



The Scottish Parliament  
Pàrlamaid na h-Alba

## INFRASTRUCTURE AND CAPITAL INVESTMENT COMMITTEE

### AGENDA

**23rd Meeting, 2012 (Session 4)**

**Wednesday 12 December 2012**

The Committee will meet at 10.00 am in Committee Room 6.

1. **Decision on taking business in private:** The Committee will decide whether to take items 6 and 7 in private.

2. **Transport:** The Committee will take evidence from—

Keith Brown, Minister for Transport and Veterans, Ainslie McLaughlin, Director, Major Transport Infrastructure Projects, Aidan Grisewood, Director of Rail, and Archie Stoddart, Transport Strategy Team Leader, Scottish Government.

3. **Marine Navigation (No.2) Bill (UK Parliament legislation):** The Committee will take evidence on legislative consent memorandum LCM(S4)18.1 from—

Keith Brown, Minister for Transport and Veterans, Val Ferguson, Policy Executive, and Stuart Foubister, Divisional Solicitor, Scottish Government.

4. **Public petitions:** The Committee will consider the following petitions—

PE1236 by Jill Fotheringham, on A90-A937 safety improvements;  
PE1425 by Maureen Harkness, on the adverse impact of DVLA local office closures.

5. **Subordinate legislation:** The Committee will consider the following negative instruments—

The Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Revocation Regulations 2012 - 2012/306

The M74 Motorway (Fullarton Road to the M8 West of Kingston Bridge) (Speed Limit) Regulations 2012 - 2012/320

6. **Marine Navigation (No.2) Bill (UK Parliament legislation):** The Committee will consider a draft report on the legislative consent memorandum LCM(S4)18.1.
7. **Forth Road Bridge Bill:** The Committee will consider its approach to the scrutiny of the Bill at Stage 1.

Steve Farrell  
Clerk to the Infrastructure and Capital Investment Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5211  
Email: [steve.farrell@scottish.parliament.uk](mailto:steve.farrell@scottish.parliament.uk)

The papers for this meeting are as follows—

**Agenda Item 2**

PRIVATE PAPER

ICI/S4/12/23/1 (P)

**Agenda Item 3**

PRIVATE PAPER (to follow)

ICI/S4/12/23/2 (P)

[Marine Navigation \(No.2\) LCM\(S4\)18.1](#)

**Agenda Item 4**

Paper from the Clerk

ICI/S4/12/23/3

**Agenda Item 5**

Paper from the Clerk

ICI/S4/12/23/4

[The Housing \(Scotland\) Act 2001 \(Assistance to Registered Social Landlords and Other Persons\) \(Grants\) Amendment Revocation Regulations 2012 – 2012/306](#)

[The M74 Motorway \(Fullarton Road to the M8 West of Kingston Bridge\) \(Speed Limit\) Regulations 2012 – 2012/320](#)

**Agenda Item 6**

PRIVATE PAPER (to follow)

ICI/S4/12/23/5 (P)

**Agenda Item 7**

PRIVATE PAPER

ICI/S4/12/23/6 (P)

**Infrastructure and Capital Investment Committee**

**23rd Meeting, 2012 (Session 4), Wednesday, 12 December 2012**

**PE1236 and PE1425**

**Introduction**

1. This is the Committee's first consideration of two petitions, PE1236 and PE1425, referred to it by the Public Petitions Committee (PPC):

PE1236, lodged on 16 February 2009:

*Petition by Jill Campbell, calling on the Scottish Parliament to urge the Scottish Government to improve safety measures on the A90 by constructing a grade separated junction where the A937 crosses the A90 at Laurencekirk.*

PE1425, lodged on 13 March 2012:

*Petition by Maureen Harkness, calling on the Scottish Parliament to urge the Scottish Government to make representations to the UK Government in relation to the future of all five DVLA local offices in Scotland given the adverse impact that the closure of any or all the offices would have on the economy, safety and customer service to all Scottish residents.*

**Background to PE1236**

*The petition (from the original SPICe briefing February 2009)*

2. The A90 is a trunk road connecting central Edinburgh with Fraserburgh, although the route between a point several miles to the north of the Forth Road Bridge and Perth is classified as the M90. The A90 used to run through the centre of Laurencekirk, until a bypass was constructed in the mid-1980s. There are three at-grade junctions connecting Laurencekirk with this stretch of the A90. This petition relates to the southernmost of these, which is a staggered crossroads with the A937, a road which links Laurencekirk with Montrose.

3. The PPC previously considered petition PE778, also submitted by Jill Campbell and took evidence from the petitioner in November 2004. The Committee closed the petition in March 2005 after receiving confirmation from the then Scottish Executive of a series of road safety improvements that would be made. These were implemented in 2005.

*Consideration by the Public Petitions Committee*

4. The Public Petitions Committee (PPC) considered the petition at its meeting on 27 November 2012 and agreed to refer the petition to the Infrastructure and Capital Investment Committee for further consideration of the issues raised in it, as part of the Committee's remit.

5. This petition is almost four years old and has been considered extensively by the session 3 PPC and the current PPC. Full details of previous consideration, including written submissions and transcripts of the oral sessions, (which includes taking evidence from the Minister for Transport, Infrastructure and Climate Change in 2010 and evidence from the Minister for Transport and Infrastructure in 2011), can be found at the following link:

<http://scottish.parliament.uk/gettinginvolved/petitions/PE01236>

6. Throughout its consideration, numerous correspondence with Transport Scotland, NESTRANS, TACTRAN, Aberdeenshire Council and the petitioner has moved the issues forward however, despite this extensive correspondence, the PPC were unable to draw the issues to a satisfactory conclusion and the petition has remained open.

### **Current status of the petition and related studies**

7. In December 2011, the Scottish Government published its Infrastructure Investment Plan 2011 including an intention to "dual the A9 between Perth and Inverness by 2025, with a view to completing dualling of the A96 and the dualled road network between all our cities by 2030".

8. Transport Scotland stated that it had no plans to construct a grade separated junction at Laurencekirk. If a proposed local housing development went ahead, it would expect the local authority and developers to bring forward plans and fund a grade separated junction.

9. In March 2012, the PPC wrote to Transport Scotland seeking information on the number of heavy vehicles and buses crossing the junction on a daily / weekly basis. The PPC also wrote to Aberdeenshire Council asking whether it intended to make representations to Transport Scotland to help progress an upgrade to the junction.

10. In its response, Transport Scotland advised that the number of heavy vehicles and buses using the junction had been addressed in an Accident Investigation and Improvement study in 2009. NESTRANS and Aberdeenshire Council informed the PPC that they believe that predictions for future traffic levels have been underestimated

11. NESTRANS provided a copy of their report on the grade separated study to the PPC in October 2012. Transport Scotland, in its latest response of November 2012, updated the PPC on the acceptance of the Aberdeenshire Council Local Development Plan, Main Issues Report - Laurencekirk Expansion - A90(T) Appraisal (March 2010)' which was undertaken by Transport Scotland to assist Aberdeenshire Council in the preparation of their Local Development Plan and based on their Main Issues Report spatial strategy. The response also discussed the NESTRANS report and raised some issues around estimates on future traffic growth. It stated —

“Following the finalisation of the Nestrans report, Transport Scotland will meet with Nestrans and Aberdeenshire Council on 5 November to discuss the findings. “

12. The response also stated that ‘the junction between the A92 and the A937 at the north of Montrose, the signposted route to Aberdeen is via the A92 to the existing grade separated junction at Stonehaven. It suggested that the PPC may wish to seek views from Angus Council on whether more can be done to discourage the use of the A937 and hence reduce traffic at the A937/A90 junction at Laurencekirk. The petitioner made comments on the NESTRANS report and Transport Scotland’s response to it.

13. The PPC most recently considered the petition and the latest responses at its meeting on 27 November 2012, at which point it was referred to this Committee. The latest correspondence received by the PPC from NESTRANS, Transport Scotland, the petitioner, Charles Gordon and Laurencekirk Development Trust have been reproduced at annexe A to this note for ease of reference.

### **Background to PE1425**

*The petition (from the SPICe briefing March 2012)*

14. This petition raises concerns in relation to the DVLA’s proposals to take forward the transformation of its services which will result in all 39 local offices closing by the end of 2013.

15. Approximately 2.5 million customers use over-the-counter services provided by local DVLA offices in the UK each year, primarily for vehicle registration and licensing, tax disc distribution (to motor dealers), trade licensing, vehicle inspections and personalised registrations.

16. The UK Department for Transport (DfT) launched a consultation exercise on the 13 December 2011, [Transforming DVLA services](#), in which it set out proposals to move the DVLA away from ‘a largely paper based organisation to a modern, highly efficient electronic business’. Central to the consultation were plans to close all 39 local DVLA offices in the UK, five of which are in Scotland.

17. The consultation closed on the 20 March 2012. According to the DVLA there were 919 responses. More than half of these were submitted by private individuals, and another third came from car dealers. The impact assessments were published in July 2012 alongside the results of the consultation:

[http://www.dft.gov.uk/dvla//consultations/response\\_to\\_transformation.aspx](http://www.dft.gov.uk/dvla//consultations/response_to_transformation.aspx)

18. The most obvious impact will be felt by those employed in local offices. According to the PCS, if implemented local office closures could lead to the loss of a total of 119 jobs in Scotland in 5 offices in Scotland.

19. The concerns of some in the motor trade were voiced by MPs during a recent House of Commons debate, suggesting that the closure of local DVLA offices will make it more difficult for car dealers to register newly sold cars. Similar concerns are echoed in an e-petition submitted by vehicle convertor, Richard Penning, to the UK Government, which received over 3,500 signatories.

20. In response, the Parliamentary Under-Secretary of State for Transport, argued that: 'What we are proposing will be more efficient. It will not be a case of putting documents in the post and losing blank tax discs. We will use a secure system, and speed will be subject to a contract. Delivery will be the following day, and it may sometimes be possible to offer same-day delivery' ([Hansard](#), 7 March 2012, Column 299WH).

21. The outcome of the consultation on the closures was announced by the Parliamentary Under Secretary of State for Transport in a [written statement](#) on 4 July 2012. He confirmed that the DVLA would press ahead with its proposals. DVLA enforcement operations will be centralised by March 2013 and its 39 local offices will close by the end of 2013.

*Consideration by the Public Petitions Committee*

22. The PPC considered this petition on three occasions and agreed at its meeting on 13 November 2012 to refer it to this Committee.

23. The PPC during its consideration of this petition received correspondence from the Scottish Motor Trade Association, Transport Scotland, Department for Transport Letter and the petitioner. A link to information on the PCC's consideration and associated documents can be found at the following link:

<http://scottish.parliament.uk/GettingInvolved/Petitions/PE01425>

24. The PPC invited the UK Parliamentary Under-Secretary for State for Transport to give evidence to the Committee, an invitation which was declined. The UK Parliamentary Under-Secretary for State for Transport's response and the latest correspondence on this petition has been reproduced at annexe B to this note.

25. The DVLA is currently considering bids for a new front office counter service contract. Two bidders remain and no announcement has been made as yet.

26. The Scottish Government continues to engage with the DVLA and the UK DfT about the proposals and will be writing to set out its objections to the closures and any compulsory job losses. On the issue of vehicle crime, the DVLA has advised the Scottish Government that enforcement for licences, insurance and tax discs is carried out almost entirely from its central office.

### **Scottish Government Action**

27. As the DVLA is a reserved agency of the UK's Department of Transport, the Scottish Government has no powers to legislate in this area.

28. However, in its responses to the PPC, the Scottish Government stated that it continues to engage with the DVLA and the UK DfT about the proposals and its objections to the closures and any compulsory job losses.

### **Recommended Action**

#### **In relation to PE1236**

29. The Committee should note that responsibility for any work carried out on the issues raised by the petition lies at a local level; and that the relevant local authority and transport bodies are engaged with the issues raised.

30. In addition to noting this, the Committee is invited to consider what action, if any, it wishes to take. Should it wish to take action, this could include—

- writing to Transport Scotland asking for a response to the latest letter from the petitioner of 16 November, together with an update on its discussions with NESTRANS. This letter could also request information on the processes and procedures involved in assessing and acting upon safety issues at road junctions more generally, together with details of where responsibility for making decisions on such matters lies; and
- writing to Angus Council on what might be done to discourage the use of the A937 and hence reduce traffic at the A937/A90 junction at Laurencekirk (as suggested by Transport Scotland).

#### **In relation to PE1425**

31. This is a reserved matter, on which the Scottish Government is actively engaging with the UK DfT and DVLA in relation to its concerns on the proposed office closures. The Committee is invited to consider what action, if any, it wishes to take in relation to this petition.

Steve Farrell  
Clerk to the Committee  
December 2012



**ANNEXE A**

**PE1236/LL**

Our Ref: N1/10 & N13/2  
Your Ref:

11 October 2012

Alison Wilson  
Assistant Clerk to the Public Petitions Committee  
T3.40  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Dear Ms Wilson

**Consideration of Petition PE1236**

I refer to your letter dated 3 October 2012 to Nestrans requesting a timetable for the completion of our final report on the grade separated junction as was referred to in our earlier letter to the Committee dated 10 August 2012.

This work was completed by the end of September and the Nestrans Board considered the draft report at their meeting on 9 October 2012. The Board approved the report for publication on the Nestrans website and it can be viewed at:

<http://www.nestrans.org.uk/a90-t-laurencekirk-junctions.html>

I have also enclosed an electronic copy of the report should this be of assistance. The Nestrans Board also instructed that the report be commended to Transport Scotland to urge that further consideration be given to the construction of grade separated junctions on the A90 at Laurencekirk.

I hope the information within the report and this response is of assistance to the Committee, but please do not hesitate to contact me should you have any queries.

Yours sincerely

Derick Murray  
Director

**PE1236/NN**

Petitioner Letter of 16 November 2012

Dear Sir,

I, once again, thank you for allowing me to make a submission to petition PE1236.

I have read through the Nestrans report and while I will not pretend to have understood it all, I did pick up on the following comments.

1. We have always been told that the settlement of Laurencekirk is not large enough in itself to warrant grade separation at the south junction and yet by 2008 the population of Laurencekirk had already exceeded the population that Newtonhill had in the early 1990s when it had a grade separated junction with the A90 built.
2. I would like to point out paragraph 3.12 in the Nestrans report which clearly states that with traffic 2 way flows exceeding 3,000 movements a day at the south junction and possibly the north junction also, grade separation could be recommended for both the south and north junctions according to the DMRB vol 6 section 2 - TA 23/81.
3. I noted excess speed limits being recorded at all three junctions, with 32% of recorded speeds southbound being in excess of 50mph. This figure is alarming.
4. On page 11. The comment about the 50mph limit. Which conflicts with the aim of minimising delays and improving journey times! I also note that this speed limit was put in place in July 2005 a temporary measure, transport Scotland tells us now that an order came into force revoking the Temporary 50mph speed limit order in November 2005 and will remain in force for the foreseeable future, any amendments to the junction would have to be in accordance with DMRB standards.

I would like to know the significance of the DMRB because it looks to me that it is followed to the letter in one hand and blatantly ignored in the other.

5. The Nestrans report states that Laurencekirk is expanding at a higher rate than the national average, a further 210 homes have already been granted planning permission. According to them the DMRB would suggest that grade separation is already warranted at the south junction and possibly the north junction also. They found "the use of national road traffic forecasts at a low growth rate surprising given the growth rates that have been observed on the A90 at Laurencekirk in the past. I assume this refers to previous studies and reports by Transport Scotland.

As for Transport Scotland's response I can only say that I am completely disgusted with it! They continue with their point that grade separation can only be developer funded! Whilst Nestrans report states that according to the DMRB, grade separation could be warranted now at the south junction. Transport Scotland say that the report demonstrates that grade separation is required at an even lower level of

development in Laurencekirk and will have to be developer funded but the way I read Nestrans report, grade separation is warranted now without any further development.

As for developments proposed within the Angus local development plan, I don't believe, for a second, that the south junction at Laurencekirk has, ever, been given any consideration. It certainly wasn't when transport Scotland handed over millions of pounds to Montrose port authorities to enable two deep water berths to be put in place within Montrose harbour. I asked Transport Scotland at the time what research had been done on the impact this development would have on access roads, I was told that of the five access roads to the harbour three were examined, the A937 was not one of the three, as a result, upgrades were carried out on the A92 Arbroath road and the A935 Brechin road to accommodate the increase in HGVs. And only now, despite being the most direct and shortest route on single carriage way to join the A90 for vehicles travelling north of Montrose, both Tactran and transport Scotland describe the A937 as not defined as a regionally significant a-class road. This is the most farcical statement they have made yet, they say that HGVs should be discouraged from using it in favour of travelling via A935 Brechin or on the A92 coast road via Stonehaven where the A90 can be joined via grade separated junctions.

The distance from Montrose to Laurencekirk is 10 miles, travelling to Brechin from Montrose is also 10 miles but Brechin is 10 miles south of Laurencekirk. Travelling the A92 to Stonehaven from Montrose is 23 miles of single carriageway. I spoke to a local haulier who told me that there is no way he would allow his lorries to travel north via Brechin as it would add unnecessary fuel costs and tacho graph time, some of his destinations can be to the like of Fordoun or Drumlithie and on these journeys he would not allow his lorries to use the coast route as they are then having to double back on themselves at Stonehaven. The idea of discouraging HGVs from using the A937 is ludicrous and impossible. A majority of commuters travelling to Aberdeen from Montrose use the A937 despite there being a signposted route via the A92 at the A937/A92 junction. Transport Scotland letter actually conflicts with itself, they state that HGVs should be discouraged to use the A937 to avoid congestion (perhaps this should be extended to cars and vans also because the congestion at the junction during peak times is already overwhelming) and instead use longer and more awkward routes where they can join the A90 more safely via grade separated junctions, but, yet, they say that grade separation is not required at Laurencekirk for now. Nestrans report, if I have read their comments correctly, actually suggests that there is a need for grade separation now. As for Tactran, well they just don't care what is going on outwith Angus.

I now firmly believe, more than ever that Transport Scotland already know that grade separation needs to be done at the south junction at Laurencekirk, they just don't want to have to fund it and therefore have used the Laurencekirk plan to lay the cost directly with developers. I believe they have been, more than, reckless in assuming that any developments in Montrose would not have a major impact on the junction. I

also think they have used, diluted, future growth reports. Nestrans report says that the accident level at the junction is as high as ever only the severity of injuries has gone down, for this I am so grateful but has it really got to take a fatality for transport Scotland to take action or would they find a way out even then.

I think Transport Scotland should explain to the committee, properly, why Nestrans report differs from their own previous reports and in particular on the number of movements, of traffic, if the DMRB suggests that movements of traffic of 3,000 plus could warrant an alternate junction type. Why has this not even been considered.

I once again thank you for allowing my submission.

Jill Fotheringham

PE1236/OO

16<sup>th</sup> November, 2012

Scottish Parliament  
Petitions Committee  
Edinburgh  
Attn. Chris Hynd Esq.

Dear Sir,

re: Petition PE1236

I would very much appreciate the opportunity to make a few points with regard to the provision of a grade separated interchange at the Southern junction of the A937 and A90 at Laurencekirk.

The junction is not only used by commuting traffic from the coastal towns of Angus – which are growing year on year – and Heavy Goods traffic from the growing port in Montrose, but it is also in the middle of a large agricultural area, and therefore has a very heavy usage by farm vehicles. These tractor and trailer combinations can be at least as long as a full-size articulated vehicle, and considerably slower and less agile.

It is extremely difficult for these vehicles to fit themselves completely within the area of the central refuge, and they are also slower when pulling out. On many occasions I have witnessed tractors with trailers pulling into the overtaking lane, forcing traffic already on the A90 to overtake on the nearside until such time as the tractor has achieved its maximum speed, and a gap occurs on the nearside lane allowing it to pull across fully.

As well as being very dangerous due to their bulk and low speeds, these vehicles also take a lot longer to find a gap in the traffic big enough for them to get safely over each carriageway. This means additional delays for the vehicles queuing behind them on the A937, which in turn raises tempers and tempts drivers to “treble stack” in the central refuge, and take other chances all in the hope of regaining some of the time lost.

I am aware that Tactrans have adopted a “not my problem” attitude to this situation, but despite any signposting that they may choose to do, it is a fact that the vast majority of the commuter traffic from Montrose and the coastal towns South of there use the A937. The coast road is slow and winding, with very few overtaking opportunities and I know nobody who drives up from this area to Aberdeen who uses the A92. To say that the A937 is not a “significant A” road is, at best, specious, and at worst a deliberate attempt at deception to support their expenditure on the Montrose to Brechin road. Before I retired recently, I dealt with several transport companies, and none of them would allow their drivers to waste tacograph time by either going on the A92 or driving to Aberdeen via Brechin.

The junction at the North end of Laurencekirk has been significantly improved recently by the addition of a long acceleration lane, allowing joining traffic to accelerate safely to the same speed as traffic already on the A90. However, at the South junction traffic going North from the A937 has to go straight onto the main carriageway at the point where Northbound traffic, having by that time cleared the speed camera, is ALREADY accelerating. I believe that records show 32% of traffic passes these cameras at over 50mph. This figure would, I am convinced, rise to significantly over 50% were the speeds

Transport Scotland maintain that any works at this junction must be “developer funded”, and yet the traffic flows have already been shown in the comprehensive and clear Nestrans report to have been in excess of their guidelines for some years. Are we to assume that they wish to retrospectively make a charge against earlier developers? However this is a smokescreen as the traffic at this junction is predominantly joining the A90 from the South, not going into or from Laurencekirk. The developments responsible for the dangers are those in Angus, and I find it hard to see any way in which the developers there can be charged for a G.S.I. at Laurencekirk. Please can someone make Transport Scotland get a grip on the reality of this situation, rather than choosing to see only their costs involved. Sooner or later, and with or without any further development in Laurencekirk, there will be more fatalities at this junction, and we MUST do all in our power to stop this situation going on any longer.

I apologise for being rather longer than I intended, but I hope that these comments will explain to the committee some of the fears and frustrations of the local inhabitants – and those like myself, who have to use this junction on a daily basis.

Yours faithfully,

Charles Gordon

**PE1236/PP**

Dear Sirs,

As Laurencekirk Development Trust we wish to add this statement in support of Jill Fotheringham's Petition PE1236.

**A90/A937 FLYOVER AT LAURENCEKIRK**

Representing Laurencekirk Development Trust we attended the recent DTA Scotland forum addressed by Alex Neil. The Q&A session revealed many cases where the intended outcome was blocked or frustrated by some missing or failed action between government agencies. He invited us to write in with details of such cases.

At Laurencekirk we have a longstanding case concerning the need for a flyover to cross the A90 at A937 to Montrose.

When the A90 was dualled 30 years ago, the road bypassed the town without a flyover. This was common economic practice at that time. However, since then grade separated junctions have been retrofitted all along A90, but inexplicably not at Laurencekirk.

Bypassing to the east created an obstacle between the old market town and 75% of the traditional area that it served including school catchment. Meanwhile populations and school rolls have doubled, are still rising, with a new academy in build. Equally the traffic flow on A90 has also doubled to the risk level of today.

In the past year we have quantified, in detail, the current risks of crossing the A90. We see the worst case is that every school day 22 buses loaded with our children are obliged to cross all four lanes. Because there is no flyover, the safety of these children relies on the patience and skills of our local school bus drivers. A single flyover will remove this serious hazard.

Laurencekirk is strategically well placed, as is reflected in the approved Local Development Plan which agrees the need for two flyovers. The plan also expects the local population to double again over 15 years.

However the start of the development is stalled. There is a lack of confidence as to when the key first flyover will be built.

Apparently, Transport Scotland attaches no priority to it, even in their ten year plan. In consequence nothing is happening because developers need to see the government commitment to the first south flyover.

Developers recognise the need for a second north flyover and expect to be funding this from sales. There are not enough houses to fund both flyovers. Meanwhile, developers are finding that potential incomers are put off by the hazardous A90 access and no expectation of a flyover coming. Developers plan, and expect to fund, a new road to the west to access land and create a heavy traffic relief road connected to the flyovers. This will divert HGVs and buses from the 18th century High Street improving access and small business opportunities.

This A90 crossing is not simply a problem for Laurencekirk residents but extends to the traditional catchment area to the coast of South Aberdeenshire and North Angus. Significant numbers of residents, old and young would naturally wish to use the excellent long established amenities and services of Laurencekirk. They are deterred by fear of crossing A90 which is seen as an obstacle best avoided and they go elsewhere, even if it is uneconomic.

Montrose impacts on the A937/A90 junction because the development of the harbour and oil related industries generates its own heavy transport, mostly to and from Aberdeen. This junction is the shortest route. The same oil connection sees significant commuter traffic at this junction from early morning and evening, as quantified in petition PE1236.

It seems that all parties are agreed as to the need for this flyover. Local people and businesses, local government, MSPs and Transport Scotland, but no priority is visible. This is a major deterrent for developers and investors.

Last year, Transport Scotland produced an excellent study confirming the local road crossing needs at Laurencekirk. From this we see that the raw cost of one flyover is £5.4 million which becomes £10.7 million with all the various contingencies.

Given that most recent road infrastructure projects in Scotland have finished under budget, less than £10 million would solve both problems. The very high risk and stalled development.

We hope to have illustrated that this present situation is indeed a case where all government agencies are agreed, but no progress is evident. We would appreciate your intervention to resolve this.

David Young  
Laurencekirk Development Trust



**ANNEXE D****PE1425/D**

Transport Strategy Unit  
**Transport Policy**

Buchanan House, Glasgow G4 0HG  
T: 0141-272-7966  
james.simpson@transportscotland.gsi.gov.uk

Stuart Todd  
Assistant Clerk to the Public Petitions Committee  
T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

Date:  
10 October 2012

[petitions@scottish.parliament.uk](mailto:petitions@scottish.parliament.uk)

Dear Stuart

Thank you for your letter of 17 September, seeking a written response to the issues raised in the Public Petition PE1425. I have replicated the Committee's specific question below in bold, followed by the response.

**The Parliamentary Under Secretary of State for Transport announced on 4 July 2012 that DVLA will press ahead with its proposals to close its local offices and published a formal response to the consultation. The Committee would be grateful for an update on the fuller discussions Transport Scotland intended to have with the DVLA and UK DfT regarding this decision, the consultation results, the impact assessments and crime issues, with particular reference to the local offices in Scotland.**

Scottish Ministers and Transport Scotland officials were informed of the decision to close all DVLA local offices on 4 July 2012. Since that time, we have engaged with the DVLA to seek greater detail on the potential implications for Scotland, including on those issues previously raised by the Committee.

Scottish Ministers will shortly be writing to the new Parliamentary Under Secretary of State, Stephen Hammond, to set out our objection to the closure of the five Scottish local offices by the end of 2013, and to any compulsory job losses resulting from the broader DVLA transformation programme. We will also be reiterating our request for further details of specific options and locations that will be made available to Scottish staff, should there be a need to explore redeployment and voluntary redundancies.

We have a further specific concern around DVLA's plans to close local enforcement centres by the end of March 2013, one of these being in Glasgow, and officials have requested details on where staff might be relocated. We have yet to receive a response from the DVLA and will continue to pursue this matter.

In terms of the broader transformation proposals themselves, the Scottish Government supports a move towards more online services for drivers, and is in the process of our own programme to increase the use of digital technology as set out in our strategy: *Scotland's Digital Future – Delivery of Public Services*. Our "digital first" approach will mean that the public sector will deliver online as a first priority wherever possible, through a wide range of devices and through a single public sector portal.

With regards to the crime issues raised by the Committee in May, DVLA have informed us that enforcement for licenses, insurance and tax discs is carried out almost entirely from their central record rather than by police pulling over vehicles without a tax disc. Police also have access to the record so can quickly check it if they spot a suspicious vehicle.

I hope that this information is helpful.

Yours sincerely

James Simpson  
Transport Strategy Unit



Department  
for Transport

David Stewart MSP  
Convenor of the Public Petitions Committee  
The Scottish Parliament  
Room T3.40  
Edinburgh  
EH99 1SP

From the Parliamentary  
Under Secretary of State  
Stephen Hammond MP

Great Minster House  
33 Horseferry Road  
London SW1P 4DR

Tel: 020 7944 3084  
Fax: 020 7944 4521  
E-Mail: [stephen.hammond@dft.gsi.gov.uk](mailto:stephen.hammond@dft.gsi.gov.uk)

Web site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: MC/56422

22 OCT 2012

*Dear Mr Stewart*

Thank you for your letter of 25 September inviting me to give evidence to the Public Petitions Committee on either 30 October or 6 November, about the future of the Driver and Vehicle Licensing Agency's (DVLA) local offices in Scotland.

As you are aware, the closure of the DVLA's local offices by the end of 2013 was announced on 4 July after a full public consultation. When the offices close, online services will be extended to take in new transactions while some services will be centralised at the DVLA's headquarters in Swansea. Many other services will be available through an estimated 4,000 – 6,000 front office intermediaries.

I note the wording of petition PE1245 which mentions "the adverse impact that the closure...would have on the economy, safety and customer service to all Scottish residents". However, I am confident that customer service and accuracy levels will be maintained or improved on the majority of transactions as a result of the changes. Officials will also ensure that alternative service channels are in place before the local offices close. I do not accept that the closure of the local offices is a threat to road safety. All the services currently provided will continue, albeit delivered via different channels.

Alongside the results of the consultation, the DVLA published a full impact assessment along with other documentation. These documents assessed the impact of removing the local office network and offered a broad assessment of the DVLA's economic contribution at a local level. They can be seen online at [www.dft.gov.uk/dvla/consultations/response\\_to\\_transformation](http://www.dft.gov.uk/dvla/consultations/response_to_transformation). Given that the issues raised in the petition have already been addressed and the information is in the public domain, I do not feel that it is necessary for me to attend the meeting of the Public Petitions Committee.

I note your comments about the DVLA services available at Post Offices. There are currently 546 Post Offices in Scotland that have the facility to issue vehicle licences. I have enclosed a list of these offices. In addition to these, there are also 73 "Outreach" Post Offices that offer vehicle licensing facilities.

The DVLA is currently carrying out a procurement exercise for a new front office counter services contract. There are two bidders remaining in the process, Paypoint PLC and Post Office Ltd. However, the new contract will not have been awarded before the scheduled dates of the Public Petitions Committee meeting. It would therefore be inappropriate for me to discuss potentially extending the range of DVLA services available at Post Offices while this process is ongoing.

**STEPHEN HAMMOND**

**PE1425/F**

Petitioner Letter of 9 November 2012

**Response arising from Committee Meeting: 4 September 2012**

**I felt that the comment from Jackson Carlaw MP relating to DVLA offices being “positively obstructive and unhelpful” was iniquitous to say the least. DVLA office staff is forced by law to ensure that all customers have the correct paperwork and all legislative policy and procedures are met before any registration or licensing can be undertaken. Only when a customer does not meet these requirements would they leave a local office without their application being processed.**

**Response to the Department of Transport letter**

**The focus of the response was on the job losses with the closure. Although the loss of the jobs is of great importance to all the people concerned, I feel that is the lack of scrutiny, relaxing procedures, resulting legislative change and loss of knowledge and experience that which causes more concern.**

**Digital by default is all very well but there are, as the customers I deal with everyday tell me, a large amount of people who do not want, like or have the ability for digital. These people deserve the excellent customer services that they are getting at the moment.**

Maureen Harkness

**Infrastructure and Capital Investment Committee**

**23rd Meeting, 2012 (Session 4), Wednesday, 12 December 2012**

**Subordinate Legislation**

<b>Title of Instruments</b>	The Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Revocation Regulations 2012 (SSI 2012/306)  The M74 Motorway (Fullarton Road to the M8 West of Kingston Bridge) (Speed Limit) Regulations 2012 (SSI 2012/320)
<b>Type of Instruments</b>	Negative
<b>Laid Dates</b>	SSI 2012/306: 15 November 2012 SSI 2012/320: 23 November 2012
<b>Minister to attend the meeting</b>	No
<b>SSI drawn to the Parliament's attention by Subordinate Legislation Committee</b>	SSI 2012/306: Yes SSI 2012/320: No
<b>Reporting deadlines</b>	7 January 2013

**The Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Revocation Regulations 2012 (SSI 2012/306)**

1. At its meeting on 31 October, the Committee considered concerns raised by the Subordinate Legislation Committee (SLC) in relation to the Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Regulations 2012.
2. The SLC drew the attention of the Parliament to the Regulations on two grounds, (a) defective drafting and (b) as the form or meaning of the Regulations could be clearer. These concerns were echoed by the Infrastructure and Capital Investment Committee.
3. The Scottish Government has addressed the concerns raised by the two committees by laying this new instrument, which revokes the defective Regulations.

4. As the Scottish Government states in correspondence to the SLC (see Annexe A, Appendix 2), it is in the process of developing a further set of Regulations to take account of the issues raised by the committees.

*Consideration by the Subordinate Legislation Committee*

5. The Subordinate Legislation Committee has drawn the instrument to the attention of the parliament on the basis that “there has been a failure to lay the instrument at least 28 days before it comes into force, as required by section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010”.

6. However, given that the instrument has been brought forward to allow the Scottish Government to address the serious concerns raised by the SLC and the Infrastructure and Capital Investment Committee, the SLC accepts the Scottish Government’s explanation for the failure to meet the 28-day requirement.

7. The relevant extract from the SLC’s report is included at **Annexe A**.

**The M74 Motorway (Fullarton Road to the M8 West of Kingston Bridge) (Speed Limit) Regulations 2012 (SSI 2012/320)**

8. The instrument will allow the enforcement of new speed restrictions on this stretch of the M74 which had been subject to temporary speed restrictions (SSI 2011/275).

9. The instrument will make permanent provision for new speed limits as of 28 December. It will create new 60 mph and 50 mph speed limits on the new M74 Special Road (and 30 mph speed limits on some sections of slip roads) from Fullarton Road to its junction with the M8 motorway west of Kingston Bridge.

*Consideration by the Subordinate Legislation Committee*

10. The Subordinate Legislation Committee determined that it did not need to draw the attention of the Parliament to the instrument.

**Recommendation**

11. A copy of the SSIs and the accompanying documents are included with the papers.

**12. The Committee is invited to consider any issues that it wishes to raise in reporting to the Parliament on the instrument.**

Steve Farrell  
Clerk to the Committee  
December 2012

## EXTRACT FROM SUBORDINATE LEGISLATION COMMITTEE 55TH REPORT

### **Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Revocation Regulations 2012 (SSI 2012/306)**

28. These regulations revoke the Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Regulations 2012 (“the amendment Regulations”).

29. This instrument, which revokes the amendment Regulations on the day before they come into force, itself comes into force on 18 November 2012 and is subject to the negative procedure.

30. The Committee notes that there has been a failure to lay this instrument at least 28 days before it comes into force, as required by section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

31. As part of its scrutiny of the instrument, the Committee considered the explanation that the Scottish Government provided in its letter to the Presiding Officer for this failure. The correspondence is reproduced in Appendix 2.

32. The letter narrates that this instrument has been brought forward by the Scottish Government to address the serious concerns regarding the amendment Regulations raised by both this Committee and the Infrastructure and Capital Investment Committee. It states that the amendment Regulations were due to come into force on 19 November 2012, and so, in order to prevent the defective provisions from coming into force, it was not possible to lay this instrument in accordance with section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

33. The Committee observes that this instrument has been brought forward to address the defects in the amendment Regulations, and it accepts that, in order for the revocation to have effect prior to the coming into force of the amendment Regulations on 19 November 2012, it was not possible to comply with the requirement that it be laid at least 28 days before coming into force.

**34. The Committee draws the instrument to the attention of the Parliament on reporting ground (j) as there has been a failure to lay the instrument at least 28 days before it comes into force, as required by section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.**

**35. Given that this instrument has been brought forward to allow the Scottish Government to address the serious concerns raised by this Committee and the Infrastructure and Capital Investment Committee regarding the amendment Regulations, the Committee finds the explanation provided by the Scottish Government for this failure to be acceptable.**

**36. The Committee also welcomes the prompt action taken by the Scottish Government to address the defects in the Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Regulations 2012.**



## **APPENDIX 2**

### **Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Revocation Regulations 2012 (SSI 2012/306)**

#### **Breach of laying requirements: letter to Presiding Officer**

The above instrument was made by the Scottish Ministers under sections 93(2) and 109(1) and (2) of the Housing (Scotland) Act 2001 on 13 November 2012. It is being laid today and is due to come into force on 18 November 2012.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 has not been complied with. In accordance with section 31(3) of that Act this letter explains why.

These Regulations revoke the Housing (Scotland) Act 2001 (Assistance to Registered Social Landlords and Other Persons) (Grants) Amendment Regulations 2012 ("the first Regulations"). They do no more than that. The decision to revoke the first Regulations stems from concerns expressed by members of the Subordinate Legislation Committee and the Infrastructure and Capital Investment Committee. The first Regulations were made on 19 September 2012, laid before the Scottish Parliament on 21 September 2012 and are due to come into force on 19 November 2012. The Minister and Officials were invited to appear before the Infrastructure and Capital Investment Committee on 7 November 2012 but the decision was taken shortly before that date that the first Regulations should be revoked.

The first Regulations need to be revoked on or before the date on which they come into force. Consequently these Regulations need to be in force on, or preferably before, 19 November 2012. It has therefore not been possible to lay these Regulations in sufficient time to comply with section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. However parties with an interest in these Regulations who responded to the statutory consultation on the first Regulations have been informed of Ministers' intentions and have also been consulted in accordance with section 93(4) of the 2001 Act.

Consideration is currently being given to progressing with a further set of Regulations to take account of the issues raised by the Subordinate Legislation Committee and the Infrastructure and Capital Investment Committee.