with the BSE surveillance scheme.
The Convener: I have tremendous sympathy with everything that you have said, Dorothy-Grace, and the set of circumstances that you have described in the east end of Glasgow is quite horrific. Unfortunately we, as the Public Petitions Committee, cannot get involved in individual cases. The issues can be raised with Glasgow city councillors and local MSPs and MPs.

We are restricted to considering the national implications that arise from the situation, and to referring the petition to the Transport and the Environment Committee, asking it to consider the wider issues. Even that committee would not be able to get involved in every aspect. If we were to get involved in one individual case, the list would become endless, and the Parliament would just spend its days dealing with individual cases that locally elected people could deal with. I am sure that you have the support of every individual on the committee but, as the Public Petitions Committee, we are restricted to considering the wider implications and referring the petition to the Transport and the Environment Committee and asking it to do the same.

Dorothy-Grace Elder: Could we write a letter to Mr Finnie?

The Convener: If you organised a round-robin letter, I am sure that everybody would support it. We could not write such a letter as a committee. It is not the role of this committee to become involved in issues of this nature. There are locally elected people who may deal with it.

Dorothy-Grace Elder: In that letter, could we say that we are members of the Public Petitions Committee?

The Convener: You can say what you like as an individual, as long as it is not that the letter is from the committee.

Is it agreed to pass the petition to the Transport and the Environment Committee?

Members indicated agreement.
Dear Mr Healey

I understand that you have previously written to the Public Petitions Committee on the subject of the incinerator at Carntyne which was the subject of Petition 377. I am writing to seek SEPA’s comments on several matters relating to this subject which have been recently been raised by Dorothy-Grace Elder MSP.

While the Committee does not consider individual cases in themselves, it has a record of looking into such matters in so far as they highlight wider problems with regulatory frameworks - see for example the Committee’s recent report on the spreading of waste at Blairingone and Saline.

I understand that the operators of the incinerator are not licensed to process BSE-infected cattle but that permission does exist for the incineration of fallen cattle.

It has been alleged that there is the possibility that some of these cattle are BSE-infected. I understand that tests are carried out but that by the time the results of these tests have been received, incineration has already taken place. The implication is that licensing conditions may be being circumvented where positive tests are recorded, in that the cattle have already been incinerated at a plant which does not possess the necessary license.

I should be grateful for your comments on this matter.

You may also be aware that there is concern among local residents about the alleged prospect of waste (including the possibility of BSE-contaminated waste) from the incinerator being discharged into the sewage system. I understand that it is a matter for Scottish Water as to whether consent for such discharge is granted but I should be grateful to receive SEPA’s views on this matter.

I should like the Committee to consider the petition and the associated issues at its meeting on 5 June. To this end I should be grateful if you would respond by 29 May. I understand that this is a relatively tight timescale but would appreciate your assistance in order that the Committee can deal with this matter promptly.
I should be grateful if you would copy your response to the clerk to the Committee, Callum Thomson (e-mail: callum.thomson@scottish.parliament.uk).

Copies of this letter go to Dorothy Grace Elder MSP and Margaret Curran MSP.

Yours sincerely

Bristow Muldoon MSP
Convener
Dear Mr Muldoon

Carntyne Incinerator

Thank you for your letter of 14th May 2002 regarding Carntyne Incinerator. The incinerator at Carntyne is authorised by SEPA under the Environmental Protection Act 1990, Part 1 to incinerate animal carcasses at a rate not exceeding 1 tonne per hour, and the types of waste are limited by Conditions 2.1 and 2.2 of the Authorisation (copy enclosed).

The Environmental Protection (Prescribed Processes and Substances) Regulations 1991 (as amended) prescribe certain processes for regulation by SEPA. Section 5.1 Part B paragraph (a) prescribes “the destruction by burning in an incinerator of any waste, including animal remains”. SEPA has not specifically prevented the plant incinerating carcasses which are later confirmed to be suffering from BSE, as incineration of BSE contaminated carcasses is not a separately identified prescribed process under the above Regulations.

Although SEPA would find it difficult to include conditions within an authorisation to exclude potentially infected carcasses in compliance with Condition 6 of the planning permission (“No special waste, clinical waste, remains from animals clinically confirmed or diagnosed as suffering from BSE, tallow or bone shall be burned at the plant”), conditions applying the best advice available which should destroy BSE prions which have been included in the authorisation.

Schedule 4 of the Regulations prescribes certain substances for release into the air including organic compounds. The BSE prion is a protein and therefore an organic compound. SEPA can include conditions in an authorisation which require the prevention of releases of prescribed substance or, where that is not practicable, for reducing the release to a minimum and for rendering harmless any such substances which are released.

As the BSE test results are not available until after the carcasses are required to be destroyed (the timescale is dictated by the BSE Monitoring (Scotland) Regulations 2001), SEPA has used the precautionary principle and included conditions within the authorisation dictating the operating methods and parameters to ensure that any BSE prion present is destroyed within the incineration process. These conditions (3.3.1, 3.3.4 and 8.4.1) follow the advice from SEAC (Spongiform Encephalopathy Advisory Committee) dated 7 June 1996 (copy enclosed).
SEPA has no remit with regard to the contracts for disposal of animal carcasses, this is controlled by the Rural Payments Agency (formerly the Intervention Board). Additionally, all testing for BSE is undertaken on behalf of the RPA, and hence is also outwith SEPA’s control. SEPA has requested information from DEFRA and the Scottish Executive on the number of carcasses that have been incinerated at Carntyne and have tested positive for BSE. This request was refused and only the total number of carcasses tested in Scotland and, of those, the number of confirmed BSE cases was provided.

With regard to consent to discharge to the sewerage system, this is indeed a matter for Scottish Water to determine, and SEPA is only concerned with the final discharge from the sewage works. As SEPA understand it, there is no simple test that could be done to determine whether any BSE prion was present in the final discharges to the river and hence any decision would be based on the theoretical risk, and SEPA would seek advice from the Chief Medical Officer on this issue.

Yours sincerely

M PATRICIA HENTON
Chief Executive
SCHEDULE 2: WASTE MATERIALS AUTHORISED FOR INCINERATION

8.4 No waste materials other than those described below (hereinafter referred to as “waste”) shall be destroyed by burning in the incinerators as described in Schedule 1:

2.1.1
Animal remains, meaning whole or partial animal carcass wastes, hides, skins, including trimmings or partially treated skins, excreta, bedding and waste incidental to the animal carcass.

8.4 To prevent the generation of hydrogen chloride in the flue gas emissions the Company shall avoid the inclusion of any incidental packaging materials which may contain PVC, and, for example, polypropylene or polyethylene shall be used instead.

SCHEDULE 3: CONDITIONS APPLYING TO PROCESS CONTROL

8.4 Incinerator Combustion Conditions

3.3.1
The temperature at the point of exit from the secondary combustion chamber of each incinerator shall be maintained at not less than 850°C, including during start up of the primary combustion chamber, and for as long as there is combustible waste in the primary combustion chamber.

3.3.4
The incinerators shall be operated to ensure a minimum gas residence time of 2 seconds in their respective secondary combustion zones.

SCHEDULE 8: PLANT RE-COMMISSIONING

8.4 Tests shall be carried out to demonstrate that:

8.4.1
the gas residence time within each incinerator’s secondary combustion zones is at least 2 seconds;
ATTACHMENT 2

Incineration

The Committee concluded that incineration, either in power stations or cement kilns (in which temperatures could reach at least 1400°C) or in dedicated incinerators which reached 850°C would be sufficient to ensure that there was no risk, either to those exposed to the smoke plume eg. those living in the neighbourhood or those living downwind of the plant or in relation to the ash which could safely be landfilled. It was noted that some ash from power stations was used in aggregate and that the method of firing cement kilns inevitably resulted in some ash being incorporated in the final product. The Committee concluded that given the nature of these processes, these and any other uses of the ash were perfectly acceptable even for ash from MBM (and tallow) derived from SBM. In summary, the Committee did not feel that there were any reasons related to BSE which militated against the use of tallow or MBM as a fuel source for either the power generation or cement industries or that required any special precautions to be taken in relation to the protection of the environment either from smoke discharges or from the resulting ash.

SEAC Statement 7 June 1996
Dear Mr Hedges

You may be aware that the Transport and the Environment Committee has been referred a petition concerning the operation of the incinerator at Carntyne. I am writing in connection with an associated matter which has been raised by Dorothy-Grace Elder MSP.

You will be aware that there is concern among local residents about the alleged prospect of waste (including, it is alleged, the possibility of BSE-contaminated waste) from the incinerator being discharged into the sewage system. I understand that it is a matter for Scottish Water as to whether a ‘trade effluent discharge consent’ is granted.

Can you inform me what is the background to this consent being sought; what is the regulatory framework which determines how Scottish Water acts in such situations, including what consultation is required to take place? Can you let me know what measures you have taken in considering this particular application (including details of who you have consulted) together with information on the current status of the application. Can you also provide assurances on how the sewage and waste water treatment process will deal with any BSE-infected material.

I should like the Committee to consider the petition and the associated issues at its meeting on 5 June. To this end I should be grateful if you would respond by 29 May. I understand that this is a relatively tight timescale but would appreciate your assistance in order that the Committee can deal with this matter promptly.

I should be grateful if you would copy your response to the clerk to the Committee, Callum Thomson (e-mail: callum.thomson@scottish.parliament.uk).

Copies of this letter go to Dorothy Grace Elder MSP and Margaret Curran MSP.

Yours sincerely

Bristow Muldoon MSP
Convener
Dear Mr Muldoon

**Carntyne Incinerator**

Further to the questions raised in your letter of 14 May 2002 please accept the following response.

Saconee operates the incinerator at Carntyne as a bovine carcass incinerator. Part of the on site processing of the carcasses involves the wash-down of floors, plant and machinery. The water involved in the process is classified as a trade effluent (TE) and as such requires a trade effluent consent. The company applied for consent to discharge this TE on the 22nd February 2002.

Scottish Water (SW) regulates all TE discharges under Part (II) Sewerage (Scotland) Act 1968 and uses section 27 of this act as the basis for its procedure.

The application was circulated internally and advice was sought from colleagues. In addition SW consulted externally with DEFRA and SEPA. Substantial research was carried out into the subject to find the most up-to-date and relevant guidelines to provide SW with a good framework on which to base our decision. This was largely found in the Water Services Association, “Guidelines for the disposal of liquid wastes from all premises handling specified risk material” as approved by S.E.A.C (Spongiform Encephalopathy Advisory Committee) and recommended by the sewerage undertakers of Great Britain, EA (England & Wales), SEPA and prepared in collaboration with the MAFF, Dept. of Health, DETR, The Scottish Office and the Welsh Office.

This application has now been assessed and the consent has been signed and issued by an Authorised person of SW. The deadline for completion of processing this application under the above act was the 22nd of May 2002.

The trade effluent consented has an organic content. Sewage treatment processes have the ability to break down organic material. They also provide efficient removal of particulate material that will settle or float during primary treatment processes and as such become part of the sludge removed from the works.

Dalmarnock Wastewater Treatment Works (WWTW) routinely produces around 600,000 Kg (2.5% dry solids) of sludge per day. This is in turn diluted with 2,200,200 Kg (2.5% dry solids) of sludge from Paisley & Shieldhall WWTW plus another
1,500,000 Kg of sludge taken to a processing facility by tanker prior to treatment and disposal. Therefore 1 Kg of material discharged into the Dalmarnock Sewer network receives approximately a 1:4.3 million dilution prior to treatment at the sludge treatment centre.

By October 2002 all sewage sludge produced in Glasgow is to be incinerated at Longannet Power station.

I trust this answers the points you raised but if you require any further information please either give me a call or telephone my colleague Alan Robb on 0141 425 2504.

Yours sincerely

Leigh Hedges
Business Customer Adviser
Subject: Petitions on Playing Fields

Petition PE 422 by Mr James Docherty on protection for school playing fields.

Petition PE 430 by Mrs M Glendinning on the sale of school playing fields.

Petition PE 454 by Mr Peter Watson on the sale of playing fields.

Meeting No: 19th Meeting

Date: 6 June 2002

Author: Note by the Acting Assistant Clerk

Introduction

1. The Public Petitions Committee considered these petitions on 12 February 2002 and agreed to refer them to the Transport and the Environment Committee. The Public Petitions Committee has requested that these petitions be considered together due to similarities in subject matter.

2. The Public Petitions Committee recommends that further consideration be given to the adequacy of current procedures and potential conflicts of interests arising from the selling of public land by local authorities and the granting of planning permission for the development of the land by the same authorities.

3. The following items are attached for members’ information—

   • a copy of each of the petitions
   • a response from the Executive to the Public Petitions Committee on PE 422
   • a response from the Executive to the Public Petitions Committee on PE 430

Petition PE 422

Background

4. The petitioner is calling for the Scottish Parliament to take necessary steps to implement a similar protection for school playing fields in Scotland as provided by Section 77 of the Schools Standards and Framework Act, 1988 in England and Wales.

5. The petitioner is specifically concerned with a proposal by Stirling Council to amend Stirling Local Plan to re-zone two areas of playing fields within the area of Torbex in Stirling to allow houses to be built on the land. One of these areas is owned by the Council and is used as a school playing field.

6. Section 77 of the Schools Standards and Framework Act 1988 states that local authorities, school authorities and foundation bodies may not dispose of or
change the use of school playing fields, except with the consent of the Secretary of State.

Progress of the Petition

7. PE 422 was first considered by the Public Petitions Committee at its meeting on 4 December 2001. The Committee agreed to seek the views of the Scottish Executive Development Department on the issues raised in the petition, asking in particular for details of any legislative protection for school playing fields in Scotland, and how this compares with that which exists in England.

8. The Public Petitions Committee considered the Executive response at its meeting on 12 February 2002.

Executive Response

9. The Executive’s response suggests that, when the School Standards and Framework Act 1988 in England and Wales was being prepared, the conclusion was reached that a similar approach was not necessary in Scotland as adequate provisions already existed.

10. The School Premises (General Requirements and Standards) (Scotland) Regulations 1967 prescribe minimum area standards for school playing fields.

11. The response notes that the planning system also provides safeguards against the sale of playing fields. For example NPPG 11: Sport Recreation and Open Space sets out the policy framework that planning authorities should take into account when considering the proposals for the redevelopment of playing fields.

12. The response states that SportScotland must be consulted on all planning applications likely to prejudice, or lead to the loss of, playing fields. Scottish Ministers must be advised when planning authorities intend to grant consent for any proposal which SportScotland has advised against. Ministers could decide to call in the application at this point.

13. The response notes that SportScotland has already raised its concerns with Stirling Council about the specific proposal objected to within PE 422.

14. Finally, in terms of public consultation processes, the response explains that, where a planning proposal is being considered as a possible amendment to a local authority local plan, the public can become fully involved in this process and lodge objections. Any unresolved objections can then be considered at a local plan inquiry.
Petition PE 430

Background

15. The petitioners are calling for the Scottish Parliament to consider (a) whether it is appropriate for local authorities as owners of school playing fields to be able to sell such assets and also grant planning permission to a developer, when such a sale is opposed, and (b) whether in the circumstances of an opposed sale, there should be legally binding guidelines as to the method of consultative procedures.

16. The petitioner is specifically concerned with the proposed sale of part of a playing field for house building purposes at Broomlands Primary School, Kelso. They point out that sufficient land for upmarket housing has already been identified for the next 11 years, according to the 2001-2011 Structure Plan.

17. The Council is of the view that the area of land in question, allocated in the Roxburgh Local Plan for educational purposes, far exceeds the requirements of the school.

Progress of the Petition

18. PE 430 was first considered by the Public Petitions Committee at its meeting on 18 December 2001. The Committee agreed that, in view of the similarities between this petition and PE422, it should be quickly copied to the Executive asking that the response requested in relation to the PE 422 should now address the issues raised in both petitions.

19. The Executive produced a separate response to the issues raised in PE 430. The Public Petitions Committee considered the Executive response at its meeting on 12 February 2002.

Executive Response

20. The response details much of the same information, relating to the procedures surrounding the sale of school playing fields, as the response to PE 422.

21. In addition, the response makes clear that, in situations where a planning authority has a financial interest in a proposed development, the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 provides safeguards.

22. The Direction states that any development where a planning authority has a financial or land interest, where what is being proposed does not accord with an adopted or approved local plan, or has been the subject of a substantial body of objections, must be notified to Ministers.

23. In relation to the suggestion made in the petition that there should be legally binding consultative guidelines as to the methods of consultation when selling school playing fields, the Executive is of the view that existing consultative arrangements are adequate.
24. The response builds on the information on public consultation which is provided in the response to PE 422. It states that there is a standard requirement to notify owners and neighbours of all planning applications. It also refers to the requirement to advertise in the local press applications where the planning authority wishes to grant approval to a development that is contrary to the development plan. This allows a period of 21 days for the public to make representations.

Petition PE 454

25. The petitioner is calling for the Scottish Parliament to (a) investigate whether the rules governing the disposal of playing fields in Scotland are strong enough and if those rules are being adhered to by local authorities and (b) ensure that planning legislation disallows planning authorities from agreeing a sale of playing fields and designating them a suitable for housing development where they have a conflict of interest.

26. The petitioner is specifically concerned with a proposal from South Ayrshire Council to sell North Park playing fields at Alloway to a prospective housing developer for £1.59 million. The playing fields adjoin Alloway, a conservation area, and major Heritage and Tourist attraction. This is an area of land designated for recreational use in both the current and emerging local plan.

27. The petitioner is of the opinion that the proposal from South Ayrshire Council goes against the Ayrshire Joint Structure Plan and planning guidance within NPPG 11 and NPPG 18.

28. The Ayrshire Joint Structure Plan aims to avoid the loss of existing recreational and amenity open spaces.

29. NPPG 11 is designed to safeguard facilities and resources for sport and recreation in urban areas and the countryside which contribute to existing and future needs. It recommends that councils should lead by example in resisting the development of council owned land.

30. NPPG 18 states that planning authorities should consider the likely impact of development proposals for sites which lie outwith the conservation area but which would impact upon its appearance, character or setting.

Progress of the Petition

31. PE 454 was considered by the Public Petitions Committee at its meeting on 12 February 2002. In view of the similarities between this petition and PE 422 and PE 430, the Committee considered this petition in the context of the Executive responses to these petitions.
Options for Action

Option A
32. The Committee could note the petition, and write to the petitioners informing them of the Committee’s policy not to take a view on individual local planning decisions.

Option B
33. The Committee could write to the Scottish Executive to seek further information on issues raised in the petitions, including the adequacy of current procedures for safeguarding playing fields and the potential conflicts of interests arising from the selling of public land and the granting of planning permission for the development of the land by the same local authorities.

Option C
34. The Committee can take any other action it feels appropriate.

Recommendation
35. The Committee is asked to consider and agree how it wishes to deal with the petitions.

Rosalind Wheeler
Acting Assistant Clerk
Transport and the Environment Committee
May 2002