Local Government and Communities Committee
Planning (Scotland) Bill
Submission from Freight Transport Association on behalf of the Scotland Rail Freight Joint Board

Scotland Rail Freight Joint Board

The following is a response on behalf of the Scotland Rail Freight Joint Board (SFJB). This group is run under the auspices of Network Rail Scotland Route and comprises the organisations shown at Annex 1. This response is submitted collectively on their behalf by the Freight Transport Association (FTA)

Introduction – Planning and Freight

It is important that any review of a planning system takes account of the needs of freight movement and understands how it fits into and supports the supply chain and trading patterns of the nation.

What freight needs is a planning system that:

a. Has an “infrastructure first” approach that puts a presumption in favour of infrastructure development to underpin and support economic growth
b. Builds in statutory protection for industrial land use from encroachment by housing development and associated restrictions on hours or times of operation: also noise and other environmental mitigation measures for these new residents need to be paid for by the residential developer, not the incumbent freight operator
c. Protects currently un-used brownfield sites for future freight use: a strategic list of these sites needs to be drawn up and protected

It is important that this is delivered so as to facilitate freight in supporting Scottish economic growth.

Subsequent to the new Planning Act, which will set out key principles for planning and development as a whole, there will be an opportunity to strengthen detailed rail freight guidance in the next Scottish Planning Policy document to be produced by the Scottish Government. SFJB looks forward to contributing to this and to the strategic National Planning Framework 4 process.

Connectivity and planning

Scotland is a net exporter competing in European and global markets. A huge proportion of the goods leaving Scotland for non-UK destinations are moved by ships and aircraft which leave from England. The most significant airport for the Scottish supply chain is Heathrow, and the most significant ports are the English southern ports (Felixstowe, London Gateway, Southampton and Dover). It is important that Government understands this relationship and the trend in international shipping and aviation to hub out of key central locations in northern Europe. With Scotland
geographically too far north to be a main shipping port of call, it is therefore reliant on quality road and rail links to these hubs. Improving Scotland’s international supply chain is not exclusively about airports and ports in Scotland. This is equally true of the need for high quality road and rail links cross border to link to these gateway ports and crucially, the Scottish terminal facilities that service them.

1. **Do you think the Bill, taken as a whole, will produce a planning system for Scotland that balances the need to secure the appropriate development with the views of communities and protection of the built and natural environment?**

While as a body dealing with freight transport it is not necessarily for us to comment on the detail of the mechanisms of the system, we can comment on the desired outputs from a freight perspective. Freight capital investment generally has a long pay-back period on investment, and while shorter for road freight (five to ten years) it can typically be ten years for railway infrastructure investment or wagons and up to thirty for locomotives. It is therefore essential that the planning system can accommodate these investment timescales and the planning review takes into account of the needs of freight. This will allow those shipping and transporting freight to make cost effective environmentally sound modal choices.

2. **To what extent will the proposals in the Bill result in higher levels of new house building? If not, what changes could be made to help further increase house building?**

This is not an issue within the direct competence of SFJB.

3. **Do the proposals in Bill create a sufficiently robust structure to maintain planning at a regional level following the ending of Strategic Development Plans and, if not, what needs to be done to improve regional planning?**

Local planning concerns are, of course, important but should not prevent the development of much-needed nationally significant infrastructure. This can be the case with many developments of importance to the supply chain in general, and road and rail freight in particular. Plans to develop road - rail freight interchanges or port developments are rarely popular locally; however, they bring huge national economic and environmental benefits. SFJB urges Government when considering changes to the planning system to balance the concerns of local residents with the need to develop national infrastructure of an international quality. While not expert on the technical mechanisms of planning we would ask that such can deliver against these objectives.

4. **Will the changes in the Bill to the content and process for producing Local Development Plans achieve the aims of creating plans that are focussed on delivery, complement other local authority priorities and meet the needs of developers and communities? If not, what other changes would you like to see introduced?**
Any review of the future role and function of Strategic Development Planning Authorities must address the national versus local issues outlined above in regard to freight spatial developments of terminals or facility connections to national or local networks. Issues such as existing freight facilities that are encroached upon by housing schemes and protecting for example currently unused railway or industrial land for freight purposes is required in order that specific freight considerations can be explored.

5. Would Simplified Development Zones balance the need to enable development with enough safeguards for community and environmental interests?

The planning horizon needs to look at least ten years hence to account for capital investment pay-back periods in freight as described above.

An “infrastructure first” approach needs to be embedded with a presumption in favour of infrastructure development. This is particularly important in regard to issues with housing development that may encroach railway land and operations.

Again, issues such as existing freight facilities that are encroached upon by housing schemes and protecting for example currently unused railway or industrial land for freight purposes is required in order that specific freight considerations can be explored.

6. Does the Bill provide more effective avenues for community involvement in the development of plans and decisions that affect their area? Will the proposed Local Place Plans enable communities to influence local development plans and does the Bill ensure adequate financial and technical support for community bodies wishing to develop local place plans? If not, what more needs to be done?

This is not an issue within the direct competence of SFJB.

7. Will the proposed changes to enforcement (such as increased level of fines and recovery of expenses) promote better compliance with planning control and, if not, how these could provisions be improved?

This is not an issue within the direct competence of SFJB.

8. Is the proposed Infrastructure Levy the best way to secure investment in new infrastructure from developers, how might it impact on levels of development? Are there any other ways (to the proposed Levy) that could raise funds for infrastructure provision in order to provide services and amenities to support land development? Are there lessons that can be learned from the Infrastructure Levy as it operates in England?

Experience of Section 106 agreements as a means of requiring and securing developer funding contributions has not proved to be a wholly satisfactory method of securing necessary road or rail freight infrastructure upgrades. This
is because the money is not certain till certain trigger points are met in the
developer permission and therefore the infrastructure investment comes second
in the process rather than being the focus of a Government funded investment.
Section 106 is an inevitably legal process that is subject to contractual trigger
points regarding traffic growth and when the infrastructure investment has to be
paid for by the developer, as well as clauses that break the obligation if certain
circumstances pertain. Experience of this with Felixstowe is cited in rail freight
circles for example as evidence of this.

Consideration also then needs to be given as to how to protect the developer’s
investment in such infrastructure upgrades, so that their traffic gets to use the
upgraded infrastructure that they have paid for, so for example rail freight paths
are reserved for the developer’s traffic and not available to other freight users.
“Access Options” designed to address this have never proven wholly
satisfactory, because it cuts across the normal track access policy and reserves
a “quantum” of access for the party holding the option. It can therefore work
against the overall efficient use of the network which is normally available to all.
The use of an Access Option for Crossrail on the lines out of Paddington proved
contentious for freight for the reasons stated above.

9. Do you support the requirement for local government councillors to be
trained in planning matters prior to becoming involved in planning
decision making? If not, why not?

While this is not an issue within the direct competence of SFJB, this would
appear to make logical sense. However, it is important that the planning needs
of freight are included in such training.

10. Will the proposals in the Bill aimed at monitoring and improving the
performance of planning authorities help drive performance
improvements?

This is not an issue within the direct competence of SFJB.

11. Will the changes in the Bill to enable flexibility in the fees charged by
councils and the Scottish Government (such as charging for or waiving
fees for some services) provide enough funding for local authority
planning departments to deliver the high –performing planning system the
Scottish Government wants? If not, what needs to change?

This is not an issue within the direct competence of SFJB.

12. Are there any other comments you would like to make about the Bill?

Scotland’s supply chains service its economy and help it compete in wider UK,
European and global markets too. It is vital that planning policies in Scotland
recognise this and support the work of the freight and logistics sector in its key
role of delivering an efficient and competitive supply chain for Scotland that
assists Scottish economic development and individual living standards.
Terms of Reference for the Scotland Freight Joint Board (SFJB)

Background

1. Freight companies and users in Scotland (The Rail Freight Operators and Rail Freight Users more particularly described in Annex 1), the Funder of railways in Scotland (Transport Scotland), Office of Rail & Road and Network Rail Scotland consider that the operation of the rail freight industry in Scotland would be improved by the creation of a focussed group to facilitate improved engagement, communication and collaboration with a view to:
   - Improve productivity;
   - Allow focussed input from the freight industry into the development of railway;
   - Promote rail freight;
   - Reduce costs;
   - Improve communication and relationships to the benefit of customers;
   - Provide a strategic and high level overview of safety, performance and security
   - Support Transport Scotland in the development of a Strategic Freight Network for Scotland
   - Support Transport Scotland in identifying areas for growth in rail freight in Scotland through a programme of research into commodities suitable for rail movement in Scotland.

2. The Group Members (listed in Annex 1) recognise the benefits of working together, are aware of the need to comply with competition laws and in particular ongoing liberalisation within the rail industry, and to demonstrate this compliance. The members intend that the SFJB should be implemented and operated in a manner that facilitates compliance with such laws.

3. In particular it is understood by all members that Network Rail Infrastructure Limited (NRIL) has a licence obligation not to unduly discriminate between users of its network. This means that in considering initiative and proposals it must act in manner which complies with this.

4. It is also understood by the Group that any initiatives implemented as part of this forum are route specific and do not create any national precedent.
Objectives

5. The objectives of this Group are to:
   - establish effective engagement between the members of the Group;
   - identify, share and promote best practice among members;
   - share experiences among members;
   - promote collaborative working;
   - identify opportunities to promote rail freight;
   - explore opportunities to reduce whole industry costs.
   - support the funder of the network in Scotland in developing strategies that promote the increase in rail freight operation on the network.

6. At this time it is not intended that the Group would undertake benchmarking activities. If benchmarking activities are seen as appropriate a separate benchmarking agreement will be entered into and no data will be exchanged until such an agreement is in place.

Membership and Operation

7. Any Licensed Operator or Rail Freight User listed in Annex 1 (or by invitation), Network Rail, Scotrail Alliance and Transport Scotland (as funder of the network in Scotland) may attend, however FTA, RFG and Aggregators will represent their customers and members.

8. The Group will meet quarterly.

9. The Chair of the Group will be Scotrail Alliance Infrastructure with the Network Rail Freight and National Passenger Operators Route providing the secretarial services to the Group, organising the meetings agendas and circulating a note of the actions agreed.

10. This document is not legally binding and the Group does not constitute a legal entity. It serves to establish the principles upon which the Group will be based.

11. This MoU is an arrangement between the Members only.

April 2016
Annex 1

List members

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<tr>
<th>Company/Group</th>
<th>Role</th>
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<tbody>
<tr>
<td>Colas</td>
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<td>GB Railfreight</td>
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<td>Transport Scotland</td>
<td>Stakeholder</td>
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<td>Network Rail</td>
<td>Stakeholder</td>
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<td>Scotrail Alliance (Infrastructure)</td>
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<td>ORR</td>
<td>Stakeholder</td>
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<td>FTA</td>
<td>Representative</td>
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<td>Rail Freight Group</td>
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<td>The Malcolm Group</td>
<td>Representative of Retail Sector</td>
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<td>Hargreaves Services</td>
<td>Representative of Coal Industry</td>
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