

**DEVELOPMENT MANAGEMENT** GUIDANCE  
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**DEVELOPMENT MANAGEMENT** GUIDANCE  
TRANSPORT **SCOTLAND**

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St Andrew's House  
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EH1 3DG

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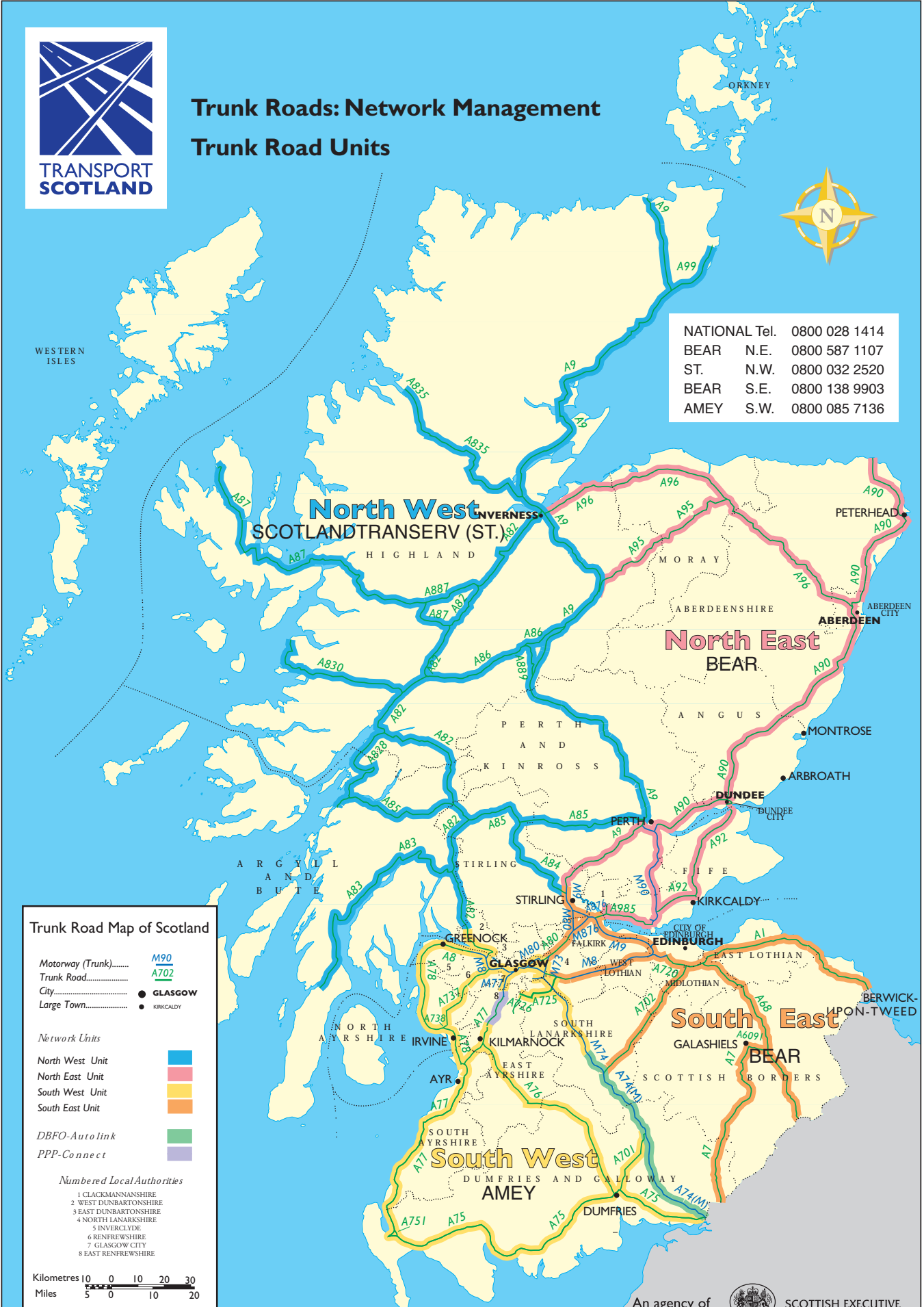
TRANSPORT SCOTLAND

# Trunk Roads: Network Management

## Trunk Road Units



NATIONAL Tel.	0800 028 1414
BEAR N.E.	0800 587 1107
ST. N.W.	0800 032 2520
BEAR S.E.	0800 138 9903
AMEY S.W.	0800 085 7136



### Trunk Road Map of Scotland

- Motorway (Trunk)..... M90
- Trunk Road..... A702
- City..... ● **GLASGOW**
- Large Town..... ● **KIRKCALDY**

#### Network Units

- North West Unit ■
- North East Unit ■
- South West Unit ■
- South East Unit ■

DBFO-Auto link ■

PPP-Connect ■

#### Numbered Local Authorities

- 1 CLACKMANNANSHIRE
- 2 WEST DUNBARTONSHIRE
- 3 EAST DUNBARTONSHIRE
- 4 NORTH LANARKSHIRE
- 5 INVERCLYDE
- 6 RENFREWSHIRE
- 7 GLASGOW CITY
- 8 EAST RENFREWSHIRE



An agency of



SCOTTISH EXECUTIVE

# 1 INTRODUCTION

## CONTEXT

- 1.1 Transport Scotland is an agency of the Scottish Executive, and is accountable to the public through the Scottish Parliament, with the Chief Executive reporting directly to the Minister for Transport.
- 1.2 The Trunk Roads: Network Management Directorate within Transport Scotland is responsible for the operation and maintenance of Scotland's trunk road network.
- 1.3 The trunk road network plays a key role in sustaining Scotland's economy. The constraints and pressures on this network will inevitably be affected by land use policies and the consequent development impacts. Efficient land use and the role of development management therefore have a major role to play in ensuring that the effectiveness of the road network is maintained. With this in mind, transport issues including land use allocations require to be considered at the earliest stage of the development planning process. This document seeks to provide general advice and guidance on Transport Scotland's role throughout the planning process including development planning from inception and all aspects of development management (formerly development control) including consideration of all development categories and pre application enquiries. In particular it aims to clarify how Transport Scotland will engage with development management stakeholders.

## WHO SHOULD READ THIS DOCUMENT?

- 1.4 This guidance is intended to assist all parties involved in the development management process where there is a potential for impact on the trunk road network, in particular local authorities (both planning and transportation officers) but also including:
  - applicants, developers and their agents, and
  - planning and transport consultants.
- 1.5 The guidance covers the key areas in which Transport Scotland is likely to be involved. Users of the guide may only have need to be familiar with one aspect, however, it may be helpful to be familiar with the overall approach. It is intended to be brief but also to address, in one document, the primary interests of those involved in the development management process.

## PLANNING AND TRANSPORT POLICY

- 1.6 For further details on specific elements of the process reference should be made to the appropriate policies and guidance issued by the Scottish Executive and available at <http://www.scottishexecutive.gov.uk/Topics/Planning/AdviceGuidance/PANs>. In particular PAN 66: Best Practice in Handling Planning Applications Affecting Trunk Roads and the associated A and B Appendices (pages 12 and 17) refer to the requirements of applicants when considering development proposals likely to affect the trunk road network. SPP 17 Planning for Transport refers to the policies relating to these matters.
- 1.7 The Planning etc (Scotland) Act 2006 received Royal Assent on 20 December 2006. It contains widespread reforms which will be implemented through Commencement Orders laid over the next two years. Aspects which will affect this guidance and Transport Scotland's role include a new development plan system, new development management procedures including a hierarchy of planning application types, new requirements on developers for pre application consultation and strengthening of the enforcement powers including a new duty on developers to notify the planning authority by a Start Notice before work commences.

## 2 ROLE OF TRANSPORT SCOTLAND

- 2.1 Development management is a key tool available to Transport Scotland as a statutory consultee (see par. 4.1) to address issues relating to the safe and efficient operation of the trunk road network and to ensure that the interests of all road users are protected while at the same time supporting essential economic development.
- 2.2 Transport Scotland, therefore, plays a vital role in development management. This role ranges from examining potential impact of land uses and providing comment on evolving and draft structure and local plans through to assessment of the transport implications of planning applications that have an impact on the trunk road network. The consideration of detailed requirements for access to developments is integral to this role. Transport Scotland aims to take a proactive and constructive role in the development management process to work with stakeholders to deliver sustainable development which is compatible in transport, planning, economic, environmental and social terms.
- 2.3 Transport Scotland will provide supporting evidence to any Public Inquiry or Examination In Public in the event of any objection by Transport Scotland.
- 2.4 In all facets of its development management role Transport Scotland examines potential land use impacts in the context of the current Scottish Executive policies and guidance. Appendix A (page 12) provides an overview of the planning system and the general development plan process, and how relevant policies sit within planning and transport. In all situations Transport Scotland will aim to ensure the integration of Planning and Transport within the development process in line with the policies and sustainable objectives of the Scottish Executive.

## 3 DEVELOPMENT PLAN PROCESS

- 3.1 SPP 17 refers to the use of land use transport modelling and appraisal to determine development allocations to ensure the integration of planning and transport. There is a clear relationship between strategic planning and transport, particularly where there is a potential need for significant transport interventions to support development plans or significant transport impact. Transport, therefore, should not be an afterthought in the development process. Transport Scotland encourages and supports this approach.
- 3.2 Transport Scotland has in place a framework for proactive engagement in the development plan process with Local Authorities. Local Authorities are advised to participate in this process at the earliest possible stage in their development plan considerations, preferably prior to any consultation draft production. This is intended to be a constructive process. Transport Scotland will provide advice on, *inter alia*:
  - network constraints,
  - potential development impacts, including cumulative impact,
  - appropriate modelling and assessment techniques and how these might be developed,
  - sustainability, and
  - accessibility.
- 3.3 Transport Scotland will in some cases require that transport modelling is undertaken. This enables the establishment of the cumulative effect of the land use proposals promoted within the plan and the identification of the nature and scale of transport interventions required to support its delivery. For this purpose and where appropriate Transport Scotland will facilitate the use of

the Transport Model for Scotland (TMfS). Early engagement with Transport Scotland in the process will identify where such modelling would be appropriate.

- 3.4 In key locations Transport Scotland will undertake “Local Area Studies” to identify cumulative impact and the requisite mitigation measures. Local Authorities and/or developers may wish to undertake this process where there are a number of related development proposals. In the event of such an initiative Transport Scotland will provide practical support and advice. Where appropriate Transport Scotland, working with local authorities and developers, will play a managing role in securing the delivery of developer contributions towards wider mitigating solutions.
- 3.5 The development plan is the reference point for the subsequent stages of the development management process. The consideration of such issues at this early stage, i.e. prior to formal plan preparation, will be a key issue in the subsequent smooth flow of the development management process through to, and including, the application stage.
- 3.6 Within the development plan process a good choice of location will be crucial in ensuring that key national policies on sustainability and accessibility can be achieved. Location selection will also play a crucial role in minimising impact on the trunk road to ensure that the function of the trunk road is not impaired. The trunk road plays a key role in sustaining Scotland’s economy and local impacts may have significant strategic effects. Transport Scotland aims to work closely with local authorities to ensure that spatial choices do not adversely interfere with this function. To this end Transport Scotland encourages discussion with local authorities, particularly in scenarios where local economic, regeneration, housing delivery issues etc. may conflict with trunk road constraints or concerns. In this situation Transport Scotland will require an appraisal of the development to balance these conflicting objectives.
- 3.7 This appraisal is intended to help understand the value of the benefits and disbenefits of protecting the strategic role of the motorway and trunk road network and any wider benefits to society that the development may bring. It will take into account the wider issues such as housing, environment, economic development, social inclusion in addition to transport. Transport Scotland will provide advice on the approach to be adopted and full discussion is advised.
- 3.8 In regard to trunk road access current policy is a presumption against the provision of new junctions onto the network. Where the potential for a new or significantly altered junction on the trunk road network forms part of the access strategy for a development supporting information will require to be provided to Transport Scotland to allow a fully informed decision to justify such a proposal. This information will comprise an appraisal of the development to assess whether it is of sufficient significance to set aside the policy objection. Transport Scotland can advise on the form of such an appraisal which will require a STAG (Scottish Transport Appraisal Guidance) submission.
- 3.9 The STAG submission is undertaken to identify the best transportation solution for the development access strategy. This ensures that all options are fully examined and that the most appropriate access strategy is identified and included within the plan.
- 3.10 Reference should be made to the Scottish Executive’s Scottish Transport Appraisal Guidance for further details on this part of the process ([www.transportscotland.gov.uk/scot-tag](http://www.transportscotland.gov.uk/scot-tag))

- 3.11 Transport Scotland recognises that the trunk road network serves a range of functions throughout Scotland. In this context, the nature and scale of supporting information required to be provided will be dependent upon the location of the development and the role that the trunk road performs in the area of the development. This can be taken to mean, for example, that a new motorway junction will require the full range of assessment including development appraisal, STAG, Environmental Assessment, etc. but lightly trafficked rural locations will require less supporting evidence while still demonstrating issues such as local need, economy, sustainability, etc.
- 3.12 Undertaking these processes at development plan stage will identify any significant transport interventions, inform the development management process and potentially reduces the scale of assessment required at planning application stage.
- 3.13 While Transport Scotland endeavours to engage with planning authorities both formally and informally throughout the development plan process there will be occasions where it will consider that the potential impact of either a proposed land use or the cumulative impact of a number of land uses is such that it cannot be accommodated on the trunk road network. It may also be the case that the modelling work required to determine impacts and mitigation is not undertaken. In these instances, Transport Scotland may be likely to object to the plan stating their reasons for objection. Such an approach will not preclude further discussions with the planning authority with a view to resolving the relevant issues.
- 3.14 If objections to a Local Plan remain unresolved a Local Plan Inquiry will be held, where objectors submit information in the form of written submissions or appear in person to give evidence. In such instances Transport Scotland will review the significance of their objection and determine, in the approach to the inquiry, whether they will provide written submissions or appear at the Inquiry.
- 3.15 Paragraph A14 within Appendix A (page 12) provides further detail and references with regard to the Local Plan Inquiry process.

## 4 PLANNING APPLICATION PROCESS

- 4.1 In accordance with Article 15(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 planning authorities are required to consult the Scottish Ministers, as trunk road authority, in relation to planning applications affecting existing or proposed trunk roads or special roads under the following circumstances:
- i. proposed developments within 67 metres of a trunk road;
  - ii. where the development consists of, or includes, the formation, laying out or alteration of any means of access to a trunk road; or
  - iii. where the development is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving the road (this can be taken to mean generally 10% in an unconstrained network and 5% in a constrained situation. However, in particularly constrained situations any increase will be considered significant);
  - iv. where the development affects a proposed trunk road.
- 4.2 It should be recognised that in certain instances with regard to iii above the nature and scale of a development which may be some way from the trunk road can be such that it will impact upon the trunk road network. In such instances, Transport Scotland should be consulted. Advisedly this should be by the developer/agent or the Local Authority.

- 4.3 If there is any doubt with regard to this issue, planning authorities should consult Transport Scotland who will provide appropriate advice.
- 4.4 Where consultation is required as defined within Article 15(1) above, this will be via Transport Scotland and/or their operating companies who manage and maintain the network on their behalf. Appendix B (page 17) details the general consultation process and relevant contacts.
- 4.5 While Transport Scotland's remit is to ensure that the potential impact of development proposals on the trunk road network are properly assessed and appropriately mitigated, where required, they also recognise the need for continued economic development and regeneration throughout Scotland. Transport Scotland, therefore, encourages liaison with both planning authorities and applicants at an early stage to enable all parties to work together to achieve these aims.

## PRE-APPLICATION DISCUSSIONS

- 4.6 The Scottish Executive's planning white paper "Modernising the Planning System", PAN 40: Development Control and PAN 66 all highlight the benefits of pre-application discussions. Transport Scotland encourages pre-application discussions since, in transport terms, this will enable the developer to provide details of the development proposal, allow the agency's Trunk Roads: Network Management Directorate to initially indicate the acceptability of proposals, highlight relevant issues which may affect proposals, the likely requirement for transport assessment and the nature and scale of information to be provided.
- 4.7 Transport Scotland or their Operating Company will provide a response to any written pre-application inquiry. Where necessary Transport Scotland will also attend for pre-application site visits although clearly, given the extent of the road network, this will need to be by arrangement and combined with other such requests.
- 4.8 The importance of these discussions is particularly relevant with regard to major development proposals since the Scottish Executive's planning white paper "Modernising the Planning System" indicates the need for planning applications for such proposals to be dealt with expeditiously. In order to meet the suggested timescales for the processing of these, all significant transport related matters will require to be dealt with through pre-application discussions.
- 4.9 As indicated above, there is a policy of presumption against the provision of new junctions on the trunk road network. It is, therefore, vital that should an applicant be considering such a strategy, which has not been addressed at the development plan stage, that Transport Scotland be consulted at the earliest opportunity in the pre-application discussion process. This allows Transport Scotland in the first instance to provide an initial view on the acceptability of such a proposal, and then to indicate the nature and scale of supporting information that will require to be provided to allow a fully informed decision to be taken.
- 4.10 Reference should be made to PAN 66 – Best Practice in Handling Planning Applications Affecting Trunk Roads and the associated Annexes A and B (pages 12 and 17) – which provide advice on minor and major developments respectively.
- 4.11 With reference to minor and major planning applications, Transport Scotland generally define these in accordance with the thresholds indicated in the Transport Assessment Form contained in "Transport Assessment and Implementation: A Guide", as detailed overleaf. These are, however, indicative and may vary dependent upon the proposed land use and its location.

4.12 A planning application is generally considered to be within the major category if the proposed land use exceeds the following thresholds:

USE	THRESHOLD
Food retail	> 1,000m <sup>2</sup> Gross Floor Area
Non-food retail	> 1,000m <sup>2</sup> Gross Floor Area
Cinemas and conference facilities	> 1,000m <sup>2</sup> Gross Floor Area
Leisure facilities	> 1,000m <sup>2</sup> Gross Floor Area
Business	> 2,500m <sup>2</sup> Gross Floor Area
Industry	> 5,000m <sup>2</sup> Gross Floor Area
Distribution and warehousing	> 10,000m <sup>2</sup> Gross Floor Area
Hospitals	> 2,500m <sup>2</sup> Gross Floor Area
Higher and further education	> 2,500m <sup>2</sup> Gross Floor Area
Stadia	> 1,500 seats
Housing	> 100 dwellings

#### ASSESSMENT OF POTENTIAL IMPACT FOR MAJOR APPLICATIONS

4.13 For developments likely to generate significant travel demand, a full Transport Assessment (TA) will be required. Transport Scotland requires such a TA to be prepared in accordance with the Scottish Executive's document "Transport Assessment and Implementation: A Guide" (TAI:G). This guidance seeks to provide a better practice guide to help identify and deal with the likely transport impacts of development proposals.

4.14 The main objective of the document is to focus on the delivery of sustainable transport within the development management process and seeks to address the relevant issues to achieve this. Principally amongst these would be a location well related to encourage alternative modes of travel, particularly public transport. Emphasis should also be given to providing access to new development by walking and cycling. Only then will measures for mitigating the impact of any residual increase in road traffic arising from the proposed development be considered. Transport Scotland will follow these principles when assessing development proposals and in auditing TAs.

4.15 There are a number of changes from the more "traditional" process and it is worth noting these in the context of this guidance. The following details the main changes:

- accessibility and location issues (compliance with development plan) are the driving factors of the assessment process,
- assessment of potential impacts on the transport network will be undertaken based on total person trips and agreed mode share,
- the resulting vehicle trips will be assessed generally in accordance with the established principles of the Institution of Highways and Transportation document "Guidelines for Traffic Impact Assessment",
- assessment years will be year of opening and year of completion (for larger scale developments),
- no future year transport growth will be applied beyond year of opening or first year of assessment (in circumstances where the scale of development and associated mitigation is of such a significance, a longer-term design date with the application of appropriate traffic growth may be required.),
- the developer requires to demonstrate transport delivery consistent with planning approval.

- 4.16 Location and accessibility of a site is vital and Transport Scotland examines applications on this basis in terms of compliance with the currently adopted development plan. Where a proposal does not comply with the development plan, and the location and accessibility of the site is contrary to current policies Transport Scotland is likely to recommend to the local planning authority that the application be refused.
- 4.17 Should the transport access strategy within a planning application propose a new or significantly improved junction on the trunk road network which is not included within the approved development plan the process indicated within Section 3 – Development Plan Process (page 2) will require to be undertaken.
- 4.18 Where it is evident that a number of development proposals are likely to be promoted and are likely to impact on the trunk road network at a specific junction or length of road, Transport Scotland will require that an assessment of the cumulative impact of these proposals is undertaken. This will identify the impact and appropriate mitigation required on an area wide basis. This assessment should ideally be undertaken at the development plan stage, however, in the absence of such an assessment it will require to be undertaken as part of the planning application process.
- 4.19 Transport Scotland expects the applicant/developer to undertake this process and will advise/facilitate accordingly during the consultation process. In certain cases Transport Scotland will undertake a local area study where it has specific concerns regarding network pressures, will assist in facilitating the delivery of any identified mitigation and play a managing role in securing the delivery of developer contributions towards this mitigation.
- 4.20 The key elements of the process of scoping, transport assessment and monitoring are dealt with in detail within Transport Assessment and Implementation: A Guide and it is not intended to deal with these within this guidance.
- 4.21 An integral element in the delivery of sustainable development and, therefore, the assessment and implementation process is the travel plan. The requirements for and content of a travel plan should be considered from the outset of the assessment process and be developed to varying degrees within the transport assessment.
- 4.22 Transport Scotland will require in the majority of instances where they have been formally consulted and a Transport Assessment is provided in support of a proposed development that a travel plan is implemented and appropriately monitored.
- 4.23 A travel plan should first appear, in however minimal a form, in the Transport Assessment and be developed as required through the operational phase of the development. It is essential in translating the theoretical work of the Transport Assessment into operational reality. As such, it will need to develop over time to take account of changing circumstances and ensure that it continues to remain focussed on providing up to date information on transport choice.
- 4.24 For details on the preparation, implementation and monitoring of travel plans reference should be to the Transport Scotland document “Travel Plan Guidance”, and the Scottish Executive’s “Transport Assessment and Implementation: A Guide”. It is recommended that anyone involved in determining the transport related impacts within the development management process should be familiar with this guide and planning and roads authorities may wish to consider to what extent they will adopt the principles and advice provided within the document.

## ASSESSMENT OF POTENTIAL IMPACT FOR MINOR APPLICATIONS

- 4.25 In many cases minor applications will not have a significant impact on the trunk road network in terms of the potential number of trips generated and thus the resulting effect on capacity of the network. That is not to say, however, that they do not have an impact in other ways.
- 4.26 Safety of trunk road users will always be an issue when Transport Scotland examine potential impacts of development proposals and as such this will be one of the prime factors against which applications will be considered.
- 4.27 In all cases Transport Scotland seeks to minimise the number of junctions/accesses onto the trunk road network. There are clear safety reasons for this view. More junctions/accesses increase the risk of accidents arising from the conflicting turning movements at these locations. Minimising their numbers will reduce this risk. Transport Scotland recognises, however, that in some locations the trunk road will be the only means of access to development and in these cases consideration will be given to the new access subject to acceptable design criteria as well as justification for the need. Such justification would include, amongst others, the support of the local development plan and /or local economic or social factors. The scope of this justification will clearly be related to the location and scale of the development.
- 4.28 Capacity of the network is unlikely to be a significant concern with many minor applications. In respect to the design criteria each application will be considered in terms of their requirements on issues such as junction layout and visibility, forward visibility, and the effect on overtaking sections. Depending upon the nature and location of an application, further issues may need to be considered. Further details of the technical requirements of minor applications regarding junction form and layout are provided in Appendix D (page 20) and PAN 66 Annex A.

## FORMAL RESPONSE TO PLANNING AUTHORITY

- 4.29 In many instances Transport Scotland's assessment/audit process will identify that mitigation measures are required to offset the impact of development on the trunk road network. These may comprise physical infrastructure improvements, provision of public transport, walking and cycling facilities or contributions towards associated measures.
- 4.30 In providing its formal response to the planning authority Transport Scotland will prepare conditions which it considers to be appropriate in terms of the delivery of the required mitigation. On many occasions they will liaise with the planning authority, and in some instances with the applicant, to agree the context and implications of conditions prior to providing their formal response.
- 4.31 When preparing planning conditions Transport Scotland take due account of advice contained within SPP1-The Planning System and Circular 4/98 – The Use of Conditions in Planning Permissions and Circular 4/98 – Addendum – Model Planning Conditions. The overarching principles to be adhered to are that a condition meets the five criteria of being:
- relevant,
  - enforceable,
  - precise,
  - reasonable, and
  - necessary.

- 4.32 For further details on the preparation of planning conditions reference should be made to the Circulars.
- 4.33 Having audited the proposed development in terms of its effect on the trunk road network and determined any requirements for mitigation Transport Scotland will formally respond to the planning authority with its recommendations. The response will be one of the following:
- grant planning consent with no conditions,
  - grant planning consent with conditions attached, and
  - Refuse planning consent.
- 4.34 Transport Scotland will respond to at least 85% of minor applications within 14 days of receipt of the planning authority consultation and with regard to all applications it will respond within 14 days of receipt of all the required supporting information.

#### **TECHNICAL REQUIREMENTS**

- 4.35 Where any works are required to alter the trunk road network to mitigate the impact of a development proposal, these shall be designed in accordance with the Design Manual for Roads and Bridges, and shall require the approval of Transport Scotland prior to the implementation of such works.
- 4.36 In order to undertake works on the trunk road, application should be made to the relevant Operating Company responsible for that part of the network. The Operating Company will also be responsible for undertaking the necessary supervision when the works are executed. In certain circumstances a standard “Minute of Agreement” will require to be signed between Transport Scotland and the applicant/developer. Further advice on this is contained within Annex B of PAN 66.

## **5 APPEALS PROCESS**

- 5.1 When a planning authority receives the consultation response from Transport Scotland it is normal practice to incorporate this in the report to the planning committee, including any conditions which Transport Scotland has recommended to be attached to any consent. Where the planning committee grants consent against the advice of Transport Scotland or does not propose to attach planning conditions recommended by Transport Scotland it is required to notify the Scottish Ministers.
- 5.2 Scottish Ministers, who have overall responsibility for planning matters in Scotland, have 28 days from receipt of full documentation in which to decide whether to call-in the application for determination or pass it back to the planning authority for decision.
- 5.3 Where an application is called in, it is normal practice for the matter to be considered by means of written submissions and a site inspection or at a Public Local Inquiry.
- 5.4 In other instances where Transport Scotland have recommended refusal of a planning application on which they have been consulted, and the planning authority takes due account of this recommendation at planning committee by refusing the application, the applicant will decide whether to appeal this decision. Should the applicant decide to appeal the decision, this would be dealt with through a similar process to that detailed for a “called in” application above.

- 5.5 Appendix C (page 18) provides further information on the appeals process. Reference should also be made to The Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Rules 1997, as amended by The Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Amendment Rules 1998 – Statutory Instrument 1998 NO 2312.

## 6 e-PLANNING

- 6.1 The arrival of new technology offers opportunities to improve the planning process by increasing efficiency and responding to people's needs. The Scottish Executive made a commitment to greater involvement for all in the planning process in the "Getting Involved in Planning" consultation which was carried forward to allow changes to the delivery of the planning service in the White Paper "Your Place, Your Plan".
- 6.2 The vision for 21st Century Government set out that all planning services which could feasibly be provided electronically should be made available. Until recently, however, planning law required procedures to be carried out "in writing" or through paper copies. Most of these restrictions were removed by the Town and Country Planning (Electronic Communications) (Scotland) Order 2004. It is the first Order in Scotland to remove legal barriers to electronic communication, and is made under Section 8 of the Electronic Communications Act 2000 (a UK Act).
- 6.3 The aim of the "e-Planning" project is to provide a consistent and easier approach to planning where all the processes involved are available online. Ultimately it is proposed that all development plans will be available online and that a planning portal will be available across the whole of Scotland. This portal will make application documents available, provide online advice and support and allow electronic submission, consultation and comment on applications to be available on line.
- 6.4 Transport Scotland, as part of the Scottish Executive, will take a lead in this process by developing an electronic means of carrying out the consultation on all applications which affect the trunk road network. In addition, the advice available for developers will be expanded by creating systems to provide information and advice on the suitability of any proposed application. This is proposed to examine the type of development and its location and provide advice on the suitability, type and layout of any junction which would be permitted
- 6.5 Transport Scotland is also moving towards a "paperless" office where all information relating to applications and the associated consultation responses are received, stored and responded to electronically. Transport Scotland encourages applicants and Local Authorities to provide correspondence and associated supporting information electronically where practicable. This should be via [development\\_control@transportscotland.gsi.gov.uk](mailto:development_control@transportscotland.gsi.gov.uk) or [development\\_management@transportscotland.gsi.gov.uk](mailto:development_management@transportscotland.gsi.gov.uk) Where possible paper copy should be avoided.
- 6.6 At present, further advice on development management near trunk roads can be obtained on the Transport Scotland website by following the link below [www.transportscotland.gov.uk/defaultpage1221cde0.aspx?pageID=224](http://www.transportscotland.gov.uk/defaultpage1221cde0.aspx?pageID=224). This page also provides a list of all major planning applications which affect the trunk road network and their current status. A link is also available to the document "Transport Assessment and Implementation: a Guide (2005)" which can be downloaded to give advice on how these should be completed.

## 7 REFERENCES

### **SCOTTISH EXECUTIVE WHITE PAPERS**

Planning White Paper (2005) “Modernising the Planning System”  
Transport White Paper (2004) “Scotland’s Transport Choices”

### **LEGISLATION**

Town and Country Planning (General Development Procedure) (Scotland) Order 1992  
The Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Rules 1997, as amended by The Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Amendment Rules 1998 – Statutory Instrument 1998 No. 2312.  
Roads (Scotland) Act 1984

### **SCOTTISH PLANNING POLICIES**

SPP 1 The Planning System  
SPP 17 Planning for Transport

### **SCOTTISH EXECUTIVE CIRCULARS**

Circular 32/1996 Code of Practice for Local Plan Inquiries  
Circular 4/1998 Addendum Model Planning Conditions  
Circular 4/1998 The Use of Conditions in Planning Permission  
Circular 20/1998 The Town and Country Planning (notification of Applications) (Scotland) Amendment (No. 2) Direction 1998

### **SCOTTISH EXECUTIVE GUIDANCE**

Transport Assessment and Implementation: A Guide (2005)  
Development Appraisal Guidance

### **SCOTTISH EXECUTIVE PLANNING ADVICE NOTES**

PAN 37 Structure Planning  
PAN 40 Development Control  
PAN 49 Local Planning.  
PAN 66 Best Practice in handling Planning Applications affecting Trunk Roads  
PAN 66 ANNEX A: Advice on Minor Developments affecting Trunk Roads  
PAN 66 ANNEX B: Advice on Major Developments affecting Trunk Roads and Motorways.  
PAN 75 Planning for Transport

### **TRANSPORT SCOTLAND GUIDANCE**

Scottish Transport Appraisal Guidance  
Scot-tag

# APPENDIX A – PLANNING POLICY

## GENERAL

- A.1 Planning is a devolved matter within Scotland and the overall management of the system is the responsibility of the Scottish Executive. The main legislation is the Town and Country Planning (Scotland) Act 1997. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The aim is to ensure that development and changes in land use are appropriately located and sustainable. Its main objectives are:
- to set the land use framework for promoting sustainable economic development,
  - to encourage and support regeneration, and
  - to maintain and enhance the quality of the natural heritage and built environment.
- A.2 The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.
- A.3 The planning system can encourage more sustainable travel patterns by:
- allocating land for development and selecting priority areas for regeneration to maximise access by all modes,
  - promoting an efficient transport network,
  - providing safe and efficient access to local facilities by a choice of travel mode,
  - ensure layout of development gives priority to walking, cycling and public transport where appropriate,
  - identifying priorities for investment in transport infrastructure, and
  - relating the level of parking to the location and type of development through maximum parking standards.
- A.4 In a strategic planning context, the statutory development plan for an area currently consists of the structure and local plan, although the Planning White Paper (Scottish Executive 2005) proposes that this is amended to single tier Local Development Plans (LDP) throughout Scotland, with the four city regions of Aberdeen, Dundee, Edinburgh and Glasgow also producing a Strategic Development Plan (SDP). The constituent authorities within each SDP will require to work together in the development of their respective plans.

## STRUCTURE PLAN

- A.5 In the current system the structure plan should provide a long-term vision considering the functions and inter-relationship of places, expressing the settlement strategy for the area and identifying priorities for urban and rural regeneration. Policies should;
- identify the overall supply of land to meet the requirements for development,
  - reflect and identify priorities for the provision of infrastructure,
  - identify limitations on development,
  - support and encourage sustainable patterns of travel, and
  - promote the protection and enhancement of the built and natural environment.

## LOCAL PLAN

- A.6 A Local Plan sets out detailed policies and specific proposals for the development and use of land that should guide day-to-day planning decisions. Local Plans should contain policies relating to:
- the allocation of land relating to different development types,
  - the conservation of the physical environment,
  - integrated transport issues, and
  - urban and rural regeneration.
- A.7 Local Plans must conform to the structure plan and be fully justified, demonstrating what is and is not acceptable in land use terms.
- A.8 The Local Plan should conform to the approved strategy of the structure plan and relate the land use development pattern to the capacity of the transport network, identifying opportunities and constraints. The Plan should examine the relationship between development proposals and transport at a local level while ensuring compliance with the relevant policies.
- A.9 Notwithstanding the locational issues which require to be examined, the Local Plan should also set out:
- proposals for meeting the transport requirements of different land uses,
  - land use implications of traffic and parking management, and
  - policy for the provision of transport assessments and travel plans in support of planning applications.

## CONSULTATION

- A.10 Consultation is key to the successful delivery of a fully integrated development plan. PAN37: Structure Planning, identifies the importance of identification and consultation with “key players” which should mean that these groups are better informed, with the potential benefit of fewer representations/objections at the finalised plan stage, and stronger commitment to implementing the strategy.
- A.11 Engagement with the “key players” should be undertaken from the first stages of the process. The preparation of spatial development strategies at structure plan stage requires extensive consultation between planning and transportation professionals. While it is recognised that there are many varied issues which influence these strategies such as economic, employment, regeneration, housing and environmental, consideration of the location of land uses with regard to their accessibility and their associated compliance with national and local transport related policies should be considered at an early stage.
- A.12 The relevant roads authorities, local or trunk, are key players in the preparation of a development plan and should be integral to the process from the beginning. Given the single tier local government structure currently in place in Scotland the planning authority and the local roads authority are generally one organisation and the consultation between planning and transport should be undertaken as a matter of course. With regard to the trunk road network, Transport Scotland should be consulted. For further details regarding Transport Scotland’s role, reference should be made to PAN 66: Best Practice in Handling Planning Applications Affecting Trunk Roads.

A.13 Transport Scotland is consulted at both draft and finalised stages of a development plan, with their comments normally being coordinated by Planning Division as part of the Scottish Executive's formal response.

### **LOCAL PLAN INQUIRY**

A.14 If objections to a Local Plan are still unresolved a Local Plan Inquiry will be held, where objectors submit information in the form of written submissions or appear in person to give evidence. In certain cases where there are only limited matters to resolve or perhaps very few objectors to an authority's proposals, it may be appropriate to arrange a Hearing before a Reporter rather than a full Local Plan Inquiry. Hearings can allow a more informal approach than the inquiry process.

A.15 When a planning authority is aware that a finalised draft plan is to be placed on deposit, and that objections are likely, The Scottish Executive Inquiry Reporters Unit (SEIRU) should be informed of the likelihood of a need for a Local Plan Inquiry. This will allow it to be included in the forward programme of Reporter's commitments. A Reporter will be appointed by the SEIRU and will hear all evidence and make a decision on the evidence submitted.

A.16 It is for the planning authority to decide whether to accept or reject the recommendations made by the Reporter. The Scottish Ministers can be expected to become involved only in exceptional circumstances. This could lead to modification or call-in of the Local Plan for Scottish Ministers decision.

A.17 If the planning authority proposes to make modifications to the Plan, derived either from agreements reached with objectors or recommendations made by the Reporter then, with the exception of minor matters which do not materially affect the policies and proposals contained in the Plan, these must be publicised and the opportunity giving for objection to them. Once the objection period has finished the authority will consider all of the submissions and decide whether it is necessary to hold a further Local Plan Inquiry. A further inquiry will only be required where a proposed modification has generated objections on a matter which has not already been considered at inquiry.

A.18 The procedures and information on Local Plan Inquiries can be found within Circular 32/1996 "Code of Practice for Local Plan Inquiries".

A.19 Reference should be made to SPP1 – The Planning System and Planning Advice Notes PAN 37 – Structure Planning and PAN 49 – Local Planning for further details on the development plan process.

### **TRANSPORT AND LAND USE**

A.20 The planning system is important in delivering the Executive's commitment to a more sustainable, effective transport system. The integration of transport and land use within the planning system is, therefore, vital in achieving this goal.

A.21 Scottish Planning Policy, SPP17 – Planning for Transport and its associated Planning Advice Note, PAN75, sets out the policies, guidance and good practice with respect to the integration of transport and land use and the delivery of development which is appropriately located and, where necessary, is accessible by all modes.

A.22 SPP17 provides the policies to enable the integration of transport and land use and how these should be applied within development plan preparation and planning application stages, and indicates at paragraph 50 that when assessing development proposals:

***“A framework for delivering better integration of transport and land use planning will be a key policy tool. Significant travel generating uses should be located to support more sustainable travel patterns, with specified non-car mode shares. Such a framework will consist of:***

- ***location policy, ensuring development has regard to national, structure and local plan requirements, and controlling the location of significant travel generating uses,***
- ***a set of maximum parking standards,***
- ***transport Assessment methodology ensuring that proposed development incorporates maximum feasible sustainable transport access and forming the basis for planning conditions or agreements or for refusing consent, and***
- ***the use of travel plans and planning agreements to promote sustainable transport solutions to development end users.”***

## DEVELOPMENT ACCESS

A.23 When considering the access strategy for a development proposal it should be noted that the current policy is a presumption against new junctions on the trunk road network. SPP17 states at paragraph 22:

***“There is a general presumption against new motorway or trunk road junctions. The Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.”***

## FORMAL RESPONSE

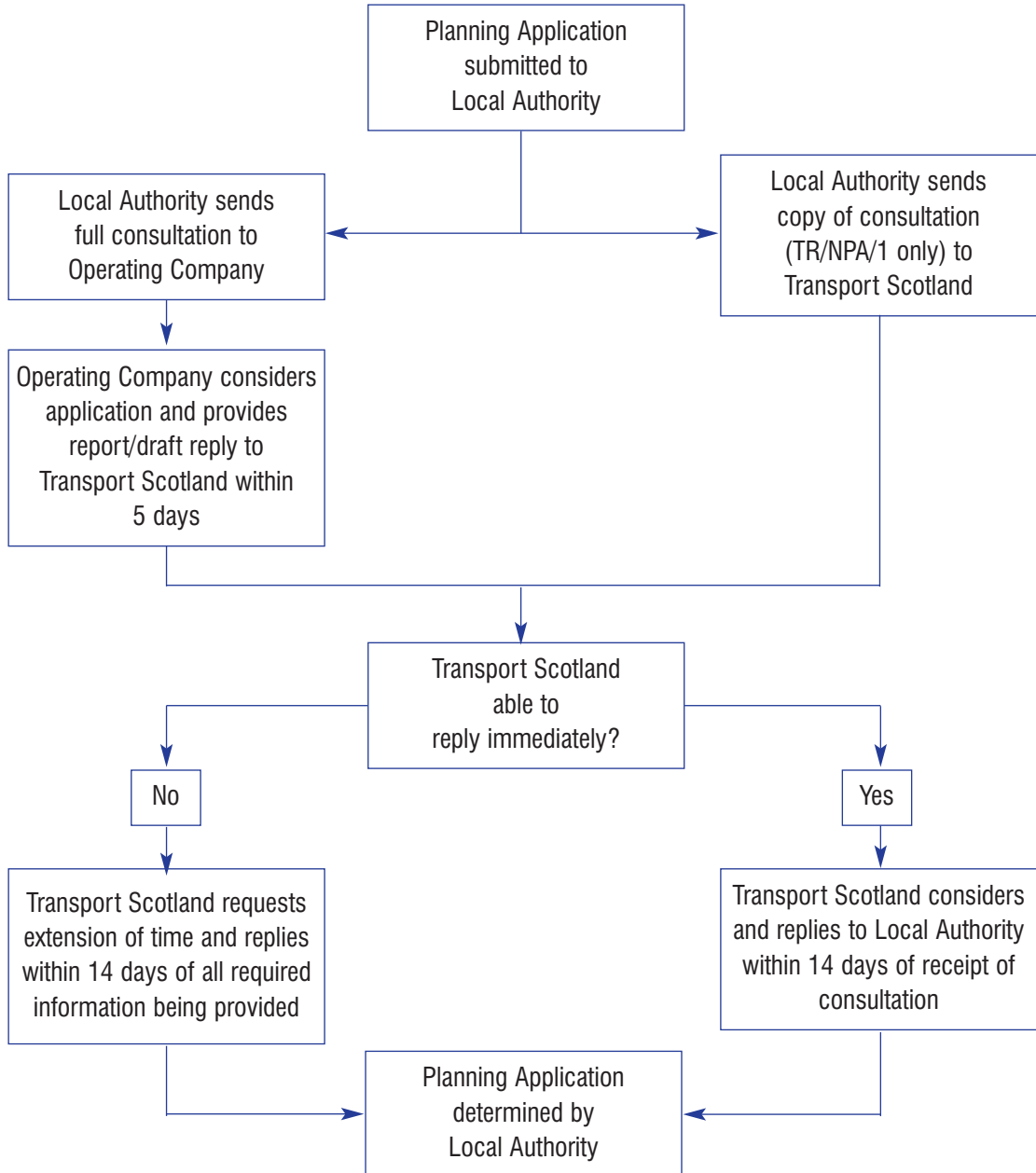
A.24 Transport Scotland considers land use allocations within the development plan process and subsequently each planning application, on which they are consulted, in the context of compliance with current policies. In this context, they may be likely to recommend refusal of a development proposal in certain circumstances. An example of the type of issues which may merit refusal are detailed within SPP17 at paragraph 51 which states:

***“Planning permission should not be granted for significant travel generating uses in locations:***

- ***where immediate links to walking and cycling networks are not available or cannot be made available,***
- ***where access to public transport networks are further than 400 metres by walking,***
- ***which would encourage reliance on the private car,***
- ***which would be likely to have a detrimental effect on the capacity of the strategic road and/or rail network, or***
- ***where a Transport Assessment does not include any satisfactory mechanism for meeting sustainable transport requirements.”***

A.25 It is evident from this that transport, and related matters, play a significant role in the planning and thus the development management process. It is vital that transport issues are addressed from the outset to ensure that in the first instance land uses are properly located at the development plan stage and, at a more detailed stage, planning applications are fully examined with regard to compliance with development plans, accessibility and transport impact.

## APPENDIX B – CONSULTATION PROCESS



<b>CONTACT DETAILS</b>	
NW Unit (Transerve) 0800 032 2520	NE Unit (BEAR) 0800 587 1107
SW Unit (AIS) 0800 085 7136	SE Unit (BEAR) (AIS)
Autolink (A74 (M)) 01576 205 200	Connect (M77) 0141 639 8638
Transport Scotland Trunk Roads: Network Management Directorate 0141 272 7100	

# APPENDIX C – APPEALS PROCESS

## APPEALS PROCESS

- C.1 If planning consent is refused, or conditions have been imposed which the applicant feels are unreasonable, then the applicant has a right of appeal to Scottish Ministers.
- C.2 Further details with regard to the statutory process for Public Local Inquiries reference should be made to The Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Rules 1997, as amended by The Town and Country Planning Appeals (Determination by Appointed Person) (Inquiries Procedure) (Scotland) Amendment Rules 1998 – Statutory Instrument 1998 NO 2312; or by contacting The Scottish Executive Inquiry Reporters Unit (SEIRU) at 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Information is also available on their website [www.scotland.gov.uk/planning\\_appeals/seiru](http://www.scotland.gov.uk/planning_appeals/seiru).
- C.3 It is recommended that prior to lodging an appeal the applicant should examine the reasons for refusal, or conditions imposed, objectively and discuss with the planning authority to determine if its decision could be reviewed should an amended application be submitted. Transport Scotland will be happy to discuss any such concerns in relation to trunk road transportation issues.
- C.4 Appeals can be made within six months of the date of the notice of the planning authority's decision and must state one or more of the reasons referred to in the Planning Act as grounds and the facts to support the reasons for appeal.
- C.5 Appeals are normally determined through one of three procedures:
- **written submissions** – where the appellant and the planning authority set out their respective cases in writing. (This is called the written submission procedure.),
  - **a hearing** – a less formal way of determining an appeal through discussion, and
  - **a Public Local Inquiry** – where a formal inquiry is held and attended by the appellant, the planning authority and other relevant parties who present evidence in support of their case.
- C.6 In all cases Transport Scotland will provide the appropriate level of evidence to sustain any objection or advised condition. In the case of a public local inquiry Transport Scotland are likely to engage legal representation.
- C.7 Responsibility for determining most appeals is delegated the Scottish Executive Inquiry Reporters Unit (SEIRU).
- C.8 The majority of appeals handled by SEIRU are dealt with by written submissions and a site inspection, the remainder through Public Local Inquiry or hearing.
- C.9 For **appeals in writing** – the basis of the procedure is that both the appellant and the planning authority present their case in writing, supported by any photographs, plans or other relevant documents, with the appellant providing reasons for the appeal. The planning authority submits relevant documents including a copy of responses to any consultations and any representations received from people who objected to, or supported, the proposal. The planning authority may also submit a further statement outlining their case. Both parties will then be asked to comment on the submissions that have been made by the other party and these will be circulated by SEIRU.

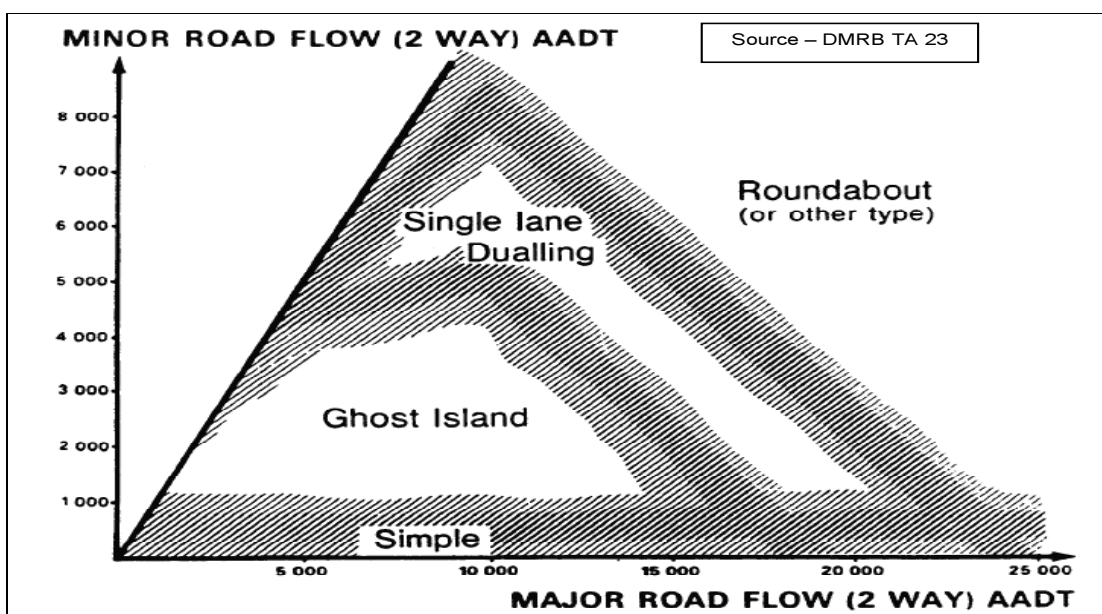
- C.10 For **hearings** the arrangements for a hearing are very similar to those for Public Local Inquiries. However, the main differences are that instead of formal evidence and questioning, a more informal discussion takes place. This is led by the Reporter who normally sets out an agenda before the hearing.
- C.11 For **Public Local Inquiries** the programme with regard to the pre-inquiry meeting, submission of statements of case, supporting documents (known as productions), evidence (known as precognitions) and the date of the Inquiry will be provided to all relevant parties by SEIRU. The Inquiry will be led by the Reporter and the cases can be made either in person or by legal representative on behalf of the appellant/objector/planning authority. Notice of the date, time and place will be published in a local newspaper and members of the public and the press are permitted to attend the proceedings. The various documents as detailed above require to be exchanged prior to the Inquiry, in order that each relevant party has the opportunity to consider all the evidence before the Inquiry. At the Inquiry, all those presenting evidence are open to cross examination, under the supervision of the Reporter.
- C.12 In most cases, after the written submissions procedure has been completed or after the Public Local Inquiry has been held, the Reporter will prepare and issue a decision letter which will:
- summarise the arguments put forward by the applicant, the planning authority, and any other relevant parties,
  - give the reporter's conclusions, and
  - either sustain or dismiss the appeal.

# APPENDIX D – TECHNICAL REQUIREMENTS

## JUNCTION FORM

### GENERAL

- D.1 Common requirements in the consideration of most developments will be the need for appropriate junction design including visibility. Appropriate design will ensure that safety of road users is maintained.
- D.2 The determination of appropriate junction form to serve a development will largely be dependent on the nature of the adjacent road network and the scale of the development being proposed, in particular the anticipated traffic flows any such junction will be expected to accommodate. In some instances however issues such as safety and the requirements of non vehicular road users will have bearing on which junction form is most appropriate for a specific location.
- D.3 Detailed guidance and design standards for determining the form and size of junctions are provided within the Design Manual for Roads and Bridges (DMRB) Volume 6 (Section 2 – Junctions). Relevant documents within this section are indicated below in a hierarchy that caters for increasing traffic flows:
- TA 23 Junctions and Accesses: Determination of Size of Roundabouts and Major/Minor Junctions,
  - TD 41 Vehicular Access to All Purpose Trunk Roads,
  - TD 42 Geometric Design of Major/Minor Priority Junctions,
  - TD 16 Geometric Design of Roundabouts,
  - TD 50 The Geometric Layout of Signal-Controlled Junctions and Signalised Roundabouts,
  - TD 40 Layout of Compact Grade Separated Junctions, and
  - TD 22 Layout of Grade Separated Junctions.
- D.4 There are however additional documents within DMRB providing further guidance on aspects of junction design.
- D.5 An approximate guide to the magnitudes of major and minor traffic flows that can be accommodated by particular types of junction, on a single carriageway, is provided within TA 23 and is reproduced below. Specifically, however, the form of a junction will be determined by individual circumstances.



D.6 The evaluation of junction form should consider the issues of:

- safety performance,
- operational efficiency (capacity, queuing characteristics, vehicular delay), and
- provision for non-motorised users (pedestrians, cyclists, etc.).

**MINOR APPLICATIONS**

D.7 The majority of planning applications affecting the trunk road network will be minor in nature, that is they are not of a scale that will generate large volumes of additional traffic. In these situations it is likely that the determining factor in considering development access will be safety as opposed to capacity. In these instances it is anticipated that a simple priority T-junction will be sufficient for the majority of situations.

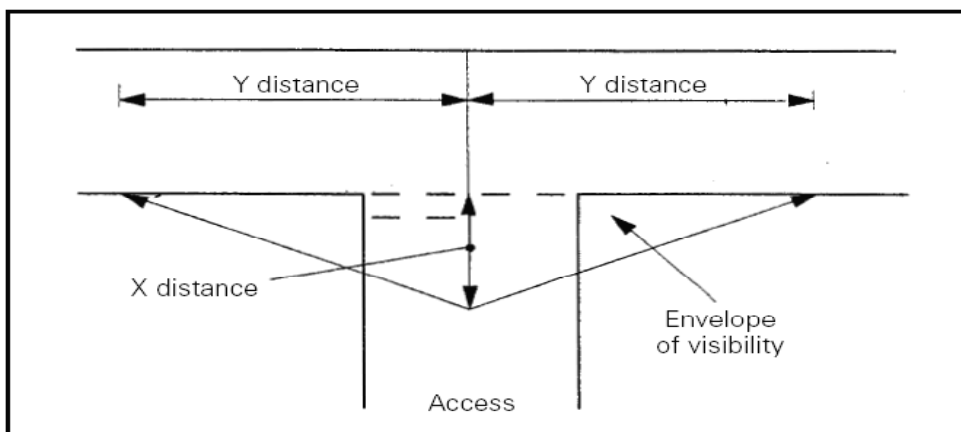
D.8 Direct vehicular access on to a trunk road should however be avoided as far as practicable. Where feasible, access should be taken from a local road instead. There will always be a presumption against the creation of new accesses onto high-speed trunk roads. Where a development uses an existing access, extra traffic generation will have to be fully assessed. There are specific safety reasons for minimising both the use and the number of junctions. In overall terms more turning movements or increasing joining opportunities will create more conflict and thus increase the likelihood of collision and hence reduce road user safety.

D.9 It is important that any driver wishing to turn right across the opposing traffic stream shall be able to see oncoming vehicles for an appropriate distance, referred to as the “Desirable Minimum Stopping Sight Distance” appropriate for the design speed of the road.

D.10 To ensure good lines of sight, junctions have to be designed with suitable visibility splays to enable emerging drivers using the access to have adequate visibility in each direction to see oncoming traffic in sufficient time to make their manoeuvre safely. Drivers of vehicles on the major road shall also have forward visibility equivalent to the “Desirable Minimum Stopping Sight Distance” to be aware of the presence of the access.

D.11 Applicants will usually be required to provide and maintain visibility splays and consideration should therefore be given to the ownership of the land over which the visibility splay sits. Visibility requirements are referred to in terms of “X” and “Y” distances. The definition of these dimensions is illustrated in Figure C1.

**Figure C1 – Definition of X and Y distances**



D.12 The X distance is referred to as the “set-back” distance, and is measured from the edge of the major road running lane along the centreline of the access. Normally an x-distance of 4.5 m shall be provided for a direct access where daily traffic is forecast not to exceed 500 vehicles per day. For lightly used accesses, Transport Scotland may consider a reduction in the x-distance to 2.4m or 2.0m in exceptional circumstances.

D.13 The Y distance along the major road is based on the speed of traffic on the trunk road. This is derived from either the measured speed, the speed limit (normal case) or the design speed. Advice on how to establish the appropriate design speed for a particular location should be sought from Transport Scotland. Appropriate Y distances for a range of speeds are provided in Table C1. These distances also relate to the “Desirable Minimum Stopping Sight Distance” for forward visibility.

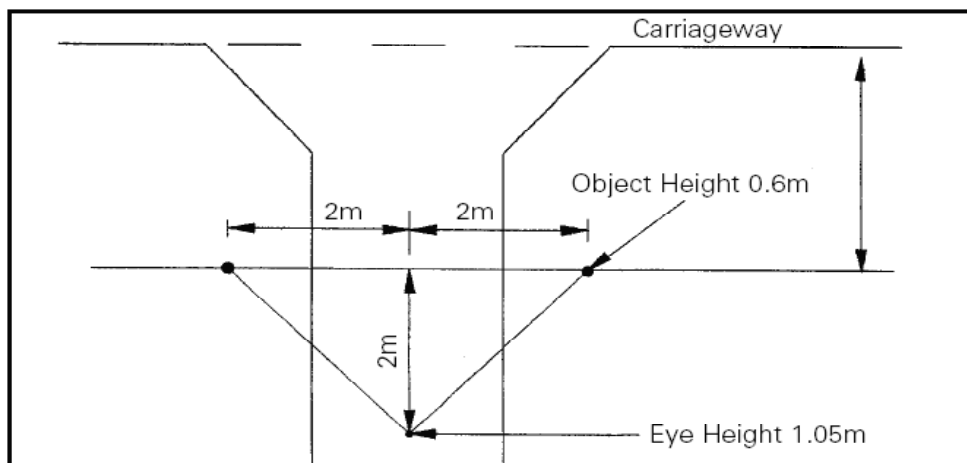
**Table C1 – Value of Y Distance**

Speed of traffic on Trunk Road (mph)	70	60	50	40	30
Y Distance (m)/ Minimum Stopping Sight Distance (m)	295	215	160	120	90

D.14 No object should obscure visibility in a vertical plane within the splay above a height of 0.26m measured from a driver’s eye height of between 1.05m and 2m within the visibility splays defined by the X and Y dimensions.

D.15 Where emerging vehicles cross a footway pedestrians may not have sufficient warning of its approach. Under these conditions visibility also has to be provided to the rear of the footway crossing as shown in Figure C2.

**Figure C2 – Visibility to the rear of a footway crossing**



D.16 All new accesses should be provided to the most appropriate standard. In addition, where a development generates a significant increase in traffic on to an existing access, it will be necessary to bring this access up to standard. Provision of adequate visibility will not in itself guarantee that Transport Scotland will accept a new or altered access. For example, accesses on overtaking sections of trunk road will be resisted as this reduces the effectiveness of the trunk road to carry high volumes of long distance traffic safely. Any proposals to provide access should therefore be discussed with Transport Scotland as early as possible to enable such issues to be discussed.

## MAJOR APPLICATIONS

D.17 For larger or more complex applications, where a simple priority junction may not be considered appropriate it is considered essential that early consultation should be held with Transport Scotland to discuss issues associated with access and junction form.

D.18 The relevant sections of the *Design Manual for Roads and Bridges* (DMRB) applicable to each junction type identified above contain both mandatory design standards and also good practice guidance relevant to particular aspects of design. The guidance in this document is not intended to replace the DMRB, and it is recommended that in these situations reference should be made to the appropriate design standards for the junction type being considered.

D.19 Generally it will be necessary to undertake an assessment of junction performance and appropriate analysis applications should be adopted. The relevant sections of the DMRB provide guidance on what software should be adopted.



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