



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

Wednesday 25 September 2013

Session 4

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**Wednesday 25 September 2013**

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**INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE**  
**17<sup>th</sup> Meeting 2013, Session 4**

**CONVENER**

\*Maureen Watt (Aberdeen South and North Kincardine) (SNP)

**DEPUTY CONVENER**

\*Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP)

**COMMITTEE MEMBERS**

\*Jim Eadie (Edinburgh Southern) (SNP)

\*Mary Fee (West Scotland) (Lab)

\*Mark Griffin (Central Scotland) (Lab)

\*Alex Johnstone (North East Scotland) (Con)

\*Gordon MacDonald (Edinburgh Pentlands) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Keith Brown (Minister for Transport and Veterans)

Stuart Foubister (Scottish Government)

Chris Wilcock (Scottish Government)

**CLERK TO THE COMMITTEE**

Steve Farrell

**LOCATION**

Committee Room 3



## Scottish Parliament

### Infrastructure and Capital Investment Committee

*Wednesday 25 September 2013*

[The Convener *opened the meeting at 10:00*]

### Subordinate Legislation

#### Rosyth International Container Terminal (Harbour Revision) Order 2013 [Draft]

**The Convener (Maureen Watt):** Good morning, everyone, and welcome to the 17th meeting in 2013 of the Infrastructure and Capital Investment Committee. I remind everyone in the room to switch off their mobile phones and other devices, as they affect the broadcasting system. During the meeting, some members may consult their tablets in order to access the papers for the meeting, which we provide in digital format.

Agenda item 1 is subordinate legislation. We will hear evidence from the Minister for Transport and Veterans on the draft Rosyth International Container Terminal (Harbour Revision) Order 2013. Before we begin, I invite Mary Fee to declare an interest.

**Mary Fee (West Scotland) (Lab):** There is an interest that I want to declare in relation to this agenda item. My son works for the consultant company that had in-depth involvement in the proposal that is before us. He has no knowledge of the work that was done, has had no involvement in it—nor has any member of his team—and will have no such involvement in the future. However, I thought that it would be prudent to bring that to the attention of the committee.

**The Convener:** Thanks very much, Mary.

The instrument has been laid under affirmative procedure, which means that Parliament must approve it before the provisions can come into force. Following the evidence, the committee will under agenda item 2 be invited to consider a motion to approve the instrument.

The minister and members will be aware that the committee has received submissions from Forth Ports, community and environmental groups and others who raise concerns about the order. The submissions have all been circulated to members and published with the committee papers.

I welcome Keith Brown, Minister for Transport and Veterans; Chris Wilcock, head of ports and harbours; and Stuart Foubister, divisional solicitor

with the Scottish Government. I invite the minister to make opening remarks.

**The Minister for Transport and Veterans (Keith Brown):** Thank you, convener. I also thank the committee for inviting me to discuss the draft Rosyth International Container Terminal (Harbour Revision) Order 2013.

I believe that the development to which the order relates offers opportunities to benefit Scotland and the local area by providing modern port facilities on a derelict site, and to contribute to our economy by providing an estimated 500 construction jobs and between 46 and 187 jobs in operating the terminal.

As members of the committee will be aware, the order was considered at a lengthy public local inquiry, and I am grateful to the three reporters involved for their handling of the complex issues, and for producing a comprehensive and detailed report. I have taken into account their recommendations, particularly as regards mitigation measures, in making modifications to the order, on which all interested parties have had an opportunity to comment. Some of those further comments have been incorporated into the modifications.

I believe that the order will provide safeguards for the local community and the environment, and will put in place a mechanism whereby the construction and environmental management plan will be refined and approved by Scottish ministers, following further consultation of local communities and environmental bodies, prior to any works commencing.

It is acknowledged that further assessment of the impacts of the proposed dredging is required, and I consider that that can best be carried out by Marine Scotland in considering an application for a marine licence, without which the project cannot proceed. The order provides a power to dredge, but the exercise of that power is subject to the licensing regime under the Marine (Scotland) Act 2010.

The project was included in the “National Planning Framework for Scotland 2”. My view is that the proposals meet the criteria that were outlined, although it will ultimately be for Port Babcock Rosyth Ltd to consider the business case for the development of its facility.

In coming to a decision on making the order, I focused on the requirements of the Harbours Act 1964, under which the order is to be made. The project’s status as a national development under NPF2 entails additional scrutiny by Parliament, which is why we are here today.

I commend the order to the committee and I am happy to answer questions.

**The Convener:** We have questions. Local member, Angus MacDonald, would have liked to be here, but could not come because of a bereavement in his family. I understand that other members will transmit to the proceedings questions that he would have posed.

Does Alex Johnstone have something to ask right away?

**Alex Johnstone (North East Scotland) (Con):** I want to get in at the beginning to ask about the need for the development and the capacity that it will deliver.

**The Convener:** We will go through the questions, and perhaps you can bring that up at the end or as a supplementary.

**Alex Johnstone:** Okay.

**Mary Fee:** The committee has received a number of submissions—I think particularly of RSPB Scotland’s submission—that express huge concerns about the damage that might be done to the area of the Firth of Forth that is involved. The proposed site is directly next to a protected site and the concern is that not enough investigation has been done into providing alternative sites for migratory birds. There is also concern about the habitat in the area. How much investigation has been done? What is the evidence that no damage will be caused to birds’ habitats and other aspects of the environment?

**Keith Brown:** I will make two points, after which Chris Wilcock can add information. As I said, such issues and objections were considered in the extensive public local inquiry. The inquiry was lengthy and involved three reporters, so we have been through a long process so far.

The points that Mary Fee raises are to be considered further. No works will take place on the land or in the river unless a marine licence application is processed and granted. Substantial work has still to be done, although substantial examination has taken place. I am content that the issues have been well covered so far; we still have a process to go through for the further work that must be done.

We are part way through the process. If the order is approved, there will still be a long way to go. As I said, no works can start until further investigations have taken place.

**Chris Wilcock (Scottish Government):** I do not have much to add. I stress that there is still the marine licence process to go through and that protections have been put in place to prevent any works—including the landward elements—from taking place before that process is complete.

It is worth adding that we undertook an appropriate assessment, with advice from Scottish

Natural Heritage, on the possible impact of the landward elements. That has been published as part of the order process. The assessment deemed that, with the appropriate mitigation measures, the development could go ahead without having an effect.

**Mary Fee:** RSPB Scotland’s submission says:

“The Firth of Forth is the most important site ... within Scotland for wintering and migratory waterbirds, most of which depend ... on mud and sand flats exposed by the tide ... No information has been supplied to allow an assessment ... to be carried out”

of the risk of dredging or other work in the area. The area is protected and is of huge ecological and environmental importance. I am not completely content about the further investigations that are to be done. If we recommend approval of the order today, what is the guarantee that work would stop if something that would cause damage was discovered?

**Keith Brown:** If the order were made today, the work would not start. The applicant cannot start work until the further investigations have been undertaken. Those investigations are not just surveys and examinations that will tick a box, if you like; the application must be submitted to the Minister for Environment and Climate Change. The Government has shown that it takes seriously the issues that have been raised. Similar issues were raised about the construction of the Clackmannanshire bridge, where there were similar sensitivities.

Nevertheless, having heard the objections, we believe—as the inquiry reporters did—that the best way to deal with them is through the granting of a marine licence, which will involve the same process.

**Mary Fee:** Has another site been identified for the migratory birds?

**Keith Brown:** No.

**Chris Wilcock:** An identification process would be required if it were determined that the project would have an impact. However, as the minister has said and as was mentioned by the reporters, there is insufficient information on that. That is why the matter will be assessed in the marine licence process. Once that information is available, ministers will take a view as to whether the project would have an impact. If it would have an impact but ministers were minded that it should still proceed, that would be the point at which alternative sites would have to be identified. I stress that we are not yet at that stage. There is still the marine licence process to be gone through, which will require the provision of such environmental information.

**Mark Griffin (Central Scotland) (Lab):** I have a brief supplementary question on that. In its written submission, RSPB Scotland states:

“EIA caselaw makes it clear that the effects of a project must be assessed as a whole, at the stage of the principal consent—as soon as possible in the overall consenting process”.

Why is it not considered necessary in the case of the order for that assessment to take place as soon as possible, as case law sets out? Why has it been deferred to a later stage?

**Keith Brown:** There are other legal considerations relating to the timetabling, but that was the recommendation of the inquiry reporters. We also believe that Marine Scotland is best placed to undertake that assessment. Stuart Foubister may want to comment on the legal aspects.

**Stuart Foubister (Scottish Government):** Under the powers in the Conservation (Natural Habitats, &c) Regulations 1994, where more than one consent is involved it is for ministers to decide which is the most appropriate authority to carry out the assessment. In this case, ministers have taken the view that that is Marine Scotland, through the marine licence application process.

**Mark Griffin:** Why cannot the two things be done at the same time? Why not have the impact assessment done before coming to Parliament with the order?

**Stuart Foubister:** There is no particular need to have the two things done at the same time.

**Mark Griffin:** That would address the concerns of the environmental bodies and other objectors.

**Stuart Foubister:** No works can commence until a marine licence is granted.

**Keith Brown:** We have gone through the matter in substantial depth. The public local inquiry that was held considered the issue and the reporters' recommendation was to do it this way. I agree with the process; it is the best way to do it, and Marine Scotland will provide the best people to undertake the examination. There is an assurance that no work will begin on site—in the river or on land—until that process has been gone through. I believe that that is sufficient reassurance.

**Jim Eadie (Edinburgh Southern) (SNP):** Good morning. I want to make sure that I have understood the process correctly. You have said that no work will commence until a marine licence application has been properly assessed, considered and approved by Marine Scotland. What assessment was made during the public local inquiry and the application process of the potential impacts of the development?

**Keith Brown:** There was an environmental impact assessment, and the issues on the landward side, which related to multimodal transport and noise, were considered in full at the public local inquiry. Having been involved in one or two such inquiries in the past, I know that there is substantial investigation and examination of the issues. That took place during the public local inquiry and in pre-consultation with the applicant.

I am satisfied that the processes that have been gone through up to this point are sufficient for us to make the order, with the assurance that further investigations can be undertaken where there are concerns. I have also given the assurance that, for the first time, Scottish ministers will consult the local community councils that are involved—I do not think that that has happened before—and the local communities. There has been sufficient examination of the issues, not least through the public local inquiry, up to this point, and I am satisfied that the suggested process will give us a chance to examine the issues further.

10:15

**Jim Eadie:** Were any potential impacts or mitigation measures identified in that process?

**Keith Brown:** Yes. A number of mitigation measures were suggested, including a screening wall for landward applications to mitigate any sound and visual impact issues. Various measures to limit noise were suggested, for example restricting working hours, but those issues will also be considered in the construction and environmental management plan. A lot of attention has been paid to concerns, not least those of the local community, about the impact of construction and subsequent operations.

**Jim Eadie:** That is helpful.

My final point of clarification is perhaps more for your officials. Environmental organisations have suggested that the proposals do not comply with the requirements of the European birds, environmental impact assessment and habitats directives. Will the matter be considered in the marine licence application process?

**Stuart Foubister:** Yes. This comes back to my response to Mr Griffin that the two-consent system in the habitats regulations, which are the domestic implementing measures for the birds and habitats directives, provides the ability to defer the appropriate assessment to the appropriate consent procedure. In this case, ministers have taken the view that the appropriate procedure is the marine licensing process.

**Jim Eadie:** So are the environmental organisations being overly pessimistic?

**Stuart Foubister:** I think that they are wrong in law.

**Adam Ingram (Carrick, Cumnock and Doon Valley) (SNP):** Minister, you mentioned concerns expressed by local residents during the public local inquiry. I understand that some of those concerns had been addressed in article 17(6) of the harbour revision order but that the article has subsequently been withdrawn, much to local residents' concern. Why was that provision dropped and how might you reassure local residents that their concerns have been fully taken on board and will be mitigated during this exercise?

**Keith Brown:** I am grateful for the chance to clarify the situation with regard to what I know from approaches by local residents has been a source of concern and to reassure people that this is a straightforward technical issue. The article in question was considered to be inappropriately drafted because its terms were a bit vague for a statutory order. I have made it clear that we are committed to maintaining in the draft construction and environmental management plan the same level of protection that was set out in article 17(6), and that plan will be further consulted on before it is finally approved.

The order also states that ministers will consult with interested parties on the CEMP before it is finalised; in other words, Babcock cannot start work until the plan has been approved to ministers' satisfaction. As a result, in addition to my assurance that the provisions will certainly be no worse than what was envisaged in article 17(6), there will be further consultation with the people that you mentioned as having concerns to ensure that they get the chance to come back. This was merely a technical issue, and the article's removal is not going to dilute any protection that had previously been envisaged.

**Chris Wilcock:** It is very likely that additional protections and clauses will be required in the construction and environmental management plan to cover the marine licence process, should ministers get to the point of granting a licence. From looking at the process to date and the process for similar projects, we think that the plan is likely to contain more requirements instead of being diluted, which is what I think people were concerned would happen.

**Adam Ingram:** What mitigation measures came out of the PLI process and what reassurances are being provided to residents that the development's impact on their lives will be minimised?

**Keith Brown:** I have already mentioned one or two issues that are of concern to local residents, which are mainly to do with potential noise from the construction of the site and its operation.

Those issues are still live. As I say, they will now be dealt with through the CEMP, so measures to mitigate those and other issues, which I am sure Chris Wilcock can mention, will still be considered. As I said, this is not the end of the process, and nothing can happen until those issues have been seen through under the CEMP. Despite the fact that we are asking for the order to be agreed today, there is a further process of consultation with local people on issues to do with noise.

I ask Chris Wilcock whether he wants to add anything about the mitigation measures.

**Chris Wilcock:** It is worth adding that the construction and environmental management plan is an integral part of the order process—it has to be approved, along with a marine licence being granted, before any works can commence. It also has plans that sit below it for many of those mitigation elements. The detail of those will become clearer once the move to the construction period has taken place. A traffic management plan, a materials management plan and a construction methodology plan are annexed to the current version, but there will be additional, more detailed documents. As the reporter has recommended and as would be standard process, bodies such as the Scottish Environment Protection Agency, SNH and Fife Council will obviously be very much involved in approving those documents and in dealing with any issues in relation to them.

**Keith Brown:** It is worth saying that we have an unprecedented level of control and mitigation in the order and in the CEMP, which will be approved subject to consultation, so we have treated those issues and the concerns of local people very seriously.

**Mark Griffin:** Most modern container terminals operate on a multimodal basis with road and rail access. The NPF2 describes the facility as a multimodal container terminal facility, but I do not see any plans for rail access. When is that likely to happen? Alternatively, will the freight that arrives to be exported from Rosyth come purely on the road network?

**Keith Brown:** It is worth saying that there is currently the ability to use rail, although I acknowledge that there are substantial constraints on that. I have looked into the issue and I am satisfied that Babcock will continue to work with Network Rail, which is key to the issue, to consider any improvements that might be required if the demand for movement of freight by rail from the site reaches a level to justify that kind of investment. However, the movement of goods from the terminal will be a matter for the shippers and the operators. There is rail access at present, although it is substantially constrained and it can

be improved if sufficient demand exists to justify that level of investment.

**Mark Griffin:** Who would be liable for the costs of any infrastructure improvement?

**Keith Brown:** First of all, there would be a discussion between Network Rail and the operators. If there was to be a cost to the public purse—I am not saying that there would be—the Scottish ministers would be involved as well. Such a development is not envisaged in Network Rail's current plans, so it would be for the operator to take the initiative on that. My feeling is that that would happen as and when the level of demand justified that level of investment in rail works. I have no idea what additional improvements would have to be carried out, so it is difficult to discuss that at this stage. The discussion would be had first of all between Network Rail and the operator.

**Mark Griffin:** If there were any public funding to improve infrastructure, would that constitute state aid?

**Keith Brown:** Again, we do not know whether that will happen at all and, if it did happen, what the implications for state aid would be. All I will say is that the Government always ensures that we are compliant with state aid regulations, and we would ensure that that was the case in relation to any such project. However, I point out that we do not have any plans for public investment in this. As I am sure the member is aware, there have been cases in the past in which private operators of sites have funded improvements to the rail network to facilitate the movement of goods, and that is a possibility in this case, too.

**Mark Griffin:** The basis for the project is an increase in freight movements. Babcock has submitted its projections, which resulted in the project appearing in NPF2. In those projections, has Babcock given an indication of when demand would reach a particular level to justify that rail investment?

**Keith Brown:** Its submission to NPF2 must have been made in 2007, when that was agreed. I do not know whether it has been updated since that time.

**Mark Griffin:** So there is no indication as to when the majority of the goods will stop being moved by road and move on to rail.

**Keith Brown:** It is a market-led process. Others have said that there is not the market there for this. It is a matter for the developer and the operator. At the point when they start to see the demand that they want to see, they will have to take decisions on how they are going to transport goods in and out, but it will not happen until that happens.

**Chris Wilcock:** There is a requirement in the construction and environmental management plan for them to outline how the existing railhead could be used and how they propose to integrate it into the terminal should those facilities be required, as the minister mentioned, given market demand. Again, that is something that we will be looking for in the detailed plans as part of the CEMP process.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** The committee has received written evidence that states that there is already sufficient container port capacity in Scotland and competition in the market. The Scottish logistics report that was commissioned by the Scottish Freight Transport Association and published last autumn stated:

“Given the recent growth rate for container traffic and available capacity at Grangemouth, serious doubts must be raised over the need for another large container port on the Forth at Rosyth.”

A report from Scottish Enterprise on the Scottish container market, which was published this year, came to the same conclusion.

There seems to be sufficient container port capacity and competition. Are those factors that you as a Scottish minister consider in deciding whether to approve a harbour revision order?

**Keith Brown:** Perhaps it is best if I outline the way in which we come at the matter and what we consider. The requirements of the Harbours Act 1964 are that I must be

“satisfied that the ... order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea”.

I am satisfied that the development meets those criteria and I have taken account of the likely longer-term need for additional container capacity.

There are currently two container terminals in Scotland—the Forth Ports facility in Grangemouth, which has been mentioned, and the Greenock Ocean Terminal, which is operated by Clydeport. The development of the new facility at Rosyth will provide additional capacity. Although the forecast increase in demand has slowed in recent years—we all know the background to that—there is still likely to be longer-term growth, and further competition in the market will provide alternative opportunities for shippers and local exporters to move goods efficiently.

On a different level, this is like the position with planning applications. We deal with the merits of a planning application; whether it is likely to be a good business proposition is a matter for the people who come forward with the application in the first place. No other applications are being made in the area for additional container facilities.

The application has come forward and we have to deal with it on its merits. That is our remit in approaching it.

**Gordon MacDonald:** My colleague Angus MacDonald has concerns about what would happen to the Grangemouth area if the development went ahead. If I picked you up correctly, you said that any development of the harbours should be done in an economic manner. His suggestion is that it is possible that business will simply transfer from Grangemouth to Rosyth and we will have the worst of both worlds in that we will lose jobs at Grangemouth, which will have a detrimental economic impact on that area, and there will be an environmental impact on the communities around Rosyth because of increased road traffic.

In addition, if there is no growth in the market, we will end up with both the existing container port and the new one being uneconomic, and in the long term both could close.

**Keith Brown:** As I said, we foresee longer-term growth in the market, but first and foremost this is an application under the Harbours Act 1964, so I have to deal with it in those terms. The wider implications were dealt with in NPF2 and it complies with that. I have made a judgment given the remit that I have and I am satisfied that it comes within that remit.

Of course there will be competition—as happens with many applications for economic development purposes—but we are not seeking to govern that here. What is proposed here comes within the terms of my remit under the Harbours Act 1964, and the issues of competition, or the economic impact, have to some extent been looked at in respect of NPF2. I am satisfied that, on those two grounds, I have dealt with the application in the way that it should be dealt with.

10:30

**Jim Eadie:** I have a quick question on the level of economic activity that will be generated as a result of this project. There has been a suggestion that there may be as many as 500 construction jobs. The number of possible permanent jobs ranges from 47 to 200. Do you have any explanation for the variation in the number suggested, or does that simply confirm the point about the inability to predict how the market will operate?

**Keith Brown:** You are right to say that there is unpredictability in the market, which has changed substantially since 2007 and, I hope, is about to change again. The number of construction jobs was estimated to be approximately 500—those are not my figures—and that figure was not disputed at the PLI. Babcock's potential operator

then estimated that there would be around 46 jobs at the start, increasing to 197 jobs when the development is fully operational. There was considerable debate over those figures at the PLI and they are contested—I would not deny that. However, the figure of 500 for construction was not disputed.

A private developer has applied for this, so beyond that, it is their issue to deal with, but that is the information that we have now. There is some uncertainty around the figures, which will depend on how quickly the development progresses.

**Mark Griffin:** Is the NPF2 document the one to which the Government must adhere, given that it is a number of years since it was drafted?

**Keith Brown:** That is the one that is on the books now, although NPF3 is in process as well. It may be possible—I can be guided by officials here—to take changes into account. That is standard, where there is a structural or local plan for example. One can take changes into account and one is not completely bound by the NPF. However, the guidance that we are using now is NPF2, which will be superseded by NPF3.

**Chris Wilcock:** I agree with what the minister has said. For any harbour, anywhere in Scotland, the policy is market driven and proposals for developments can come forward at any time. Even if this project had not been an NPF2 project, it would have been open to Babcock to come forward. Indeed, many of the ports that are being brought forward for consideration in relation to renewables developments, which may or may not happen, are not in the NPF2 document.

**Mark Griffin:** A Government policy decision in NPF2 was that additional freight capacity was required. It was stated that the capacity would be exhausted by 2013, which does not appear to be the case. Is the Government still of a mind that additional freight capacity is required? When you are considering this application, do you not take into account your own public bodies' reports, in particular those of Scottish Enterprise, which has stated that the additional capacity is not required?

**Keith Brown:** As I said earlier, we believe that there are prospects for longer-term growth but we recognise that the world has changed substantially since 2007 when NPF2 was approved. Nonetheless, we have to consider these applications. We believe that there is a potential for longer-term growth. A private developer has come forward with this proposal, so we would have had to consider it anyway. However, notwithstanding the Scottish Enterprise report, we believe that there are prospects here for longer-term growth.

**The Convener:** Mary Fee?

**Mary Fee:** Mark's last question was the one that I wanted to ask so I will not repeat it, thank you.

**The Convener:** Alex, did you have anything further to add?

**Alex Johnstone:** We have covered a lot of ground. I would like to go back specifically to the multimodal elements and connectivity. It seems to me, as we look at market issues, that if this project gets up and running it will rely heavily on road connectivity. The construction of the new Forth crossing means that there cannot be an area in Scotland that has been subject to higher levels of traffic modelling than the one that we are talking about. Has the traffic modelling included the impact on the local road network of using Rosyth as a container terminal?

**Keith Brown:** The general traffic modelling that was done for the Forth replacement crossing was based on the idea that the existing Forth road bridge had reached capacity, as well as on the issue of the cables. The capacity issue meant that the new Forth replacement crossing was necessary. There will be substantial additional capacity, as you would expect, because the new crossing will be bigger than the existing bridge and is in addition to that crossing. That will provide additional capacity.

Chris Wilcock might want to answer the point about specific modelling.

**Chris Wilcock:** Modelling was undertaken as part of the development proposal and a further traffic management plan will be proposed. Transport Scotland consulted internally on whether there were transport issues around the Rosyth container terminal and there did not seem to be any.

**Alex Johnstone:** We have heard some speculation about what might happen to the marketplace over time. The minister has speculated about growth in the market. We have also heard speculation about whether competition might concentrate container traffic in one area or otherwise. Have you taken into account the potential worst-case scenario, in which the development is a tremendous success, corners the majority of the Scottish container transport market and has to rely on road transport and nothing else?

**Keith Brown:** We have taken that into account. We currently have multimodal access, which is, I admit, less than perfect in relation to rail. We are aware of the existing opportunities: there is a rail link that could be improved if demand takes off to the extent that Alex Johnstone suggests. That will be the way of things. If the terminal is successful in the way that you describe, people will want to make it more efficient. As you know, the Scottish Government makes a number of funds available

for moving freight traffic from road to rail, such as the freight facilities grant and its successors. We will be able to respond to the success that you describe and make sure that access is multimodal. That will, however, require additional investment and that will follow on the success of the terminal.

**Alex Johnstone:** I have one other issue to follow up about the total capacity that exists within Scotland. As the minister has already pointed out, when NPF2 was drafted and this proposal was included in it, projections were rather different from what they are likely to be today. We have not had from the minister an indication of what is happening to projections for container transport in Scotland. I presume that it has dropped significantly, but what is the current trend?

**Keith Brown:** You have seen the recent trend, which is a worldwide slowdown in container traffic.

**Alex Johnstone:** Is the slowdown continuing, or did we have a substantial slowdown that has now been reversed? Is there an upward trend that we will have to monitor?

**Keith Brown:** I have said previously that we expect to see growth, but that it will be in the longer term. We are still at that part of the economic cycle. Is there anything more specific that you would like to mention, Chris?

**Chris Wilcock:** I have nothing to add to what the minister said.

**Alex Johnstone:** Are you telling us that there is no measurable upward trend in container transport?

**Keith Brown:** No, I cannot say that. All that I am saying is that the general economic situation is starting to improve, and it tends to be the guide for container traffic around the world. As you know, economic activity drives the amount of container traffic. Beyond that, we do not have any specific figures. We can say what we expect growth to be and what it is currently in relation to the economic cycle. As it has done previously, container traffic tends to follow the economic cycle.

**The Convener:** As there are no further questions and the minister has no further remarks, we move on to the next agenda item, which is formal consideration of motion S4M-07553. Minister, I invite you to speak further, if you want to, and to move the motion.

*Motion moved,*

That the Infrastructure and Capital Investment Committee recommends that the Rosyth International Container Terminal (Harbour Revision) Order 2013 [draft] be approved.—[*Keith Brown.*]

**The Convener:** Do members have any further comments or questions for the minister?

**Members:** No.

**The Convener:** The question is, that motion S4M-07553, in the name of Keith Brown, be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Eadie, Jim (Edinburgh Southern) (SNP)  
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
Watt, Maureen (Aberdeen South and Kincardine) (SNP)

**Against**

Fee, Mary (West Scotland) (Lab)  
Griffin, Mark (Central Scotland) (Lab)  
Johnstone, Alex (North East Scotland) (Con)

**The Convener:** The result of the division is: For 4, Against 3, Abstentions 0.

*Motion agreed to.*

**The Convener:** I thank the witnesses and briefly suspend the meeting to allow them to leave the room.

10:40

*Meeting suspended.*

10:41

*On resuming—*

**Home Energy Assistance Scheme  
(Scotland) Amendment Regulations 2013  
(SSI 2013/253)**

**The Convener:** Agenda item 3 is consideration of regulations under the negative procedure. The regulations amend the Home Energy Assistance Scheme (Scotland) Regulations 2013 and also amend the eligibility for the grant to include those in receipt of a council tax reduction.

The Delegated Powers and Law Reform Committee determined that it did not need to draw the regulations to the attention of the Parliament. The committee will now consider any issues that it wishes to raise in reporting to the Parliament on the regulations. Members should note that no motions to annul the regulations have been lodged. As members have no comments on them, is the committee agreed that it has no recommendations to make on the regulations?

**Members** *indicated agreement.*

## Petitions

### A90/A937 (Safety Improvements) (PE1236)

10:42

**The Convener:** Agenda item 4 is consideration of all three of our current public petitions.

PE1236 is about the junction at Laurencekirk. The committee has received two update letters since its previous consideration of the petition. The letters are appended to the petition cover note at annexes A and B. Do members have any comments on the letters?

**Alex Johnstone:** I cannot find them—it is okay, I have found them.

**Adam Ingram:** The update is quite encouraging. It has obviously been a long-running issue in the area and some progress seems to have been made on establishing the preferred option. We should try to keep a watching brief.

**Alex Johnstone:** I am happy enough to take that approach at this stage, although it must be said that some of the information that has come to light indicates that there is still a lack of understanding of the demands on the local transport network in the area. We have received a number of comments about alternative routes and the justification for junction improvement at Laurencekirk, which Transport Scotland seems to confuse or conflate with issues surrounding access to the road from Laurencekirk.

It remains a complex issue and I hope that the communication that is taking place between Transport Scotland, the north east of Scotland transport partnership and the local authority will help their understanding, so that we can get more clarity over time.

**The Convener:** Adam Ingram is right that we have had more action on this since we had our meeting with Transport Scotland than there has been for a long time. It is important that an extra £100,000 is being provided for more consultation and more background information on the junction. We should allow that to proceed and keep a watching brief, as Adam said.

Does everyone agree to that?

**Members** *indicated agreement.*

### Remote and Rural Areas Transport Provision (Access to Care) (Older People) (PE1424)

10:45

**The Convener:** PE1424 is on improving transport for older people in remote and rural

areas. The committee agreed at its last consideration to look at the issues raised in this petition as part of its inquiry into community transport. Does anyone have any views or comments to offer? Do people consider that when we undertook our community transport inquiry, which, I think it is fair to say, was well received, we took into account the views of older people, and that community transport has a big role to play in improving transport for older people in remote and rural areas?

**Alex Johnstone:** We must note that our community transport inquiry left us with an unanswered question. As we are all aware, there was a campaign to include community transport in the concessionary travel scheme. It became very clear that, however much we agreed with the objective behind that campaign, the concessionary travel scheme was probably not the way to deliver effective support for community transport, which of course has a big impact on the elderly.

We must find room in future for that unanswered question, or bit of unfinished business. We will have to address that issue. If we are going to conclude that we have addressed the issue—I think that we have addressed it fairly effectively and thoroughly—there remains an unanswered question associated with it, which we will have to address some time in the future.

**The Convener:** If no one else has a comment, do I take it that we are saying that we should close the petition?

**Alex Johnstone:** Perhaps in closing it the convener could write to the minister and draw his attention specifically to that issue.

**The Convener:** We will have a debate at the end of October in which that issue could be highlighted.

**Alex Johnstone:** I am sure that it will be no surprise to the minister when we raise the issue.

**The Convener:** Would you prefer to leave it and bring it up in the debate?

**Alex Johnstone:** We could easily do that, but I do not feel that I need to surprise the minister on the day, if you know what I mean.

**The Convener:** I do not think that he will be surprised. I am sure that he will be well prepared to answer this question. Will we just leave it until the debate?

**Alex Johnstone:** Yes.

**The Convener:** Will we close the petition?

**Members** *indicated agreement.*

## Driver and Vehicle Licensing Authority Local Office Closures (PE1425)

**The Convener:** PE1425 is on the closure of local DVLA offices in Scotland. The committee agreed at its last consideration to write to the Scottish Government regarding its response to the UK Government's consultation on motoring services. Transport Scotland has responded and the letter is appended to the petition's cover note at annex C.

**Jim Eadie:** The committee should continue to take an on-going interest in the issue. The DVLA proposal seeks to close five of its local offices in Scotland and is wide ranging in its impact, affecting Aberdeen, Inverness, Glasgow, Dundee and Edinburgh. I am as yet unclear, notwithstanding the Scottish Government's representations to the DVLA and the UK Department for Transport, what the full impact of the closures will be in terms of compulsory redundancies.

Even in a situation in which there would be no compulsory redundancies, and I do not know whether that has been confirmed, there could well be implications for the terms and conditions of the employees. I would be interested in keeping an active interest in the proposed closures and in understanding what view the trade unions take of the proposals.

**Gordon MacDonald:** I agree with everything that Jim says, but I also think that we must look at the effect that the closure of the local DVLA offices would have on local businesses. In my previous occupation my company, which had a large fleet of vehicles, used the local DVLA office on a weekly basis.

I know that many motor trade companies in and around the Edinburgh area used the DVLA local office, so much so that there was a queueing system—when you entered the building you had to pull a ticket and wait for at least half an hour before you were called. Before we look at the petition in any further detail we must understand the impact that the DVLA proposal would have on local businesses in and around the five sites in Scotland that have local offices.

**The Convener:** I am getting the sense that folk would like to keep this open and that we should perhaps write to the trade unions. Is there a motor trade association?

**Alex Johnstone:** Yes. That would be good.

**Gordon MacDonald:** Yes, there is the Scottish Motor Trade Association. Public transport is also affected.

**The Convener:** Yes. I know who the person is but I forget—

**Gordon MacDonald:** The Confederation of Passenger Transport Scotland.

**The Convener:** Perhaps we should write to freight organisations as well.

**Gordon MacDonald:** Yes. A response from freight organisations would be handy.

**The Convener:** We will keep it open. We could write to the Government to see—

**Gordon MacDonald:** —what its response would be. Yes.

**The Convener:** The clerks will note that we will write to those organisations and when we get their responses we will consider the petition further.

That is all for today. I close the meeting. The next meeting, which we have discussed, is our informal briefing on procurement.

*Meeting closed at 10:51.*

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