

STIRLING-ALLOA-KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL COMMITTEE

Thursday 12 February 2004
(*Afternoon*)

Session 2

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STIRLING-ALLOA-KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL COMMITTEE

2nd Meeting 2004, 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

CLERK TO THE COMMITTEE

Callum Thomson

SENIOR ASSISTANT CLERK

Fergus Cochrane

LOCATION

Committee Room 3

Scottish Parliament

Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee

Thursday 12 February 2004

(Afternoon)

[THE CONVENER opened the meeting at 13:35]

Consideration Stage Timetable

The Convener (Bill Butler): Good afternoon. I welcome committee members and members of the public to the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee's second meeting of 2004. I ask members and the public to ensure that mobile phones are turned off. As four committee members are present, we have a quorum. No apologies have been received.

The committee is invited to consider its approach to the bill's consideration stage and a timetable for its evidence-gathering meetings and to decide whether to carry out a site visit on 1 March. Committee members will be aware that the committee's clerks, lawyer and adviser met representatives of the grouped objectors and the bill's promoter in Alloa on 4 February. A note of that meeting is attached at annex B to paper SAK/S2/04/2/1. That meeting's purpose was to allow the grouped objectors and the promoter to comment on the proposed timetable and running order for the committee's evidence-gathering meetings. A copy of the timetable and running order is attached at annex A to the paper.

Members will have noticed that the promoter said at that meeting that, although 8 March was a suitable date to deal with the objections from group 15, which comprises Diageo plc, and group 4, which involves Messrs Adam, Walker and Milligan, 15 March would not be suitable as its counsel will be unavailable. Its preferred second dates are 29 March for group 15 and 22 March for group 4.

I invite members' views on reordering the timetable for groups 15 and 4 to accommodate the promoter and on the timetable and running order generally. Do members accede to the promoter's request or will we continue with the timetable as proposed?

Nora Radcliffe (Gordon) (LD): The promoter has sufficient notice to organise itself to the timetable.

The Convener: Do members agree to stick to the proposed timetable?

David Mundell (South of Scotland) (Con): Quite a lot of work has gone into the timetable, which is balanced. It is important to maintain the balance and work through matters logically.

The Convener: Are we agreed?

Richard Baker (North East Scotland) (Lab): I agree with the proposal.

The Convener: It is obvious that the committee is not minded to accede to the promoter's request and that the timetable and running order for hearing evidence at consideration stage will be as set out in annex A to the paper. I suggest that the promoter and objectors should be made aware of the committee's decision—the clerks will deal with that.

I invite members' views on undertaking site visits on 1 March and in particular on the issues that were raised at the meeting with grouped objectors on 4 February. Do members agree that carrying out site visits on 1 March is a reasonable way of proceeding?

Nora Radcliffe: It is sensible to make visits and to refresh our memories. When we can visualise what people are talking about, it is easier to put their remarks in context.

The Convener: Are all members content with that?

Members indicated agreement.

The Convener: We agree to undertake site visits.

What are members' views on the timings? Our paper suggests short focused visits on 1 March. Do members agree to that?

Members indicated agreement.

The Convener: We agree that short specific visits should be conducted along the proposed railway route. They will support objectors' written evidence and assist committee members with visualising the areas to which objections refer, as Nora Radcliffe said.

Members will be aware that some grouped objectors said at the meeting on 4 February that the committee should make a site visit to their area. Should the clerks liaise with objectors to arrange such visits? I should point out that the promoter said at the meeting that some visits may require permissions from Network Rail, if the committee wishes to access private land along the railway route. Do we instruct the clerks to liaise with objectors?

Members indicated agreement.

The Convener: We agree that the clerks should make the necessary arrangements for site visits on 1 March on the basis that we will not enter any private land along the proposed route.

Are we also in agreement with the suggestion that the promoter be invited to have one person in attendance at such visits to act as an observer only? That would seem only fair and proper.

Nora Radcliffe: That is reasonable.

David Mundell: I agree, although guidance will clearly have to be given to the objectors as to how the events will be conducted, because they will clearly not be full-scale debates of the issues. Everybody must be clear about what is happening.

The Convener: That is a fair point, Mr Mundell, and it will be transmitted to those who will attend the site visits. Considered and rational argument is for later on in the timetable.

The committee will be aware of the request that was made at the meeting with grouped objectors on 4 February for members to view, in operation, the type of train that it is proposed would operate on the railway, should the bill be passed and the scheme proceed. Members will notice from the note of the meeting, which is attached at annex B to the paper, that such a train was in operation at Hunterston. However, I understand that it now may be possible to view the type of train at Newcraighall, near Edinburgh. What are the committee's views on the clerks arranging such a visit with the promoter? Are we agreed that the visit should happen on 1 March, if that is possible?

Members indicated agreement.

The Convener: We are agreed that the clerks should liaise with the promoter and that the necessary arrangements should be made for 1 March.

Proposed Amendment

13:41

The Convener: The committee is asked to consider its response to the explanatory memorandum that it considered at our last meeting, when we heard oral evidence from Alison Gorlov, the parliamentary agent for the promoter, on the Balfour Street accommodation crossing and the need for an amendment to the bill. The purpose of the amendment would be to authorise the closure of the crossing.

We need to consider some specific points, starting with the accompanying documents that are referred to in paragraphs 21 to 24 of the paper that we considered last week, SAK/S2/04/1/1—that trips off the tongue. Are we agreed that the promoter should proceed on the basis of the commitments that it has made in the paper regarding the necessary amendments to certain accompanying documents to accommodate the proposed amendment to the bill? That would seem reasonable.

Members indicated agreement.

The Convener: On the arrangements that are to be made by the promoter to notify affected persons, is the committee agreed that the promoter should carry out the notification arrangements that are outlined in paragraph 28 of paper SAK/S2/04/1/1 by issuing an affected persons notice to those persons whom it has identified as enjoying rights over the Balfour Street crossing?

Members indicated agreement.

The Convener: Are we also agreed that, on the basis that the amendment affects only land in Alloa, the promoter should advertise its proposal for the amendment to the bill in the *Alloa and Hillfoots Wee County News* and in the Parliament's partner library in Alloa?

Richard Baker: That sounds sensible.

The Convener: We must pursue transparency in the Parliament's work.

We come to the moot point of agenda item 2. I invite colleagues to consider whether the promoter should allow 21 days—as the promoter suggests in paragraph 30 of the paper—or 60 days for potentially affected persons to lodge an objection to the proposal. How are members minded?

Nora Radcliffe: Would I be correct in saying that 60 days is what would normally be expected in such matters?

The Convener: Yes. My information is that 60 days is the usual period of time.

Nora Radcliffe: If we ask the promoter to make the period 60 days, will that materially affect the timetabling of the whole process?

The Convener: I am advised that it will not materially affect matters or prolong them unnecessarily.

David Mundell: I support having a 60-day period. As we heard in evidence, the promoter could not identify all the people who might be affected by the measure, so we should adopt the most practical but cautious approach to the notice period.

The Convener: That is wise.

Richard Baker: In the interests of fairness, the notice period should be 60 days. I believe that, in future, the Procedures Committee will consider standardising it at 60 days throughout the process, so 60 days is sensible and fair.

The Convener: Are we agreed on that?

Members *indicated agreement.*

The Convener: For the record, the committee does not believe that there should be any disparity between the objection period that applied when the bill was introduced and the one that is proposed now regarding the amendment. Accordingly, we state that the instruction be given to the promoter that it provide for a 60-day objection period in relation to the amendment.

Meeting closed at 13:45.

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