The Committee will meet at 9.30 am in the Chamber, to consider the following agenda items:

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

2. **Items in Private:** The Committee will consider whether to take agenda items 5 and 6 in private.

3. **Public Petitions:** The Committee will consider a reporters’ paper on Petition PE 346 by Scotland Opposing Opencast and Petition PE 369 by the Confederation of UK Coal Producers.

4. **Rail Inquiry:** The Committee will take evidence from—
   - Iain Gray MSP, Minister for Enterprise, Transport and Lifelong Learning
   - Phil McGarry, Divisional Organiser, RMT
   - Kevin Lindsay, District Secretary, ASLEF
   - Tracey White, Assistant Secretary, STUC

5. **Rail Inquiry:** The Committee will consider the evidence it has taken so far.

6. **Annual Report:** The Committee will consider its draft annual report.

Callum Thomson
Clerk to the Transport and the Environment Committee
Room 3.5, Committee Chambers
0131 348 (8)5208
e-mail Callum.Thomson@scottish.parliament.uk
The following public papers are relevant for this meeting:

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REPORTERS’ PAPER ON PETITIONS PE346 AND PE369 ON OPENCAST COAL MINING

Subject: Two Public Petitions on Opencast Coal Mining, by Scotland Opposing Opencast and the Confederation of UK Coal Producers

Meeting No: 20th Meeting, 12 June 2002

Authors: Adam Ingram MSP and Nora Radcliffe MSP

Introduction

1. This paper outlines work undertaken by Adam Ingram MSP and Nora Radcliffe MSP on two public petitions on the subject of opencast coal mining which were formally referred to the Transport and the Environment Committee by the Public Petitions Committee. The paper reviews the written and oral evidence gathered by the Reporters, and reaches conclusions and makes recommendation for action in a number of areas.

2. The first petition is Petition PE346 by Cllr Lawrence Fitzpatrick on behalf of Scotland Opposing Opencast, and it calls for the Scottish Parliament to take various steps to protect local communities and the environment from the adverse effects of opencast coal mining in Scotland.

3. The second petition, Petition PE369 by Mr Brian Roston on behalf of the Confederation of UK Coal Producers, calls for the Scottish Parliament to urge the Scottish Executive to take various positive steps with regard to the coal industry in relation to development plans and planning processes.

4. On 12 December 2001, the Committee considered the two petitions and agreed to appoint Adam Ingram and Nora Radcliffe as Reporters on the application of National Planning Policy Guidance 16 and the cost of monitoring and enforcing mineral permissions. On 23 January 2002, the Committee agreed the following terms of reference for the Reporters’ work—

The Committee will consider the issues raised by Petition PE346 by Scotland Opposing Opencast and Petition PE369 by the Confederation of UK Coal Producers in the context of—

(a) the application and effectiveness of National Planning Policy Guidance 16 on opencast coal and related minerals – in particular, the objectives of NPPG 16, and the degree to which these are being met; and

(b) the current arrangements for meeting the cost of monitoring and enforcing mineral permissions – and the merits or otherwise of a new fees regime for Scotland.

5. The Committee subsequently agreed to arrangements proposed by the Reporters for the gathering of information and the conducting of site visits in relation to these terms of reference.
6. The Reporters have worked expressly within these terms of reference. In particular, the Reporters did not consider it would be appropriate to examine broader issues relating to the general desirability of opencast developments, nor to express a view on any individual opencast developments or any particular local authorities’ policies on opencast. The Transport and the Environment Committee has a long-standing policy of not becoming involved in individual planning cases.

**Work Undertaken by the Reporters**

7. The Reporters issued a call for written evidence on the terms of reference of their work on 6 February 2002, and received a number of responses. The Reporters also conducted various site visits to Livingston, to Muirkirk in Ayrshire, to meet with supporters of Petition PE346, and to St Ninian’s Opencast Mine in Fife to meet with supporters of PE369. In addition, the Reporters met with representatives of the Confederation of UK Coal Producers at a meeting at the Parliament on 13 March.

8. Following this initial gathering of written and oral evidence, the Reporters wrote to relevant local authorities and to the Scottish Executive on various specific questions arising from the evidence. All written evidence has been reviewed by the Reporters, and is available on request from the Clerks. Certain responses referred to in this paper are circulated for the Committee meeting, and are reproduced as a separate annex to this paper.

9. The Reporters wish to thank all those individuals and organisations providing written or oral evidence as part of their work on opencast. In particular, the Reporters acknowledge the willingness of both sets of petitioners to co-operate with their work in a constructive manner.

10. This paper addresses the two elements of the Reporters’ terms of reference in turn, beginning with a consideration of the application and effectiveness of National Planning Policy Guidance 16 in the context of the two petitions.

**National Planning Policy Guidance 16 (NPPG 16)**

**Background**

11. According to the Scottish Executive, National Planning Policy Guidelines (NPPGs) provide statements of Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework. Statements of Scottish Executive policy contained in NPPGs may, so far as relevant, be material considerations to be taken into account in development plan preparation and development control.

website\(^1\). It is also circulated with the submissions annexed to this paper. The guidance was published in March 1999, and was most recently amended in May 2001.

13. NPPG 16 sets an overall framework for opencast developments, but the guidance states that it should fall to a planning authority to reach a judgement on whether an opencast proposal offers an overall benefit in the context of its own area and the communities directly concerned.

**NPPG 16 – Criticisms**

14. Both Petition PE346 and Petition PE369 made several criticisms of NPPG 16. In general, the criticisms made by supporters of Petition PE346 relate to the specific wording of the guidance, while supporters of Petition P369 seemed more concerned with the general strategic approach to opencast taken by the Executive and the manner in which particular planning authorities were implementing the guidance.

15. Petition PE346 argues that modifications are needed to NPPG 16 in order to better protect local communities and the environment from the impact of opencast developments, and specifically that NPPG 16 offers insufficient protection against these developments. The petition highlights a number of alleged weaknesses in the guidance—

- NPPG 16 sets out to protect “communities”. However, NPPG 16 states that “only exceptionally would a group of fewer than ten houses be likely to constitute a community”, and that planning authorities should define the identification of communities according to individual circumstances. Critics suggest that homes not considered by planning authorities to be in a community might be vulnerable.

- Critics argue that NPPG 16 provides insufficient protection against repeat applications by opencast developments at sites where an original application has been refused.

- NPPG 16 states that tests regarding environmental acceptability and community benefits must be met in order to receive planning permission, “unless there are exceptional circumstances”\(^2\). Critics argue that this caveat weakens the guidance.

- NPPG 16 states that “as a general rule, working faces within 500 metres are likely to pose a threat to the amenity of a community and are likely to be unacceptable”\(^3\). However, critics express concern that the guidance caveats this statement with an acknowledgement that local circumstances may justify a lesser distance than 500 metres.

- NPPG 16 states that planning authorities should take account of the “cumulative impact” of any proposed additional workings in areas where workings have

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1 [http://www.scotland.gov.uk/library/nppg/nppg16-00.htm](http://www.scotland.gov.uk/library/nppg/nppg16-00.htm)
2 NPPG 16, paragraph 23
3 NPPG 16, paragraph 25
already been approved⁴. Critics argue that some planning authorities are not fully taking cumulative impact into account when approving applications. Others suggest that it is difficult to measure properly the cumulative impact of workings.

16. Petition PE369 from the Confederation of UK Coal Producers (COALPro) raises different concerns regarding NPPG 16. COALPro suggest that the guidance does not sufficiently take into account the strategic need for coal in Scotland, and provides barriers to opencast coal developments which are significantly greater than barriers to other comparable developments. An example cited of a more strategic approach might be one in which opencast developments in an area are planned so that work at a new site can begin as soon as work has finished at a previous site. This would allow opencast operators to plan ahead, make best use of their resources, and encourage longer-term investment in infrastructure.

17. Many individuals and organisations in the coal industry suggest there is no need for a change in NPPG 16 in response to the concerns of campaigners against opencast developments. They note that the guidance is comparatively new and was the product of significant consultation, and that it strikes an appropriate balance between the needs of communities and the industry. Some operators, however, argue that the balance rather more favours objectors to opencast developments.

18. Many within the coal industry are rather more concerned with the way NPPG 16 is implemented at a local level, than with the actual contents of the guidance itself. Supporters of the COALPro petition suggest that some planning authorities are being overly restrictive in their interpretation of NPPG 16, and that there should be greater consistency between planning authorities in how the guidance is applied. It is suggested, for example, that some local authorities are paying insufficient attention to paragraph 11 of NPPG 16 which states that deposits of coal and related minerals capable of being extracted by opencasting should not be sterilised unnecessarily.

19. The need for consistency in the way that planning authorities interpret NPPG 16 is a theme continued in a submission from the Royal Institution of Chartered Surveyors in Scotland (RICS). It states that—

“Although RICS Scotland does consider it too early to comment on the operation of NPPG 16, the Institution does have the following observations at this stage. It would appear that there is an inconsistency of approach and interpretation towards the guidance in NPPG 16 by some local authorities. Some authorities are following the guidance extremely rigidly, while others are adopting a more flexible approach. This level of inconsistency is not helpful to either local communities or to the industry” ⁵.

Issues Raised by the Petitions
20. The Reporters do not consider it would be appropriate to comment on any specific decisions taken by individual planning authorities. However, the

⁴ NPPG 16, paragraph 51
⁵ Response from Royal Institution of Chartered Surveyors in Scotland (RICS) – 15 March 2002
Reporters consider that the two petitions do highlight some more general questions in relation to NPPG 16. First, does NPPG 16 strike the right balance between the level of direction provided by the Executive and the amount of discretion left to individual planning authorities to implement the guidance at a local level? Secondly, are planning authorities interpreting NPPG 16, and using their powers to implement the guidance at a local level, in a consistent way, and in a manner which accurately reflects the guidance?

21. The Reporters are not convinced that it would be appropriate to carry out a review of NPPG 16 at present, as NPPG 16 has been introduced comparatively recently, and time is needed to ascertain fully how it is operating in practice. This view is expressed by a number of submissions from those in the coal industry and by most local authorities. South Lanarkshire Council, for example, notes that—

“The measures contained within NPPG16 are only now starting to take effect and influence the decision making of the Council. It is also true to say that many of the recent and continuing problems attributed to opencast sites relate to older permissions granted prior to the publication of NPPG16.”

22. The Executive’s view is that “it is probably premature to say how well NPPG 16 is working in practice. The planning system is plan-led. The intention is that structure plans and local plans should form the basis for sound, informed and open decision making on individual proposals. While progress on incorporating NPPG 16 based policies into structure plans has been good, they have yet to be fully incorporated into many local plans.”

23. On balance, therefore, the Reporters believe that although there is need for a review of the operation of NPPG 16, it would be premature for such a process to begin at present. However, the Reporters recommend that the Executive should consider what might be the most appropriate format for such a review when it takes place. The Reporters also believe that when a review and evaluation of NPPG 16 does take place, it should address the issues highlighted in this paper and allow all parties the opportunity to comment.

NPPG 16 – Health Issues

24. The Reporters acknowledge that there has been debate on the possible impact of opencast developments on the health of local residents. Although the Reporters recognise that this issue largely falls within the remit of the Health and Community Care Committee, the Reporters did, in passing, hear some evidence on the health impact of opencast developments which has implications for NPPG 16.

25. During their visit to Livingston, the Reporters met Dr Helene Irvine, a Consultant in Public Health Medicine responsible for Communicable Disease and Environmental Health in the Public Health Protection Unit at Greater Glasgow

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6 Letter from South Lanarkshire Council, 9 May 2002
7 Letter from Mark Rae, Scottish Executive – Tues 21 May 2002
NHS Board. Dr Irvine highlighted what she felt was a comparative lack of health research into ill health from opencast developments—

“Although it is entirely predictable that opencast mining might affect the health of local populations, particularly of children and older adults suffering from existing cardio-respiratory disease, this has yet to be proven definitively. There is surprisingly little research specifically examining the potential for ill health in local communities resulting from opencast mining, perhaps reflecting the fact that the massive increase in the industry has occurred in Scotland, which also houses some of the largest opencast mines in the country, whereas it has actually declined in the other countries of the UK.”

26. Dr Irvine noted the clear limitations and methodological faults with existing research into the health impacts of opencast developments. Nevertheless, she suggested that currently available research does point to some correlation between opencast developments and ill health in the local population.

27. The Reporters wrote to the Scottish Executive to ask whether there was a need for further research into the health impacts of opencast developments. The Executive responded that generally it looked to the advice and expertise of the Committee on the Medical Effects of Air Pollutants (COMEAP), a UK Advisory Committee of independent experts that provides advice on matters concerning the potential toxicity and effects upon health of air pollutants. COMEAP has not recommended any further research specifically into the health impacts of opencast developments following the publication of a report “Do particulates from opencast coal mining impair children’s respiratory health?” in 1999. This report highlighted the need to ensure that PM10 particle emissions from individual sites were adequately monitored, and the Executive states that NPPG 16 was amended to take account of COMEAP’s conclusions.

28. The Executive’s response notes that COMEAP has recently considered the implications for the UK of evidence from studies of the long-term effects on mortality of airborne particles in US cities. While noting the various uncertainties involved, COMEAP concluded that “it is more likely than not that a causal association exists between long term exposure to particles and mortality”. However, COMEAP cautions that “the composition of the particles is important; it can by no means be assumed that these results extend to pollution climates very different from those typical of US cities”. The Executive’s response states that—

“Recognising the various uncertainties arising from the US studies, our colleagues in the Scottish Executive Health Department endorses the view of COMEAP that “These uncertainties need to be addressed by further research”. Planning Ministers will seek to ensure that the planning system continues to reflect the advice of health experts.”

29. The Reporters are not in a position to comment on the validity of the various pieces of scientific research into ill-health and opencast developments. However,
the Reporters recommend that the further research into the “uncertainties” highlighted in the Executive’s response is carried out as soon as possible. In this context, the Reporters also note the comparative lack of research conducted specifically in Scotland on the health impact of opencast developments.

30. The Reporters note and welcome the assurance by the Executive that Planning Ministers will seek to ensure that the planning system continues to reflect the advice of health experts. The Reporters would want to be reassured that a mechanism exists for revising NPPG 16 in response to any emerging scientific information on the health effects of opencast. The Reporters note that areas of the guidance which might require revision should such information emerge might include the recommended separation distance between proposed opencast sites and adjacent communities.

Monitoring and Enforcement Fees for Mineral Permissions

31. NPPG 16 states that it will be for the Scottish Executive and the Scottish Parliament to consider whether to empower local authorities to charge fees specifically to cover the costs of monitoring and enforcing minerals permissions (paragraph 59). One of the requests in Petition PE346 is that the Scottish Parliament “empower planning authorities to charge fees to cover the cost of monitoring and enforcing mineral permissions as proposed in paragraph 59 of NPPG 16”\(^\text{10}\).

32. The second part of the Reporters’ terms of reference was to consider the current arrangements for meeting the cost of monitoring and enforcing mineral permissions, and the merits or otherwise of a new fees regime for Scotland.

Current Position

33. In a letter to the Committee on 25 October 2001, the Scottish Executive confirmed that planning authorities do not at present have the power to charge fees to cover the cost of monitoring and enforcing mineral permissions. The response noted that research undertaken on behalf of the Executive in 1999 on costs in the planning service had indicated a need for dedicated resources to be given to authorities for monitoring purposes, and that there was scope for some, or all, of these costs to be borne by operators. However, the Executive indicated that there was some uncertainty regarding the level of the costs involved.

34. The Department for Transport, Local Government and Regions (DTLR) issued a consultation in September 2001 seeking respondents’ views on a range of charging options in order to recover the costs of monitoring and enforcing mineral permissions in England\(^\text{11}\). Following this consultation, the DTLR indicated that it would take a view on a preferred option (or options), and a further consultation exercise would be undertaken on the preferred option(s), and a full draft Regulatory Impact Assessment will be prepared for comment.

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\(^{10}\) Petition PE346

\(^{11}\) [http://www.planning.dtlr.gov.uk/consult/minfees/index.htm](http://www.planning.dtlr.gov.uk/consult/minfees/index.htm)
35. The Executive indicated in its October 2001 correspondence with the Committee that this consultation would provide useful background for taking this issue forward in Scotland.

Views of Local Authorities
36. The Reporters invited relevant Scottish local authorities to comment on the costs of monitoring and enforcing mineral permissions for opencast coal mining, the scale of the resources devoted to this task, and whether there was merit in a new fees regime. In response, a number of local authorities were supportive of a change to the current arrangements.

37. North Lanarkshire Council stated—

“The current arrangements are not satisfactory. In all of the current operational sites in North Lanarkshire, the Council has to bear all of the costs involved and the original planning fees have long been exhausted. In some cases outside consultants, in addition to planning and protective services in-house staff, have to be called in to assist when things start to go wrong. The public, and community groups in particular, have little confidence that the Council has the ability to adequately monitor opencast coal workings. Too much is often left to the ‘goodwill’ of the operator.”

38. The Council noted that while most modern planning permissions have Bonds of Caution to cover site restoration and aftercare, these Bonds are not available to assist with the cost of site monitoring and enforcement.

39. North Lanarkshire Council also noted that, when it granted any new permissions for opencast coal working, it expected an agreement to be concluded with the operator under Section 75 of the Town & Country Planning (Scotland) Act 1997, which would require the operator to meet the cost of regular monitoring and reporting of site activities by a qualified mining engineer. However, the Council expressed concern that agreements under Section 75 of the 1997 Act are voluntary and there is no guarantee that every opencast operator will be prepared to conclude one with the Council.

40. Evidence from South Lanarkshire Council highlights similar points, pointing to the “exceptional and abnormal costs wholly attributable to the physical scale and operational complexity of large opencast sites. The scale and complexity of monitoring is far in excess of work generated by other types of development.”

13 The Council therefore suggests that there would be merit in introducing a monitoring fees regime, similar to the subsistence fees payable to SEPA to cover the costs of their site monitoring. The Council also draws the Reporters’ attention to the recent DTLR consultation in England.

41. Other local authorities including West Lothian, East Lothian, Clackmannanshire and East Ayrshire are broadly supportive of the idea of a review of the current

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12 Letter from David Porch, 8 May 2002, North Lanarkshire Council
13 Letter from South Lanarkshire Council, 9 May 2002
arrangements for meeting the costs of monitoring and enforcing mineral permissions.

42. Fife Council, however, seemed content with the current arrangements. It employs a Minerals Consultant, paid for by the developer, to calculate restoration bond requirements and to monitor conditions. Fife Council suggests that this system works well as the Consultant has both the expertise and time to rigorously check compliance with conditions. The Council therefore suggests that there is no need for a new fees regime, and that the introduction of a new fees regime would not necessarily provide the flexibility required to address local circumstances that the current system does.

Views of other organisations
43. The Royal Institute of Chartered Surveyors in Scotland argues that caution should be exercised before any decisions are made about formal monitoring fees, due to their potential impact on the opencast coal industry. RICS Scotland adopts a neutral approach of neither being wholly opposed to the concept of fees nor convinced at this stage of the arguments in favour. However, RICS Scotland indicate that they would support a proper comprehensive study into the need for and the impact of the introduction of formal monitoring fees.

44. The evidence from opencast operators on the possibility of a charging regime for the monitoring and enforcing of mineral permissions varied. In general, operators did not express outright opposition to the idea of such a regime, but did express reservations about how such a regime might operate and how it might impact upon their businesses.

45. A submission from the Banks Group stated that—

“*We also accept that, if significant improvements are to be made in the current arrangements, it will be necessary to consider introducing a system to allow planning authorities to charge fees for monitoring and enforcement. However, we strongly believe that any such system should avoid penalising operators such as ourselves who already operate open and comprehensive monitoring systems. Any system should ensure that it is the ‘problem’ sites which bear the brunt of any fee charging regime, to give operators an incentive to improve their own monitoring arrangements.*”

46. In written evidence to the Reporters, I & H Brown Limited also emphasised that any new regime should take account of measures already undertaken by operators: “*We believe that it is, in principle, correct to implement such a scheme as a means by which to demonstrate good performance. Cognisance should however be taken of the existing measures and accreditation that companies have voluntarily embraced such as environmental management systems and quality management schemes.*”

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14 Submission from Banks Group
15 I & H Brown submission
47. A written submission from Scottish Coal is less sympathetic to the idea of a new fees regime, stating that it believed the existing arrangements are adequate and successful, and that it would be unfair for coal mining operations to the subject of an additional fee if this was not to be applied to other extractive industries.

48. As might be expected, groups campaigning against opencast developments generally welcomed the idea of a new fees regime, as providing an opportunity for more effective monitoring of conditions at opencast sites.

**Argument for Change**

49. The Reporters believe that, on balance, the case has been made for the introduction in Scotland of a new fees regime for meeting the cost of monitoring and enforcing opencast permissions.

50. The Reporters would not wish to be prescriptive at this stage as to the format of a new fees regime. More information is required as to the likely impact of different possible types of regimes, and a consultation in Scotland would be required. However, the Reporters wish, in passing, to highlight the following issues arising from the evidence taken on this subject, which might be considered when developing a new fees regime—

- Agreements between operator and local authorities under Section 75 of the Town & Country Planning (Scotland) Act 1997 could be made compulsory, rather than the current voluntary arrangements;
- Bonds of Caution could be extended to cover monitoring and enforcement as well as site restoration and aftercare; and
- Current good practice by operators should be encouraged and rewarded in any new fees regime.

51. The latest position of the Scottish Executive on monitoring and enforcement fees is outlined in a letter dated 21 May 2002—

> “My response of 25 October gave the relevant background to this issue and confirmed that empowering planning authorities to charge monitoring and enforcement fees would require primary legislation. This is certainly something that the Executive intends to consult on. Depending on the outcome of consultations, the intention would be to ensure that any legislative proposals would be worked up in time to be incorporated into a forthcoming Planning Bill. We continue to have an open mind about the structure of any fees regime but will certainly follow the progress down south with interest.”

52. The Reporters note that the Executive is far more positive towards the idea of a new fees regime in this letter than in previous correspondence. The Reporters welcome the progress in the Executive’s thinking on this issue since the Reporters began their work on opencast. The Reporters recommend that the Executive proceeds with a consultation on a new fees regime, with a view to

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16 Letter from Mark Rae, Scottish Executive – Tues 21 May 2002
providing new legislative powers in the forthcoming Executive planning bill which has recently been announced\textsuperscript{17}.

**Conclusion and Recommendation**

53. The Transport and the Environment Committee is invited to consider and comment on this paper. An agreed paper could be then passed by the Committee to the Minister for Social Justice for the Scottish Executive’s response.

Adam Ingram MSP  
Nora Radcliffe MSP

\textsuperscript{17} http://www.scotland.gov.uk/pages/news/extras/00007600.aspx
Submission to the
Transport and Environment Committee
Of the Scottish Parliament

Submission by
The National Union of Rail, Maritime
and Transport Workers
Introduction

1. The RMT is Britain’s biggest specialist transport Union, with members in the rail, maritime, bus, metro, underground and road freight industries, and has more members than any other union in the railway sector, covering all grades of staff – those on train, on platform, signalling staff and infrastructure workers.

2. We have campaigned against the process, and now the adverse effects, of the privatisation of the hitherto publicly-owned transport network, and the unprecedented growth in the use of private road vehicles. We have long sought an integrated transport policy, with a modal shift away from the roads to rail, and for the transport sector to be seen as contributor to the creation of a cleaner environment, economic and social prosperity, and worthwhile employment opportunities.

3. We understand that only certain responsibilities and powers for the operation of the railways lie with the Scottish Executive, and that these are exercised within the context of the UK strategic and regulatory framework. However, we would wish to preface all our responses by stating that we firmly believe that the needs of the Scottish public would best be served by a publicly owned and publicly accountable railway network.

Structure

4. We welcome the stricter regulation of the network now being exercised, by the Rail Regulator, and the overview provided by the Strategic Rail Authority. However, the rail system will always suffer from conflicting aims and interests while it remains in its privatised and fragmented state. It will only be when the fundamental question of ownership is addressed that rail will be able to play its real role in an integrated transport system.

5. We welcome the action taken with regard to Railtrack PLC (refusing to provide unlimited amounts of public money to a private company) in order to protect the interests of the rail industry, the travelling public of Scotland and the Scottish taxpayer.
6. A ‘Company Limited by Guarantee’ (CLG) – the stated preference of the Government to replace Railtrack PLC - falls short of its policy of a publicly owned, publicly accountable national railway network. However, despite the objections to a CLG, it would still be preferable to the existing situation and to the other options being put forward.

7. We are opposed to the involvement of either infrastructure or train operating companies in the running of the CLG – the option of so-called ‘vertical integration’ - a situation which, if it were to be allowed, would not resolve the problems of the industry but would continue the conflict of interest between the safe operation of the railway and the drive for profits by those companies.

8. We believe, however, that there is now an opportunity to bring about the reintegration of the industry.

   a. No train operating franchises should be renewed or extended, and as they come to the end of their current term, they should be transferred to the CLG; and
   b. Equally, no maintenance contracts should be renewed, and they too should revert to the direct control of the CLG in due course.

**Funding**

**Relative Importance**

9. A properly run rail network has many positive benefits:

   - Environmental - the ability to move large numbers of people and freight traffic with greatly reduced dangers of environmental pollution, through carbon emissions,
   - Economic - allowing those in work, and those seeking it, to travel to where employment is available,
   - Social inclusiveness - as it permits those without access to private transport to travel freely.
10. However, to achieve integration there needs to be a clear policy in relation to:

- the availability of information (through improved and more widely available electronic means) and
- a commitment to through-ticketing, to permit full use of multimodal means of transport.

11. Fast journey times are important to provide a service for passengers but to ignore many of the other issues which encourage people to use rail services would be wrong. These are:

- greater reliability of services,
- integrated planning with bus services,
- recognition of unsocial hours transport needs, and
- a safer environment

12. **Timetabling** with connecting bus services should be improved, and, with the Transport Scotland Act placing greater responsibility on local authorities regarding provision of information, and through-ticketing, then we would argue for a requirement for effective co-ordination between local authorities/Quality Bus Partnerships and the passenger rail network.

13. There is the opportunity now to require the train operator to conduct regular audits of service, to monitor the progress made in encouraging particular groups in society to become regular rail passengers. The Scottish Executive Equality Strategy commits the Executive to improving the collection of gender specific statistics across the remits of all government Departments – this must extend to gender audits across rail passenger services.

**ScotRail Franchise**

14. Our main response to this is contained in paragraph 8.a,
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?

The RMT’s policy is for a publicly owned publicly accountable Railway run on a UK basis. We are opposed to the involvement of either infrastructure or Train Operating Companies being involved in the running of the new Railtrack entity Newtrack or which ever the new company limited by guarantee becomes known as. This option is also known as vertical integration, which we do not believe, would resolve the problems of the industry but would continue the conflict of interest between the safe operation of the railway and the drive for profits by those companies. We do not believe that the setting up of the Scotrail Franchise and railway infrastructure as a stand-alone unit would successfully generate additional investment nor can this be taken in isolation of the UK network. Major transport links such as the East and West Coast Main lines affect the UK economy as a whole and require massive investment from Central Government rather than the Scottish Executive.

Many of our strategic aims are available in more detail in the RMT’s Consultation paper “Strategic Priorities for Scotland’s Passenger Railway” submitted to the Scottish Executive in February 2001 and Prior to Railtrack moving into administration.

Whatever the changes to the structure that occur in the forthcoming months, the RMT is deeply concerned that urgently required projects relating to Airport links, Crossrail, Electrification and the return of rail services to the Borders are being delayed. We do not believe that adding the role of Transport to the already heavy portfolio of the Current Enterprise and Lifelong Learning Minister will particularly assist the speeding up of this process and the longer these projects are delayed the greater the ultimate cost in monetary terms and in the loss of net benefits to the Scottish Economy.

Urgent attention to these long standing projects needs to be made and the timetables for these projects need to be brought forward rather than placed on the distant horizon whereby they may never reach fruition. Other UK Rail projects have proved to be highly popular and well used alleviating severe road conestion. Any relationship changes between the relevant groups involved should be on the basis of acting in the interests of the Public and an Integrated Transport System. Furthermore Public money should be used for these schemes rather than PPP or PFI initiatives which long term prove to be not in the interests of the Taxpayer or the Transport user.
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).

The RMT believes that the timescales for funding of projects need to be brought forward urgently. Stated objectives are all well and good but many of these schemes have been around for many years without any progress either pre or post the creation of the Scottish Executive. The longer the Railway Schemes are left in abeyance the more pressing difficulties with road congestion and all the Social and Environmental disbenefits that a lack of an integrated railway services creates.

It is also unhelpful to quote vast sums of money being invested without identifying which element of this finance constitutes replacement rolling stock, track maintenance and, station renovation which are general day to day projects which have to be carried out, versus genuine new projects and improvements in services. The travelling public regard talking in terms of millions and billions of investment as meaningless when they cannot see tangible results.

The role of the Executive should be to ensure new projects are created for Scotland’s economy whilst at the same time encouraging Central Government / UK projects like the upgrade of the West Coast Mainline. Mechanisms such as PPP and PFI will not work for a fragmented industry neither is there likely to be private finance forthcoming at the very least until the creation of Railtracks successor and even then substantial public money is required either through greater public investment mechanisms including the issuing of government bonds.

Only the most diehard privateers now believe that the Privatisation of the Railway industry has been anything other than a disaster. The truth is that it has become more expensive to run and less safe because of the fragmentation of the industry and of course is heavily dependant of a public subsidy which is greater than the cost of running the old British Rail model. The idea of a vertically integrated standalone franchise is not something that the RMT supports simply because the current franchise structure and the various contracts could not be unravelled in this manner.

You cannot take the Scottish railway network in isolation from the rest of the UK. Services run to and from Scotland and England both freight and passenger and the current operators are many and varied i.e. Virgin, GNER, Scotrail, EWS all with vested interests to see their own services gain priority. Only a publicly owned, publicly accountable railway would provide a railway run in the interests of the travelling public rather than the interests of private shareholders which is safe and efficient and which represents sensible use of taxpayers money. This should be the UK government’s objective and also that of the Scottish Executive.
3) What are your views on the relative importance of rail within the Executives current transport policies? 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 this might this be achieved in practice?

It is difficult to go into detail given the fact that all submissions are of a maximum of four pages. However the fact that the Transport portfolio has been added to an already large remit is regarded by the Union as being unwelcome. It is interesting to note that in Westminster the original set up for the Deputy Prime Minister’s vast Government Department (The DETR) with Transport being a neglected part was finally altered with the realisation that Transport should be given an urgent priority with specific regard to the Railway industry. The RMT does not believe that the same mistake should be made in Scotland.

The RMT, Railway Development Society and other pro Rail groups have already produced detailed and progressive projects for the Scottish Executive. The proof of the relative importance will be how quickly the projects get under way. The Railways will only achieve greater integration with other Transport modes if the will is there to create new projects such as Airport Links. Far too often schemes have been sidelined, delayed or worse still shelved altogether. It remains to be seen if the will to achieve these schemes is there.

The role of the Trade Unions should also not be neglected in assisting in developing priorities for the Executive and we would wish to play a part with other groups interested in future developments. In many ways the Railway Timetable is the Railway’s business plan and the creation of an integrated transport system cannot happen while different companies insist on ignoring their rivals services and connections especially during delays or disruptions. Far too often too narrow a view has been put forward on a company basis while strategic issues and indeed safety issues are not given an overall focus. The relationship between contractor, Railtrack and the Train Operating Companies in it’s current form is not a healthy one. The expertise is there to achieve progress, what is required is the appropriate forum to achieve this with a view to reintegration.

Of vital importance to the Executive are the means to achieve freight being transferred from the already congested roads back onto the railway. Many long distance freight journeys by road could be avoided if the incentives were there and for this reason high priority should be given to these schemes. The future predictions for the increasing demand for road usage mean that the transfer of freight back to the railways is not something that can be ignored.
4) **Have you any views on the directions and guidelines, which the Scottish Executive should issue to the Strategic Rail Authority with respect to a replacement Scotrail Franchise?**

The RMT believes that the Franchises should be taken back into public control. The current fragmentation of the system with so many franchise holders has not led to significant improvements or integration with other rail services let alone other transport modes. Very often apart from the major services e.g. Glasgow, Edinburgh and the old InterCity routes, very little has changed in the timetable because the profits are not there for owners of the franchise. Whoever the future operator of the franchise may be the following areas will need to be addressed.

The concept of the Social Railway providing more frequent services for Rural Areas, better rolling stock, electrification of routes e.g. in the North of Scotland, affordable fares and reliable services may not be in the Private interest but they are in the Public interest. At the very least no franchises should be awarded for long periods to any private operator until a clearer picture emerges with the relationship with Rail track’s successor. There is no point in just channelling resources into improving station facilities if the service is still unreliable. By the same token passengers need to feel safe when travelling especially late at night. Adequate staffing of trains with qualified staff, manned Stations, reliable information and links with other transport services should be at the heart of Scotland’s Railways. Commuters should also be provided with a better service with reduced standing times. Park and ride schemes should also be developed. If there is to be a serious move from car users back to railway travel then the service provided needs to be an attractive option.

The Scotrail franchise must be seen as a part of the bigger picture of the UK Railway network. As previously stated the Scotrail network does not stand in isolation and the East and West Coast Main lines should be viewed as a major transport gateway into Scotland for both business, leisure and tourism. Unfortunately travelling times between London and Glasgow/Edinburgh are still slower than they were prior to the Hatfield rail crash. The fact that Virgin has recently taken delivery of tilting trains yet the infrastructure for the West Coast Main line has not been upgraded is typical of the current malaise. Scotrail’s Sleeper Services and other services also use these routes. The route from Glasgow Central to Edinburgh is still unacceptably slow. These lines should also be maintained and upgraded with faster journey times and the service provided should be of a higher quality. Other routes still have speed restrictions and the journey times and the reason for delays should be examined. Whilst the reasons for the problems may be related to Railtrack or the Contractors maintaining the system the Executive needs to take them as a whole rather than allowing the respective parties to blame each other. If the problem rests with staff shortages then further staff should be recruited rather than relying on existing staff and overtime.

Finally but most important of all Safety should be paramount in the industry and the recommendations from the Ladbroke Grove Inquiry such as Automatic Train Protection should be implemented in full. Public confidence in the Railway industry is dependant on a Safe Railway whoever the operator may be.
Submission to the
Scottish Transport and Environment Committee

Rail Enquiry
M D Rix. General Secretary

Scottish Transport and Environment Committee
Rail Enquiry

Introduction

ASLEF welcomes the opportunity to submit evidence to the Scottish Transport and Environment Committee about the role of the rail industry within Scotland.

Decisions about passenger and rail freight transport are, of course, made in the context of a profoundly fragmented railway, the legacy of which is now almost universally regarded as one of the most ill-conceived privatisations in history. It is not possible to address the nature of Scottish rail in isolation from the UK government’s policy on transport in the UK.

Nevertheless, the question of the rail industry in Scotland is of the greatest importance to ASLEF and its members. Trains Operating Companies (TOCs) and Freight Operating Companies (FOCs) employ nearly 1,500 of our members out of our 16,200 members who are, in turn, the vast majority of train drivers employed in the UK today.

Our aim, as ever, is to secure the best possible development of the railway industry in the interests of the public, and the best possible conditions for our own members within it.

It has been and remains ASLEF's contention that privatisation has been a disaster for the English Welsh and Scottish railways and that no aspect of the industry can be addressed without acknowledging this fact. We hold the view, shared by the great majority of the public, that there is an urgent need to restore a publicly-owned and publicly-accountable railway. This ensures that government gets value for the money invested in it and that the public is assured of the safe, integrated and efficient service it is denied at present. It is in that context that we submit our views on the Scottish rail industry.

Integrating Transport

With the introduction of the Transport White Paper published in 1998, prospects for an integrated transport system seemed positive with investigations being carried out in urban and inter urban road charging, work place charging and support for the fuel escalator. Arguably, this was the reason for commissioning multi modal studies, to examine a variety of modal transport options in corridors where problems are identified, rather than simply building new roads.

Since that date the UK government has increasingly swung from its position of supporting multi-modal integration to increased support for road use. For example:

- increase of maximum weight of lorries from 41 to 44 tonnes
- Withdrawal of the fuel duty escalator (the last budget actually saw a freeze on fuel duty, which, in effect, made car use cheaper) and a U-turn on road toll charging. As the Transport Committee report on the 10 Year plan warns, allowing bus and train fares to soar while refusing to hike taxes on motorists is 'incomprehensible', and would give drivers no incentive to leave cars at home.
- Questions are being raised on the viability of the government's target of 25 new light-rail lines by 2010. This a worrying statement considering the need for a light–rail system in Glasgow in
order to stem the number of cars on Scottish roads which is expected to increase by more than a quarter by 2022, resulting in a projected 40 per cent increase in congestion in Glasgow.

The thinktank, the Commission for Integrated Transport, warned that there were worrying signs of "soft-pedalling on demand management, essential to ensure delivery of the 10-year plan objectives". The Commission’s chairman, David Begg, said: "Unless we take action to change behaviour at the margins, traffic congestion, particularly in our cities, is only going to get worse." ¹

The change of policy in Scotland has now committed to road building has been £500m budgeted for this year within Scotland. Where are the arguments for rail and integrated sustainable policies?

The disturbing and worrying fact is that the Scottish Executive is seemingly taking a similar avenue as the UK Government. This is contradictory to the comments issued in the Scottish Executive’s Consultation Paper ‘Strategic Priorities for Scotland’s Passenger Railway’ whereby it stated that they plan for railways to play a full part in a ‘sustainable, effective and integrated’ transport system.

At the formation of the Scottish Parliament both political parties, Liberal Democrats and the Labour Party, had manifesto commitments to major expansion of public transport. Neither had any manifesto commitments to major expansion of road building. What has actually happened is that Scotland has now seemingly opted for major expansion of road building but not of public transport.

The key issue behind this argument of road building is most symbolised by the fact that Scotland is funding £214 out of the cost of £250 of the M74 northern extension in Glasgow, the biggest urban motorway in Britain. This against the possible upgrading of the line from Kilmarnock to Glasgow and the East Kilbride branch. Multi Modal Study (MMS) entitled ‘Central Scotland Transport Corridor Studies’, was set up to look at the A8, A80 and the M74 but, as some commentators say, after pressure from the powerful road lobby, the M74 was taken as a given and no multi-modal analysis would be undertaken.

The rail transport system is the backbone of any county’s social and economic development, if it were allowed to degenerate or at the least remain static then the effect would become catastrophic. Rural communities become isolated; urban areas congested; sections within society disenfranchised and businesses fail to progress.

This is not an argument about how funding works but the issue of creating a level playing field for different modes. The question that needs to be answered is ‘are the true external costs in terms of health & social care, economic benefits, as well as the environmental benefits of rail transport taken into account’?