

EDINBURGH AIRPORT RAIL LINK BILL COMMITTEE

Tuesday 20 June 2006

Session 2

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EDINBURGH AIRPORT RAIL LINK BILL COMMITTEE 5th Meeting 2006, Session 2

CONVENER

*Scott Barrie (Dunfermline West) (Lab)

DEPUTY CONVENER

*Mr Jamie McGrigor (Highlands and Islands) (Con)

COMMITTEE MEMBERS

*Mr Charlie Gordon (Glasgow Cathcart) (Lab)

*Christine Grahame (South of Scotland) (SNP)

*Iain Smith (North East Fife) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Marwan AL-Azzawi (Scott Wilson Railways)

Susan Anderson (Network Rail)

Susan Clark (TIE Ltd)

Trond Haugen (South-East Scotland Transport Partnership)

Gail Jeffrey (Scott Wilson Railways)

Ron McAulay (Network Rail)

Jim Rafferty (Capital City Partnership)

Bruce Rutherford (Scottish Borders Council)

CLERK TO THE COMMITTEE

Jane Sutherland

LOCATION

Committee Room 3

Scottish Parliament

Edinburgh Airport Rail Link Bill Committee

Tuesday 20 June 2006

[THE CONVENER *opened the meeting at 13:36*]

Edinburgh Airport Rail Link Bill: Preliminary Stage

The Convener (Scott Barrie): I welcome everyone to the Edinburgh Airport Rail Link Bill Committee's fifth meeting of 2006. Today we will continue to hear oral evidence on the bill's general principles and we will focus on the main policy objectives of transport, including interchange and rail operations as well as social inclusion.

The committee will consider papers on appropriate assessment and the environmental statement and whether to take some items in private at future meetings. The committee will also consider the reasons for the lateness of three objections that were received after the objection period finished on 15 May 2006.

Finally, before we begin oral evidence from Network Rail, I inform members that I have received a letter from the Scottish Environment Protection Agency in which it says that, as the promoter has largely addressed its concerns, it would prefer not to give evidence on 27 June. I am minded to agree to that and I seek members' agreement to excuse SEPA from giving evidence at next week's meeting. Is that agreed?

Members *indicated agreement.*

The Convener: We begin with oral evidence, for which I welcome Ron McAulay and Susan Anderson from Network Rail. Members have several questions and I will start. What impact will the Edinburgh airport rail link have on Network Rail's operations?

Ron McAulay (Network Rail): May I begin by saying a few words to set the scene? That might be useful.

The Convener: That would be useful.

Ron McAulay: As members will be aware, Network Rail owns, operates, renews and maintains the rail network in Great Britain. That gives us a unique perspective as the asset steward of the rail infrastructure. We welcome the opportunity to support the committee's work.

We welcome investment in the rail network and we support the project's social and economic aims of linking Edinburgh airport to the rail network. As

members know, TIE Ltd is the project's promoter. In recent weeks, we have worked with TIE to examine the project proposals closely. That took the form of a fairly short, sharp review of the project. That was fairly in-depth, but it took place over a relatively short time.

As would be expected with any project of such a magnitude, several issues have emerged from that review that will need to be addressed over the course of the project. I will summarise them under a few main headings. They cover matters such as rolling stock, train capacity, infrastructure capacity, end-to-end journey times, the overall scope of the project and programme and resource issues, which relate not just to the EARL project but to the whole programme of railway infrastructure projects in the coming years.

I should say from the outset that we see none of those issues as insurmountable or as show-stoppers and we are working with TIE and Transport Scotland to address many of them. If that helps to set the scene, perhaps we can move on.

The Convener: Thank you. You have given us a number of issues that we might want to follow up on in our questioning.

What impact could the scheme have on the overall performance of the rail network?

Ron McAulay: Introducing new infrastructure into an existing operational railway, particularly in an area that is already heavily used, inevitably creates problems to do with fitting in new timetables and the desired train patterns. We have been working with Transport Scotland on how we can best establish the impact of the scheme on performance. We are developing a modelling tool called the RailSys model, which allows us to model different timetables and the impact on performance. The model will cover a much larger area than just the EARL infrastructure; it will cover much of the central Scotland railway network. Once we have the model in place, we will be able to assess more accurately the impact on the timetable. The model will not be ready for a number of months yet. Basically, it will allow us to play tunes—we will use it to come up with the best timetabling solutions.

The Convener: On that point, I appreciate that the model will not be ready for a couple of months—

Ron McAulay: A few months.

The Convener: In using the model, I assume that you are attempting to retain current rail patterns such as the 15-minute service from Queen Street to Waverley and half-hour services from Fife or Dunblane to Edinburgh as well as to build in a 15-minute service on the Airdrie to

Bathgate line if it reopens. I assume that you are putting all of that into the melting pot to see whether you can do all of it.

Ron McAulay: Correct.

The Convener: I will not hold you to any answer that you may give, but are you reasonably confident that that might be a possibility, or will the pattern of train journeys if not their timing need to be tweaked?

Ron McAulay: To use your words, I am reasonably confident that that might be a possibility. A lot of work has to be done before we can establish the overall impact of our attempts to get all those different trains through this set of infrastructure.

The Convener: An answer that is more caveated than my question.

Ron McAulay: Frankly, it is too early to give you a definitive answer.

The Convener: Okay. What sort of discussions, either in-depth or preliminary, have you had with Transport Scotland on the impact of the proposed rail link?

Ron McAulay: We have been in discussion with Transport Scotland. I will give an example. In the case of passenger demand versus available capacity, our forecasting suggests that we will very quickly get to the point where the Edinburgh to Glasgow line is running at capacity during morning peak travel times. We need to work with Transport Scotland to find a solution to that problem. The solution may be to lengthen the rolling stock to provide longer trains and lengthen the platforms between Edinburgh and Glasgow to accommodate the longer trains. Work such as that needs to be done and we are in discussion with Transport Scotland to take it forward. I should point out that that needs to be done regardless of whether the EARL project goes ahead.

The Convener: As some members want to come in on that point, I will take their questions now.

Christine Grahame (South of Scotland) (SNP): I listened carefully to your scene setting. You said that the meetings that you have had with TIE were both late in the day and short and sharp. However, EARL is predicated to a great extent on Network Rail being able to say that rail systems will operate and timetables will run together properly. It seems that that cannot be done in time; you said that that would happen during the course of the project. Do you mean that it will happen while we are building the project?

Ron McAulay: I mean that it will require projects to run in parallel with this project.

Christine Grahame: Should all this background work not have been done in advance with Network

Rail as the provider before we went ahead and considered spending more than £600 million?

13:45

Ron McAulay: It is not for me to say whether it should have been done in advance. As long as it is done within the timescales of the project, I do not see it as being an issue. It is work that needs to be done regardless of whether the EARL project is required, and it is work that we are in discussion with Transport Scotland about at the moment.

Christine Grahame: I heard you saying that, but my grasp of the principle—other members will correct me if I am wrong—is that if there is to be this sort of link or travel hub, all the timetables for trains from the airport and elsewhere will have to be predicated on that work. I do not hear that in what you are telling me. I hear that there is still an awful lot of talk about whether the project can be delivered. I am hearing about extending platforms because of the capacity on the Glasgow to Edinburgh line, and it sounds as if there is still an awful lot of work to be done by you.

Ron McAulay: There is an awful lot of work to be done, but I am not surprised that that is the case, because there are still five or six years before the project is due to be commissioned. I am sorry if that does not answer your question.

Christine Grahame: You are helping me along, but I am trying to understand why we are talking about it. I would not expect every i to be dotted and every t to be crossed, but I would have expected you, as provider, to be further down the road.

Ron McAulay: You commented on how I described the discussions that we have had—

Christine Grahame: Short and sharp.

Ron McAulay: The short, sharp review was an in-depth review involving quite a number of people over a period of about six weeks. To call it short and sharp may be slightly misleading; it was certainly an in-depth review of the project. In any project such as this, I would expect there to be things that would come out of such a review.

Christine Grahame: Did you not also say that you came in quite late in the day? I thought that I picked up something like that.

Ron McAulay: Network Rail's involvement in the scheme has been somewhat late in the day, and that is because of our history. Railtrack, our predecessor organisation, was consulted on some timetabling issues back in 2001, but it then went into administration for the best part of a year, until October 2002, during which time Railtrack was not engaging in enhancement-type projects. We were concentrating very much on the operations, maintenance and renewal of the railway.

The Convener: Would the pattern that has been followed for the EARL project be followed for other projects of a similar nature?

Ron McAulay: Yes and no. Because we are promoting the Airdrie-Bathgate Railway and Linked Improvements Bill, our involvement and engagement in that project have been 100 per cent. The Glasgow airport rail link is a more straightforward project, which involves building a lot of infrastructure alongside our existing infrastructure. The bulk of the project involves a third line being laid alongside the Paisley to Glasgow Central line, so we have perhaps been more closely involved with that project for that reason.

The Convener: What other discussions have you had about input into the design of the EARL project? I am thinking of the engineering works that will be necessary to complete the project, as well as some of the other options that have been discussed, including the Turnhouse option and the Gogar station option, which we heard about last week.

Ron McAulay: As far as the physical design of the project is concerned, the only proposal that we have really looked at in depth is the current proposal—the runway tunnel option.

The Convener: Is that because the other two options—the other one, I should say, because it is really Turnhouse that we are talking about—were discounted before you were involved in the discussions?

Ron McAulay: I must admit to having read through the reports, or the executive summaries of the reports, that were produced on those options. My recollection is that the Turnhouse option was rejected because of overall passenger numbers and revenue implications. We have not been closely involved in considering the detailed design of those projects.

Iain Smith (North East Fife) (LD): I would like to press you further on that point. In your view, is the scheme that is proposed by the promoter—the runway tunnel option—the best scheme to provide a rail connection to Edinburgh airport?

Ron McAulay: I am not convinced that Network Rail is the right organisation to determine whether that is the best option. I would describe the project as a strategic project that takes into account much wider issues than the rail network. It takes into account social inclusion and the economic benefit to the country as a whole. It is not our place to determine whether that solution is the best one. I suggest that that is for the Scottish Executive, Transport Scotland and the ministers to determine.

The Convener: Forgive me if I am asking a stupid question, but is it possible that the rail link

could be built but that, for timetabling or other reasons, trains would not use it?

Ron McAulay: I would have thought that that is extremely unlikely.

The Convener: Use of the line will not just depend on train operators wanting to use it. I presume that Network Rail will have to give the okay because of the implications for the national timetable. I am trying to tease out what the relationship is between a train operator wanting to run a service and Network Rail allowing it, given that it will have an impact on other services that use the rail network. Do you see what I mean?

Ron McAulay: I think I see what you mean. It is probably unthinkable that we would build the rail link and not use it. The arrangements are yet to be confirmed, but I imagine that we would adopt the infrastructure and become the asset owner and operator. With the infrastructure in place, we would be as keen as anyone to make sure that it was used. Transport Scotland would contract with the franchisee—First ScotRail, at present—to run trains via the station. We would be able to accommodate that because we would find solutions to timetabling issues to make sure that the rail link worked.

The answer to your first question—whether we might build the line but never run trains on it—is no. I cannot envisage that.

Iain Smith: Is the level of rail services that TIE proposes in the indicative timetable achievable?

Ron McAulay: It is extremely challenging. We will have to rely on the outcome of the RailSys model to confirm whether it is achievable, but I am an eternal optimist and I am sure that we will find a solution somewhere.

Iain Smith: A number of people have said that there will be delays to some services as a result of the airport rail link. For example, services to and from Aberdeen might take three to six minutes longer. Do you have a feel for what impact that might have on patronage of those services by people who are not going to the airport?

Ron McAulay: You would have to direct that question to the train operators because it is they who will model the changes to patronage levels as a result of longer journey times. That is not something that Network Rail would consider in depth.

Iain Smith: But, overall, you regard EARL as something that will increase the network capacity.

Ron McAulay: I see EARL as something that offers additional flexibility and additional infrastructure in the network. It will have benefits. For example, it will help to relieve some of the pressure on the junction at Newbridge because it

will allow us to divert some trains from Winchburgh so that they go via the airport station rather than via Newbridge.

Iain Smith: You mentioned Winchburgh. West Lothian Council is concerned about whether there will still be capacity to include a new station at Winchburgh, which is part of the local plan. Does Network Rail have a view on whether that will still be a feasible option if EARL is built?

Ron McAulay: I would not rule it out. It is always a possibility. However, we have to be careful that we understand the implications of adding stations, such as longer journey times. The Edinburgh to Glasgow line is a busy line already—

Iain Smith: I am thinking more about the engineering aspects. West Lothian Council is concerned that there might be engineering reasons why it would not be possible to build a station at Winchburgh.

Ron McAulay: I know of no engineering reasons that would prevent that from happening.

Mr Charlie Gordon (Glasgow Cathcart) (Lab): You described the proposed EARL timetable as “extremely challenging”—

Ron McAulay: I used the word “challenging”; I do not know whether I said “extremely challenging”.

Mr Gordon: We can check that in the *Official Report* in due course.

Can you confirm that, until the RailSys model has produced the goods, you cannot reassure us that there will be no disbenefits to the existing railway timetable if EARL goes ahead?

Ron McAulay: That is correct.

Mr Gordon: The committee heard that the proposed EARL timetable should be beefed up to enable people who come to the airport from further afield than Edinburgh to catch flights early in the morning and late at night. Would the timetable be extremely challenging if it were beefed up in that way?

Ron McAulay: I would certainly use the word “extremely” in that context.

Christine Grahame: When the convener said that work on the RailSys model would be concluded in “a couple of months”, you said, “A few months.” What is the difference?

Ron McAulay: There are different stages in the development of the model. We have to get the model operational for the existing network and then we must add projects such as the Airdrie to Bathgate line and EARL. We will probably not be in a position to have useful information from the model until towards the end of the year.

Mr Jamie McGrigor (Highlands and Islands) (Con): What concerns do you have about security in relation to the EARL scheme?

Ron McAulay: I presume that you mean that the introduction of an airport and rail interface might generate additional concerns about security. It is for the British Transport Police to address such issues on behalf of the industry.

Susan Anderson (Network Rail): TIE and Network Rail’s security experts have been in dialogue to consider security. We are comfortable that appropriate measures would be taken that would alleviate all parties’ concerns.

Mr McGrigor: Are you worried that many people would be pushed through a tunnel? Currently, people who use the airport do not have to go through a tunnel.

Ron McAulay: There are tunnels throughout the network; operating a railway in a tunnel does not create unusual risks.

Mr McGrigor: The proposed tunnel would have a junction in it. Would it be the only such tunnel?

Ron McAulay: No, it would not be the only tunnel to have a junction.

Mr McGrigor: I thought that at last week’s meeting members were told that it would be the only such tunnel.

Ron McAulay: There are junctions in tunnels in other locations on the network. An example that springs to mind is at Birmingham New Street station.

Mr McGrigor: Is that a diesel operation?

Ron McAulay: There is diesel operation across those lines.

Mr McGrigor: How dependent is the EARL scheme on additional infrastructure elsewhere on the network?

Ron McAulay: I highlighted the issue about platform lengthening. If no platform lengthening is carried out on the Edinburgh to Glasgow line, the trains will be full at certain peak times and there will not be enough spare capacity for passengers. We also need to ensure that the rolling stock that is proposed will perform as expected, given the proposed tunnel gradients. If current journey times are to be maintained, particularly on the Edinburgh to Glasgow line, rolling stock must be considered. Such issues need to be addressed and we should not underestimate their significance.

Mr McGrigor: Is platform lengthening a straightforward procedure, or do you foresee problems in that regard?

Ron McAulay: Some aspects of platform lengthening would be pretty challenging—I am

using my favourite word again—although other aspects might be straightforward.

14:00

Mr Gordon: I have a point about rolling stock. The committee has heard some evidence that the recommendation is likely to be for class 220 diesel multiple units. Do you have a view about the suitability of that particular type of train and its ability to deal with the challenges?

Ron McAulay: I am not going to sit here and claim to be an expert on rolling stock, because that is the responsibility of the train operator rather than Network Rail, although we do have experts.

My understanding is that the necessary rolling stock is a hybrid of existing types of rolling stock—different engines with different body shells. The class 220 units are currently being considered, but I have not seen any confirmation of that.

Mr Gordon: Are we talking about off-the-shelf rolling stock? You described it as a hybrid and that sounds to me like an experiment with something that is not running on a network just now.

Ron McAulay: As far as I am aware, there is no version of this train running on the network yet.

Mr McGrigor: The House of Commons Transport Committee recently reported its views on train fares and ticketing, and it commented that value for money for train passengers had deteriorated, with inconsistent fare prices across providers and fragmented and narrower restrictions on cheaper fares. How will Network Rail ensure that there is some consistency?

Ron McAulay: Setting fares is the remit of the train operating companies and not Network Rail.

Mr McGrigor: So it has nothing to do with you.

Ron McAulay: No.

The Convener: Is it possible that the train operating companies might use the EARL scheme in a different way from that envisaged by the promoter? Instead of having through trains that come from somewhere else, might they have a train going out to the airport and then coming back in again to Edinburgh?

Ron McAulay: Timetabling is never set in tablets of stone; it will change year on year. Train patterns will change and we have to be flexible enough to take into account changes in demand and so on.

If the train operating company proposed running a shuttle service, it would be generating additional trains on the network because they would not be running on the current Edinburgh to Glasgow line. In that situation, we would have to provide additional capacity at the west end of Waverley to

cope with those additional trains. Although we are upgrading Waverley station at the moment, the capacity that we are building into the Waverley west throat will be used up by the existing planned schemes. If a proposal for a shuttle were made, we would have to consider going the next step at Waverley and upgrading it even further.

The Convener: I want to pick up on two points from your introductory statement. Could you elaborate on what you said about the scope of the project and the resource issues?

Ron McAulay: In effect, the review of the project picked up on a few bits and pieces that were associated with the airport side of the project rather than the railway side of it and which we felt had been missed out of the scope. We are in discussion with TIE about ensuring that those bits and pieces are included in the overall project. The concern relates more to what I describe as the enabling works of the project. Enabling works are the things that we have been discussing such as platform lengthening and making sure that the rolling stock is purchased and in place in time.

The comment on programme resources was not specific to EARL. It is more about the overall programme of railway projects that we have planned for the next few years. Potentially, there is the Glasgow airport rail link, the Edinburgh airport rail link, the Airdrie to Bathgate line, the Borders railway, which was just approved the other day, possibly a platform-lengthening project, the purchasing of rolling stock and so on. There are quite a number of projects all going on at the one time in Scotland. I am just concerned that we make sure that we programme it all properly and that all the resources that will be needed to deliver those projects will be in place.

The Convener: Is anyone—Network Rail or anyone else—prioritising those projects, or are we just hoping that they will all come to fruition?

Ron McAulay: We are not involved in the prioritisation of that programme. Transport Scotland would be expected to do that.

Christine Grahame: I listened to what you said about resources. Let us park the money side of it—although cost is a big issue—and talk about construction. Is it your position that there are too many projects in the basket for them all to be constructed within the timescale that is being set down?

Ron McAulay: To be frank with you, I was not even thinking about the money aspect of it.

Christine Grahame: I was—on behalf of the Scottish public.

Ron McAulay: I am sure that you were. My concern is more about ensuring that we programme the projects sensibly so that they can

be delivered as efficiently as possible. I was thinking more about the resources to design, develop and construct all the schemes. I emphasise that my concerns are not insurmountable but are about things that will need careful management. I flag them up as issues that we all need to be aware of and need to address.

For example, all the schemes will need signalling design and resources. It is to be hoped that, if we programme the jobs properly, the signalling work can be done on one scheme and then the same team can move on to another one, as opposed to all the schemes coming together at the one time and wanting the same resources at the same time, which will cause problems. It is about careful project management and ensuring that we are sensible and realistic in our approach.

The Convener: As there are no other questions, I thank you both for coming along. It has been very helpful.

We will now have a short break to enable Jim Rafferty, the chief executive of the capital city partnership, to take his place.

14:07

Meeting suspended.

14:08

On resuming—

The Convener: I welcome Jim Rafferty to the meeting and thank him very much for appearing today at short notice.

Christine Grahame: I thank Jim Rafferty for the written evidence he has provided and ask him to answer our questions to supplement it. I accept what he says about EARL not being a social inclusion project, but we are told that building the transport hub would have a large economic impact on inclusion, so I ask him to illustrate that impact in Edinburgh or beyond.

Jim Rafferty (Capital City Partnership): It is fairly straightforward and is not necessarily a complicated equation. My view, based on experience here and furth of Edinburgh, is that inclusion benefits generally derive from and are associated with economic development and prosperity. The most clear-cut link between the two is in the case of jobs, specifically sustainable jobs, that can be created through the project. The main benefits will derive closer to the facility. None of that is particularly complicated.

Christine Grahame: Do you think that the project is Edinburgh-centric and provides fewer benefits to the rest of Scotland?

Jim Rafferty: It will benefit Edinburgh, south Fife and the rest of east-central Scotland. That is the logical geography of the airport.

Christine Grahame: Does a project of this sort provide the kind of jobs that lift people out of unemployment or very low-paid work?

Jim Rafferty: It can. Because jobs will be provided on such a scale, there will be a lot of layering in the types of jobs that will be available. All of them are useful to people who operate in that job market. I am thinking not of the quick-hit construction phase, but of the jobs that will be associated with an enhanced, enlarged airport facility. If one impact of the rail link and the enhancement and enlargement of the airport and its effectiveness is an increase in inward tourism, the additional jobs that will come in that sector will be especially useful as entry-level jobs. There will be a wide range of jobs of the type that we can use well in this labour market.

Christine Grahame: I want to press you on direct employment at the airport. I do not know what the current figure is, but you say that it

"is projected to grow to 5,700 in the medium term".

I do not know what the medium term is.

Jim Rafferty: The figure comes from questions that the committee put previously to the promoter. I have taken it from that background paper. The current figure is about 2,300. The medium term to which I refer is about 2013. Again, I am just citing the background paper. The longer term is 2030.

Christine Grahame: You may not know this, but how many of the 2,300 jobs are held by people based in Edinburgh?

Jim Rafferty: I genuinely do not know that.

Christine Grahame: Perhaps we can pursue the issue. I would like to know what the current breakdown is.

Mr McGrigor: In the second-last paragraph of your submission, you say that the increased accessibility benefits that the promoter asserts

"are less direct and persuasive."

Can you elaborate on that comment?

Jim Rafferty: Again, the answer is fairly straightforward. It relates to my primary point, which is that, in respect of social inclusion, the primary effects and benefits of the project are financial, economic and related to jobs. The addition of a rail link to the airport may benefit some people with mobility issues, but that is a much less direct and substantial foreseeable benefit. It will not do harm, but it will not provide a solid primary benefit.

Mr McGrigor: Are the skills that are needed for the predicted new job opportunities that the promoter asserts will be facilitated by the EARL scheme already available in the area?

Jim Rafferty: In my view, they are available in the immediate and surrounding areas. I suspect that the project will not create a large number of jobs that have skill requirements that cannot be met in the local labour market. That is part of its attraction. The main benefit of the project is that, if it is properly managed, jobs can be filled and tasks can be done by our tapping into an untapped existing labour pool within the working-age inactive population in and around the area of the airport.

Mr McGrigor: In your view, what is the key job creation benefit of the bill?

Jim Rafferty: Simply that—the creation of more jobs that can be planned and that are sustainable serving areas where the availability of those jobs can pull people into the labour market. The point is not complicated. I am tending to repeat myself, but that is the straightforward fact of the matter.

Mr Gordon: What actions do you suggest the promoter and the owners of the airport take to enhance the social inclusion benefits at the airport and from the scheme?

14:15

Jim Rafferty: Again, at the risk of repeating myself, the issue goes back to managing the jobs and exploiting them to their best capacity. A managed, partnered process between the promoter, BAA and the public sector would mean that we could manage and plan the development of the jobs and match them to the population that we want them to match to—rather than just leave that to chance. That would maximise the benefit.

Mr Gordon: So you are looking for an opportunity for your organisation to sit down with the promoter and the airport operator to target the employment opportunities?

Jim Rafferty: I will seek that opportunity if the project goes through and I think that others in my position should as well.

Mr Gordon: I might be asking you to repeat yourself, but can you comment on the benefits to people on low incomes of having the public transport provision that this scheme will bring about?

Jim Rafferty: That depends on the price of the public transport, to be perfectly frank.

Mr Gordon: That was going to be my next question—I thought that I could get you to comment on the impact of integrated fares and the price of fares on social inclusion. Could you expand on your view?

Jim Rafferty: I do not know how much I can say in that regard. I doubt that there is much harm that it can do. It will probably bring about benefits, but I

have not seen a study that leads me to say how beneficial it would be.

Mr Gordon: In your organisation's operational experience of working with socially excluded people, does the price of accessing public transport come up as an issue for your clients?

Jim Rafferty: It does, as does the ease of accessing a workplace. If the proposals affect access in that sense, that will be a benefit. If it does so at a reasonable price, that will be a benefit as well.

Christine Grahame: You have said that the benefits

“are likely to accrue geographically to Edinburgh and South Fife, East Central Scotland and the Lothians and the rest of the central belt in roughly that order.”

You exclude the Borders and the south of Scotland. Will those areas get no benefits?

Jim Rafferty: They might, but they would probably come at the end of that list.

Christine Grahame: After the rest.

Jim Rafferty: Those areas would benefit as much as the other areas that are not on that list. I apologise for the exclusion of those areas. The important point is to do with access to the line.

Christine Grahame: I am thinking of the Waverley line being part of the network, which would enable people to access work—

Jim Rafferty: I have not taken that as a given at this stage.

Christine Grahame: Neither have I.

The Convener: Are there any points that the committee has not covered that you want to stress to us?

Jim Rafferty: No.

The Convener: I thank you for giving up your time and coming to the committee.

That concludes agenda item 2.

At our meeting on 23 May, we agreed that, prior to taking oral evidence from the promoter's witnesses, the committee would briefly move into private session to allow us to reflect on the issues that have arisen from oral evidence this afternoon and to consider which questions we want to pose to the promoter.

14:18

Meeting continued in private.

14:36

Meeting continued in public.

The Convener: I welcome everyone back to the meeting—thank you for your patience. The final panel for this afternoon's meeting comprises witnesses for the promoter. To respond to questions on transport interchange and rail operations, we have Susan Clark, the project director for TIE Ltd; Alan Somerville, the commercial manager for heavy rail with TIE; Gary Coutts, the railway engineer manager with Scott Wilson Railways; and Trond Haugen, the transportation manager with Fife Council and the chair of the south-east Scotland transport partnership rail group. I thank them for taking the time to come to answer our questions. As in previous weeks, we will direct the questions to Susan Clark, who will either answer them or pass them to the most appropriate person.

Mr Gordon: I refer to the evidence that we received a short while ago from Network Rail. Among other things, we were told that Network Rail cannot comment on the impact of EARL on existing railway timetables until it has completed the modelling on its new RailSys system. You will understand the potential difficulty that that gives the committee in relation to our timetable. Do you wish to comment on what Network Rail said and the implications for the project at this stage?

Susan Clark (TIE Ltd): Yes, I would like to comment. I fear that Network Rail may have left the committee with the impression that it has been engaged in the project for only the past few weeks, so I would like to set the record straight on that. Network Rail, which was Railtrack at the time, commissioned the first report into the development of a rail link to Edinburgh airport in 1999. That first report, which was a feasibility study on what in effect was the runway tunnel option, was produced in conjunction with BAA. During the work on the subsequent report by Sinclair Knight Merz, which examined a range of options for rail links to Edinburgh and Glasgow airports, Railtrack and Network Rail—the work was done at the cusp, when Railtrack turned into Network Rail—were consulted on the options and provided advice to SKM.

Since May 2003, Network Rail has been involved in the project at several levels. First, it has been represented on the operating group, which is a group of key stakeholders involving Network Rail, the Scottish Executive, SESTRAN, ScotRail and TIE. Network Rail has been involved in the steering of the project throughout the process. Since October last year, Network Rail has been represented on the project board.

Since May 2003, Network Rail has been part of the timetable development group that was chaired

by Alan Somerville, who sits on my right today. The group looked at timetable options, albeit based on the model that Network Rail used for timetabling at that time. Last year, Network Rail carried out a peer review of the design of the project upon which we based the bill.

I hope that that clarifies Network Rail's involvement in the project to date.

Mr Gordon: Yes, indeed, and you have covered several additional questions that I had for you. Mr McAulay of Network Rail said in effect that most of Network Rail's concerns about EARL are on the airport side. Do you want to comment on that?

Susan Clark: I think that he was referring to the reprovisioning of facilities such as aircraft stands and helipads at the airport. We have taken due cognisance of those facilities and provision will be made within the contingency fund to allow for their reprovisioning. The facilities would need to be moved as a result of EARL, but potentially also because of BAA's expansion plans.

Mr Gordon: Right, but what you describe are not show-stoppers in the context of Edinburgh airport's plans for the future of its terminal buildings.

Susan Clark: No. Just as we have worked closely with Network Rail on the project, we have worked closely with BAA. We set up separate work streams to look at the impact of the project on both BAA and Network Rail operations. We have identified the facilities that would need to be reprovided to BAA.

Mr Gordon: I think that I am right in saying that Edinburgh airport still objects to EARL at the moment. Is what you just said likely to have any impact on its stance as an objector?

Susan Clark: We will continue to work with BAA as an objector to deal with its concerns and to try to remove its objection.

Mr Gordon: The House of Commons Transport Committee produced a report on train fares and ticketing in which it described two pricing policies, both of which are geared to maximise revenue. Would the promoter recommend a high rate per mile or a lower, competitive, rate per mile approach to ticket pricing?

Susan Clark: To date, the promoter has established a fare that maximises both revenue—as far as we can see—and patronage. We placed the fare at the point where we would get most people using the rail link and that would generate the highest level of benefit for the project. Perhaps Trond Haugen has something more to say about rail fares.

Trond Haugen (South-East Scotland Transport Partnership): The proposed fares are lower than those for going all the way into

Edinburgh, but not that much lower. They fit in with the existing fare structure and therefore with the policies of Transport Scotland and First ScotRail.

Mr Gordon: Are they consistent with the view that Mr Renilson gave the committee a week ago? You will remember that we questioned him specifically on ticket integration and other aspects of fares policy.

Susan Clark: At that point, there was some confusion about whether an integrated fare was more expensive than two standalone fares. Whether buying a combined ticket would be cheaper than buying separately the rail and bus portions of the ticket was explored.

Mr Gordon: Okay. You indicated your expectation that the railway works will ultimately be vested in Network Rail. Have you considered the possibility that Network Rail might decline to take over ownership of EARL, or operational responsibilities, upon completion—or, indeed, agree to operate the scheme only in part?

Susan Clark: I find it difficult to believe that Network Rail would refuse to accept EARL into its regulatory asset base. I know from experience that it is difficult to operate a network when a part of it is owned, maintained and operated by a third party. I think that Network Rail will share my view. It is our view that Network Rail is most likely to adopt the infrastructure. If the question were asked of Network Rail, I think it would confirm that view.

14:45

Mr Gordon: But do you have a contingency plan if there is difficulty in your negotiations with Network Rail?

Susan Clark: There will be negotiations between Network Rail and Transport Scotland, which is the paymaster for Network Rail in Scotland. I do not think it is likely that a third party will own and operate a piece of the infrastructure that is so integral to the overall Scottish rail network.

Christine Grahame: I seek clarification. You have made what I would have to call a lengthy rebuttal of what Network Rail said. The RailSys report will not be available until December 2006. Can the committee recommend the general principles of the bill before that report is made public?

Susan Clark: If I may, I will go back a bit. As yet, we have not fully developed the timetable modelling that we have developed in isolation. It has been developed using the standard industry tool that was in place at the time; Network Rail was involved in its production. We are confident that the timetable model that we have produced is

robust. Mr McAulay outlined the need to look cumulatively at all the projects, to assess their overall impacts. Network Rail introduced RailSys fairly recently as its modelling tool. We have recently introduced it into the EARL project to ensure that we develop the timetable using the same standard tool as Network Rail is using.

In any case, as well as understanding the impact of all the other projects—not just EARL—we have to understand the performance improvements that Network Rail is obliged to make to the network under its regulatory regime. The figures that Network Rail provided me with show a predicted 18 per cent improvement in delays on the east of Scotland part of the network before EARL is even introduced. Although there may be an impact from EARL, there is also the underlying improvement that Network Rail is delivering in any case. That should be built into the timetable model.

Christine Grahame: Thank you for that full answer. Can I have a straight answer to my question whether the committee can recommend the general principles of the bill before the Network Rail report is made public?

Susan Clark: You have had assurances from Mr McAulay that there are no insurmountable problems. He said that he sees no show-stoppers. We agree with him in that respect.

Iain Smith: I have a follow-up question on the ownership of the infrastructure. I understand that Network Rail will take over the rail lines, signalling and so forth, but who will own and operate the station at the airport?

Susan Clark: It is likely that the station will fall into the category that most other stations fall into, which is of being leased to and managed by a train-operating company.

Iain Smith: So, in effect, it will come into the ScotRail franchise, whoever the current franchisee is?

Susan Clark: Yes.

The Convener: I will follow on from Charlie Gordon's question at the beginning of the session. Were you surprised at the answers that we got from Network Rail?

Susan Clark: I am concerned that Network Rail gave you the wrong impression about its level of involvement. Obviously, because we work closely with Network Rail, we are aware of its concerns about timetabling and so forth. Network Rail is on the project board. I am concerned that the committee may be left with the wrong impression about its level of engagement.

The Convener: That is exactly why I asked the question. You have said clearly that Network Rail has been involved in the project over a long period of time and that it is on the project board. I would

have thought that any concerns that it had would have been well articulated at those meetings. The impression that I got—and, indeed, the impression that the rest of the committee got; I think that I speak for the rest of the committee—is that Network Rail has major concerns about the project. Its representatives did not make it sound as if Network Rail had been as involved in the project as you have suggested. We are struggling to understand why we should be given two such different versions of the story.

Susan Clark: These issues are raised through the project board. That is all that I can really add.

The Convener: Okay. Are there any other questions on the transportation aspect?

Christine Grahame: Convener, I wonder whether it might be appropriate to recall Network Rail either today or at some other point so that we can resolve the discrepancy—it might, perhaps, be inadvertent—between the two sets of evidence.

The Convener: I suggest that we write to Network Rail about the issue, but we can discuss that later.

Christine Grahame: Yes, I just wanted to put the matter on record.

The Convener: Okay. I thank Trond Haugen and Alan Somerville, who will now leave us. I thank them both for their attendance this afternoon.

They will be replaced by three more people: Bruce Rutherford, who is project director for the Waverley railway project at Scottish Borders Council; Marwan AL-Azzawi, who is principal transport planner at Scott Wilson Railways; and Gail Jeffrey, who is senior project manager at Scott Wilson Railways.

We will now address issues of social inclusion, mobility and access. Iain Smith will start us off.

Iain Smith: I have a general question about the accessibility of other rail stations. How dependent is the accessibility of EARL on upgrades to accessibility at other stations such as Haymarket, where there is a long-standing issue about disabled access to platforms?

Susan Clark: Our written evidence shows that 62 stations—69 stations if we include the Borders rail link that was approved last week—will have direct access to Edinburgh airport via EARL. At those 62 stations, we have identified the accessibility issues, such as the need for disabled access ramps. Station operators are required to ensure that their facilities comply with the Disability Discrimination Act 1995. Gail Jeffrey might want to expand on that.

Gail Jeffrey (Scott Wilson Railways): Details on the stations that are accessible are given in table 9.1 of our written submission.

Iain Smith: Which key new geographical areas of employment does the promoter believe will become accessible through the operation of EARL?

Susan Clark: Employment will be generated at a number of levels. As we heard from Jim Rafferty earlier, EARL is not a social inclusion project per se but it will facilitate social inclusion through job creation. It will do that at a Scottish level by providing an uplift in the Scottish economy. Through that uplift, it will provide additional jobs throughout Scotland, especially in tourism, which provides eight jobs per additional 1,000 tourists. In Edinburgh city region, people will be able to access additional jobs, which will be created both at the airport and as a result of the economic growth pole that airports tend to be. In Edinburgh itself, people will be able to access those jobs.

Bruce Rutherford will explain how that translates into areas further afield.

Bruce Rutherford (Scottish Borders Council): I thank the committee for the invitation to give evidence today.

EARL will enhance the Borders rail link, so I want to concentrate on that. We have always seen EARL as a bonus and as an add-on to the Borders rail link. All the economic assessments that were carried out on the Borders rail link were done without reference to EARL. If EARL is brought on stream, the Borders will be connected not only to the vibrant economy of the city of Edinburgh but to places beyond that. EARL will open up the Borders and give the area better access because people who land at Edinburgh airport will be able, through EARL, to get a direct link to the Borders. There will be two-way traffic; the traffic will not go just one way.

With so many people commuting nowadays and with people being prepared to travel further afield, we believe that people will travel from the Borders to Edinburgh and places further afield, such as West Lothian, to which they will have a direct link through EARL. The growth in jobs in those areas will be beneficial to the Borders. However, we believe that jobs will also travel in the other direction and that the Borders will have growth industries as well. We are trying to create jobs locally through our own railway and through any other railway that will have a direct connection with it.

Susan Clark: Marwan AL-Azzawi might also want to add to what we have said.

Marwan AL-Azzawi (Scott Wilson Railways): I will add a little to Bruce Rutherford's comments about the benefits further afield. The analysis shows that there will be benefits to places such as Glasgow, Fife, the Lothians, Dundee and places further north.

Iain Smith: Do you have any information on current patterns of where the people who work at the airport or who have jobs that are linked to the airport come from? Do you expect that catchment area or that footprint to increase with EARL?

Susan Clark: I am not sure that we have that specific detail available, but I will pass over to Marwan AL-Azzawi.

Marwan AL-Azzawi: Susan Clark is right: we do not have that information to hand, although we have the figures for that and we are happy to supply them to the committee. However, as a broad-brush answer, the accessibility modelling shows that the new services that will stop at the airport will increase the present catchment area for jobs by 17 per cent. At present, there are about 2,400 jobs at the airport, but the figure is set to grow to 9,000. Therein lies the crux of the issue, which is that the catchment area for jobs is at present restricted because of restrictions on the accessibility of the airport. When EARL plus some of the other projects that are in the pipeline are introduced, the catchment area will be widened. We cannot compare like with like when we start to look into the future.

Iain Smith: One of the fairly obvious aspects of jobs at the airport is that they tend to start early and finish late. Obviously, travellers cannot come to the airport unless there are people there to deal with them. How will the workers who need to be at the airport early in the morning or late at night be serviced by EARL, if at all?

Susan Clark: Not all the jobs at the airport start early and finish late. In the analysis with which we will provide the committee on where people come from, we will include information on the range of high-skill and low-skill jobs and on which of those jobs start early in the morning and finish late at night.

Iain Smith: Your written evidence states that 64 per cent of the Scottish population in 14 local authority areas will have access to Edinburgh airport through EARL. What options will the other 36 per cent of the population have for accessing Edinburgh airport?

Susan Clark: That figure takes into account locations that have a station that will provide direct access to Edinburgh airport. For other locations in Scotland, access will be possible, but with an interchange. For example, people in the south-west of Scotland will be able to travel to Glasgow and on from there. I am not sure that we understand what percentage of the population the possibility of interchange brings into the catchment area, but we have tried to demonstrate that, with EARL alone—without any connecting services—64 per cent of the population will be given direct access to the airport through a station.

Iain Smith: The Disability Discrimination (Transport Vehicles) Regulations 2005 will come into force on 4 December 2006. Have you taken those regulations into account?

Susan Clark: I will pass that to Gail Jeffrey in a minute. We have reviewed that documentation. We will ensure that the new regulations are considered in our work with Transport Scotland on the development of the rolling stock strategy. I have spoken previously about the rolling stock specification that we have given to Transport Scotland, part of which is that the rolling stock must be DDA compliant.

15:00

Gail Jeffrey: Those regulations are connected largely with rolling stock, but we should consider how people will access the rolling stock. The station will be fully accessible and fully DDA compliant. There will be ramped access and lifts for mobility impaired people. Research shows that one in five of the Scottish population could be termed as disabled. Of that group, about 70 per cent have mobility problems and the remainder have other disabilities such as hearing and sight impairments or learning difficulties.

We are working on an all-inclusive and accessible design. We are looking at installing induction loops and ensuring that the ticket office windows are at different heights. We want to ensure that signage is clear, that lighting levels are appropriate and that surfaces are not glossy, but matt, to avoid reflection.

We are looking at how station throughput will work. In the next design phase of EARL, we plan to model the throughput of passengers—those with impairments as well as able-bodied people—to see how it would work both in normal operation and in emergency situations when we would have to evacuate the station, for example.

Christine Grahame: You said that there would be a 17 per cent increase in the catchment area. Will you put that into a geographical context? How will EARL embrace places that were not reached before?

Marwan AL-Azzawi: At the moment, the catchment area includes Edinburgh, the rest of the Lothians, parts of the Borders, Fife and Stirling plus further afield places depending on how far people are willing to travel. The area could go as far as Glasgow, for example.

Christine Grahame: I have no problem with paragraph 206 of your submission on social inclusion, where you say:

“high zero car ownership areas such as Craigmillar, Leith, and Pilton are also important employment catchments for the new employment opportunities”,

but I get the feeling that the job opportunities will be very Edinburgh-centric. I need evidence that such opportunities will spread out further. For example, in relation to the 62 stations that will have direct access to the airport—some of which will be in the Borders, God willing—what kind of research has been done to find out whether people have the necessary skills to take advantage of the jobs that will be created?

Susan Clark: We are doing a project on skills with Careers Scotland. At the moment, it is focusing on the vicinity of the EARL project and taking it into local schools to open the eyes of both primary and secondary pupils to opportunities in employment, particularly in science and engineering. We are also about to start discussions with the Edinburgh construction academy about upskilling people for the construction roles in Edinburgh. I will pass over to Marwan AL-Azzawi who will speak about the wider skill set.

Marwan AL-Azzawi: To answer the question about what research has been carried out to look at skills, we have spoken to various organisations as part of our accessibility and social inclusion analysis, including Jobcentre Plus. We have also spoken to other local authorities that are charged with pursuing that agenda. We identified the wards in the catchment area that is likely to benefit directly as a result of the scheme. Of the 50 worst social inclusion wards, 14—15 if we include that on the Waverley line—will have direct access to the airport as a result of EARL. Those are very big win-win situations. Consultation was also undertaken with the relevant stakeholders.

The committee heard this morning from one of the witnesses that they share our lack of concern about having the necessary skills base already in existence. We are receiving the same message.

Christine Grahame: Not everybody lives right at the station. What percentage of the people who live within range of the stations that are to be connected to the airport will have to use other public transport to get to the station to get on the train to take them to Edinburgh airport? Given that we are talking about making an early start and having a late finish, will people be able to get home at night or to the airport early enough in the morning? What kind of analysis has been done of that?

Marwan AL-Azzawi: The table to which Gail Jeffrey referred—table 9.1—lists the populations that will be within a 10-minute walking distance of a station that links them to the airport rail link. About 2.1 million people live within a 10-minute walking distance of those existing stations. That is a significantly large number of people. If we look at a slightly wider catchment area, we end up with 3.2 million people who will be within 20 to 30 minutes' walking distance of such a station.

Christine Grahame: I am talking about people who will use the line for working there—

Marwan AL-Azzawi: Those people are included in the figures. All the stations that are listed in the table are used not only by visitors but by commuters, people who work at the airport and people for whom it will be easy to take up a new job at the airport. The figures include not just the general population but the people whom we discussed earlier.

Susan Clark: Is Christine Grahame referring to people who are likely to take up employment at the airport?

Christine Grahame: Yes. If the airport will develop because of the station, how many people will use the station as a means to get to their work? I am asking about the job opportunities that will result from the line rather than the wider issues of tourism and so on.

Susan Clark: Is the question how many of the predicted 9,000 jobs will be created through the expansion of the airport and how many of those people will access the airport by rail because of EARL?

Christine Grahame: Yes. Also, how many of those will be required to access public transport to get to their local train station in the first place? How will such connections fit in with people's working hours, shifts and so on? That is an important issue. If EARL is to provide not just Edinburgh-based jobs but to spread the jam further—and not too thinly on the periphery—we need to find out how much analysis has been done on that. From this very expensive project, I want to see benefits for the wider Scottish economy.

Susan Clark: We need to remember that a main driver or policy objective for the project is growth of the Scottish economy. Bruce Rutherford will answer the question.

Bruce Rutherford: One of our main objectives in the Borders links in with Ms Grahame's idea. We have already started discussions with bus companies in the Borders and Midlothian on the important issue of integrating bus timetables and train timetables. That would be a direct benefit to EARL because the buses start earlier in the mornings than the trains. Our earliest train, which will start at about 6.30 in the morning, will get people to Edinburgh for a 7.30 or 8 o'clock start. However, the buses run earlier than that. We want to ensure that people have a direct link to the train service through feeder buses so that they can then travel into the city by train. I am sure that that could also be replicated in the other areas surrounding the city.

Christine Grahame: That was my next question. To what extent has the promoter sought

to ensure that local transport strategies, such as Bruce Rutherford's strategy in the Borders and strategies elsewhere in Scotland, spread the benefits of accessibility as far as possible?

Susan Clark: We have spoken to a number of organisations around Scotland that feed into local transport strategies and we will continue to do that. As the committee has seen, Trond Haugen from SESTRAN has provided evidence on our behalf. SESTRAN has been involved quite heavily in the development of EARL as it has progressed. We will continue to have those discussions with regional transport partnerships on the development of local transport strategies.

Christine Grahame: If the predicted increase in air traffic did not happen for a variety of reasons, such as environmental costs, fuel costs and so on, what impact would a reduction in predicted passenger growth have on the predicted job numbers? We have been painted a rosy picture of 9,000 jobs being created over 30 years. How many jobs might be created if there was a reduction in predicted passenger growth levels?

Susan Clark: We have already provided some analysis to show the drop in growth that would be required to bring EARL's benefit cost ratio down—

Christine Grahame: I want to know not about the benefit cost ratio of EARL, but how such a drop in passenger growth would impact on jobs. I want to tease that out from the previous diagrams that we were given. Is there a figure for that?

Marwan AL-Azzawi: Before I answer that, I want to correct something. The 9,000 jobs estimate comes from the introduction to BAA's master plan. The number of jobs that we estimate will be directly attributable to EARL will be up to 3,300. Our written evidence states that up to 800 of those jobs will be at the airport.

Christine Grahame: I am looking at table 7.1, in paragraph 206 of paper PROM(P) 1D, which is part of the promoter's response to the committee's questions. That is where the figure of 9,000 jobs came from—it is the projected number of jobs that will be supported directly by the airport in 2030. You are saying that those are BAA's figures and that you do not endorse them.

Marwan AL-Azzawi: We have no reason to query those figures. If BAA believes that Edinburgh airport's master plan will generate 9,000 jobs, that is fine. Those jobs will not be generated by EARL, but by the master plan for the expansion of the airport.

Christine Grahame: I understand that now. Were you going to say something else?

Marwan AL-Azzawi: Yes. The answer to your question about the impact of a drop in the predicted growth in air passengers is that the

analysis showed that, using the business-case assumptions methodology, growth in air passengers would have to drop by 55 per cent to reach a break-even point in the business case. Using that as a rule of thumb, the growth would have to drop by 55 per cent to reach—

Christine Grahame: Neutral.

Marwan AL-Azzawi: There would be a mixture of pluses and minuses overall from the economic point of view, but that does not mean that there would be no benefits for social inclusion or accessibility. However, purely in economic terms, the predicted growth in air passengers would have to drop by 55 per cent.

Christine Grahame: Do you mean for the impact on jobs to be neutral?

Marwan AL-Azzawi: Yes.

Christine Grahame: That is what I wanted to know.

Mr McGrigor: In paragraph 208 of paper PROM(P) 1D, figure 7.1 illustrates zero car-owning household access to Edinburgh airport. The figure includes many areas that are not served by a heavy rail link, such as Drylaw and Restalrig. How will EARL assist accessibility from those areas? Is the situation illustrated in figure 7.1 representative of other areas that EARL will serve?

Marwan AL-Azzawi: I do not want to get into the technicalities, but many people are termed public-transport captive, which means that they do not own a car or have access to a car because they are part of a one-car household and the car is used by the main breadwinner in the family. EARL will provide direct connectivity to the airport but, as we said earlier, people could also use it as a means of travelling to an interchange point for other destinations. On comparisons with other places, we find that EARL will increase the catchment area by 14 per cent, which in our experience is a good result for a heavy rail scheme in Scotland.

Mr McGrigor: You have talked about jobs, but how many of the job creation benefits that are claimed for EARL will arise as a result of job growth at the airport rather than as a result of the EARL scheme?

Susan Clark: Marwan AL-Azzawi has just mentioned a figure of about 3,000 jobs.

Mr McGrigor: I know that he mentioned that, but can you give us a comparison of how many jobs will come from EARL and how many will come from growth at the airport?

Susan Clark: I think that Marwan AL-Azzawi said that we predict 3,000 jobs as a result of EARL and that the airport predicts that there will be 9,000 jobs there.

Mr McGrigor: So the 9,000 jobs will all be at the airport.

Marwan AL-Azzawi: Yes. EARL will not benefit only job creation at the airport; it will have much wider national benefits. We have talked about the journey-time savings that will be generated. Those will filter through to efficiency gains for businesses, which will also benefit. That is one of the factors that will lead to EARL generating 3,300 jobs.

15:15

Mr McGrigor: Will pricing policy be geared to attracting the socially excluded?

Susan Clark: Fares policy for the project is a matter for the rail operator and Transport Scotland, although we have done some analysis of fares. Fares policy will be part of the franchise requirement once EARL is introduced.

Mr McGrigor: Please elaborate on the steps taken to ensure that information provided about the new EARL service is accessible to all, including those who are partially sighted, deaf or with hearing difficulties.

Susan Clark: At present, we have a fairly substantive website that provides people with a contact number that they can phone for information in different formats, such as in Braille or in a recorded format or in a different language. We have made that facility available to people who want access to information on EARL.

Going forward, we will work with train operators as part of our work on accessibility to look at the forms in which information is made available.

Mr McGrigor: What consideration has been given to ensuring that the lifts between the station and the airport will be secure, crime free and clean?

Susan Clark: As we said already, everything that we provide will be DDA compliant. Gail Jeffrey will give further details on those measures.

Gail Jeffrey: The operator will be able to ensure that the station and the lifts are maintained to an acceptable standard because of the staffing of the station. As the station will be below surface, staff will be present both at the high level, where the ticket office will be located, and down on the platform level. To a certain extent, the operator will have people who will be constantly monitoring the situation in the station at both high level and low level. That should eliminate the possibility of vandalism and of people making a mess of the station.

The Convener: Continuing on the issue of the station design, which mobility and access stakeholders will be consulted to ensure that the station design is absolutely right? Gail Jeffrey

referred earlier to the types of material that will be used in the station to reduce glare and reflection, but what plans are there to involve people in the design of the station so that we get that right?

Susan Clark: Obviously, MACS has given us information on access consultants. We propose to employ an access consultant to ensure that those considerations are built in at the design phase. We appreciate that the members of MACS are busy people but we look forward to continuing dialogue with them on the development of the station. The next phase of design, which will get much more into the detailed design of the station, will be an opportunity for us to involve those people on access issues.

The Convener: I have another short question, which I want to ask for own my benefit. Paragraph 215 refers to

"the DfT's ... criteria of a Category C Station".

What is a category C station? Is it a high category or a low category?

Susan Clark: I will pass that to Gail Jeffrey.

Gail Jeffrey: Stations throughout the British network are categorised from A to F. For example, a major station such as Edinburgh Waverley might be a category A station. Essentially, a category C station is considered a regional hub station. Exceptionally large stations, of which there are probably about 25, are category A stations—

The Convener: Sorry, was that A or E?

Gail Jeffrey: A.

Category B stations, of which there are about 60, are regional hubs. EARL will be in the next category—category C—of which there are about 200 stations. Those tend to be staffed stations with interchanges. They tend to have good facilities, including customer information facilities, seating, telephones and, in areas where no other toilets are available, a public toilet. The category of station is based on the throughput of the station and the level of facilities expected at the location.

Iain Smith: I am not convinced that there are 200 stations that meet those criteria in the United Kingdom. Can you give us examples of such stations in Scotland so that we can get an idea of the sort of stations you are talking about? If there is none in Scotland, ones in England might do because some of us might have been to them.

Susan Clark: Can we come back to you?

Iain Smith: It would be useful to get an idea of what you mean.

The Convener: We do not need an exhaustive list of 200.

Susan Clark: Perhaps a couple of examples of category A, B and C stations.

The Convener: It would be helpful if you could give us examples of such stations in Scotland, because there is a good chance that we will have been to them and know what they are like. That would enable us to get a feel for what the category label represents.

Can you elaborate on how the planned implementation of EARL will permit local authorities and local transport partnerships to link local transport initiatives to the perceived accessibility benefits of EARL? Can you provide any examples of where that has happened or will happen?

Susan Clark: Can you repeat the first part of the question?

The Convener: It is about how the implementation of EARL will permit local transport partnerships to link local transport initiatives to the perceived accessibility benefits of EARL.

Susan Clark: Obviously, we have spoken to a number of organisations and we will continue to speak to the regional transport partnerships during the development of the project. They are all at the stage of developing their local transport strategies. We will work with them to examine how EARL fits into those strategies. Local authorities such as Perth and Kinross Council and Fife Council have already adopted EARL in their structure plans. The regional transport authorities will take on board the structure plans and consider the transport that is required as a result.

Bruce Rutherford: I can give a practical example. Scottish Borders Council is trying to attract an International Rugby Board sevens event to Melrose. Melrose is only three miles away from Tweedbank. We are planning how to get people who come off trains at the end of the line at Tweedbank to Melrose, which is three miles away. That is a practical example of how we deal with such matters.

Christine Grahame: As a supplementary to that, can I ask—

The Convener: I trust that you are not going to mention the railway on which you have taken a vow of silence.

Christine Grahame: I will not mention it—I have taken a vow of partial silence. The lady is for turning.

On accessibility for the disabled and people who are partially able to do things, I will take as an example people in the Borders getting to Tweedbank. Many buses in the Borders are not low-floor buses, as the fleet in the Borders is not the most modern. How will accessibility be ensured when people might travel on a train service that is accessible but then find that the bus is not? There might be an accessible bus at the

start of a person's journey to Edinburgh airport and an accessible train service, but when they come back, the bus home may not have low-floor access. How do you build that into a transport strategy so that people know that they can get back?

Bruce Rutherford: There are 14 bus operators in the Borders, but the main one is FirstGroup. It so happens that the ScotRail franchise changed over to FirstGroup. There is therefore good integration between bus and rail—at least, there should be.

In our area about 50 per cent of bus services are under contract. For those that are under contract, we can almost write into the terms of the contract what type of bus runs and when buses have to turn up. Therefore, we have a bit of control over 50 per cent of the bus services in the area. The other bus services should take a look at the higher level of service that is being provided and should try to copy it. Of course, that is the theory, and it is not always easy to manage to achieve that in practice. As local authorities, we try to set an example and deliver buses with floors that lift and lower to make it easier for people to get on and off. We have partial control over the operators of the buses if they are under contract to us and subsidised.

Christine Grahame: I have heard of people who catch low-floor buses to go somewhere but then find that they cannot get back. People who do not live right beside a station will have to get there on a low-floor bus, but they may find that they cannot get a low-floor bus to take them back home again. That will happen not only in the Borders but in rural areas all over Scotland, as well as in urban areas.

Bruce Rutherford: We are trying to ensure that bus operators provide the most up-to-date buses. Some operators are easy to deal with, are practically minded and will offer assistance, but others are harder to convince, for whatever commercial reasons.

Gail Jeffrey: Under the Disability Discrimination Act 2005, bus operators will be required over a period of time to put plans in place to modify their fleets.

Christine Grahame: But that is for 2020, is it not? That is a long way off.

Gail Jeffrey: It is a phased approach.

Christine Grahame: “A phased approach”? You should be a politician. The usual expression is “soon”, and then we see how long soon is. But this is a serious issue for people.

Gail Jeffrey: Yes, it is.

Christine Grahame: I want to ask about another issue that affects not only disabled people

but elderly people, who become more fragile as the years go on. How will EARL simplify access to air travel for disabled people if their local station is not DDA compliant? I am thinking of high steps to get on to trains, for example.

Susan Clark: ScotRail's "Disabled People's Protection Policy" explains how to access stations in the ScotRail network and how to use ScotRail's facilities. The document is already available.

Mr Gordon: The infrastructure of many railway stations is Victorian, and stations are often built into cuttings or high up on viaducts. Re-engineering stations to make them compliant with the DDA, so that people with mobility impairments can gain access, can be expensive—especially when compared with projects that may bring wider benefits. Has the promoter considered addressing such off-site issues? Are there some stations for which you feel you should provide some help?

Susan Clark: The promoter has not considered any infrastructure alterations to stations throughout the network. Currently, the rail operators provide assistance to people who require to use the facilities. The operators are required to be DDA-compliant. The ScotRail documentation says that, where it is not possible to alter the infrastructure, ScotRail will attempt to put in place alternative means of access. The EARL bill has not allowed for infrastructure enhancements at locations that are not currently DDA compliant.

Christine Grahame: I hope that I am right in saying that every bill that goes through this Parliament must not discriminate on the basis of gender, race, age, sexual orientation, marital status or religion. How have you determined that the EARL bill does not discriminate on any of those grounds? For example, you might have a fares policy that offers families or couples a discount. It is difficult to define "family" these days, although it is getting easier to define "couple".

Susan Clark: It will be for Transport Scotland and the franchisee to regulate fares policies. I point the committee to paragraphs 466 and 467 of the promoter's written evidence, which explain how we have not discriminated on the basis of gender, race, age, disability, sexual orientation, marital status or religion. One of the policy objectives is to enhance social inclusion.

Christine Grahame: I am glad that you added age, which I think I forgot. Having done all this stuff about a growing fragile elderly community—which I am joining quickly as I sit in the Parliament—I think that it is important to add age.

Before I move on, I will ask about the fares policy. You are right to say that the fares policy is for the transport provider, but is there no role for TIE in determining it?

15:30

Susan Clark: We have analysed the fare that we think is reasonable for accessing the airport. All the evidence shows that we are not considering a high premium fare for access to EARL. That information is available to Transport Scotland and will be available to it in setting fares.

Christine Grahame: Does that process include group fares, family fares and couple fares, for example? Does it go into such detail?

Susan Clark: Marwan AL-Azzawi can probably add some detail about how the overall fare is analysed.

Marwan AL-Azzawi: The short answer to Christine Grahame's question is yes. The rail industry considers ticket types, because tickets are marketed to different people and for different journeys. Without going into the technicalities, I can say that a composite fare takes into account all the levels of use of existing ticket types.

Susan Clark: The point is that EARL is not predicated on a high premium fare for its benefit cost ratio.

The Convener: I have two quick questions that arise from Christine Grahame's questions. I will not labour the point on fares but, if the scheme proceeds, is it not the case that the train operator will set the fare? Neither you nor we will be able to do anything about that.

Susan Clark: I see Marwan AL-Azzawi shaking his head vigorously, so I will let him answer.

Marwan AL-Azzawi: What the convener says is not necessarily the case. Transport Scotland will invite tenderers to run the new franchise and members will have the opportunity to contribute to that process, just as they did when a franchise agreement was recently let to FirstGroup. Transport Scotland will set criteria on matters such as how fares will grow and the services that should run—it will specify what it wants to happen. Bidders will be unable to encroach on some boundaries.

The Convener: First ScotRail has just increased fares substantially on some parts of the east coast network, but I suppose that that is a different matter. Perhaps we missed an opportunity when that franchise was awarded.

Susan Clark referred us to paragraph 466 of your evidence, which I have scanned. It says that the promoter has taken account of equalities criteria in developing the policy objectives of the bill but does not say how the promoter did that. Will you give examples of how you did that?

Susan Clark: The main example that we can give is on DDA compliance. Gail Jeffrey explained some of the concepts that will be built into the station's design. Perhaps she can add to that.

Gail Jeffrey: The project does not discriminate on the basis of gender, race or age. Nothing in the policies, the bill or the design of the station would facilitate discrimination.

On disability, we have designed the station with the aim of accommodating as many people as possible and of allowing as many people as possible to use the station and EARL's facilities. We have taken into account the needs of the various disabled groups that are concerned.

The Convener: Do language issues arise? How do you deal with people who are non-native English speakers?

Gail Jeffrey: Signage takes two forms. Some signage is textual, but some pictorial signs in stations are internationally understood and form a consistent approach to allow people from various locations to understand them.

Iain Smith: Government guidance on improving accessibility through transport improvements specifies several criteria, one of which is quality, comfort and the travel environment. You say in your supplementary evidence that EARL has taken account of all of those components. How have you taken into account quality, comfort and travel environment benefits?

Susan Clark: I think that I am right in saying that Scottish transport appraisal guidance takes all of those elements into consideration. Marwan AL-Azzawi will point to evidence of that in our written submission.

Iain Smith: As far as I can tell, you say only that you have taken them into account. You do not say how.

Marwan AL-Azzawi: If you want confirmation that they have been taken into account, the answer is yes. Further details of how they have been quantified and included are provided in table 1.9, which is a detailed summary of Scottish transport appraisal guidance methodology. In the section on the left side of the table, under the heading "User Benefits", you can see that we have taken into account station facilities, new rolling stock and the net quality and reliability aspects of the scheme. Those are the standard indicators that are used in Scottish transport appraisal guidance.

Iain Smith: In paragraph 223 you say:

"The new facilities at the airport will provide a high quality travelling environment - a gateway to information, services and a confident travel experience for all types of passenger."

What do you mean by "a confident travel experience"?

Christine Grahame: We have all written something down on a piece of paper.

Susan Clark: People's propensity to travel by public transport is based on confidence that they will get to their destination when they want to. At the moment, travelling by rail to Edinburgh airport requires a number of public transport interchanges, which reduces the individual's confidence that they will get to the airport on time for their flight.

Marwan AL-Azzawi: Another important factor is highway congestion. That is a sensitive issue for air travellers, because if they miss their plane they have had it, so to speak. It is important to remember that rail is segregated from the highway network and so is much more reliable than travel by highway modes, unless those are given priority and are segregated, which is not always the case for travellers in taxis and cars.

Iain Smith: It is not always the case for rail. Some passengers may find that they have fairly lengthy waits or may require information about changes. For example, if I live in Ladybank and want to access EARL, there will be very few direct trains from the airport to Ladybank. With most services, I will need to change at Inverkeithing or Kirkcaldy. When I get off the plane, how confident can I be that I will get clear information at the airport—not just in the station—about my travel options and when connections are likely to be? If I am travelling further afield—to Inverness, for example—and the next train is not for 55 minutes, will there be any facilities at the station, given that such facilities would be run by a separate operator and would be in competition with the facilities at the airport? I imagine that BAA would not be too keen to have high-quality catering facilities at the station, if those are being run by ScotRail rather than BAA.

Susan Clark: We have already had discussions with BAA about providing ticketing and information within the airport to capture people before they leave and to steer them towards public transport instead of out the door, where the first thing they will see is the multi-storey car park or the taxi rank. We will continue to have such discussions in developing the concept of the transport hub.

We do not expect there to be a huge number of facilities as part of the station building. The station is only a 150m walk from the airport, where there are retail facilities, food outlets and so on.

Iain Smith: I agree that 150m does not sound an awful lot, but if an elderly person with a big bag has trundled it 150m to the station only to discover that their train does not leave for another 55 minutes, they might not fancy trundling it back another 150m to the airport.

Susan Clark: We discussed with BAA the possibility of providing real-time information within the airport so that people can see when the trains

are running before they leave the terminal building.

The Convener: On the point that Iain Smith made about getting trains to Ladybank, or anywhere else, it might be quicker to get a train to Haymarket and connect with a train that is not going via the airport—whether one of the Glasgow trains or one of the Fife trains. Will information be available that tells people whether it will be quicker to wait for the next train that comes through the airport or to take a train to Edinburgh and change there?

Susan Clark: We have not defined fully what information will be available, but we will work with BAA, the franchise holder and Network Rail to identify what information people need and ensure that it is made available. Any access consultant we employ will help us with that. We have already started those discussions and the promoter will ensure that they continue throughout the life of the project through to implementation.

Mr Gordon: Is it intended that there will be a railway booking office either in the airport or at the airport station?

Susan Clark: We have discussed with BAA the facility to buy tickets in the airport building.

Mr Gordon: From a machine or from a human being?

Susan Clark: I think that we discussed having a manned facility.

Mr Gordon: I think the word should be “staffed”, given our concern for equal opportunities.

Iain Smith: I want to take a different tack, although these questions are also about people having confidence in their travel experience. I thank the witnesses for their response on security issues. Why is the information that the committee has been given confidential? Perhaps in answering you could tell us which paragraphs are confidential and ask us not to share that information. Some of the information does not look particularly confidential.

Susan Clark: Some of the information that we are discussing with security advisers might be confidential. We do not even know the names of some of the people with whom we have been dealing.

Iain Smith: You asked them to carry a copy of the *Daily Express* and wear a rose.

Susan Clark: None of the details is particularly confidential, but we have had confidential discussions with a number of agencies.

Iain Smith: We will have to consider what we can and cannot make public in our report.

Susan Clark: We can mark up the note to show what can be made public.

Mr McGrigor: Will you elaborate on the extent to which the Department for Transport’s guide to best practice on inclusive mobility has been taken into account in the design of the station? What about the rolling stock?

Susan Clark: We have reviewed the DFT guidance and we will comply with all legislation. We are going a bit beyond that at the moment. We have reviewed emerging European interoperability legislation and considered how we are complying with draft technical standards for DDA compliance.

15:45

Gail Jeffrey: Suffice it to say that, as railway design consultants, we have a suite of documents that we constantly refer to and “Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure” and the Strategic Rail Authority’s code of practice are standard documents for us. Any ramped access to the station would be at a gradient of 1 in 20 or less, and the lifts would be fully compliant to enable access on both sides, so that a wheelchair user could go in one side and come out the other, avoiding the need to turn. There would also have to be tactile strips along the edge of the platform, to enable those who are visually impaired to recognise the end of the platform and to avoid accidents. Induction loops would have to be installed in ticket offices, and there would be ticket office windows at varying heights. We would also have to consider how people would use the ticket barriers, if there are barriers, and how they could be operated to allow access not only to wheelchair users but also to people with sticks or people who require other assistance or who may have someone with them to assist them.

We have taken account of many of those things. So far, we have used the codes of practice in relation to the spatial design of the station, but as we go forward the codes will be used more to inform our detailed design phases.

Mr McGrigor: What about the rolling stock?

Gail Jeffrey: I understand that the rolling stock will be procured through Transport Scotland, which will comply with the guidance and with the DDA to ensure that the rolling stock is fully compliant. We are also involved in the rolling stock specification, to ensure that there is a good interface between the rolling stock and the station at the airport.

Christine Grahame: Given that people from many countries will, we trust, be coming into Scotland to spend their money, and that some of them will have disabilities, is there European conformity on signs for disabled access?

Gail Jeffrey: I understand that there is, but I would have to confirm that.

Christine Grahame: It would be interesting to know that.

Mr McGrigor: The platform that is to be built at the station will be 220m long and will accommodate a nine-car train. According to "Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure", a study has shown that the recommended distance limit without a rest is 50m for someone who is mobility impaired and using a stick, and 150m for someone who is visually impaired. Bearing in mind that the platform is 220m long, what provisions have been made for that?

Susan Clark: I will give an initial answer before asking Gail Jeffrey to answer in more detail. Those requirements mandate the provision of facilities for people to stop and rest over those distances. Gail will say more about how we will design that in.

Gail Jeffrey: As the station is on the level, people will be able to rest in those 50m increments. As far as other rest facilities are concerned, we have considered the design of seating, which will have to take into account security measures and lines of sight. We have to make seating a contrasting colour, to ensure that those with visual impairments recognise that there is an obstacle in the way. We want to provide an element of seating so that people can wait for trains and have the opportunity to rest.

Mr McGrigor: I return to Iain Smith's point about the 150m distance between the airport and the station. Has consideration been given to providing a moving walkway?

Gail Jeffrey: At this stage, that is not proposed, but that is one of the things that might be discussed with BAA as part of the plan for an overall transport interchange. For example, there could be a combined moving walkway for both EARL and the tram.

Mr McGrigor: How will the promoter ensure that the relevant station, the links between the airport and the station and the travel information at stations and in trains are accessible?

Susan Clark: We will work with all the stakeholders who will provide the overall journey to ensure that we provide information for the through journey. We will work with the access consultant to consider the best ways in which to provide information to people and to a range of mobility impaired people.

Gail Jeffrey: We hope to provide information in several formats, including signage and visual and audible information, to enable deaf people and those who are visually impaired to access it.

The Convener: You talk about an access consultant. Are you working actively with a consultant at the moment, or do you hope to appoint someone in future to work along with you on the design?

Susan Clark: We hope to start the process of appointing someone in the near future.

Mr Gordon: Will you provide details of your information strategy to promote the use of the EARL project? What thought have you given to accessibility issues in considering the way in which the information will be disseminated?

Susan Clark: At present, we do not have an information strategy for the use of EARL, as the introduction of the scheme is still about five years away. Throughout that period, we will develop an information strategy along with the key stakeholders. At present, information is available through our website and our consultations in a number of forums. We will continue the information flow so that people are aware that EARL will become available. It is important that we continue dialogue with organisations such as VisitScotland, so that it starts to mention the implementation of EARL in its marketing literature outwith the UK. We will develop several information streams as we approach implementation of the project.

Mr Gordon: We have spoken a bit about egress from the airport and access to the new station. What discussions, if any, have you had with Edinburgh airport regarding continuity of access for those with mobility problems from the station to the airport? The two issues are not necessarily the same.

Susan Clark: Gail Jeffrey has mentioned that, as part of the development of the transport hub, we may consider people walkways. However, discussions on that with BAA are still at a fairly early stage. We have talked about the concept of a transport hub and how we will move people the 150m from the station to the airport.

Mr Gordon: I take it that there is no suggestion thus far of people purchasing air tickets off site so that people will not want to progress from the train platform virtually to airside or straight to the heart of the airport for check-in.

Susan Clark: We have not started discussions on those issues.

Mr Gordon: Are there any plans for a review of access once the rail link and the station are built?

Susan Clark: We will discuss the requirement for that with the access consultant. Any good project goes through a plan, do and review process. Post implementation, we will have to examine how successful we have been at introducing accessibility to the project.

The Convener: As there are no more questions from committee members, would you like to expand on any issues that have arisen this afternoon?

Susan Clark: I would like to finish by saying that social inclusion, accessibility and economic growth are all closely allied, which is why we have them as related policy objectives in the bill. The Scottish Executive's policy is to promote economic growth, social inclusion and the health and protection of our environment through the development of a safe and efficient transport network. EARL will help with those objectives and will help to close the opportunity gap. After all, the aims of the closing the opportunity gap strategy are to prevent families and individuals from falling into poverty; to provide routes out of poverty; and to sustain people in a life free from poverty. As a catalyst for job creation and economic development throughout Scotland, EARL meets those aims.

I will not regurgitate the figures on accessibility and other factors that have been highlighted this afternoon. However, a key point is that social inclusion is strongly linked to the economic growth that EARL will stimulate.

The Convener: Thank you for that closing statement and, indeed, for the evidence that you and the other witnesses have given this afternoon. The committee has three other items to discuss, but you are free to go.

Appropriate Assessment

15:56

The Convener: The committee will now consider its role with regard to appropriate assessment. As members are aware, the Edinburgh Airport Rail Link Bill proposes to divert temporarily a 50m to 100m section of the River Almond. Because that proposal might impact on the Firth of Forth, which is a special protection area, the Parliament, as the competent authority, is required to undertake an appropriate assessment of the project's impact on the SPA and to find out whether any steps could or should be taken to negate or mitigate any impacts.

Members will note that Scottish Natural Heritage has been liaising with the promoter over the bill's potential impact on the Firth of Forth and has asked the promoter to provide additional information, which is contained in the promoter's report entitled "Edinburgh Airport Rail Link: An Assessment of the Effects to the Firth of Forth Special Protection Area". Having considered the report and the mitigation proposed in the environmental statement, the code of construction practice and other working guidelines, SNH feels that the EARL scheme will have a low impact on the Firth of Forth. However, members should note that in its letter to the committee, which is set out in annex B of paper EARL/S2/06/5/2, SNH indicates that its view is dependent on the delivery of the mitigation measures proposed in those documents when EARL is constructed.

Members will also recall that at last week's meeting the promoter indicated that it would be minded to recommend that the bill be amended to ensure that the mitigation proposed in the environmental statement is enforceable. Given the experience of other private bills, I suspect that the issue of enforceability will form part of consideration stage evidence on objections—assuming, of course, that the bill proceeds to that stage.

As a result, I believe that it would be prudent for the committee to consider the issue of appropriate assessment in more detail at phase 1 of the consideration stage, particularly in light of the evidence that will be taken at that stage. Are members agreed?

Members indicated agreement.

Accompanying Documents

15:59

The Convener: Members will recall that at our meeting on 18 April we agreed to seek the views of Ove Arup & Partners Scotland Ltd on promoter response PROM (P) 1N, in which TIE comments on whether it incorporated Arup's pre-introduction comments into the draft environmental statement. The committee then agreed to seek Arup's comments again on whether the promoter's reasons for not incorporating Arup's original comments in the environmental statement accompanying the bill are reasonable.

As members are aware, one of the committee's tasks at preliminary stage is to report on whether the accompanying documents are adequate to allow for scrutiny. I seek members' views on the Arup report that was included in the papers. Do members agree to note it in the written evidence?

Members *indicated agreement.*

The Convener: The Arup report will be useful when we question the promoter on the environmental statement at next week's meeting.

Late Objections

16:00

The Convener: Next we are asked to consider the reasons for late submission of three objections. Rule 9A.6.7A of the Parliament's standing orders provides for objectors to submit an objection after the objection period has closed but before the first meeting at consideration stage. Any objection that is submitted late must include a reason for its late submission. The objection period for the Edinburgh Airport Rail Link Bill closed on Monday 15 May. Since then, three late objections have been received. At today's meeting, the committee is charged with considering in each case whether it is satisfied with the reason for lateness.

According to standing orders, there are three parts to the decision, which I will now outline. The committee must be satisfied, first, that the objector had good reason for lodging the objection after the close of the objection period; secondly, that the objector lodged the objection as soon as was reasonably practicable after the expiry of the objection period; and thirdly, that consideration of the objection would not be unreasonable, having regard to the rights and interests of the objectors and the promoter. Although that enables the committee to take a general view on the substance of the objections, I ask that members refrain from commenting on the detail of each objection and that they focus primarily on the reason for lateness.

If the committee is satisfied with the objector's statement explaining the reason for delay, the objection will go forward for preliminary consideration at next week's meeting. If the committee rejects the statement explaining the delay in lodging, the objection will not be considered further and the objector will be informed accordingly.

We will deal with each objection in turn. Cable & Wireless UK submitted its objection on 17 May. It asserts that it failed to understand that the 60-day objection period would finish on 15 May. It assumed that there was a two-month objection period that would finish on 17 May. Do members wish to comment on that statement?

Christine Grahame: I have a general question. Is there a precedent from other committees that have received late objections? Although we are not bound by the decisions of other committees, there should be some conformity. Some cases can be dealt with easily, as they are de minimis, but others may be different. Has there been any discussion among conveners on the issue?

The Convener: I understand that some late objections have been accepted, because the reasons for lateness have been reasonable, and that others have been rejected, because the committee has felt that the reasons were not reasonable. There is a precedent for both.

Christine Grahame: I am seeking more specific guidance on what is reasonable and unreasonable. The objection that we are currently discussing could be regarded as de minimis, as it is only two days late. However, another objector says that it just lost the stuff. Are there precedents from elsewhere?

Iain Smith: There are generally three reasons for late objections: "We didnae ken", "We forgot or were too busy," and "We were told something different." We have one example in each category.

The Convener: We must simply decide whether we accept the reasons that are given. We will take the objections in turn. Cable & Wireless UK thought that there was a two-month objection period, but it was a 60-day period. The objection was submitted on 17 May, which would have qualified if the objection period had been what the company thought it was. Do members see that as reasonable?

Iain Smith: To be frank, I do not. Cable & Wireless UK is a big company with huge resources. It did not take the trouble, first, to check that it had got the date right, and secondly, to submit its objection well in advance. The date is not a target, but a limit. There is no reason why the company could not have submitted its objection well before 15 May. I am not sure why a big company that is playing the "We didnae ken" card should get away with that. That is not a comment on the merit of the objection. I just do not think that it is acceptable for a large company to say that it thought that the objection period was different from what it is. It should have checked.

Mr Gordon: I tend to go along with that. The objector is admitting its own incompetence.

Mr McGrigor: I am inclined not to take that view. It seems fairly logical for the company to have thought that the objection period would finish on that date in the month.

Christine Grahame: I am attracted to the views of Iain Smith and Charlie Gordon on my right. My only caveat is that I do not believe that we should apply the same principles to large commercial organisations and to punters, given that individuals do not have legal teams working for them in the way that large companies have. I tend to support Iain Smith. Large companies with legal teams should know what they are doing.

The Convener: I could split the committee, as I would err on the side of accepting the objection.

However, as I have heard three members say no, even if I were to split the committee, I think that we would divide on that basis. Therefore, we will not accept the late objection from Cable & Wireless UK.

The second late objection to consider is from NTL Group Ltd.

Iain Smith: I have similar concerns about accepting the second late objection. The fact that the company was being taken over or merging is not a relevant ground for us. Basically, the ground that is being given for submitting the objection late is, "We were too busy." If the matter was important to the organisation, the objection should have been submitted irrespective of what was happening elsewhere in the organisation.

The Convener: The objection from NTL was submitted even later than the one from Cable & Wireless.

Mr Gordon: When we heard evidence from BAA's representatives, BAA was being taken over, but it still managed to give evidence to the committee.

Christine Grahame: The shop does not close just because the company is being taken over. The business needs to keep running during that time. I agree with Iain Smith and Charlie Gordon.

Mr McGrigor: I will go along with what has been said on this one.

The Convener: Okay, we will not accept the late objection from NTL Group Ltd.

The final late objection is from Mr and Mrs Chambers. Basically, although they attended the public meeting, they misunderstood what the closing date would be. What are members' views on that?

Iain Smith: I have more sympathy with these objectors on the grounds that they are just ordinary members of the public who do not have a big legal team. It is clear that they genuinely misunderstood what they were told at the public meeting. As we were not party to that meeting, I do not know how that misunderstanding could have arisen, given that other objectors did not suffer the same misunderstanding, but I am generally of the view that we should try to assist members of the public who may have difficulty following what are complex proceedings. I have less sympathy for big organisations that have lawyers to do that for them.

Christine Grahame: I support that. We need to make a distinction between large commercial operations and punters. I hope that Mr and Mrs Chambers will forgive me for using that expression, as I am sure that they are not punters. I am always quite surprised that ordinary people

manage to follow any of these complex processes. I believe that we should use our discretion to let the objection from Mr and Mrs Chambers be heard.

Mr McGrigor: I agree that we should let the objection be heard. Frankly, I still think that we are being rather niggly about the objection from Cable & Wireless.

Mr Gordon: I will go along with what has been said.

The Convener: Basically, we will allow the objection under the rule that the objector has lodged the objection as soon as reasonably practicable after the expiry of the objection period. The objection from Mr and Mrs Chambers will be considered at the meeting on 27 June.

Items in Private

16:09

The Convener: Our final agenda item is to consider whether to take items in private. The committee meeting on 27 June is our last scheduled meeting before the Parliament goes into recess during July and August. When the committee returns in September, it is likely to begin considering a draft preliminary stage report. Therefore, I think it prudent to agree that, prior to the end of next week's meeting, we have a private discussion on the key themes and concerns arising from oral evidence to assist the drafting of the report. As those discussions may not fully reflect the final views of the committee, my view is that they would be better held in private. Are members agreed?

Members indicated agreement.

The Convener: For a similar reason, I also propose to hold discussions of the draft preliminary stage report in private. Is that agreed?

Members indicated agreement.

Christine Grahame: For the sake of clarity, I point out that it is not unusual for a committee to do that as it allows freedom of discussion. There is nothing untoward about discussing draft reports in private.

The Convener: Thank you for that clarification, Christine.

Mr Gordon: Said without a hint of irony, convener.

The Convener: Finally, members will be aware that, at our meeting on 27 June, the committee will give preliminary consideration to all outstanding objections, which is one of the three key roles of the committee at preliminary stage. That will involve considering whether, in the committee's view, each objector has clearly demonstrated that they will be adversely affected. That is a higher test than the admissibility decision that is taken by the clerks and it involves the committee considering each objection. Our decisions on objections will be published in our preliminary stage report. To enable a full discussion of objections, I am minded to take that item in private. Is that agreed?

Members indicated agreement.

The Convener: That concludes today's meeting. At next week's meeting on 27 June, we will take evidence on the adequacy of the accompanying documents, including evidence from whole-bill objectors and Transport Scotland. We will also take evidence from the Minister for Transport on the funding of the EARL project.

Meeting closed at 16:11.

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