

# **STIRLING-ALLOA-KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL COMMITTEE**

Monday 10 November 2003

Session 2

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# CONTENTS

Monday 10 November 2003

Col.

ITEM IN PRIVATE.....	104
STIRLING-ALLOA-KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL: PRELIMINARY STAGE.....	105

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## STIRLING-ALLOA-KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL COMMITTEE

4<sup>th</sup> Meeting 2003, Session 2

### CONVENER

\*Bill Butler (Glasgow Anniesland) (Lab)

### DEPUTY CONVENER

\*Rob Gibson (Highlands and Islands) (SNP)

### COMMITTEE MEMBERS

\*Mr Richard Baker (North East Scotland) (Lab)

\*David Mundell (South of Scotland) (Con)

\*Nora Radcliffe (Gordon) (LD)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

John Barber (AOC Archaeology Group)

Alan Bell (Scottish Natural Heritage)

Sue Bell (Scott Wilson Ltd)

Graham Bisset

Keir Bloomer (Clackmannanshire Council)

Sean Caswell (Scottish Environment Protection Agency)

David Connolly (MVA)

Stuart Coventry (Scott Wilson Ltd)

Alex Deans (Clackmannanshire Council)

John Dick (Kincardine Railway Concern Group)

Nigel Hackett (Scott Wilson Scotland Ltd)

David Leven (Historic Scotland)

Lily Linge (Historic Scotland)

Alf Maneylaw s (Scott Wilson Ltd)

Chris Manning (Arup)

Isabel Marshall (Kincardine Railway Concern Group)

Jim Miller (Ironsides Farrar Ltd)

Damian Sharp (Scottish Executive Enterprise, Transport and Lifelong Learning Department)

Mike Shepherd (Scottish Natural Heritage)

Paul Shields (Scott Wilson Ltd)

Nicol Stephen (Minister for Transport)

Andy Wilson (Scottish Water)

### CLERK TO THE COMMITTEE

Callum Thomson

### SENIOR ASSISTANT CLERK

Fergus Cochrane

### LOCATION

Alloa Town Hall



## Scottish Parliament

### Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee

*Monday 10 November 2003*

[THE CONVENER *opened the meeting at 11:18*]

**The Convener (Bill Butler):** Good morning, ladies and gentlemen. I welcome everyone to the fourth meeting of the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee. Today, we shall hear evidence, including supplementary evidence requested following previous meetings, on the need for the railway and associated works. We shall then give preliminary consideration to two objections that have been lodged against the bill, after which we shall consider the environmental statement, including evidence on the peer review that the committee commissioned on the noise and vibration chapter of the statement.

It may be useful if I clarify what the committee is considering with regard to the preliminary stage consideration of objections. The committee must satisfy itself that the objections that Mr Graham Bisset and the Kincardine railway concern group have lodged are based on a reasonable claim that the bill would adversely affect their interests. We will not consider the substance of their objections, or that of other objections. That is properly a matter for the consideration stage of the bill. Rather, we want to be satisfied that those two objections can go forward to the consideration stage.

We hope to break for lunch at around 1 o'clock and, depending on the progress that we have made, we might take a short break this afternoon. As I said last week, members of the public are, of course, welcome to leave the meeting at any time, but I ask them to do so quietly. Although the meeting is being held in public, it is not a public meeting; it is part of the formal work of the Parliament, so I would appreciate the co-operation of members of the public in ensuring that business is properly conducted. I ask those present to ensure that their mobile phones and pagers are switched off.

We will hear evidence today from representatives of the bill's promoter, Clackmannanshire Council, and from other witnesses whom the committee considered would have relevant comments to make on the bill.

## Item in Private

11:20

**The Convener:** Before the committee moves to evidence taking, we will deal with agenda item 1. Do committee members agree to take agenda item 3, which is consideration of our draft preliminary stage report on the bill, in private?

**Members indicated agreement.**

## Stirling-Alloa-Kincardine Railway and Linked Improvements Bill: Preliminary Stage

11:21

**The Convener:** We move to agenda item 2 and proceed with our first witnesses. The committee will hear oral evidence on the need for the railway and associated works from David Connolly, the deputy director of MVA Scotland and Northern Ireland, and Keir Bloomer, who is chief executive of Clackmannanshire Council. I remind Mr Connolly that he is still under oath.

KEIR BLOOMER *made a solemn affirmation.*

**The Convener:** I kick off by referring both gentlemen to paragraph 2.2 of the memorandum containing supplementary written evidence from MVA. The committee has heard evidence from Scottish Power that it makes economic sense to transfer coal by rail, if rail capacity exists. We have heard from English Welsh & Scottish Railway that it would be keen to operate a freight service and we have also heard evidence of the superior economics of transferring all coal by rail. Given that evidence, why have you made no assumption of any such transfer in the scenarios that have been constructed?

**David Connolly (MVA):** The assumptions that were made were always conservative. Two years ago, when we did the original work, the demand for coal was a lot lower. The working assumption for the main scenario was based on the fact that the Longannet deep mine was still operating. Demand was predominantly being met by the deep mine and less road-borne coal was being imported to top up that demand—in effect, the coal was coming straight out of the ground.

The deep mine has now closed—in our original work, that factor was in effect just a sensitivity test. After the closure, it was decided that the safest assumption to make would be the conservative one. That was because it was hard to predict how much of the road-borne coal would be transferred to rail—that is a function of the price of the different modes of transport and where the coal comes from, which is a more complicated issue. It was safer to make a conservative assumption, rather than an over-enthusiastic assumption about the transfer of road-borne coal, which would leave us open to accusations of over-egging the case. The decision about the assumptions to build into our modelling was made not by MVA, but by our advisers.

**The Convener:** I am looking at table 3.1 of your written evidence, which shows the 30-year

benefits of the railway. I acknowledge that you cannot just work out the figures in your head, but how would we expect the freight benefits figure to change if an assumption was made that the full 5 million tonnes would go by rail?

**David Connolly:** That would depend on the cost of the road-borne coal in comparison. The savings that are shown in the memorandum are based on the transfer of the 3.1 million tonnes that currently go over the rail bridge. It is not easy to show the pro rata costs of road-borne coal. The price might be the same as that for the current route over the rail bridge, although I believe that it is likely to be more. If one took pro rata the freight benefits from 3.1 million to 5 million tonnes, one would probably not be far away. My guess—and I stress that it is only a guess—is that the road-borne coal is more expensive than the coal that is currently brought over the Forth rail bridge. If the figure goes up to 5 million tonnes, the cost is at least pro rata. It would be possible to multiply any number in the memorandum by a factor of five over three.

**The Convener:** Under scenario T, what would be the effect on net present value under the 30-year benefits?

**David Connolly:** If we—and I stress that this is just quick thinking on my feet—

**The Convener:** Of course—or not on your feet.

**David Connolly:** Multiplying the figure by five thirds would give an extra £14 million benefit on the 30-year scenario. Effectively, that is an additional two thirds on the current figure. That is based on the assumption that the current cost of road coal is no higher than the current cost of bringing it over the rail bridge.

**The Convener:** Thank you. We move on to paragraph 2.4 of the memorandum. If we look at the explanatory notes to the bill and specifically at the estimate of expense and funding statement, we find that a total figure of £37.1 million is set out in paragraph 220. The figure includes a contingency cost of £9.9 million, which is 26 per cent of the total. Alternatively, we could just take the £4.5 million figure under the subheading “Contingency cost”, which is 12 per cent of the total. Paragraph 222 states:

“The margin of uncertainty of such costs is estimated to be in the region of +/- 15%.”

Can I take it that the 15 per cent to which you refer is additional to the contingency costs that are specified in paragraph 220?

**David Connolly:** The figure that I was given by other members of the promoter's team, which is the best guess of the capital cost, is £37.1 million. However, as is now good practice, we added an additional 15 per cent on top of that figure. The £37.1 million includes underlying contingency. It is

reckoned to be the best estimate of the outturn cost.

**The Convener:** So it is additional to the contingency—

**David Connolly:** In addition to that, we added a further 15 per cent.

**The Convener:** On that basis, the total cost of the scheme could be more than £37.1 million.

**David Connolly:** It could be 15 per cent more than that.

**The Convener:** Which is £42 million—

**David Connolly:** It is of that order.

**The Convener:** I am grateful to you.

**Rob Gibson (Highlands and Islands) (SNP):** Let us turn to Longannet. I am trying to match what appears in table 3.1 with what appears in table 3.2. The figure for freight benefits is the same in both tables, but how does the traveller benefits figure of £21 million come through from table 3.1 into table 3.2 in respect of the full 30-year benefits?

**David Connolly:** The relevant number in table 3.1 is £34.5 million, which is for total benefits excluding capital cost. That figure includes the £21.2 million. If you separate the £34.5 million into the £21.2 million and the remainder, you are left with a figure of £13.3 million, which represents an amalgamation of traveller benefits, passenger transport operator benefits and minor tax impacts in respect of revenues to the Government by way of indirect tax. The figure of £13.3 million, which is described in table 3.2 as “Other Direct Benefits”, is the total direct benefits figure of £34.5 million minus the £21.2 million freight benefits component. The figure represents all the numbers in the previous table with the exception of the freight benefits. It is therefore an amalgamation of all the benefits, including the traveller benefits.

**Rob Gibson:** So, just to be clear, what are the “PT Operator” costs identified in table 3.1? I assume that they are the passenger transport operator benefits, but where do we find the £11.6 million figure from table 3.1 in table 3.2?

**David Connolly:** The figure is included in the £13.3 million for other direct benefits. In table 3.1, the total benefits are described as being £34.5 million—that is the sum of all the benefits involved. If you take away from that the £21.2 million, you are left with the figure for the other direct benefits. I do not want to repeat all the numbers, but the answer is wrapped up in that.

11:30

**Rob Gibson:** I just wanted to clarify the matter in the interests of the public.

I would like to ask the same question in relation to the PT operator costs and the Government tax impact figures in table 3.1. If you add the traveller benefits to the PT operator benefits in that table and then subtract the PT operator costs and the Government tax impact from the total, you arrive at £13.3 million, which is the figure for the other direct benefits in table 3.2. Is that correct?

**David Connolly:** Yes.

**Mr Richard Baker (North East Scotland) (Lab):** I want to ask a question that has been asked at both of the previous meetings in the preliminary stage. Given what we have heard from Scottish Power about the lack of consultation between the promoter and Scottish Power prior to the introduction of the bill, as shown by the disparity of the evidence that we heard on 27 October in relation to the length of life of Longannet power station, what was the reason for the selection of the potential closure dates of 2015 and 2020, which are given in your previous evidence and in the memorandum before us today?

**David Connolly:** Two years ago, when the original study was conducted, it was assumed that, in the worst-case scenario involving the early closure of Longannet, the power station would close in 2020. That information came to us from the Scottish Executive, which had been in direct negotiations with Longannet and EWS in relation to freight transport. MVA was not encouraged to talk directly to the freight operators, Scottish Coal or Scottish Power, so the assumption was based on information that was passed to us by the advisers of other groups.

**Mr Baker:** Both the 2015 and the 2020 dates came from the Executive?

**David Connolly:** Yes.

**Nora Radcliffe (Gordon) (LD):** In table 3.2, the net present value figure for a 2020 closure is negative and the one for a 2015 closure is even worse. In relation to a 2012 closure, there is a negative NPV figure of £14.1 million. On the other hand, prior to the submission of the bill, all the NPV figures were positive. If you had known when the bill was submitted the possible negative NPV position, especially that in relation to 2012 as a reasonable worst-case scenario, would you have advised the promoters that the project represented a sensible investment?

**David Connolly:** I believe that the original central case had a small negative NPV, which was based on a variety of assumptions, such as Longannet deep mine being open and various discounts being applied. I can double-check that, if you like. On top of the central case, there was the upside in terms of Markinch and in relation to the closure of Longannet deep mine and there was

the potential downside of the early closure of Longannet power station in 2020. That was set out in our February 2002 report.

It is not my role to advise whether the scheme should proceed, because the economics represent only one of the streams of benefits. There are also development benefits for the Clackmannan area, as well as environmental benefits. We were discussing only the pure economic and financial traveller and freight benefits.

**Nora Radcliffe:** Does that mean that what is being presented as the worst-case scenario at the moment is quite a bit worse than the original case?

**David Connolly:** The overall economics in the worst-case scenario are possibly not any worse than what was called the downside scenario, which involved the early closure of Longannet power station.

**Nora Radcliffe:** Has the requirement to transport more coal, as a consequence of the closure of the deep mine, offset the early closure?

**David Connolly:** There are many more benefits while Longannet power station stays open. That was considered to be a strong upside if the deep mine closed, as it did shortly after our February 2002 report was produced.

**Nora Radcliffe:** So there is a significant offset.

**David Connolly:** Yes. Demand was less two years ago than it is now, because of the deep mine's closure and other factors, which include the change in the recommended discount rate and the increase in the capital cost. Everything has changed, but the worst-case scenario is not significantly worse.

**Nora Radcliffe:** The situation is not hugely worse.

**David Connolly:** It is not.

**The Convener:** The committee has no further questions. Would the witnesses like to make brief concluding remarks?

**David Connolly:** Yes. I simply draw the committee's attention to the list of matters on which we have been conservative, which are set out between paragraphs 2.2 and 2.5 of our supplementary evidence. The committee has highlighted the conservative estimate of the demand for coal that we have built in. We have not included any seasonal variation, which is a reason for having extra capacity. The demand for coal is not fixed—it has peaks—so Scottish Power has more flexibility if additional capacity is available.

The Markinch service has not been discussed much. Our supplementary evidence makes a first guess at what might use the available path on the

rail bridge. Another passenger service that used that path might do even better than the Markinch service. We have given a conservative example of what could be done with the path.

Our evidence also refers to the fact that the extra path work did not include the benefits of increased rail capacity in dealing with crowding on the Forth rail bridge. The modelling did not take account of that. The assumptions that are built into our report are conservative at practically every turn.

**Keir Bloomer (Clackmannanshire Council):** Committee members will be aware of the poor economic record of Clackmannanshire over perhaps some 50 years. A glance at a map of Scotland makes that seem rather surprising, because Alloa and Clackmannanshire are placed more or less centrally in the populated central belt of the country.

Our circumstances can be contrasted with those of Stirling, which has performed well economically in recent years. The cause that is often attributed to that is Stirling's geographical situation. The difference between us is merely 6 or 7 miles, but in other terms the difference is between good and inferior transport infrastructure. Of course, that is not only a matter of a lack of rail transport. We have sought to deal with road traffic problems, too. However, the lack of a rail connection is extremely significant.

Alloa is the largest town in Scotland without a rail connection. We suffer enormous disadvantage from that. For example, it is difficult to persuade inward investors that Alloa is a suitable location when transport is so difficult. It is significant that the Scottish Executive sets easy access to rail transport as one of its criteria in the policy that it is pursuing of distributing agencies around the country.

In recent years, we have sought to develop the Clackmannanshire economy by ensuring that business premises are available through joint investment by the council and Central Scotland Business Parks and through Ceteris, which is otherwise known as Clackmannanshire Enterprise. We have enjoyed some success in doing that and we have attracted to the area several firms that are engaged in modern and expanding sectors of the economy, such as electronics, but there is no question but that our efforts have been considerably inhibited by the fact that transport links remain poor. Many of the companies that approach us and subsequently do not take up the offer of accommodation cite the lack of rail transport as a significant element in their decision.

The recent considerable growth in new housing in the area is encouraging. There is some evidence that Clackmannanshire lies at the outer



edge of what might be called the central Scotland commuter belt. If we can tie ourselves into that market more effectively, that will have a significant effect in bringing in a community that is able to support a much broader service sector than the one that we have at the moment. In turn, that will increase the attractiveness of the area to other inward investment.

There are considerable advantages to the project in relation to the regeneration of the town centre, which is in a comparatively depressed state and is experiencing a significant leakage of shopping—worth £20-odd million—mainly to Stirling. There are also advantages in relation to education and training. As well as achieving a greater social mix and thereby raising standards of attainment in our area, we would allow people to benefit to a greater extent than at present from the fact that there is a good further education college within the area.

My final point does not come from a Clackmannanshire perspective as such; it relates to economic strategy more generally. The Stirling-Alloa-Kincardine railway is probably the easiest railway link in Scotland to reopen. The track bed is not built on—it is extant throughout. The railway would be an important strategic transport link, which could be reopened at a cost that is relatively modest compared with the cost of transport infrastructure in general. The benefits from removing traffic from road to rail have already been discussed. As we look forward 20 or 30 years, it is difficult to foresee exactly what the circumstances will be, but I feel confident in stating that, given the direction in which transport policy is moving, those benefits are bound to be greater rather than smaller than we anticipate at the moment. From the perspective of Clackmannanshire, the railway is a critical economic requirement; it will also make an important strategic contribution to the Scottish economy as a whole.

**The Convener:** Thank you very much for those remarks. I thank both gentlemen for giving evidence before the committee this morning. You may retire into the body of the hall. We will have a one-minute suspension while we change witnesses.

11:41

*Meeting suspended.*

11:42

*On resuming—*

**The Convener:** The committee will now hear oral evidence on the need for the railway and associated works, funding and any other issues from Mr Nicol Stephen MSP, who is the Scottish Executive's Minister for Transport, and Mr Damian

Sharp, who is from the Scottish Executive's transport division.

NICOL STEPHEN *took the oath.*

DAMIAN SHARP *made a solemn affirmation.*

**The Convener:** I will kick off by referring you to paragraph 2.5 in your memorandum, in which you mention the achievement of having removed more than 23 million lorry miles from Scotland's roads through investment—supported by the Scottish Executive—in new freight infrastructure. It would be helpful if you could explain to the committee the projects that enabled that removal of lorry miles and when they were implemented. That will help us to make some comparison—if that is appropriate—with what is proposed.

**The Minister for Transport (Nicol Stephen):** I cannot give that information here and now, but I would be happy to provide the list of projects, of which there is a significant number. There will be a number of lorry miles allocated to each of those projects, together with the relevant freight facilities grant. I think that that information is all publicly available. It should certainly be available in relation to most projects, although the actual amount that is paid for a particular project can sometimes be commercially sensitive at the time. I would be happy to provide the committee with that information later—unless Damian Sharp happens to have it to hand.

**The Convener:** That appears not to be the case. I am grateful for that promise to the committee, minister.

I am not sure whether the information can be made available this morning, but has the Executive estimated how many lorry miles could be removed through the implementation of the project, given the transfer of freight from road to rail?

11:45

**Nicol Stephen:** I see that Damian Sharp is flicking through his notes. The main benefit is not the removal of lorry miles. Rather, it is the more efficient route taken between Hunterston and Longannet. If the economic regeneration that we hope the scheme will encourage comes to pass, new businesses will come into Clackmannanshire and existing businesses will take the opportunity of bringing goods into the area and taking them away again using the facility of the new line. Another significant potential benefit of the reopening of the Stirling-Alloa-Kincardine line is the opportunity for further developments that could significantly improve the transport of freight around Scotland. Moreover, the opportunity to make through-connections to Rosyth has been referred to. Those are potential benefits at this stage. I ask Damian

Sharp to talk about the quantification of the current proposal.

**Damian Sharp (Scottish Executive Enterprise, Transport and Lifelong Learning Department):** As the committee heard from Mr Connolly, no assumption has been made about the shift from road to rail. The core business case assumes that there is no such shift. Therefore, no assumption has been made about lorry mileage being removed and we do not expect a contribution to be made in that regard. That is not within the promoter's or the Executive's control. Ultimately, the decision whether to shift more than 3 million tonnes by rail using the new infrastructure will be a commercial one by Scottish Power. That comes under the category of uncertain factors. We have taken a conservative estimate, rather than plucking a number out of the air.

**David Mundell (South of Scotland) (Con):** I refer the minister to paragraph 3.3 of the Executive's written submission. In it, you recall your announcement of earlier this year

"that the Scottish Executive would provide the full £30m sought in the Promoter's statement of funding and expense".

Could you clarify which statement you have in mind? The explanatory notes accompanying the bill record a total cost of £37.1 million. We know that £7.1 million has not yet been committed. Can you help us with that?

**Damian Sharp:** The £7.1 million—the rest of the funding package—is not assembled. The Executive has been asked for £30 million towards the £37.1 million. We will make that money available, and we believe that that strengthens the hand of the promoter in seeking funding from other bodies. The promoter can draw attention to the fact that the Executive is giving its share, and can encourage those other bodies to put their hands in their pockets and deliver their share.

**David Mundell:** You might have heard from MVA that a 15 per cent contingency must be applied to the £37.1 million, producing a total cost of £42.7 million. Can you provide the committee with a statement of the Scottish Executive's willingness to contribute further funds to the project?

**Nicol Stephen:** Yes. In relation to this project and other proposed rail initiatives, I am in the interesting and unusual position of reversing our roles. The Executive can be viewed as having the role of enthusiastic supporter of the project, whereas the members of the Parliament whom I am now facing must be fair, cautious and objective.

We can emphasise our strong commitment to public transport and to the project, provided that the funding is forthcoming from the other

participants and the promoter, as Damian Sharp said. We believe that the current investment of £30 million should be sufficient to allow the project to proceed.

As we heard this morning, there is an element of contingency in the £37.1 million. One of the great problems from which the rail industry suffers at present is cost inflation so I do not want to say anything today that might encourage further cost inflation. It is important that a powerful message goes out to the rail industry that it must get its costs under control so that we are able to undertake projects such as this one, which, among all the rail projects that we are considering in Scotland, should be one of the more straightforward. We should be able to do it at reasonable cost and within the proposed budget.

However, I am here as a strong supporter of the project; I want to make it happen. If we were in that hypothetical situation that politicians normally wish to avoid—being questioned too closely—we would continue, in the spirit of support, to hold discussions to ensure that the project could progress. Indeed, it might be that, before the project progresses, it would be sensible to consider the eventuality of cost overrun and to try to come to some fair arrangement among the other funders.

The £30 million is a fair figure that will allow the project to proceed. I had a meeting last week with the European Investment Bank to talk about similar schemes. The bank said that, as a broad indicator throughout Europe, a rough 80 per cent to 20 per cent split on such major projects is normal. We are not so far away from that sort of split on the scheme. I hope that gives members some indication of the background to the figure.

**David Mundell:** Can I safely say that that is neither a yes nor a no?

**Nicol Stephen:** That is a careful way of saying that I do not wish to signal that there should be any cost increases above the £37.1 million. I could just have stopped there, but I went a little further in order to try to be more helpful to you.

**David Mundell:** Thank you.

We understand from paragraph 224 of the explanatory notes that were introduced with the bill that the money submitted so far by the Scottish Executive comes from its public transport fund and from its integrated transport fund. Are those funds capable of being applied to freight and passenger transport or just to freight?

**Nicol Stephen:** They can be applied to both. The public transport fund is now effectively part of the integrated transport fund, which can fund passenger and freight services—it can fund a range of services including rail, bus, tram and other modes of public transport.

**David Mundell:** We heard that £2 million out of the £30 million that the Scottish Executive has committed has already been released to help to pay for development costs. At what stage would the remaining £28 million be released? If the money will be released in stages, what will trigger the release of payments?

**Nicol Stephen:** The money will be released in due course. Those are exactly the issues that require to be finalised at the appropriate time. It would be wrong to do that ahead of formal parliamentary approval although, if the bill receives that approval, we need to ensure that we can deliver the project as quickly as possible. Again, we will hold negotiations in relation to the payment schedule when we have a main contractor in place. I understand that the promoter is taking steps to ensure that that happens soon.

**Damian Sharp:** The remaining money would not be released until there was a firm tender price and we knew that the project was affordable. The normal practice, which I imagine we will follow, is to release money when the contractor has demonstrated progress against milestones. When money is required to pay bills, we will release our share.

**David Mundell:** You will have heard in earlier evidence that the promoter has a very tight time scale for the bill. Do you expect that the way in which you release your funding will impede it in any way?

**Damian Sharp:** No.

**Nicol Stephen:** It is important that our funding should do the opposite and speed the scheme up. We are conscious that that is important for the opening of the rail line in 2005-06 and also for the costs. The more we delay and the longer negotiations continue, the more likely it is—especially given that we are dealing with rail industry costs, from which I suffer week in week out, month in month out—that we will not be able to hold to the estimated costs. The sooner a scheme proceeds, the more likely it is that the estimates will be reasonable, usable and deliverable.

**Nora Radcliffe:** You will have heard the evidence this morning from MVA—evidence that was requested by the committee following the unexpected disclosure by Scottish Power that a reasonable worst-case scenario is that Longannet power station may close as early as 2012. The MVA memorandum shows that, if Longannet closes even as late as 2020, the project will have a negative net present value. If it closes in 2012, the NPV is -£14.1 million. You say in paragraph 3.3 of your memorandum that the project continues to demonstrate “strong value for money”. I think that the committee expects some

explanation of that statement in light of the evidence from MVA and Scottish Power’s evidence of the likely closure date of Longannet. Would you like to comment on that?

**Nicol Stephen:** Surely. It is important to emphasise that the whole Scottish transport appraisal guidance process is about more than simply the NPV figure. We assess any appraisal under the five criteria that have been mentioned. It is clear that this scheme has many benefits that are not captured in the NPV calculation. If Longannet’s life can be extended beyond 2016, the scheme becomes significantly stronger simply in terms of the passenger benefits to Alloa and Fife and the coal freight benefits. Even though Longannet may close early, it is important to remember that the benefits of reopening the rail line will not be entirely lost.

Fife passengers may see substantial benefits and—I hesitate to say this, but it may be the best way of explaining the predicament—those benefits would be seen if we were simply to wait for Longannet to close. However, we do not think that simply waiting would be good policy or good decision making. We want to get on and to bring about those benefits by ensuring that the very large coal trains are removed from the Forth rail bridge and can get to Longannet by a more direct route. We can bring about those benefits now, rather than wait for the closure of Longannet.

It is unfortunate that calculations could force us to assume that Fife passengers would benefit from an earlier closure of Longannet. Such calculations could mean that we do not consider that those benefits could be brought about now with the removal of coal trains from the bridge following the reopening of the Stirling-Alloa-Kincardine line.

We have to consider the issue in the round. One of my frustrations is that many road schemes continue to benefit in NPV terms significantly more than some of the public transport schemes that all members of the Scottish Parliament and many of our constituents would support strongly. I would be delighted if the reverse was true, but we have to take a view on the future of transport in Scotland and to decide whether we continue to put money into road schemes or give high political priority to public transport schemes. This scheme comes out relatively strongly in terms of its NPV. It also performs strongly in relation to other benefits that are more difficult to quantify financially but are important to the future of public transport in Scotland.

12:00

**Nora Radcliffe:** If the initial proposition that was put to you was based on what we now see as the worst-case scenario in relation to Longannet,

would you still have thought it was worth investing £30 million of Scottish Executive money in?

**Nicol Stephen:** Yes.

**The Convener:** The committee has no further questions. Do you wish to make any brief closing remarks?

**Nicol Stephen:** I want to pick up on Nora Radcliffe's final point. We had discussions with Scottish Power and we were aware of a range of possibilities. It is fair to say that Scottish Power's evidence on the assumptions of closure for Longannet came in at the poorer end, but it was not outside the range of dates that officials had been discussing—if I am wrong about that, Damian Sharp can cut in. My announcement of the £30 million funding was based on advice that officials gave me in the knowledge that Scottish Power was considering a range of options for Longannet. The proposal made by the promoter was based on the closure happening in 2020. The evidence given by Scottish Power was not outside the range of dates that officials had been aware of.

We support the proposal. We believe that public transport must be a greater priority for Scotland and that investing in improved public transport is good not only for passengers but for business and the economy. Our supporting the scheme will send a powerful signal that we are serious about delivering improvements to Scotland's rail network and about bringing benefits to passengers and business. The benefits to Alloa in particular and Clackmannanshire in general will be important. We have seen the strong support that the local council, as promoter of the scheme, has given the scheme. There is wide cross-party support in the area for the scheme. The project is important for the area's economy, job prospects and connections to the rest of Scotland.

The project will also bring significant freight improvements. I am anxious to look over time at the issue of freight movement from the east coast to the west coast. The scheme will bring improvements in relation to the journey that heavy coal trains have to take from Hunterston to Longannet, but beyond that the scheme opens up exciting possibilities for the movement of goods from east to west. That will be significant in relation to European transport, as we look to the future and start to see the potential for new links with the Baltic and Scandinavia. Traffic will be able to come to Scotland—perhaps by ferry—and move across to the west coast and on to Ireland. There will be potential for movements from Rosyth, for example, to other parts of the United Kingdom. I am excited by the possibilities that the scheme opens up for the future. The potential benefits, such as those that relate to the Menstrie branch line and the Rosyth link, are very important.

The scheme will bring significant benefits to passenger services in Fife—as you know, we are already investing in platform-lengthening work and new rolling stock for services throughout Scotland. Some of that investment will be focused on the Fife services, where there is significant overcrowding at the moment. New trains and longer platforms will make a significant improvement to services, as will the freeing up of the Forth rail bridge's capacity as a result of taking those long, slow-moving coal trucks off the bridge. That will bring great benefits.

For all those reasons, as I said earlier, I am an enthusiastic supporter of the scheme. If the scheme receives the Scottish Parliament's support, I am determined that the £30 million that the Scottish Executive is committing to the project should be wisely invested to bring good value for money and that the project should be constructed efficiently and on time so that the line can open in 2005-06.

I recognise the need for all who play a part in the approval process to take a fair and objective view and I hope that, having taken such a view, they will reward the commitment that the Executive—through me and through officials—has made up to now. I look forward to seeing trains running along the route again in due course but, more important, I look forward to there being a service for passengers and local businesses.

**The Convener:** If Mr Sharp has nothing to add, on behalf of the committee I thank the gentlemen for appearing and giving evidence. They may now retire to the body of the hall. I suspend the meeting for one minute so that we can change witnesses.

12:07

*Meeting suspended.*

12:08

*On resuming—*

**The Convener:** The committee will now hear oral evidence on the preliminary consideration of objections from Mr Graham Bisset, and from Mr John Dick and Ms Isabel Marshall from the Kincardine railway concern group.

GRAHAM BISSET *made a solemn affirmation.*

ISABEL MARSHALL and JOHN DICK *took the oath.*

**The Convener:** I will address my first few questions to Mr Bisset, after which I will question Ms Marshall and Mr Dick.

For the committee's understanding, will Mr Bisset explain where he lives in relation to the existing operational railway?

**Graham Bisset:** My home is in Kincardine and I live about 150m from the railway. My home is to the west and north of the railway and takes in a railway curve. The trains will therefore run continually round that curve at a distance of 150m from my home.

**The Convener:** I understand that you acknowledge the existence of an operational railway but that you are concerned about the increase in the number of freight trains that will affect you—that number might increase from one train a day to 15 trains a day. Is that the case?

**Graham Bisset:** Yes. That is correct.

**The Convener:** Paragraph 6 of your memorandum refers to the number of trains that use the existing operational railway. How likely would an increase in that number be if the line between Stirling and Kincardine were not reopened?

**Graham Bisset:** Kincardine power station is being used as a small-scale coal storage facility and seems to hold coal that Longannet power station uses. The limited amount of coal stored restricts the number of movements for which the line is used. If—and I grant that it is possible—that facility were used for much larger quantities of coal, the frequency of train movements would increase. However, I cannot anticipate a situation in which the amount of coal that Kincardine power station holds could increase from the present level of about 500 tonnes to perhaps 500,000 tonnes.

**The Convener:** In your view, there is no prospect of an increase in traffic.

**Graham Bisset:** If the use of the line increased, that would be for the wrong commercial reasons.

**The Convener:** Paragraph 2 of your memorandum helpfully sets out the requirements of the Environmental Impact Assessment (Scotland) Regulations 1999 (SSI 1999/1) in relation to the effects that need to be assessed. I understand that your position is that the effects on your amenities of reopening the disused railway will be significant, however that word is defined, and that those effects should be assessed under the EIA regulations. Is that a fair statement of your position?

**Graham Bisset:** It is not clear to me—and possibly to everyone else—what the role of the 1999 regulations is, because in annex N to the “Guidance on Private Bills”, the Presiding Officer determines that the information that is included in the regulations should be incorporated in an environmental statement that is submitted with a proposed bill. That annex did not refer to the purpose of that information, so I leave it to the committee to decide how to use that information.

**The Convener:** Sure—I understand that.

However, in your view, should those effects be assessed under the 1999 regulations as you understand them?

**Graham Bisset:** The indirect and secondary environmental impacts of the railway, in particular, should be assessed, because those impacts would not occur if the new railway were not constructed.

**The Convener:** Thank you, Mr Bisset. I will now turn to the witnesses from the Kincardine railway concern group. You will understand that, at this stage, the committee is concerned not with establishing the merits of the project but with establishing matters of principle and with investigating the adequacy of environmental information. It is important that each of the registered objectors has the right to object and, on that basis, I thank you all for coming today. I should have said that at the start.

I understand from the concern group's memorandum that you support Mr Bisset's position and are concerned about the increase in the number of freight trains. You believe that that increase will affect your members. Is that a fair summary?

**John Dick (Kincardine Railway Concern Group):** Yes.

**Isabel Marshall (Kincardine Railway Concern Group):** Yes.

12:15

**The Convener:** We have seen on the map in your memorandum where some of the affected residents live. Am I right to say that the group represents certain residents in Ochilview?

**John Dick:** Yes.

**Isabel Marshall:** Yes.

**The Convener:** The occupants of house numbers 16, 17, 18, 23 and 25 on Ochilview are members of the group.

**John Dick:** Yes, they are.

**The Convener:** Are there any other members?

**John Dick:** The whole street.

**The Convener:** Are there other members of the group who do not live in what I would loosely describe as the neighbourhood of the railway?

**John Dick:** No. There used to be more members from along Hawkhill Road but, for certain reasons, there was a split. We now represent Ochilview, to all intents and purposes.

**The Convener:** So it is the whole street, but nothing outside of that.

**John Dick:** That is right.

**The Convener:** I do not think that we have any other questions at this stage, but do you wish to make some brief concluding remarks?

**Graham Bisset:** Our situation in Kincardine is likely to be adversely affected by the railway. Those effects, whether direct or indirect, will be significant. In my submission, I refer both to the direct and to the indirect effects. Those effects, which are identified in the environmental statement, will increase as the newly reopened line moves closer to me. The impact on me will be significant. For further clarification on that, I refer members to the original documentation of my objection.

**Isabel Marshall:** We feel that more trains on the line would cause an unreasonable interference to our enjoyment of our land and property.

**John Dick:** I would add to what Isabel has said. The closeness of the existing railway line to our homes is acceptable at the moment because there is only one train a day—and not even every day. We are not against the reopening of a railway line; the problem is the proximity of the existing line to our homes. We are also worried about safety. There has already been a derailment on the other side of Longannet. A derailment close to our homes would be catastrophic. We are frightened about safety aspects.

**The Convener:** On behalf of the committee, I thank all three witnesses for giving evidence today. I invite you to return to the body of the hall. You are more than welcome to stay for the rest of the day.

12:18

*Meeting suspended.*

12:19

*On resuming—*

**The Convener:** The committee will now take oral evidence on the Scottish transport appraisal guidance—STAG—from Mr Nigel Hackett, associate at Scott Wilson Scotland Ltd. I welcome Mr Hackett and remind him that he is still under oath.

**Rob Gibson:** At the bottom of the first page of the letter from Tara Whitworth, it says that the Scottish Executive, at one of its recent workshops on STAG, considered a STAG assessment to meet the requirements of the EIA regulations in terms of outlining the main alternatives considered and the main reasons for choices. Will you elaborate on that?

**Nigel Hackett (Scott Wilson Scotland Ltd):** Yes. I attended a presentation that the Scottish Executive gave to roll out “Scottish Transport Appraisal Guidance: version 1.0”, which the

Scottish Executive witness described to you last week. There was a presentation and a workshop, which gave those attending the opportunity to understand the new STAG and to ask questions. I asked the question that is described in the letter from Tara Whitworth, to which you referred. The question was whether the Scottish Executive considered that the STAG assessment of alternatives was sufficient to meet the requirement of the EIA regulations. The reply that I received, which is contained in the letter, is dated 7 November 2003 and says that the STAG assessment of alternatives meets those requirements.

**Rob Gibson:** So the recommendations are recorded in the published document.

**Nigel Hackett:** The published document is the STAG document. That is the document to which I referred and which the Scottish Executive described at the presentation.

**Rob Gibson:** Am I right to conclude from the letter that there are no more data to support the conclusions in the STAG 1 assessments than what is contained in the documents?

**Nigel Hackett:** The data are contained in the document. Obviously it draws on other sources of data, which are referred to in the letter. I direct you to the first paragraph on page 3 of the letter, which says that we undertook the STAG part 1 assessment on the basis of published information, such as local plans, structure plans and so on. The information is available in documents other than the reports that you have seen.

**Rob Gibson:** I refer to the penultimate paragraph on page 2 of the letter. Can you confirm that the environmental scoping study of the project relates to the route that is the subject of the bill, rather than to the alternative routes?

**Nigel Hackett:** The MVA report “Stirling-Alloa-Kincardine Rail Line Reopening Benefit Study”, which was published in February 2002, runs through the environmental scoping issues.

**Rob Gibson:** Does it relate to the route that is the subject of the bill, rather than to the alternatives?

**Nigel Hackett:** Yes. The study described options A to E, which have been described to you. Option E is the route that is the subject of the bill.

**Rob Gibson:** Thank you very much.

**The Convener:** The committee has no further questions at this stage. Do you want to make brief closing remarks?

**Nigel Hackett:** The environmental statement outlines the alternatives in accordance with the regulations. The alternatives are listed in chapter 3 of volume 1. We have provided details of the

assessments that were carried out.

**The Convener:** Thank you for giving evidence, Mr Hackett. You may return to the body of the hall. At this stage we will break for an early lunch. We will return in an hour.

12:25

*Meeting suspended.*

13:25

*On resuming—*

**The Convener:** Good afternoon, ladies and gentlemen. The committee will hear oral evidence on the environmental statement from Mr Jim Miller, who is an associate with Ironside Farrar; Mr Stuart Coventry, who is a director of Scott Wilson Ltd; and Mr Nigel Hackett, whom we welcome back, who is an associate with Scott Wilson Scotland Ltd.

JIM MILLER and STUART COVENTRY took the oath.

**The Convener:** Mr Hackett remains under oath.

I will kick off the questions and start with a small point. I do not follow the first sentence of paragraph 5 in memorandum SAK/S2/03/4/4. Is it incomplete, or do I misread it?

**Stuart Coventry (Scott Wilson Ltd):** I think that you are right that the sentence is incomplete, as it is missing a verb. I am not sure what that should be, but I can clarify that later.

**The Convener:** I would be grateful for that. That would be kind of you.

I wonder whether paragraphs 6 and 13 of the memorandum contradict each other. Paragraph 13 says:

"A judgement as to whether something might give rise to a significant environmental effect was based on what that thing was and what effects it might have."

The previous sentence suggests that such judgments will be

"based on the assessors' knowledge and understanding of the scheme proposals."

However, paragraph 6 envisages a strict matrix approach under which judgments are applied to findings of magnitude and receptor importance, but beyond that stage, the level of significance is a simple product of the matrix. In other words, room might not be available for professional judgment and moderation of the matrix result. Is some reconciliation required, or do I read the information wrongly?

**Stuart Coventry:** Perhaps I can answer that question by explaining the process that was undertaken to determine the significance of an effect.

**The Convener:** I would be grateful for that, because I wonder whether the approach is strictly scientific or has room for an impressionistic aspect.

**Stuart Coventry:** As a general principle, both aspects probably apply in varying degrees to different topics. The general approach that we took, which is described in the environmental statement, assesses first the magnitude of the change of an environmental topic. The definition of the magnitude of a change includes for some topics guidance on how to assign a magnitude to the level and importance of a change. For other topics, less guidance is given and more room is available for professional judgment.

Having assigned a value to the magnitude of the change, for most topics we consider the importance of that which is affected—otherwise called the receptor in the environmental statement. For some topics there is guidance on how one should assign a level of importance to a receptor. Having determined the magnitude of impact and the importance of the receptor, we have applied generally an approach using a matrix to see what would be the combination of those two factors. In assigning those things there is still the potential for professional judgment to move the boundaries somewhat and really reflect the local conditions that apply in a particular circumstance.

13:30

**The Convener:** So it is not absolutely fixed and there is a degree of latitude, although parameters are set in relation to the magnitude of the change and the importance to the receptor.

**Stuart Coventry:** Yes, and more parameters are set for some topics than for others. In appendix A of our memorandum we have set out for each environmental topic the approach that we have adopted to defining the thresholds and assigning an outcome. That is encapsulated in section 4.2 of volume 1 of the environmental statement.

**Rob Gibson:** Question (a)(i) on the environmental statement, which has resulted in memorandum SAK/S2/03/4/4, asked for an explanation of the approach taken to definitions of magnitude in relation to each relevant chapter. You have explained the position with regard to agriculture, but not with regard to cultural heritage, water resources or traffic and transport. Can you help us with that?

**Nigel Hackett:** You will find in volume 2 of the environmental statement a detailed description and written assessment of each environmental topic. If you refer to any of those topics, you will find a section near the start of each chapter setting out the methodology for the assessment of the

topic. You referred to agriculture. You will find the same information for cultural heritage. If I am not mistaken, further information on cultural heritage is to be found in volume 3, in the appendices. We have tried to give a full description without including the whole volume. That is summarised for your benefit in the table that we have set out in appendix A of our written statement. The second column of that table will tell you from where we derived the magnitude, importance and significance impact thresholds. That covers every single environmental topic in the environmental statement.

**Rob Gibson:** We have pretty well covered that. Having read the environmental statement, we can see how you are working that out.

This is probably a point on which clarification can be easily given. You have described the approach taken to definitions of magnitude in the chapter on agriculture in volume 2 of the environmental statement. However, what you seem to have identified are definitions based on land use policy, which may not be reflected in the potential for environmental effects. Could we have your comment on that?

**Nigel Hackett:** The definitions that we used were based on volume 11 of the "Design Manual for Roads and Bridges", the title of which volume is "Environmental Assessment". I refer you to volume 11, section 3, part 6, chapter 8—"Information on Agricultural Land"—and chapter 9, which is "Criteria for Determining the Scope of the Agricultural Assessment". Those give you full details of the assessment criteria and magnitude, where that is relevant.

You are particularly concerned with the information that we provided on the number of hectares as well as the magnitude. Again, I refer you to appendix A of our submission. It is worth continuing on the environmental topic of agriculture, as there is a simple answer. The third column of appendix A says:

"The approach to defining the magnitude and importance of effects was developed specifically for this topic and is described in Volume 2, Section 6.2, and in particular Tables 6.2 to 6.4."

The reason for our doing that is the fact that the "Design Manual for Roads and Bridges"—which we in the trade know as the DMRB—does not give specific guidance on the definition of magnitude. We therefore developed our own criteria based on our professional experience and the experience of carrying out agricultural assessments for other projects.

**Rob Gibson:** That has clarified the matter a little for me. Thank you.

**Mr Baker:** I note what you say in your written evidence about paragraph 3 of part 1, schedule 4 to the Environmental Impact Assessment

(Scotland) Regulations 1999 (SSI 1999/1), concerning the scope of the environmental impact assessment. I would like to address the position of those who live close enough to the operational Kincardine railway to experience environmental effects from existing operations along that railway and therefore, I presume, from the increased operations if the bill's proposals are implemented. I would like your opinion on whether it would be right for the environmental impact assessment of the proposal to take account of such effects. I ask you to remember, in answering the question, the view that was expressed this morning by Mr Bisset.

**Stuart Coventry:** Can you clarify the question, please? Are you asking whether we think that it is appropriate that the effects on those who live alongside the length of railway that is not included in the bill should have been taken into account in the environmental statement?

**Mr Baker:** Yes. Do you think that the environmental impact assessment should take those effects into account?

**Stuart Coventry:** The environmental statement has taken account of the effects outside the length of railway that is included in the bill, including the effects in the areas that you have mentioned. The approach that we have taken to the environmental statements has followed what we consider to be good practice and has drawn on our experience of undertaking environmental assessments for railway projects and other similar infrastructure projects throughout the UK over the past 10 years. We would always seek to describe the effects that result from the operation of a scheme, even if that was not directly within the limits of the powers that were being sought. That is the approach that Scott Wilson takes towards such things and we think that it is appropriate.

As part of the assessment process, Ironside Farrar Ltd—specifically Jim Miller—was brought on board to undertake a peer review of the environmental assessment process and the environmental statement before it was submitted in support of the bill. I ask Jim Miller to give his view on the compliance of what was done with the regulations.

**Jim Miller (Ironside Farrar Ltd):** Good afternoon. I work for a company called Ironside Farrar Ltd, which also conducts environmental impact assessments and produces the resulting statements. Those assessments tend to be for big infrastructure projects. We are also term consultants to the trunk roads division of the Scottish Executive and are invited by the Executive to conduct audits of environmental impact assessments and statements. We do that to ensure that there is full compliance both with the relevant European Community directive and



with the Environmental Impact Assessment (Scotland) Regulations 1999. We carry out a checklist review of the current best practice published by Scottish Natural Heritage, the Landscape Institute or whichever professional body is addressing the specific topics that are under consideration.

We prepared an audit review of the environmental statement. Where there were deficiencies or instances of non-compliance, we advised Scott Wilson Ltd of that. Scott Wilson Ltd then completed the final draft of the statement, which we were given sight of. We ensured that we carried out a cross-check with our previous guidance to ensure that it had been incorporated into the statement. In our professional view, the statement is fully compliant with the legislation and with best practice. It is a robust document.

**Mr Baker:** I refer you to paragraph 14 of memorandum SAK/S2/03/4/4. You have helpfully returned to a topic that concerned the committee on 27 October, when in his supplementary memorandum Mr Irving indicated that you would address the question whether the environmental statement deals with all the works that are proposed in the bill. You will remember that the committee had doubts that the works proposed in schedule 3 to the bill, on ancillary works, were specified in enough detail to allow environmental impacts to be identified and assessed at this stage.

I will press you on that point and ask you to consider schedule 3. All the works set out in paragraphs 1 to 12 of the schedule are described in fairly general terms, while those described in paragraph 13 are not specified at all. Given the lack of definition in schedule 3, how are you able to reassure the committee that any environmental impact assessment of the proposals by Parliament will be sufficient for the purposes of the European Union directive and of the Environmental Impact Assessment (Scotland) Regulations 1999?

**Stuart Coventry:** That issue is dealt with by having practitioners who understand what is required in the construction and operation of a railway of this nature undertake the environmental assessment of the project and produce the environmental statement. The people involved in this project, on both the environmental and engineering teams, are aware of the needs.

As Mr Baker says, schedule 3 to the bill provides some flexibility for ancillary works. In conjunction with the engineering team, we have reviewed the project from the start to the end to determine what works would and might be required. We have taken those into account in the environmental statement. Throughout the statement, we describe what those works might be, in both construction and operation. The statement includes an

assessment of the impact of those works and determines whether that is significant.

The ancillary works that have been addressed in that way generally—if not completely—have impacts that are not considered to be significant and that are very small scale, especially in the overall scheme of things. We take the view that, were any other works to be required, they would be of a similar nature and would not have significant effects. For that reason, they do not need to be reported in the environmental statement. In short, the statement is based on an understanding of what would be required for a railway of this nature.

**Mr Baker:** Is it your position that, in the nature of things, applications for the authorisation of new or altered railways necessarily include proposals for an array of minor works that in themselves could not give rise to effects that could influence an environmental decision on the project?

**Stuart Coventry:** For this project, that is our view.

**Jim Miller:** I agree.

**Mr Baker:** What do you think might be the cumulative effect of such works, along with the other works that are proposed in the bill?

**Stuart Coventry:** There would be the potential for cumulative effects either if the works were being carried out at the same time in the same location, or if they affected the same receptor. We have assessed the scheme and we do not think that there is anything that we have not considered that could act in cumulation with the things that we have assessed and have a significant impact.

13:45

**David Mundell:** I refer you to paragraph 16, and thank you for setting out in appendix B a revised version of table 5.1, which is in volume 1 of the environmental statement. For clarification, is the revised table intended to supplement or to replace the existing table? I ask because the table in appendix B appears to be an updated, corrected version and I guess that it is intended to replace the version that is in volume 1 of the environmental statement.

**Stuart Coventry:** The table in appendix B is more complete than the one presented in the environmental statement.

**David Mundell:** So it replaces the other table?

**Stuart Coventry:** Yes.

**David Mundell:** I make a general point that arises from paragraph 28. In the environmental statement, where can we find a definition of the threshold above which assessed environmental effects are regarded as significant in terms of the

Environmental Impact Assessment (Scotland) Regulations 1999? I appreciate what you say in paragraph 4 about the lack of a definition in the regulations of “likely significant effects”, but those who compiled the environmental statement must have had—and must still have—some idea of those effects. As you say in paragraph 5, those effects should be

“taken into account in the decision making process”

and be capable of influencing it. It is important that the committee has some understanding of the promoter’s views on which of the assessed effects might cross that line and so be capable of influencing the environmental decision on which the committee has to report. Can you help us on that?

**Stuart Coventry:** Yes. We have already looked at appendix A, which defines our general approach—I believe I mentioned it when I answered a question from Mr Butler. Appendix A sets out the approach that was taken to identify the level of impact and the importance of a receptor, bringing those two values together in a matrix form to give guidance on the level of significance of the impact.

I refer members to table 3.4 on page 17 of volume 2 of the environmental statement, which shows the matrix that establishes the approach that would be taken for the topic of land use. I use that example because we have applied the matrix to many topics—although not to every topic as some have slightly different values. The approach in that matrix is to combine the values of “Importance of Receptor”, which is categorised—using professional judgment—as negligible, low, medium or high, and “Magnitude of Impact Upon Receptor”, which we have defined as negligible, slight, moderate or severe. The combination of those two values is set out so that the level of significance is defined as negligible, minor, moderate or substantial.

The next step, as I think your question suggests, is to ask which results are significant and which are not. The response is somewhat arbitrary: people will have different views about what is significant and what is not. If a particular impact is affecting them, their view will be less tolerant than that of a dispassionate practitioner. As a general rule, we propose that levels of significance that are classed in the table as “Moderate” or “Substantial” ought to be considered as significant effects. Levels of significance that fall into the “Minor” category are probably in a grey area and “Negligible” levels would not be significant. Because that is our view and others might take a different view, we have spelled out our approach so that it can be clearly understood. Others may take a different view if they want—the idea is to have a transparent process.

**David Mundell:** I turn to paragraph 29. Again, the use of the phrase “significant effects” might be slightly different in the context that we are talking about from its use in the context of environmental impact assessments. What is meant by significant effects under the Conservation (Natural Habitats, &c) Regulations 1994 might not be the same as it is under the Environmental Impact Assessment (Scotland) Regulations 1999. Will you confirm the context of the use of the phrase in paragraph 29?

**Stuart Coventry:** I believe that the phrase in paragraph 29 is taken from the habitats directive. Sue Bell, who will speak to you later, might be of more assistance in this regard, but I believe that that term is taken from the directive and that there is no real guidance in the directive on what “significant” means. Given that fact, I think that the approach that we have taken to define “significant” in relation to the general environmental effects would be equally applicable to the habitats directive. In other words, the question is whether there would be material harm to the subject of the directive.

**David Mundell:** Your view is that the term is used in paragraph 29 in the context of the directive.

**Stuart Coventry:** Yes. As I said, Sue Bell might be of more assistance on that point.

**The Convener:** The committee members have no further questions. Would the witnesses like to make any concluding remarks?

**Jim Miller:** I reiterate that when we considered the final environmental statement, it was fully compliant and was a robust document.

**Stuart Coventry:** I would merely like to apologise for my more casual appearance. British Airways decided that it would be best if my luggage were to remain at Heathrow today.

**The Convener:** I am sorry to hear that but I am glad that you could make it, at least.

I thank you for coming before us. We will take a short break while our new witnesses take their seats.

13:52

*Meeting suspended.*

13:54

*On resuming—*

**The Convener:** The committee will now hear oral evidence on the cultural heritage and ecology chapters of the environmental statement from Mr Mike Shepherd, Scottish Natural Heritage’s area officer for Tayside and Clackmannanshire, and Alan Bell, SNH’s area officer for Argyll and Stirling.

We will also hear from Mr David Leven, special projects manager, and Ms Lily Linge, strategic planning manager, both from Historic Scotland.

ALAN BELL, MIKE SHEPHERD, DAVID LEVEN and LILY LINGE made a solemn affirmation.

**The Convener:** We will first ask questions of Historic Scotland, and then of SNH.

**Rob Gibson:** Paragraph 8 of Historic Scotland's written evidence refers to the lack of definition of the proposed Alloa eastern link road, which concerns us. Can you describe the consultation that the promoter carried out with Historic Scotland prior to the lodging of the bill?

**Lily Linge (Historic Scotland):** We were originally consulted in October 2002 on the line that the railway would take. I had taken the consultation to be in the context of Historic Scotland being a statutory consultee in the environmental assessment process, through the Scottish ministers, who are identified as a consultee. We were later consulted separately on the line of the link road, specifically on the preferred option. We had a third, more specific consultation from AOC (Scotland) Ltd, which was the archaeological consultant to the project. It asked us to clarify specific archaeological issues.

**Rob Gibson:** Did you seek any further information on the definition of the link road from the promoter prior to the bill being lodged?

**Lily Linge:** No. That was the first time we were told about it.

**Rob Gibson:** Did the promoter indicate to you when the link road scheme would be sufficiently crystallised for a view to be formed on its direct impact on the Parkmill cross slab, which is a scheduled ancient monument?

**Lily Linge:** No. The first indication that we had of that issue was from the environmental statement. The part of the environmental statement that we quote in paragraph 7 of our written evidence, which concerns the siting of a roundabout, indicates that a revised plan was to be submitted to us.

**Mr Baker:** I refer to paragraphs 8 and 9 of your submission. Has any approach been made by the promoter to obtain scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979?

**David Leven (Historic Scotland):** No, it has not.

**Mr Baker:** If such an approach were made, how would an application be assessed and what considerations would Historic Scotland have in making an assessment?

**Lily Linge:** Such an application would be assessed on its own merits, against the

requirements of the Ancient Monuments and Archaeological Areas Act 1979. In general, such an assessment would be based on two broad issues. The first question would be whether, in line with the purpose of the 1979 act, and taking into account what preservation means with regard to scheduled monuments, the proposal preserved the monument. If the answer to that was no, exceptional circumstances might still need to be taken into account. Such circumstances would need to outweigh the national importance that is attached to the preservation of the monument.

**Mr Baker:** Although the previous question was hypothetical, will you give us some idea of Historic Scotland's likely attitude to an application for scheduled monument consent under the 1979 act if there was a direct impact on, and some damage to, the Parkmill cross slab?

**Lily Linge:** I could do so only if we had received an application. The 1979 act is about the control of works and we would need a specific application with all the details to answer your question.

**The Convener:** You are wise not to answer a hypothetical question.

We move on to paragraph 15, in which you address the setting of the Parkmill cross slab. I presume that it is of some importance to try to determine the landscape that existed when the slab was erected. Do you have any comments to offer the committee on the nature of that landscape?

14:00

**Lily Linge:** In this instance, we are not desperately concerned about trying to assess the original historic setting. Our approach is in line with the guidelines on landscape and visual assessment that are promoted by the Landscape Institute. Those guidelines accept that there is a historic dimension to the landscape and that the cultural elements of the landscape as we see it today are of equal merit to trees and houses. They are part and parcel of how we view the landscape.

For some monuments, it might be possible to say what the historic landscape was, particularly where there is a complete landscape such as Salisbury plain, around Stonehenge. The Parkmill cross slab is a rather isolated monument and, in my view, it is difficult to say what its historic landscape would have been like. Certain conclusions can be drawn; it is situated on a high point in the field and certain inferences on what was in the minds of the people who built it can be drawn from that.

**The Convener:** You are not desperately concerned about the original historic setting.

**Lily Linge:** No.

**The Convener:** I have another hypothetical question. If the planning acts were not disapplied by the bill and Historic Scotland had been consulted on an application for permission for the development that is described in the bill, what would Historic Scotland's response have been—as a statutory consultee in the planning application process—on the effect on the setting of Parkmill cross slab?

**Lily Linge:** In the first instance, we would have looked for further information. An environmental assessment would have been required and would inform the decision on the planning application. We would have required further information on how the assessment of the monument's landscape setting had been made, taking into account things such as views of the monument, not only from the road but from the public footpath that runs south of the monument.

**The Convener:** Does Historic Scotland think that the promoter has provided enough information for this question to be assessed?

**Lily Linge:** No.

**Nora Radcliffe:** I have some questions for the witnesses from SNH. The second half of paragraph 1.2 of your written evidence strikes a chord with the committee's approach to its questions to the promoter on the same point. However, at this preliminary stage, we are considering whether adequate information has been provided. Is the step that you advocate—moving the assessment of the effects on the designed landscapes into the chapter on the assessment of the landscape and visual effects—necessary or would it just be nice to have?

**Mike Shepherd (Scottish Natural Heritage):** It would be nice to have rather than being absolutely necessary. There is enough information for us to be satisfied with the conclusions that have been drawn, but the committee might think it helpful to have the assessment of effects on the designed landscapes moved into the landscape section.

**Nora Radcliffe:** That is your view, but it is not necessarily required by the regulations.

**Mike Shepherd:** Absolutely.

**Nora Radcliffe:** Adopting the approach already indicated in relation to ensuring that the committee has adequate environmental information, I want to move on to what you say about Atlantic salmon. You say that there may be reason to give further consideration to the possible effects on that species. Do you feel that we need that information before we can be satisfied that we have adequate environmental information?

**Alan Bell (Scottish Natural Heritage):** Yes—the habitats directive requires that of you.

**Nora Radcliffe:** Are there marked differences

between the effects on different types of migratory fish of what is proposed in the bill? Is what has been done in respect of sea lamprey likely to transfer over to Atlantic salmon, or are they so completely different that it is chalk and cheese?

**Alan Bell:** There are two key issues. One is the risk of causing some kind of physical blockage in the river, which would apply equally to both types of fish. In fact, it would apply slightly more to lamprey, because they are slightly less strong swimmers, so anything that created a temporary weir or whatever would be more likely to block the lamprey from moving than it would salmon. In the river system, salmon get right up to the headwaters, whereas some of the lamprey species, such as the sea lamprey, do not get further upstream than Callander, as far as we know, because of falls and so on. That illustrates the point.

The second issue is chemical pollution. I am not sure of the toxicological responses of the different species—it would depend on the pollutants in the river and their concentration.

Another point is that there are differences in timing. For example, river and sea lamprey generally migrate upstream only from April through to June, whereas salmon can migrate upstream pretty much all year round, as long as the water temperature is above 5°C. The main salmon migrations tend to be in the spring and summer. There are temporal differences between the two groups of species that would have to be examined.

**Nora Radcliffe:** Thank you. That is helpful.

The same point arises in relation to paragraph 2.3 of your submission. Presumably, the more detail the committee has, the better it can be satisfied, but we are interested in achieving a certain threshold—that of ensuring that we have adequate environmental information. Are detailed method statements required in order to achieve that threshold?

**Alan Bell:** They probably are. Regulation 48(5) of the Conservation (Natural Habitats, &c) Regulations 1994, which transpose the habitats directive into UK law, states that the competent authority—which I expect is you—

“shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.”

So “may not” or “probably will not” are not strong enough—it is very much “will not”. My interpretation of the regulations is that you have to be pretty confident.

**Nora Radcliffe:** Thank you. That is helpful.

**David Mundell:** On paragraph 3.9 of your submission, your view that appropriate

assessment is required contradicts the view of the promoter. What consultation took place between SNH and the promoter on that issue prior to the submission of the bill?

**Mike Shepherd:** I do not think that we were consulted directly on that issue. We were asked for information pertaining to the development that would be useful in producing the environmental statement, or pertaining to any important issues that we thought might be relevant to the environmental impact assessment, which essentially were the River Teith special area of conservation and the designed landscape designations. The question whether an appropriate assessment would be required was not put to us.

**David Mundell:** If the Parliament, as the competent authority for the purposes of the relevant legislation, is to make an appropriate assessment, when should it do so?

**Mike Shepherd:** I imagine that that should be done as soon as possible, in case the assessment throws up any difficulties with the development.

**David Mundell:** In the context of the parliamentary process, should the committee make an appropriate assessment now to ensure that it has adequate environmental information to report to Parliament at the end of the preliminary stage?

**Mike Shepherd:** Whether the appropriate assessment should be undertaken now is debatable. The committee needs to be sure that it has all the information that will be required to make the appropriate assessment. As we have said, the ES provides quite a lot of that information. There are some gaps—the major one is the omission of salmon—but the committee needs to be sure that the ES or other sources provide enough information on which to make the appropriate assessment.

**David Mundell:** I am not clear about whether you are talking about information to make the assessment or to assess whether we should have an assessment.

**Mike Shepherd:** We believe that an appropriate assessment is required under the habitats directive and the 1994 regulations. At this stage, it is important for the committee to feel confident that it has all the information at its disposal to enable it to make that assessment. The appropriate authority certainly should undertake an appropriate assessment.

**David Mundell:** Do we need to be sure of that before we complete the preliminary stage and report to Parliament?

**Alan Bell:** I am not entirely sure about the committee's procedures, but the 1994 regulations

point to the fact that the appropriate assessment must be undertaken before it can be ascertained that a development will not adversely affect a site's integrity. In other words, the appropriate assessment must be undertaken before the decision is taken. I suppose that the decision in this context means passing the bill. Where the committee fits into the timing of all that is outwith my expertise.

**The Convener:** We will take advice on the last point that Mr Mundell raised.

The committee has no further questions. Do the witnesses have any brief concluding remarks?

**Alan Bell:** Yes. I have a brief apology to make. Our memorandum contains a minor but significant error in paragraph 3.7. The final sentence of that paragraph should read:

"reasons of overriding public interest which in this case"

may not

"include those of a social or economic nature."

Paragraphs (1) and (2) of regulation 49 of the 1994 regulations explain a little more about that. Salmon and lamprey are priority species, so social and economic reasons by themselves do not allow the scheme to proceed.

**The Convener:** The committee is grateful for that correction. As no other witnesses have closing remarks, I thank the witnesses for giving evidence. They are more than welcome to return to the body of the hall and remain for the rest of the meeting.

14:12

*Meeting suspended.*

14:13

*On resuming—*

**The Convener:** The committee will now hear evidence on the cultural heritage and ecology chapters of the environmental statement from Mr John Barber, who is a senior consultant with AOC Archaeology Group, and Ms Sue Bell, who is a senior ecologist from Scott Wilson Ltd.

JOHN BARBER *took the oath.*

SUE BELL *made a solemn affirmation.*

**The Convener:** I will kick off. First, I refer you to paragraph 17 of your memorandum. You say that you considered listed buildings within 200m of the railway line. What is the reason for that decision?

**John Barber (AOC Archaeology Group):** Experience has tended to show that that is a reasonable dimension. It would be difficult to justify the decision in any absolute sense; it is pragmatic. For example, in a built-up area where

viewpoints or the lengths of views into the distance are more constrained by buildings, it would have been a narrower corridor; it might have been longer in a much more open environment.

**The Convener:** So, it is based on experience of such proposed developments.

**John Barber:** Indeed.

**The Convener:** As a lay person, I find it a little curious that an assessment would be scoped only on the basis of distance. Surely the setting and quality of buildings should be determined by reference to a number of factors, not just to distance? Am I in error about that?

**John Barber:** You are potentially correct. It depends very much on the nature of the intervention in the landscape that is being proposed. For example, if a skyscraper were to be put 5 miles away from a sensitive listed building or designed landscape, clearly one would look at that phenomenon.

In this case, we are looking at the reinstatement of an existing structure. As there is effectively no new build along the line, our judgment was that the visual impact would be severely constrained because the principal visual impact, which is that of the railway line itself, exists already and has matured into the landscape.

**The Convener:** Okay. I have a question on paragraph 19. If we take your approach into account, are you content that you have isolated all the potential effects on the listed buildings and their settings about which the committee may be concerned?

**John Barber:** I believe so. Yes.

**The Convener:** I have a final question before I bring in other committee members. I refer you to paragraph 20. The signals that will be removed remain listed buildings. What will happen to them?

**John Barber:** That is always a difficult question; it is particularly difficult to answer at this remove from any action. On the assumption that AOC continues to be involved in the project, in the ordinary course of events we would seek an appropriate museum in which to house the remains, such as an open-air museum that specialises in railway equipment. However, those institutions will not consider an offer unless one has progressed to the point at which a substantive offer can be made. We are not at that point.

**The Convener:** Okay. I am grateful for that information.

**Rob Gibson:** Paragraphs 6 to 10 of Historic Scotland's memorandum address the possible need for scheduled monument consent. I would appreciate your general observations on what Historic Scotland says.

**John Barber:** I begin by referring the committee to Historic Scotland's letter of 27 November 2002, which is to be found in volume 3 of the environmental statement. In response to a request from us for specific locational information, Historic Scotland enclosed a copy of a map generated by geographical information system, or computer, of which the transparency is an example. Members have a copy in their papers.

In the text of the letter, Historic Scotland refers us to the original scheduling document. I am holding up both documents to show the committee how they look together. Historic Scotland instructs us to found on the original scheduling document and map showing a kidney-shaped blob. On the third map that Historic Scotland produced in its commentary to the committee, there is a shape that looks like the moon in eclipse, if that is not too romantic an analogy.

Clearly, there are significant differences in the size, location and shape of the scheduled area on all three maps. Over the past few days, I was reminded that some years ago in Ireland there was a phenomenon of moving statues of the blessed virgin. In trying to find adequate locational information for this monument, I began to sympathise with those who had to deal with that phenomenon. The problem is exacerbated by the fact that although I am not an engineer, I understand that the road that is indicated on the maps is a corridor and that the specific location of the road is still somewhat in flux.

Having sought additional instruction on the matter, I am happy to confirm that the promoter of the bill is absolutely determined that there will be no physical infringement whatsoever on the scheduled area. The ambiguity that has arisen in the documentation that is before the committee, which Historic Scotland rightly points to in paragraph 7, is the conflict between the map evidence that has been produced, which compounded one set of uncertainties, and our belief that there will be no impact and no overlap.

I am happy to say that the promoter has confirmed that by means of engineering solutions up to and including moving the roundabout if necessary, there will be no physical impact on the scheduled area.

**Rob Gibson:** Historic Scotland makes a particular point that it is not possible to determine the precise position of the proposed link road on the basis of the maps in and text of the environmental statement. Do you agree?

**John Barber:** Yes. My difficulty is that it is also impossible to determine the location of the scheduled ancient monument—perhaps I should say that it has proved impossible to me. No doubt there are those with finer minds who could wrestle

with these things.

**Rob Gibson:** If Historic Scotland's point about the inconclusiveness of the environmental statement on the position of the link road in relation to the scheduled ancient monument has any validity, and the committee thinks that further information is required at this stage to pinpoint the position of the link road in the relevant area, what could the promoter do to refine the information provided? What should the time scale be for the provision of that information?

**John Barber:** I think that the additional information that is required is a map agreed by Historic Scotland and the promoter. A map that shows an agreed location for the scheduled ancient monument in the area would allow the production of a specific proposal for the engineering works that are associated with the roundabout. That would be the minimum necessary to avoid the scheduled area completely. The drawing could be produced relatively speedily.

**Rob Gibson:** If there were to be a direct effect on a scheduled ancient monument, consent will be required under the Ancient Monuments and Archaeological Areas Act 1979. Presumably, the promoter would need to initiate such an application at an early date in order to land some chance of achieving the April 2004 deadline for completion of processes to enable the project to proceed.

**John Barber:** That is another of those famous hypothetical questions. The promoter's determination is that there will be no overlap between the road structure and the scheduled ancient monument, so that there will be no direct impact and therefore no requirement for scheduled monument consent.

**Rob Gibson:** Does either witness have further comments to make on this particular issue, which has given rise to some concern for the committee?

**John Barber:** Perhaps I should add a further comment on the setting of the ancient monument that will be impacted upon. Regardless of where the roundabout is moved to, and regardless of the avoidance measures, there will be a new visual object in the field of observation that is available from the monument. The object might intervene in other sightlines to and from the monument. To some extent, Mrs Linge has asserted that the original state of the landscape into which the monument was inserted is not a consideration. That is certainly not consistent with Historic Scotland's approach to listed buildings, in relation to which the integrity of the setting is a very important determinant in the evaluation of impacts—visual impacts in particular—on the setting.

There is also the fact that the monument may

not be a monument. In annex A of its written submission, Historic Scotland acknowledges the fact that the earliest published report on the site suggests that the stone was moved to this location at some time in the then-recent past.

This hypothetical and poorly defined monument is in a very grey-scale condition at the moment. However, it is a scheduled ancient monument and, by definition, of national importance. Therefore, the landscape architects associated with the project will produce proposals to mitigate the visual impact of whichever road alignment is settled upon.

**Rob Gibson:** You will have read what Historic Scotland says in paragraphs 11 to 19 of its written submission. Do you have any general observations to make on what Historic Scotland says?

**John Barber:** I have some observations that would amount to little more than professional nit-picking. The attribution of significance because the monument is at the high point of a field is a whole new area of archaeological detection to me. However, *c'est la vie*.

**Rob Gibson:** In paragraph 19, Historic Scotland describes what is needed to provide adequate information on the effect of the proposal on the setting of the Parkmill cross slab. If the committee agreed with Historic Scotland, how soon could additional information—scoped in advance by Historic Scotland—be provided?

**John Barber:** I cannot provide you with a definitive answer to that question. Clearly, technical and engineering people would have to make judgments and produce proposals. I cannot believe that that would take more than a couple of working weeks; thereafter, the time scale would be in the hands of Historic Scotland.

**Nora Radcliffe:** I refer you to SNH's written submission, which mentions the designed landscapes of Airthrey castle and the Tulliallan estate. I would appreciate your views on what SNH says about the necessity or otherwise of the committee's seeing the assessment of the visual impacts on those landscapes.

**John Barber:** Our evaluation is that the visual impact—which is the only impact that we are talking about—on the area of those designed landscapes will be, in reality, nil. I am not sure how further study would assist us in assessing an impact that is, *de facto*, nil.

**Nora Radcliffe:** That more or less corroborates what SNH has said to us: it would be nice for us to have the assessment, but not necessary.

The point that SNH raises about Atlantic salmon is more important, concerning why the environmental statement did not recognise Atlantic

salmon as one of the qualifying interests of the candidate SAC. Why did that omission occur?

**Sue Bell (Scott Wilson Ltd):** The document talks about the presence of Atlantic salmon. We acknowledge the fact that Atlantic salmon are an annex II species, and we highlight in the document not only the fact that they are present in the Forth—which means that they are present in the candidate SAC for the River Teith—but the fact that they are also present in two other rivers, the Devon and the Black Devon, that are affected by the route. There are various paragraphs in the document—I can point them out to committee members later, if required—that identify the impacts on salmon and fish generally.

**Nora Radcliffe:** Do you feel that further information on the potential impacts on Atlantic salmon should be given to the committee, to ensure that what we have could be described as adequate environmental information, or do you think that what we have is sufficient?

**Sue Bell:** In our document, we identified what we felt would be the main environmental effects from an ecological perspective. It might be helpful to branch into discussion of the appropriate assessment.

We are talking about the River Teith, which is upstream of where the railway is going to cross, and there are already two bridges across the river between the new railway and the candidate SAC.

As SNH identified, regulation 48 of the Conservation (Natural Habitats, &c) Regulations 1994 sets out the criteria for when an appropriate assessment might be required—whether there is likely to be a significant effect on a European site. That takes us to the point about how we define significance in this context. I refer to Scottish Office circular 6/1995, which helps us to provide a definition of integrity. With your forbearance, I will recite what integrity is defined as. The circular states:

“The integrity of a site is the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.”

To interpret that, we need to be able to provide sufficient information to say whether the scheme would have an effect on the population, size and distribution of the salmon and the three lamprey species within the candidate SAC. Within the document we have talked about impacts on the SAC, and particularly on the lamprey species, but we have identified in separate sections impacts on fish, including Atlantic salmon.

14:30

**Nora Radcliffe:** So we have what we need.

SNH says, in paragraph 2.4 of its written evidence, that the competent authority might wish to see detailed method statements for some of the works that might affect the candidate SAC before making a final decision. I note evidence already given on behalf of the promoters to the effect that they wish to proceed with the scheme as soon as possible after the bill is passed—if it is passed. Are detailed method statements already available?

**Sue Bell:** In our mitigation in relation to our assessment of impacts on fish populations generally, and particularly the species that are highlighted for the candidate SAC, we have been cognisant of the fact that the fish are migratory. They are not living here but passing through the river at various times of the year. SNH is right to say that the time of the year at which the different species pass varies, and that is accepted. In our mitigation we have stated clearly that we would expect detailed method statements to be produced and approved by SNH to ensure that what is proposed will not affect adversely the interest features of the site. To the best of my knowledge, those statements have not been produced, but there is a commitment that SNH would be involved in agreeing them.

**Nora Radcliffe:** Would a lot of work be needed to produce the statements, or has much of the preliminary work already been done?

**Sue Bell:** In assessing the effects on the scheme, we were provided with two or three options by the engineering side. We have considered the worst-case scenario of how the engineers might go about strengthening the pier supports for the Forth viaduct. We would need to speak to the engineers about precise method statements, but I suspect that they might need more ground investigation data before they could tell us which option they would wish to go for and before they could give us precise method statements. We have considered the worst-case scenario, with mitigation, to assess the impacts. Because we have carried out that assessment, we do not think that there would be an adverse effect on the integrity of the three lamprey species and the salmon species for which the site has been designated. We do not think that there would be any decline in either their population or their ability to move up and down the river.

**David Mundell:** SNH's most important observation is contained in paragraph 3.9 of its memorandum, which says that an appropriate assessment is required of the proposal's implications for the candidate SAC, including effects on Atlantic salmon. At paragraph 29 of your memorandum, you state your view that appropriate assessment is not required. You appreciate that the committee will take the views of SNH seriously. Has any report or other work



been prepared on behalf of the promoters for the purpose of any appropriate assessment?

**Sue Bell:** You are quite right, and SNH is quite right, that the decision on whether an appropriate assessment is required is for Parliament to make. The test of whether an appropriate assessment is required is to consider whether there will be a significant adverse effect on the integrity of the site and whether there will be a decline in the species for which the site has been designated—in this instance, the three lamprey species and the salmon species.

It is possible that we have a slightly greater advantage than SNH, because we have been able to look at the information in the environmental statement. We have information from the water resources chapter on whether there will be any change to water quality as a result of the proposals; the conclusion is that there will be no such change.

We understand broadly what the construction methods are likely to be and that they will not impede the passage of fish up the river. Our conclusion is, therefore, that because there will be no effect on the integrity of those species, there is no need for an appropriate assessment. Having said that, the information that Parliament might need to help SNH to make that decision—should it decide to go down that route—is contained in the environmental statement.

**David Mundell:** To summarise, you do not agree with SNH's opinion that there is a need for an appropriate assessment.

**Sue Bell:** It depends where one says that the appropriate assessment process starts. At paragraph 3.9 of its evidence, SNH has identified various topics that it believes should be assessed if an appropriate assessment were to be undertaken. I can point you to the paragraphs in the environmental statement in which those issues have been discussed. However, the decision on whether an appropriate assessment is needed is for Parliament.

**David Mundell:** Will you highlight those paragraphs now for the record?

**Sue Bell:** The construction impacts on the candidate SAC are highlighted in section 9.5.2 of volume 2 of the environmental statement. Impacts on fish, including salmon, are included in that section on pages 150 and 152. Operational impacts are included in section 9.5.3 of the same document, on pages 155 and 156. We have also included sections on mitigation, which set out clearly the procedures that we would like to be in place, the detailed method statements that we have discussed, the careful timing of the operations to avoid impacts, and the employment of an appropriately qualified ecologist to ensure

that there are no adverse effects. That is all included in section 9.6.2. Chapter 12 of the environmental statement covers water quality. I can provide a more detailed note of that later if you need it.

**David Mundell:** What consultations on the basis of that information have taken place with SNH on the need for an appropriate assessment?

**Sue Bell:** SNH was contacted in August 2002 as part of the wider general consultation that was undertaken for the project. It is important to remember that the parliamentary private bill process for a project of this type is very new and we are all feeling our way. It was clear to us that we were not necessarily responsible for carrying out the appropriate assessment; that would be for the Parliament. The consultation and the task of contacting SNH to seek its view on the appropriate assessment would therefore be for the Parliament. We have not, therefore, discussed in detail the appropriate assessment with SNH.

**The Convener:** The committee has no further questions. Do any of the witnesses want to make a few brief concluding remarks?

**Sue Bell:** It is worth reiterating that, based on what we have seen of the design of the scheme, we are confident that there would not be an adverse impact upon the integrity of the SAC features. That is the test that has to be passed to comply with the habitat regulations.

**The Convener:** I thank you both for attending and giving evidence to the committee. You are more than welcome to return to the body of the hall and remain for the rest of the proceedings.

14:38

*Meeting suspended.*

14:39

*On resuming—*

**The Convener:** We will now hear oral evidence on the chapter on water resources in the environmental statement from Calum Waddell, who is an environment protection officer with the Scottish Environment Protection Agency, and Sean Caswell, who is a planning liaison officer with SEPA. We will also hear from Andy Wilson, who is an asset planner with Scottish Water.

CALUM WADDELL and SEAN CASWELL *made a solemn affirmation.*

ANDY WILSON *took the oath.*

**The Convener:** I thank the gentlemen from SEPA for their memorandum, which gives general information on legal requirements. The committee is interested in your view on the adequacy of the

environmental information on the project in the environmental statement. I refer you to the invitation to give evidence at the preliminary stage. What is your general appreciation of the adequacy of the information that is provided, as far as is relevant to SEPA's jurisdiction?

**Sean Caswell (Scottish Environment Protection Agency):** SEPA has not been in receipt of the full environmental statement. Our involvement in the process dates back to August last year, when a couple of letters were exchanged between the consultants and SEPA. Subsequently, the first contact that we had on the proposals was the letter from the Parliament about today's proceedings.

**The Convener:** So you are saying that the information is inadequate.

**Sean Caswell:** As far as I can gather. I went to the website towards the end of last week and picked out the water resources chapter; that was the first sight that I have had of that chapter. My reading of it is that some of the information appears to be inadequate. However, I am unable to comment on the general content of the environmental statement because I have not seen the document.

**The Convener:** We will take up that matter in due course.

SEPA's memorandum and paragraph 38 of the promoter's memorandum on the environmental statement note that the data on private water supplies are extremely limited. How can the committee be assured that investigations have sufficiently revealed the existence of private water supplies that might be affected by the proposed works?

**Sean Caswell:** SEPA's role in relation to private water supplies is extremely limited. As far as we understand the matter, the responsibility lies with local council environmental health departments. Even within that remit, there are deficiencies—I understand that private water supplies that serve single users are not required to be regulated. The local environmental health department might hold a larger body of evidence, although it may not be complete.

**Nora Radcliffe:** Paragraph 37 of the promoter's memorandum on the environmental statement refers to

"two private water supplies known to the Promoter both of which relate to surface water abstractions for the QUEST International Ltd malt factory at Menstrie. One abstraction comes from a loch in the Ochil Hills, and the other from the Peppermill Dam near Kilbagie. The Environmental Statement confirmed that the railway works would not affect the abstraction for QUEST International Ltd however the Promoter has noted that during the construction stage of the project care should be taken so as not to damage the supply pipe for the LPC Paper Mill".

Are those abstractions familiar to you? Will you comment on the situation?

**Sean Caswell:** I am aware that the abstractions occur, but SEPA has no regulatory remit in respect of them. The integrity of a pipeline is largely a civil matter for the abstractors and the contractors.

**Nora Radcliffe:** So we are addressing the question to the wrong person. Would Scottish Water care to comment?

**Andy Wilson (Scottish Water):** I have nothing to add. The facts as stated are correct. Scottish Water has no jurisdiction over the pipes or sources.

**Nora Radcliffe:** So we would need to go to the local authority on those matters.

**The Convener:** Thank you for your answers to the questions. Do you have any brief concluding remarks?

**Sean Caswell:** The exact role that organisations such as SEPA play in the examination of the bill seems to be a bit unclear. We are concerned that the environmental impacts within our remit be fully examined. As I said, to get sight of the environmental statement—or part of it—is difficult.

**The Convener:** I take your point. Rest assured that further information will be sought from the promoter and that, when that further information comes before the committee, we will send SEPA a letter to find out what you think of it.

**Sean Caswell:** Thank you.

**The Convener:** Thank you for appearing before the committee. You may return to the body of the hall and are welcome to stay for the rest of proceedings.

14:46

*Meeting suspended.*

14:47

*On resuming—*

**The Convener:** The committee will now hear oral evidence on the water resources chapter of the environmental statement from Mr Stuart Coventry, director of Scott Wilson Ltd.

As you are already under oath, Mr Coventry, Rob Gibson will start the questions.

**Rob Gibson:** Regarding paragraph 38 of your written evidence, you and SEPA both know the difficulty of establishing the existence of private water supplies. How confident are you that such supplies have been exhaustively identified for the purposes of the environmental statement?

**Stuart Coventry:** We have undertaken a review

of the potential for private water supplies and have reported our findings in the environmental statement. We have reported the two surface water abstractions and the fact that we did not come across any private groundwater abstractions. Obviously, we cannot be certain that there is not an abstraction somewhere that we did not come across—one can never be certain of that—but one would suspect that, if any party is affected in some way, they would come forward during the consultation and make their concerns known so that they could be taken into account in the further detailed design of the scheme to ensure that there would be no effects. The conclusion that we have drawn is that there are unlikely to be private supplies because of the quality and extent of the groundwater in the area.

**Rob Gibson:** I presume that one way of identifying private water supplies would be to identify those who enjoy public water supplies and then identify those who do not enjoy such supplies. Is that a way forward? Is such an approach necessary in this case, or are you confident in the private water supply information that has been identified?

**Stuart Coventry:** The need to determine whether there are any private water supplies that we have not yet identified depends on whether we feel that there would be any effect on those supplies. There is no need to identify supplies that will not be affected in any way, and it is our view that, because the project is the reinstatement of an old railway line with minimal intrusion into the ground—ground works will be limited—over the vast majority of the route, there would be no need for the approach that you suggest. It could be argued that, in some areas where we might be doing grouting or ground works, activity such as you suggest could be carried out to be absolutely sure. Our present view is that it would not be necessary.

**The Convener:** Those are the only questions that we have for you at this stage, Mr Coventry. Do you have any brief concluding remarks? I think that we will hear from you again later on.

**Stuart Coventry:** I have no remarks on this point.

**The Convener:** Thank you very much for that evidence. You may return to the main body of the hall.

We will have a five-minute suspension or, as the Americans call it, comfort break.

14:50

*Meeting suspended.*

15:00

*On resuming—*

**The Convener:** The committee will now hear oral evidence from Chris Manning, a project director from Arup, on the peer review that was commissioned by the committee on the noise and vibration chapter of the environmental statement.

It is worth stating at this juncture that the committee will concentrate on the methodology that was employed by the promoters and on the adequacy of the information that was provided by them. Interpretation of the data is a matter for the consideration stage.

*CHRIS MANNING took the oath.*

**Mr Baker:** In section 7 of your report, in particular in paragraph 7.6, you make a number of recommendations. Do you feel that all of that information is required at the preliminary stage of the bill so that the committee can be assured that it has adequate information to present a preliminary stage report to Parliament? In other words, are your recommendations designed to ensure that the committee has adequate environmental information for the purposes of the EIA regulations?

**Chris Manning (Arup):** Yes.

**Nora Radcliffe:** Paragraph 4.6 deals with barrier fencing and so on. That probably comes under the last bullet point in paragraph 7.6, which deals with mitigation. You suggest that noise barrier fences might have to be higher than 2m to achieve their purpose because of the height of the noise source—the diesel engine. Is that correct?

**Chris Manning:** Yes. In lay terms, the sources of noise on a train are the propulsion unit—the engine—and, at higher speeds, the noise that is made by the wheels on the rails. In this case, we are talking about diesel-powered passenger vehicles and diesel-hauled freight trains. In both cases, the diesel exhaust noise comes from the top of the unit, about 4m above the track. The line of sight issue to which I referred in the report relates to the fact that that noise source will not be screened by the barriers.

**Nora Radcliffe:** What are the fences like? If they were higher than 2m, would they be vertical or set at an angle? If they were set at an angle, what would it be?

**Chris Manning:** My main point is that a 2m barrier fence is a starting point for consideration. The performance of such a barrier is a function of its height, its length and, to a certain extent, the materials from which it is made. Two-metre-high robust timber barrier fences are commonly seen alongside highways. Their make-up is fine, but I am concerned about their ability to shield the receiver from the noise source. That could be achieved by increasing the height of the fence or by using a combination of earth bunding and a fence to make the barrier less obtrusive.

Of course, the structure need not be a timber fence at all. If you look around the country, you will see noise barriers that are made of stone, brick, pre-cast metal and so on. All sorts of materials can be used and adjusted to suit the landscape and other factors. The primary concern is to provide attenuation of the noise source, which comes primarily from that break in the sightline.

**Nora Radcliffe:** You say that, in some instances, a 2m fence will not be adequate. It might not be fair to ask you this, as you are an acoustics expert rather than a visual consultant, but do you feel that fences of adequate height would be fairly dominant or visually overbearing?

**Chris Manning:** Yes; there is a challenge in landscaping. I was responsible for all the protection work on the channel tunnel rail link, which has barriers up to 4m high in certain locations. That was a larger-scale project, but visually the barriers are set in a difficult situation in the county of Kent, in England. The work can be done, but acoustics and landscaping need to be combined.

**Nora Radcliffe:** I return to the issue of angled barriers. Do you mean that barriers would be angled from the vertical or that they would be angled from a horizontal plane?

**Chris Manning:** I was particularly concerned about a case in which the barrier would be on the other side of the road and noise from road traffic would be reflected back off it towards housing. It is a simple matter of geometry. If we incline the barrier—for example, towards the railway—any noise from the roads will bounce upwards into the sky and be scattered. Barriers do not have to be vertical. We can also break up their geometry to make them more interesting.

**The Convener:** I refer you to paragraph 7.6 of your report. You were categorical in your reply to my colleague Richard Baker's question about the adequacy of the environmental information. For the sake of the committee and for the record, will you take us through the recommendations in paragraph 7.6 and elaborate on them as you see fit?

**Chris Manning:** The first recommendation is to have an inventory, which is common practice in

environmental assessments. At the start of the process, one lists in a scoping report all the sources, receivers and sensitivities, and what are perceived to be the potential issues. The inventory serves primarily as a checklist that allows anyone who wishes to read the report to ensure that all the issues about which they are concerned have been covered. Such an inventory probably exists, but it has not been written down in clear form.

The second recommendation is that there should be a code of construction practice. That is alluded to in places where the disturbances that result from construction are described. It is inevitable that diesel-driven pieces of kit—what I call yellow plant—will be running around at the bottom of people's gardens causing some form of disturbance. Because of the proximity of the project to houses and because of its duration, we cannot put in place protective measures that will alleviate the problem completely.

In a number of infrastructure projects, the focus has been on understanding the issues and minimising the impact of disturbances by procedural means. The agreement is that the contractor presents his method statement for the works and outlines the plant that he will use and the times of day during which he wants to use it. He negotiates with the local authority and they reach a compromise on the best way of proceeding. That is fundamental. The aim of the code is to prevent a problem from occurring in the future. It is of benefit to the local authority, residents and—hopefully—the programme of construction. Because there has been agreement up front, stop notices are not issued. If the issues can be worked through, it is an all-win situation. The approach has been successful in a number of projects.

My concerns about the assessment methodologies are expressed in detail in my report. Overall, I think that the report is about right in what it has assessed. Some of my concerns relate to matters whose seriousness has been first overestimated and then played down excessively. I am reasonably comfortable with the net result. However, I am concerned that the mitigation that is offered may not be appropriate because of the methodologies that have been used. I have a general concern about the process that needs to be worked through, again in the light of the comments that have been made.

I have a specific concern about vibration measurement, especially because the methodology relies on measurements of similar trains. Even if the rest of the process is fine, everything depends on the source data. Securing source data for vibration measurement has been particularly difficult, for a number of reasons. The process is quite complicated. A number of

instruments that are capable of measuring vibration with varying degrees of confidence have been put forward. There is therefore a question in the profession about the various types of equipment and their appropriateness. Given the importance of the source data to the process, the mitigation and the end result, it is worth checking the process thoroughly to ensure confidence in the data.

I think that the issue of the operational noise and vibration impact plans is contained in the work that is being done, but things are not expressed clearly. I have mapping in mind; for example, where noise assessment is illustrated by bands of increase, properties on a map can be coloured in according to those bands of increase so that one can see exactly where the unmitigated problems lie property by property. Noise maps that have appeared are predictions and contours, which are not helpful, because assessments are of the impacts on a property and of the increase in noise at that property; they are not just assessments of the noise level of trains. If that format is used, the mitigation can be included and another plan produced. One could then clearly see the number of properties and the colours that disappear from the plan. That is a visual way of understanding benefits.

The final bullet point in the submission refers to tailoring

“operational noise and vibration mitigation to address the impacts so identified.”

We have discussed barriers. In principle, a range of mitigation options by barriers is available that could mitigate most, if not all, of the problems, but they have not been presented; we have only the generic solution of a barrier. Similarly, a number of suggestions have been made in respect of vibration; lengths of treatment have been identified, but the solutions that have been suggested all behave differently and have different characteristics in detail. Again, it would be nice to see precisely what is proposed in each location so that a view can be formed about whether the mitigation would be totally successful or whether there would be residual impacts that the committee would have to take into account in reaching a decision.

**The Convener:** I thank you for taking the committee through the detail of your recommendations.

**Rob Gibson:** Paragraphs 4.21 and 4.22 of your submission acknowledge that the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 do not apply in Scotland. Are you saying that, despite that, the spirit of the regulations should be applied?

**Chris Manning:** Their spirit should be applied.

From the example that I have given from my experience, the regulations are not particularly onerous to meet. I would be surprised if the scheme in question could not comply fully with the regulations without the need to put secondary glazing in people's properties. There could be mitigation at source rather than at a property.

**Rob Gibson:** On paragraph 4.25, is it normal for new housing that has planning consent but has not yet been built to be assessed as part of an environmental impact assessment? Does what you say apply to housing that has been allocated in the local plan but has not yet received planning permission?

**Chris Manning:** That is my experience and what I have been involved in. If a local authority has granted permission for housing that is based on the current position vis-à-vis noise and other matters, it seems to be unfair that the onus should be on the housing developer to protect himself from a new project that comes along. If permission has been granted for housing, the housing should be treated as being there already.

**The Convener:** Members do not have any more questions, so do you wish to make any brief concluding remarks?

**Chris Manning:** No. As I said, my main conclusion is that I have concerns that need to be worked through. However, in principle, the overall level of impact has been identified and needs to be sorted out at the next stage.

**The Convener:** On behalf of the committee, I thank you for giving such detailed evidence. You may return to the body of the hall; you are more than welcome to stay for the rest of the proceedings.

There will be a one-minute suspension in order to change witnesses.

15:14

*Meeting suspended.*

15:16

*On resuming—*

**The Convener:** The committee will now hear oral evidence on the noise and vibration chapter of the environmental statement from Mr Alf Maneylaws, Mr Paul Shields and Mr Stuart Coventry, who are all from Scott Wilson Ltd. Mr Maneylaws and Mr Shields are senior consultants and Mr Coventry is a director.

ALF MANEYLAW and PAUL SHIELDS made a solemn affirmation.

**The Convener:** David Mundell has some questions.

**David Mundell:** You will have seen the Arup review of the noise and vibration chapter of the environmental statement. In section 7 of that report, Arup makes a number of recommendations, which I trust you have had a chance to examine carefully. The committee asked Arup specifically to address matters by reference to the need to provide adequate information at the preliminary stage. The intention was not to debate detail in the way in which the promoter and objectors may debate it at the consideration stage.

Against that background, I ask you to look at paragraph 7.6 of the Arup report and to give the committee your estimate of the ease with which it will be possible to provide the additional information that is required. Will you also comment on what is said in paragraph 7.1 of the Arup report about the presentation of material in the environmental statement?

**Stuart Coventry:** Before I answer that, would it be helpful if I explained to the committee the roles that Mr Maneylaws and Mr Shields played, so that members understand the background when they answer the questions?

**David Mundell:** Indeed.

**Stuart Coventry:** Mr Maneylaws was principally responsible for producing the noise and vibration chapter in the environmental statement; he focused on the noise aspects. Mr Shields undertook the vibration measurements that we have heard about, and the assessment. That is why both of them are assisting me this afternoon.

I will deal with the question that referred to paragraph 7.6 of the Arup report. I heard Mr Manning say that all the information that is mentioned in the points in that section is necessary for the committee at this stage. I have been asked how feasible it is to produce that information at this stage and how easy it would be to do that.

I will deal with the issues in paragraph 7.6 point by point, as Mr Manning did. The first point is that there should be

“an inventory of potential noise and vibration sources, sensitive receptors and impacts.”

We heard from Mr Manning why that would be required. It is our view that the purpose of scoping is to identify what is required to be undertaken in an environmental assessment, principally so that the assessment follows that scope and the relevant factors are addressed.

The best definition of the scope of what one is going to do is found by reviewing what one has done when one has done it. We are clear about what we have done, considered and assessed. Therefore, the information needed to produce such an inventory is already in the environmental statement—it would be straightforward to produce that for the committee shortly.

The second bullet point in paragraph 7.6 of the submission reads:

“Commit to and draft a Code of Construction Practice”.

I was not clear about Mr Manning’s view that that should occur at this stage. He said that the code of construction practice is essentially something that contractors propose once they have evaluated how they will build a scheme. We do not have a contractor on board at the moment; one will not come on board for some time. I agree with Mr Manning about the code of construction practice, or whatever it is to be called—there are several proposals that are essentially the same.

There are two approaches. One is for the promoter to identify the particular aspects of construction that they require to be controlled; for example, in this case to set limits on construction noise levels and to control what the contractor can do. A code of construction practice that does that can be proposed. As we have suggested in the environmental statement, an appropriate way forward thereafter is for the contractor to develop best-practicable means to keep noise to as low a limit as is practical. The contractor would agree that with the relevant local authorities prior to commencing the work. As Mr Manning said, it is in everybody’s best interests that the code is laid out and that no stop notices are imposed on the works as long as the contractor follows the proposed code.

To summarise that point, the promoter is prepared to commit to a code of construction practice; a draft can now be produced that sets out that commitment, the approach that would be undertaken and the rules that the contractor would be expected to follow.

The third bullet point in the paragraph reads:

“Review and revise the assessment methodologies for operational train noise and vibration.”

I note in Mr Manning’s comments that he thought,

although he had concerns about the methodologies, that the outcome was probably about right. Our view is that the methodologies that we have adopted are appropriate. By all means, we will review them; we have done so in the light of what Mr Manning has said. If it is appropriate now, and if it would be helpful to the committee, I ask Mr Maneylaws and Mr Shields to spell out why we take that view. I ask Mr Shields to address the point on vibration.

**Paul Shields (Scott Wilson Ltd):** I was responsible for the vibration assessment. We found a site with rail vehicles identical to those that we will be using on our site—freight vehicles and the locomotives that haul them. We discussed that with the freight operator EWS and discovered the site near Selby where there were many such vehicles. We followed good practice according to the information that is given in the British standards and took measurements of train vibration. From those results and from experience of other projects, we worked out the likely vibration levels for the project. We used exactly the same type of train in our measurements and we thought that that was the best approach.

**Alf Maneylaws (Scott Wilson Ltd):** Regarding construction noise and vibration, we believe that we followed good practice. We used the procedures given in BS5228, on noise and vibration control on construction and open sites, to estimate the noise levels at sensitive receptors from the various activities during the construction process. We assessed the impact of those predicted noise levels in terms of accepted criteria, which we have applied to various infrastructure projects. For example, they are in line with the criteria that were applied on the west coast main line for construction noise, which have been found to be perfectly acceptable.

On operational noise, again we believe that we followed good practice. The calculation of operational noise levels was based on the accepted method given in "Calculation of Railway Noise", which was issued by the Department of Transport in 1995. To assess the impact of operational noise levels at receptors along the scheme, we applied the guidance given in GOMMMS—"Guidance on the methodology for multi-modal studies"—which relates the likelihood of annoyance from railway noise to the actual level of noise. GOMMMS suggests that a cut-off level should be made at 55dB, so it can be assumed that below that, very few people will be annoyed by railway noise.

If we use that procedure, we can examine the long-term impact of the railway noise, which means that we can assess the percentage of people who are likely to be annoyed by the railway noise once people get used to the railway's being

there. We also took account of the short-term impact of the railway—its immediate impact when it is opened—in terms of the change in noise level at sensitive receptors along the scheme. Our assessment criteria were such that wherever the immediate increase in noise level was 5dB or greater, and where the noise level from the operation of the railway was greater than 55dB—which is in line with what is said in GOMMMS—we would suggest mitigation for those properties.

In summary, the approach that we have taken follows good practice and cites the various standards and guidance on which it is based.

**David Mundell:** Paragraph 4.15 of the Arup submission suggests that levels of operational vibration have been significantly overestimated. How do you respond to that?

**Stuart Coventry:** I will begin and pass on to Mr Shields. We were going to come on to the point that Mr Manning raised about the adequacy of the equipment that was used in vibration measurement. We are happy to provide the information that he seeks in order to demonstrate that the equipment was appropriate and properly calibrated. I am not sure why Mr Manning has taken the view that we may have overestimated the level of vibration. I am not sure which paragraph he refers to but—

**David Mundell:** Paragraph 4.15.

**Stuart Coventry:** Yes. Paragraph 4.14 of the Arup submission points out that

"The measured data"—

assuming that to be correct, as that is the measured vibration data that Mr Shields mentioned had been measured in the field—

"has then been scaled for a number of factors to make predictions for the project including: inter-train variability, number of trains, train speed, distance between receptor and railway and the response of the receiving building. We have a number of detailed concerns about the factors used."

Those detailed concerns are not made known to us. We would need to know what those are in order to answer the points. It may be through those concerns that he feels that the vibration has been overestimated.

15:30

**Paul Shields:** I will go back to the equipment that we used—thanks for the comment on that. We checked with the suppliers of the equipment and they guaranteed that the equipment was within recognised calibration and that the calibration was traceable back to national standards. That is as good as you get in terms of calibration. We are confident about that.

Mr Manning mentions a report that is forthcoming. We do not have access to that report—nobody does—so we cannot comment on it.

We used methodology that was used in the west coast main line route modernisation project, which went through without any problems.

**Stuart Coventry:** That is relevant because, to my knowledge, that is the most recent major railway upgrading on which a public inquiry has been held. Two public inquiries were held on it so there was ample opportunity for the methodology to be challenged, but it was not.

**David Mundell:** I will ask two further specific questions about section 4, to which the third bullet point in paragraph 7.6, with which you were dealing, cross-refers. Both my questions are about paragraph 4.6, on barrier fencing. I would be interested to hear your comments on the fencing height from the noise and vibration point of view and on the counterbalancing issues relating to environmental impact and visibility.

**Stuart Coventry:** Mr Manning is correct in the information that he gives to the committee about the various components of noise from a railway being the rolling noise—the interface of the wheels and the rail—and the engine noise, which he describes as exhaust noise, which will be at a height of about 4m in this case. Those are both components of the noise from a railway.

In our assessment of operational noise, we applied a method called the calculation of railway noise, which we have cited in the environmental statement. We believe that we have complied with that methodology. Mr Manning is right to say that there needs to be an evaluation of the noise from the engines—the exhaust noise, if you like—under certain circumstances. We have developed calculations to show that at the speed of 60mph, which applies on the majority of the route, the rolling noise dominates. I ask Mr Maneylaws to clarify that point for the committee.

**Alf Maneylaws:** For the types of freight train that are mooted for the scheme and the design speed for the scheme, rolling noise, which is wheel-rail noise, is much more important than engine noise. Putting in barriers, whether they be 2m high or whatever we finally decide, will produce a significant reduction in the overall noise level. Once the rolling noise is reduced by putting in a barrier, the engine noise obviously becomes more important, but by putting in a barrier we are still reducing significantly the resultant noise level at properties nearby.

The barrier design for the scheme would be optimised at a later stage, during the detailed design process, and we would consider each location in detail. As Mr Manning states, we would

consider the length and height of barriers, the materials that would be used and so on to optimise the performance of barriers at those locations.

**David Mundell:** Do you want to continue to go through the bullet points listed in paragraph 7.6 of Arup's submission?

**Stuart Coventry:** I will touch on the point about barriers as it seems appropriate to address that now. Mr Manning cites a variety of types of barriers. He refers to the channel tunnel rail link, where 4m-high barriers have been used in some situations. We must recognise that this is a very different project from the channel tunnel rail link, which was a new railway for high-speed trains. That project had its own characteristics.

There are very few locations on the railway network where you will see noise barriers alongside railways. The channel tunnel rail link is one of the few examples where there are barriers and that is because it was an entirely new railway. We would resist the notion that barriers should be provided to the heights that Mr Manning talks about—up to 4m. We believe that such barriers would not be appropriate. We have generally shown a 2m-high barrier on the plans. As Mr Maneylaws says, that is a starting point. We would have to refine the design of those barriers. The height might increase slightly in certain exceptional circumstances. We might use inclined barriers to alleviate some of the problems and so on. We have to go through a process of optimising the barrier height and, in doing so, we will take account of the factors that Mr Manning has raised relating to the 4m-high noise sources.

In response to the third bullet point in paragraph 7.6, I say that we are prepared to review the methodology. We would certainly like to see the further information that I have asked for to substantiate the concerns of Mr Manning. As I have said, we are prepared to take those concerns into account, particularly in relation to the more detailed barrier designs. We will review the findings that we have reached so far and, I hope, confirm to the committee that they remain appropriate.

The fourth bullet point in paragraph 7.6 says that the promoter should

"Check the frequency weighting functions and calibration of the equipment used for train vibration measurements."

As Mr Shields has said, we can provide that information to the committee.

The fifth bullet point says that the promoter should

"Prepare operational noise and vibration impact plans."

We have already explained what they would be and could produce them easily. We take the view



that that information can be gleaned from the environmental statement but, if you would find it easier to have it in a different form, we would be happy to provide that.

**The Convener:** We would, thank you.

**Stuart Coventry:** The final bullet point in paragraph 7.6 says that the promoter should

“Tailor operational noise and vibration mitigation to address the impacts so identified.”

That raises a matter of timing. As we have said, the operational noise mitigation will be tailored during detailed design in order to arrive at the most appropriate form of mitigation. The test that we are applying to determine the eligibility of noise barriers is set out in the environmental statement. That threshold is what we would use as the driving force to define the detailed noise mitigation method.

The vibration mitigation issue is slightly more involved as it requires a detailed knowledge of the ground conditions at each property affected.

**Paul Shields:** To ensure that we get the mitigation correct, we would need to consider how vibration transfers from the railway to properties and how it transfers through properties. That would be done on a site-by-site basis or for types of houses in an area. We do not want to get that wrong—there is evidence that, in the past, people have got that wrong. We cannot simply be generic; we must be specific.

**Stuart Coventry:** The environmental statement sets the target for mitigation and draws the conclusion that it is highly unlikely that we would not be able to achieve that target with the range of mitigation measures proposed. The matter requires access to properties and on-site evaluations and is part of the detailed design stage.

**David Mundell:** Do you consider that answer to be an adequate response to the issues raised in paragraph 7.1 of Arup's submission?

**Stuart Coventry:** It is unfortunate that Mr Manning takes the view presented in paragraph 7.1. There is a lot of information to get across and we tried to present it in a way that is accessible to the reader. We are sure that we have provided sufficient information to meet the Environmental Impact Assessment (Scotland) Regulations 1999 and to allow the committee to make a decision, in respect of this topic, to proceed to the next stage. I suspect that the noise and vibration impact plans that Mr Manning requests would go a long way towards making the information as clear as he would like it to be.

**David Mundell:** My final question relates to paragraph 4.22 of the Arup report. Can you assure the committee that you are taking all reasonable

steps in the design to obviate qualification of residents for noise insulation?

**Stuart Coventry:** Absolutely. That is a point that we agree on. We would like to ensure as far as practically possible that there will not be a need for residual noise insulation. However, the proximity of some properties to the railway may mean that, at first floor level, noise insulation is required. Noise barriers could be designed to overcome almost any circumstances, but those barriers would be far more intrusive than our suggestion. We must reach a balanced view, perhaps in consultation with the affected parties. We think that it is preferable to mitigate at source rather than to provide noise insulation.

**The Convener:** The committee has no further questions. Do any of the witnesses wish to make brief concluding remarks?

**Stuart Coventry:** I have something to say, but not on this particular point. If I may, I will refer back to SEPA's comment about its lack of access to the environmental statement until now. That comment is surprising because SEPA has been consulted and notified. On 20 March 2003, the promoter served notice on SEPA using the form that is set out in the promoter's explanatory notes. That notice makes special reference to the availability of the environmental statement. As SEPA received the notice, there can be no doubt that it was made aware of the existence of the environmental statement. The notice sets out where the environmental statement can be inspected or, alternatively, the means of purchasing the environmental statement from the promoter.

**The Convener:** Thank you, Mr Coventry. The committee takes on board fully what you say. Obviously, there will have to be written clarification of what seems to be a confusion. It struck me as surprising that SEPA could come here and say that it lacked access to information even though it had some months to prepare, but I am sure that it will be able to clarify that point when your written information is before it. I look forward to SEPA's clarification. Rest assured of that.

We will now suspend briefly to swap over witnesses, although Mr Coventry will stay with us.

15:45

*Meeting suspended.*

15:47

*On resuming—*

**The Convener:** The committee will now hear oral evidence on the traffic and transportation chapter of the environmental statement from Mr Alex Deans, principal transportation planner for

Clackmannanshire Council, Mr Stuart Coventry, director, Scott Wilson Ltd, and Mr Nigel Hackett, associate with Scott Wilson Scotland Ltd.

Gentlemen, you are all still under oath—

**Alex Deans (Clackmannanshire Council):** I am not under oath; it is my first time before the committee.

**The Convener:** Are you not, Mr Deans? Thank you for telling me that.

**Rob Gibson:** Were you not here two weeks ago, Mr Deans?

**The Convener:** You were here two weeks ago. My information is that you are still under oath—it carries over for a fortnight at least—so do not worry about that.

**Mr Baker:** In paragraph 40, you say that, since the environmental statement was published,

“the full range of significant traffic and transport impacts ... have been assessed”

using a particular model. Surely the committee needs to have that information to ensure that it has adequate environmental information at this preliminary stage.

**Alex Deans:** Yes, I agree. In hindsight, I think that that would have been better. After the Scott Wilson report, we modelled the effects on traffic and transportation, particularly within the Alloa corridor, and our conclusions were similar to those in the Scott Wilson report. We did not have much to add to that statement, which was generally robust on the traffic situation around Alloa station.

**Mr Baker:** Would it be straightforward to provide the committee with the additional information, and what form would it take?

**Alex Deans:** It would take the form of a technical note. It is an MVA model and essentially a derivative of the central Scotland transport model. The information is available.

**Mr Baker:** From what you say, there seems to be an acknowledgement that the environmental statement did not contain adequate environmental information. Is that fault remedied through the use of the Alloa traffic model?

**Alex Deans:** We considered that the environmental statement had enough evidence in it. There was nothing in the Alloa traffic model that would add anything to the environmental statement.

**The Convener:** We shall stick with paragraph 40 and the methodology of assessment. You will appreciate that the committee is concerned to receive information that is comparable between different chapters of the environmental statement, so that we can reasonably form a view on the

overall effects of the development in the context of EIA regulations. Do you feel that the differences between the traffic and transport chapter in the environmental statement and other chapters, so far as methodology of assessment is concerned, present the committee with difficulties in forming an overall impression?

**Nigel Hackett:** We considered that the traffic and transport issue was not significant, and we carried out our assessment based on the available information at the time that the environmental statement was undertaken. Based on that information and on our understanding of the project and of traffic generation from the project, we do not believe that significant impacts would result from the scheme proposals.

**The Convener:** So the committee should have no difficulty in forming an overall impression.

**Stuart Coventry:** There is no requirement under the regulations for the methodology of each chapter to be consistent or produced in the same way. Obviously, it is not helpful to the reader to have a wide variety of approaches, and we are of the view that the general approach taken throughout the environmental statement enables readers to get what they need from it. The fact that there may be a difference does not mean that the environmental statement does not meet the regulations.

**The Convener:** I appreciate all that but, with regard to the question that I have just asked, that is less than an absolute no. Would it be possible to provide some further information so that comparisons can be made between the chapters in terms of the terminology used to describe the significance of effects and the committee can form an overall impression? Could you provide that in writing?

**Nigel Hackett:** Yes, we can do that.

**The Convener:** I am obliged.

I turn now to paragraph 4.25 of the Arup report. I would be grateful for your comments on what is said about new housing needs being defined in a scoping section. The report states:

“It is normal to assess the impact on land that already has planning consent for new housing as if that housing already existed.”

The report then continues a little further.

**Nigel Hackett:** You will see that the link road is included in the local plan, as is the housing development adjacent to the link road. When we were preparing the environmental statement, we did not have details of the exact number of houses or the layout, and no planning application had been made and no planning permission had been granted. However, because the link road has

housing included in the local plan adjacent to it, we took that into account as far as we could.

**The Convener:** Okay. I am grateful to you for that. I do not think that the committee has any further questions. Do you have any brief concluding remarks, Mr Coventry?

**Stuart Coventry:** No.

**The Convener:** Mr Deans?

**Alex Deans:** No.

**The Convener:** Mr Hackett?

**Nigel Hackett:** No.

**The Convener:** Thank you very much indeed, gentlemen, for attending today and for giving evidence on a number of occasions. I thank everyone involved in making the committee's stay in Alloa so enjoyable and I thank everyone for their hospitality. I also thank members of the public who attended.

That concludes the formal part of the committee meeting. The committee will now meet in private, as agreed under agenda item 1 this morning.

15:54

*Meeting continued in private until 16:37.*



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