

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

Monday 22 March 2004

Session 2

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STIRLING-ALLOA-KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL COMMITTEE

5th Meeting 2004, Session 2

CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

DEPUTY CONVENER

*Rob Gibson (Highlands and Islands) (SNP)

COMMITTEE MEMBERS

*Richard Baker (North East Scotland) (Lab)

*David Mundell (South of Scotland) (Con)

*Nora Radcliffe (Gordon) (LD)

*attended

THE FOLLOWING ALSO ATTENDED :

Ewan Macleod

Roy Martin QC (Counsel for the Promoter)

THE FOLLOWING GAVE EVIDENCE:

Chris Brew erton

Pauline Brew erton

Stuart Coventry (Scott Wilson Ltd)

Derek Craig (Hilton Crescent Residents)

Iain Gaul (Taylor Woodrow Developments Ltd)

Mrs Alison Gorlov (John Kennedy & Co)

Julie Hamilton (Clackmannanshire Council)

Gerard McDermott (Cow ane's Hospital Trust)

Allan Macdonald (Taylor Woodrow Developments Ltd)

Alf Maneylaw s (Scott Wilson Ltd)

David Reid (Babtie Group Ltd)

David Steven (Taylor Woodrow Developments Ltd)

Malcolm West (Clackmannanshire Council)

Tara Whitw orth (Babtie Group Ltd)

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 22 March 2004

[THE CONVENER *opened the meeting at 11:19*]

The Convener (Bill Butler): Good morning, ladies and gentlemen. I open the fifth meeting this year of the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee. I welcome witnesses, their representatives and members of the public.

The committee intends to complete its evidence taking in respect of all remaining groups today, beginning with group 10 which, unfortunately, we were unable to deal with last Monday.

The committee will hear first from the witnesses for the promoter in each group, and then from the witnesses for the objector. Following the completion of evidence taking, the committee will give a representative of the group a maximum of five minutes to make any closing comments that he or she may have. The promoter will be given a maximum of 30 minutes to make any closing comments that it has in respect of all the groups following the conclusion of evidence taking in respect of the last group, which it is hoped will be taken today. The committee has the written evidence before it, so I ask all witnesses to refrain from simple repetition of points previously made in written evidence.

The committee wishes to ensure that fairness is shown to both the promoter and the objectors. This is not a court of law, of course, and the committee will carry out its proceedings in a more informal manner. The procedures that we will follow will have a degree of flexibility to take account of the backgrounds of the witnesses and their representatives. The committee expects all parties to act respectfully to one another and, indeed, to the committee.

I ask everyone, including committee members, to ensure that all mobile phones and pagers are switched off.

Item in Private

11:20

The Convener: Item 1 is to seek agreement on whether to take item 3, which is consideration of the evidence taken on the bill at consideration stage, in private. Is that agreed?

Members *indicated agreement.*

The Convener: That being the case, we shall take item 3 in private.

Stirling-Alloa-Kincardine Railway and Linked Improvements Bill: Consideration Stage

11:21

The Convener: Item 2 is the hearing of further evidence on the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill. We start today's evidence hearing with group 10 which, unfortunately, we were not able to get to last week. The witnesses for the promoter for this group are Stuart Coventry and Alf Maneylaws, who will give evidence on environmental matters; David Reid, who will give evidence on existing railway processes; Tara Whitworth, who will give evidence on engineering and other matters; and Alison Gorlov, who will give evidence on compensation. Before we commence, I invite Tara Whitworth to stand and make a solemn affirmation.

TARA WHITWORTH *made a solemn affirmation.*

The Convener: I remind the other witnesses for the promoter that they are still under oath from the meeting on 8 March.

Mr Martin, do you have any questions for Mr Coventry or Mr Maneylaws?

Roy Martin QC (Counsel for the Promoter): Yes. Thank you, sir, and good morning to the committee. I have one question to ask of Mr Coventry and Mr Maneylaws.

The Convener: Proceed.

Roy Martin: The issue has been raised of the noise that will be created at the level-crossing at Ladysneuk Road. Could Mr Coventry or Mr Maneylaws explain what elements of the possible creation of noise by the predicted use of the crossing have been taken into account?

Stuart Coventry (Scott Wilson Ltd): There are two points in relation to the crossing: first, the noise made by the alarm at the crossing and, secondly, the fact that there will inevitably be a gap in the noise barrier at the crossing. Mr Maneylaws will show how we have taken that into account.

Alf Maneylaws (Scott Wilson Ltd): The calculation of noise levels from trains passing in the area is based on the method given in "Calculation of Railway Noise". The barriers as defined in the area are on either side of the level-crossing, but not across the crossing itself, so the level-crossing is modelled as is.

Roy Martin: May we take it that those matters were addressed in the environmental statement?

Alf Maneylaws: Yes, the level-crossing is addressed in the environmental statement. The method for assessing noise from level-crossing alarms is not included in "Calculation of Railway Noise". Subsequent calculations have shown that the level-crossing alarm can be tailored to the existing ambient noise level in the area. Also, the level-crossing alarm is very directional, so it can be directed to warn pedestrians and so on who are near the level-crossing without unduly affecting properties in the area.

Roy Martin: I have no further questions. The precognitions by the four witnesses who are before you, which the committee may appreciate, are in document SAK/S2/04/4/30, which is in last week's bundle of papers because the meeting finished before we reached this stage.

The Convener: Mr Brewerton, do you have any questions for Mr Coventry or Mr Maneylaws?

Chris Brewerton: Yes. I am aware that the proceedings are time sensitive, so I will try to design questions that, I hope, will enable Mr Coventry and Mr Maneylaws to give responses that will put my and my wife's minds at rest and that will not be particularly lengthy.

I refer to SAK/S2/04/4/28, which is a noise assessment. The third paragraph on the first page refers to the noise exposure categories in planning advice note 56. When I tried to find out what that paragraph meant, I read PAN 56—I do not know whether the witnesses have that document, but I could have it photocopied. Paragraph 52, which is on page 11, states:

"It is important to note that the Noise Exposure Categories apply only where consideration is being given to introducing new housing development into an area with an existing transport noise source and not in the reverse situation. The statutory planning system can be used to impose conditions to protect incoming residential development from an existing transport noise source. However, planning conditions cannot normally be applied to ensure transport operators offer noise protection measures to existing dwellings that will be affected by a proposed noise source. The differing attitude and sensitivity towards noise between those who choose to live in a relatively noisy environment and those who are subjected to new noise sources also prohibits the use of the NEC method in reverse."

That is supported by planning policy guidance 24, which is also referred to in the noise assessment. I could quote PPG 24 but, to save a bit of time, I simply point out that it says that the noise exposure categories should not be used as guidance in the situation that we are talking about. Do you agree with my interpretation that they are no guide at all?

Stuart Coventry: You are correct that PAN 56 and PPG 24 make the application of the guidance clear. The passage that you read out explains why the guidance should be interpreted in that way.

However, the noise exposure categories have been used in a number of inquiries into major rail and road projects to give an indication of the noise levels that should be taken into account in the circumstances that we are talking about. Although the guidance does not enable the application of planning conditions, we still believe that it is appropriate to use the guidance on the thresholds to set when considering the level of community annoyance and appropriate noise levels at properties.

Chris Brewerton: Am I correct in saying that the noise exposure categories should not be used?

Stuart Coventry: No, I do not think so. We feel that it is appropriate to use them, given the absence of other guidance that defines absolute noise levels. The guidance follows the World Health Organisation guidance and the noise insulation grants threshold between groups C and D, which is set to reflect the level of noise at which noise insulation grants for railway schemes would be applied. Of course, noise insulation grants are applied in relation to the development of infrastructure, which is exactly the circumstance that we are talking about. Although the noise exposure categories do not apply specifically, they follow guidance that sets the thresholds.

Chris Brewerton: Okay. I have a question about the calculation of the L_{Aeq} at our house. As there is no existing noise, I presume that a model was designed, to which paragraph 30 of volume 2 of the preliminary stage report relates. Paragraph 30 refers to six-car and three-car—six-car at peak times, three-car at off-peak times—class 170 Turbostar diesel multiple unit passenger trains and to class 66 diesel locomotives with type HTA wagons. I understand that those types of trains would be operating over a 17-hour period. Is that a correct interpretation?

Stuart Coventry: That is our understanding.

11:30

Chris Brewerton: Good. Am I correct in understanding that the calculations of all the noise that those vehicles would be creating at our house were based on a 17-hour period that ran from 06:00 to 23:00 and that the figure was then averaged out? Is that a correct understanding of the L_{Aeq} ?

Stuart Coventry: No, but you are nearly right. The L_{Aeq} period runs from 7 o'clock in the morning until 11 o'clock at night, so a 16-hour period was used. Only the trains running in that 16-hour period contributed to the L_{Aeq} ; the trains that ran outside that period did not contribute to the noise level for that period.

Chris Brewerton: Would trains operating outwith that period increase the L_{Aeq} ?

Stuart Coventry: They would not increase the L_{Aeq} over that period, because there would be a longer period over which to average the noise.

Chris Brewerton: So the noise level would be pretty much the same.

Stuart Coventry: It would be broadly the same.

Chris Brewerton: Good. Is it the case that, when the line becomes operational, the levels of 57.1dB and 60.4dB that you have quoted will not vary much, for an operating period from 06:00 to 23:00?

Stuart Coventry: Those are the levels that we have calculated on the current information and assumptions about the operations. In effect, those are the average levels that will apply over that period.

Chris Brewerton: I was going to ask a question about paragraph 8 on page 3 of SAK/S2/04/4/26—our written evidence—but I have changed my mind.

If it were decided that, for safety purposes, the operation of a horn on the approach to the level-crossing would be essential, would that change the L_{Aeq} values?

Stuart Coventry: In the calculations, it had not been assumed that the horn would be used. It is fair to say that if the horn were used, there would be a marginal increase in the L_{Aeq} , although it might not be noticeable. We have not done that calculation. Our understanding is that it is not guaranteed that the horn will be used.

Chris Brewerton: I understand that; I was just concerned about how much the use of the horn would alter the L_{Aeq} . It could again raise the level. I wondered whether that had been included in the calculation because, to me, it is part of a worst-case scenario.

Stuart Coventry: It was not part of our assumptions.

Chris Brewerton: What noise would an air horn create?

Alf Maneylaws: I do not have a level for that, at present. Although the level might be relatively high, the duration would be quite short, so I think that its contribution to the average noise level over a day or an evening would be quite small.

Chris Brewerton: But it would increase the noise level.

Alf Maneylaws: Marginally.

The Convener: Would it be possible for that information to be forwarded to the committee?

Alf Maneylaws: Certainly.

Chris Brewerton: As the figures refer to two different sizes of DMU—a six-car train and a three-car train—does the frequency at which they pass by alter the L_{Aeq} noise levels at all? For example, if there were many more six-car DMUs passing than three-car DMUs, would that raise the L_{Aeq} ?

Alf Maneylaws: It would raise the average noise level over the day. In terms of the mix of passenger and freight trains on the line, however, the contribution of the passenger trains is fairly negligible. The freight trains make the major contribution to noise levels on the line.

Chris Brewerton: That is good to know. Just out of interest, I have managed to find information in the environmental statement on the noise that a two-car DMU would generate, which has been quoted as 70 to 72dB $L_{Amax, fast}$. What would the levels be for a three-car DMU and a six-car DMU—at 20m distance, because that is where our house lies?

Alf Maneylaws: I think that the maximum level would not be very different from that for a two or three-car DMU.

Chris Brewerton: Would any levels be different then? You imply that there would be a level that might be louder. Forgive me, but my mind tells me that a bigger vehicle must produce a bigger noise. You are saying that the bigger vehicle will not produce a bigger noise.

Alf Maneylaws: For vehicles of similar type, such as DMUs, the maximum noise level is likely to be similar whether they are two-car, four-car or six-car DMUs. Over a period of time, the average L_{Aeq} level for the six-car DMU is likely to be slightly noisier, but the L_{Amax} levels will be very similar.

Stuart Coventry: The principal reason for that is that the duration of the event for a six-car train is longer, rather than the peak noise being higher.

Chris Brewerton: That is what I reasoned. I was not able to find much information at all about the class 66 locomotives pulling 19 HTA wagons. I found something in table 6.7-1 of the environmental statement that referred to the Eggborough statements—I hope that that is right—but there were lots of different figures that all seemed to vary. Do you happen to have a figure for the noise that a class 66 locomotive pulling 19 HTAs would create?

Stuart Coventry: Can you give us the reference for that table?

Chris Brewerton: I do apologise, but I have not written down the page number. I am referring to table 6.7-1 and table 6.7-2, and to the two big tables on page 178 of volume 3 of the

environmental statement. I have a photocopy here. There are two big tables there and I did not quite understand everything in them clearly. There are lots of $L_{Amax, fast}$ figures and there is mention of “Loco” and of “Wagons”, and a variety of different noise levels, but I want to know the combined noise level of a type 66 diesel locomotive pulling 19 HTA wagons. What is the maximum noise that I can expect to impact on my house?

Alf Maneylaws: Measurements to date on class 66 locomotives have indicated that they are quieter than older locomotives such as class 60 locomotives, in terms of both engine noise and rolling noise. In the calculation of railway noise, which is the accepted method for calculating noise levels from railways, no robust data are currently available on class 66 locomotives, so we cannot include class 66 locomotives in the calculation of railway noise. Our assessment is based on class 60 locomotives, for which there are robust data. That is a worst-case scenario, because the measurement data that are available indicate that class 66 locomotives are quieter than class 60 locomotives.

Chris Brewerton: Do you have data for class 60 locomotives pulling 19 HTA wagons?

Alf Maneylaws: The data for class 60 are based on extensive measurements that have been done in the past. Those data are included in “Calculation of Railway Noise”.

Chris Brewerton: What are those data?

Alf Maneylaws: I cannot provide them off the top of my head.

The Convener: Is it possible to supply the data for consideration by the committee?

Alf Maneylaws: I can do that.

The Convener: That would be helpful.

Stuart Coventry: Is Mr Brewerton asking us what the pass-by L_{Amax} would be for a class 60 or class 66 locomotive?

Chris Brewerton: Basically, yes. What is the peak noise level?

Stuart Coventry: We have done some calculations of the peak noise of this configuration of train, speed and distance from the track that have not been presented in evidence.

The Convener: It would be helpful if we could hear that evidence.

Stuart Coventry: At a distance of 20m from the track, for a speed of 60mph, or 96kph, and with a barrier as has been shown, the L_{Amax} is likely to be of the order of 80 to 83dB.

Chris Brewerton: That information is very useful. Is it correct that a barrier takes off 10dB?

Stuart Coventry: Not exactly. The figure is of the order of 10dB, but it depends on a number of parameters, such as the distance of the barrier from the receptor, its distance from the source and its height. Barriers can provide a reduction in excess of 10dB.

Chris Brewerton: I am still a little confused. I refer you to SAK/02/04/4/26, which contains evidence that we have submitted. I refer you to figures 1 and 2 on pages 4 and 5. I downloaded this information, which is provided by Network Rail, from the internet. The figures appear to be higher than those that you have provided. In figure 1, the noise level is close to 100dB. I apologise for the quality of the reproduction. Figure 2 indicates that at 20m the peak value is more than 90dB. Do you agree that those values are reasonable for what we are discussing? You say that the noise level will be 80 to 83dB, with mitigation. Without mitigation, the level will be well over 90dB.

Stuart Coventry: The figure to which you refer shows that. With the attenuation that we are suggesting, that translates to a level of 80 to 83dB.

Chris Brewerton: The lounge and front bedrooms of our house have an unbroken view of the level-crossing. As you said earlier, there can obviously be no mitigation at a level-crossing. Therefore, that noise is going to impact on our lounge. We are talking about 90dB-plus hitting our lounge. If the window was open, would I be able to hold a conversation?

11:45

Stuart Coventry: A very detailed assessment would need to be undertaken to determine precisely what the noise level would be at the front façade of your property and what that would translate into inside your property. To date, we have not undertaken an assessment to that level of detail. You are right to say that, with the break in the barrier, there would be some increase in the maximum noise level from what it would be otherwise. However, it is not a simple matter of saying that, because there is no barrier, the noise level will go up by that much.

Chris Brewerton: I agree with you. I understand that it is not a simple matter. Nevertheless, I am concerned that even in a best-case scenario in which the noise was reduced, as you said, to between 80dB and 83dB—let us take the noise level to be 83dB for ease of calculation—and I was inside my house, which would reduce it by 13dB, with my window open the noise would still be 70dB. Would I be able to hold a conversation during the minute to two minutes when the train was going by, and would I be able to hear my television? I am concerned.

Stuart Coventry: Certainly. I can give you an indication of an answer, but I cannot give you a precise figure for your property. It is likely that there would be some interference with holding a conversation or listening to the television inside your front room. However, it would not be for the 90-second or two-minute duration of which you speak, as the peak noise applies only to part of the train. There is more noise from the engine than from the rest of the train.

The Convener: So, what would the duration of the peak noise be?

Stuart Coventry: We cannot be entirely accurate in our understanding at the moment.

The Convener: An approximation would be helpful, though.

Stuart Coventry: As I recall, it may be 15 to 20 seconds. We might be able to come back with a more considered answer on that point.

The Convener: That would be helpful.

Chris Brewerton: Mr Coventry, I am still not entirely convinced. I contacted Sound Research Laboratories Ltd and briefly outlined what was going to happen. A consultant there wrote back to me, and I have a copy of his e-mail with me. He categorically states that the increase in sound will be something between 85dB and 90dB in my garden and 70dB in my house with the windows open. He then says:

"This will be too loud to hold a normal conversation (with someone in the room or on the phone) or listen to the TV."

I am very concerned. I think that you will agree that that is reason for concern. However, as I understand it, you are saying that that will not necessarily be the case.

The Convener: Before Mr Coventry answers, I advise Mr Brewerton that it would be helpful if he could, in due course, supply us with a copy of the document to which he refers.

Stuart Coventry: I just agreed that there would be a disturbance to holding a conversation and listening to the television. The point that I disagreed about was the duration of that event. The advice that you have been given is likely to be appropriate.

Chris Brewerton: Oh dear—that does not encourage me at all.

I did some more research and I was referred to PPG 24. I looked through that document, which refers to absolute limits being set if the increment in a noise level is to be in excess of 15dB. Have any absolute limits been set, based on an average level of noise that should not be exceeded in any specific period?

Stuart Coventry: What was the reference to absolute noise limits?

Chris Brewerton: I apologise—I am not used to this, so please bear with me. In PPG 24, to which you have referred, section 1 of annex 5 is on “Type of limit”. The annex refers to “absolute” and “relative” limits and says:

“Generally, relative limits are not appropriate where the permitted increase in noise over background is substantial—eg 15 dB or more.”

I understand that we will be subjected to increments of 15dB or more at our house. I presume that an absolute limit has been set on the track and I wonder what it is.

Stuart Coventry: No absolute limit has been set.

Chris Brewerton: I realise that we are talking about a model and that a model must be used in this case because there is nothing else to which we can refer. Am I correct in saying that any vehicle could use the railway line, provided that it fitted in with the weight and speed limits, and that there would be no limit to the amount of noise that it could produce?

Stuart Coventry: I am not sure whether that is entirely correct. In evidence that we gave previously, we showed the assumptions on which the noise assessment was undertaken. Perhaps the question on how use of the track might be varied from those assumptions is for Mr Reid to answer. The only point that I would make is that you talk about any vehicle creating any noise level, but there will obviously be limits on what noise can be produced, given the physical circumstances.

Chris Brewerton: I appreciate that, but my concern is that other vehicles could use the line that would not be of the quality that you referred to in respect of a class 66 vehicle and HTA wagons, which I believe are of high quality. The other vehicles could be of lower quality and there would be no limit on the volume of noise that they could produce. Is that correct? I was concerned that L_{Aeq} values would rise.

Stuart Coventry: Obviously, the L_{Aeq} is a function of the use of the line. Given the period that we used in the assessment, we are satisfied that the assumptions that we have made are reasonable in defining what would broadly be an upper limit for the daytime case. We have taken a number of worst-case assumptions into account—for example, the number of freight trains that was assumed is substantially more than the number that is likely to use the line during that period. Perhaps they have been overestimated by a factor of three, certainly for the time of opening—pessimism is built into the model. We have also considered operation at higher speed—at design

speed rather than actual speed—through the section, but more detailed work would certainly need to be done to define more precisely the noise levels that would be experienced. However, I think that your question on the limitation of use would be better answered by Mr Reid.

Chris Brewerton: Okay. Thank you.

I refer to the noise contour maps, which show increases in noise. The relevant plans in our case are F1-WM and F1-NM. There are lots of houses there—our house is indicated by the number 35, although it is not number 35 in reality. The increases will be above the ambient background levels. Will those levels rise by the quantities that are shown irrespective of the time of day, or was the figure averaged out over a 16-hour period?

Stuart Coventry: The comparison is the L_{Aeq} averaged out over 16 hours against what is broadly the background noise that has been measured for the area. Obviously, there were constraints on the amount of measurement that was undertaken, so the figure is an indication rather than an absolute definition. I think that you accept that point.

Chris Brewerton: Is it fair to assume that in fact, in the evening—when the ambient background noise levels drop—the increase will be a lot higher than 10dB to 15dB?

Alf Maneylaws: The noise contour plots show the increases above the evening ambient levels that will result from the operation of the railway. The plots were done in that way because the evening is the quietest part of the day.

Chris Brewerton: Right. I was concerned that the situation could be worse than the plots show, but you are saying that that is the worst scenario.

Alf Maneylaws: Yes.

Chris Brewerton: As you can see, from our house, there is a direct line of sight to the railway track from three sides. As the line would be clearly visible from the first floor even with a 2m fence, am I correct to assume that the fence that is to be used for mitigation would really afford no noise protection at the first floor? At present, I have a hedge that is slightly higher than 2m and I can see clearly over the top of it straight to the mine. I assume that the fence will be a waste.

Alf Maneylaws: That is not strictly true. Although it seems to be against the laws of physics, there will be noise attenuation even though the line of sight is above the top of the fence. Obviously, attenuation will be reduced in that case, but there will be a certain amount of attenuation.

Chris Brewerton: What will the reduction be?

Alf Maneylaws: If the line of sight grazes the top of the noise barrier, one can expect a noise reduction of about 5dB. As the line of sight goes higher above the top of the noise barrier, that figure will reduce.

Chris Brewerton: So at best we are talking about a mitigation of 5dB at first-floor level.

I was going to refer to SAK/S2/04/4/29, but I would rather move on because we have discussed that issue enough and I do not want to waste people's time.

I refer to table 6.1-3 on page 137 of volume 3 of the environmental statement, which provides supporting information. Given that the increases over the ambient noise will be greater than 10dB, the table shows that the changes in noise will have a "Severe impact" on our house.

Stuart Coventry: Yes—that is the inference from the scale in that table.

Chris Brewerton: Thank you. To move on to table 6.1-4, as the ground floor level falls within the category "55<60" and the increase in L_{Aeq} is greater than 10dB, am I correct to say that there will be a moderate increase in impact on our house?

Stuart Coventry: Again, that is the inference from that table.

Chris Brewerton: At first floor level, the figure is 60.4dB L_{Aeq} , so the increase in impact will be substantial.

Stuart Coventry: Yes.

12:00

Chris Brewerton: Can we please talk about the fence again, which will be our only defence against noise? Will the fence along our perimeter reflect sound from the railway away from the house? Is the fence likely to deflect sound straight back onto the train and will that noise then be deflected over the fence?

Alf Maneylaws: Yes, that is correct. The calculations that we did to produce the results in the environmental statement assume a reflective noise barrier. Again, that is a worst-case scenario. It takes into account the effect of reflections between the fence and the train.

The Convener: I am awfully sorry, Mr Maneylaws, but I am finding it difficult to hear you. Could you speak more directly into the microphone? That would be helpful to everyone.

Alf Maneylaws: I beg your pardon.

The calculations that led to the results that are presented in the environmental statement assume a reflective noise barrier in that area of the line.

They assume a worst-case scenario in which there is reflection of noise between the noise barrier and the train. That noise propagates away from the railway line. As Mr Coventry said, the detailed barrier specification will be worked up in the detailed design, and the barriers will be tailored to specific conditions along the line. That might include the use of absorbent barriers.

Chris Brewerton: You have pre-empted my next question. I was about to ask whether it is possible to put absorbent material onto the fence to reduce the effect. Would doing so reduce the L_{Aeq} levels?

Alf Maneylaws: That is possible. As I said, the detailed barrier specification will be worked up in the detailed design. Each location along the line will be treated separately and the benefits or otherwise of using absorbent barriers will be investigated.

Chris Brewerton: Thank you. My research has shown that, in the case of wooden fences, if the panels are not fitted together tightly and there are small gaps, the effectiveness of the fence is greatly reduced. Is that accurate?

Stuart Coventry: That is the case.

Chris Brewerton: Will the fences be of very high quality with no gaps?

Stuart Coventry: It is the intention of the promoter to provide noise barriers that meet the latest standards.

Chris Brewerton: I have reached my last few questions—I am sure that you will be relieved about that. I have tried to understand the vibration issues but, to be quite honest, I do not. I am not an engineer. Have any calculations been done to predict the ground-borne noise levels that will impact on our house? I have read about ground-borne noise and rumble—I believe that that is the technical term. I am concerned that that, as well as exterior noise, will affect the house.

Stuart Coventry: Let me be quite specific on the difference between vibration and ground-borne noise—you mentioned them in the same question. Ground-borne noise would be experienced in the house as a result of vibration as the property reradiates the noise. Ground-borne noise is not considered to be a significant issue where the source of the noise—in this case the train—is creating airborne noise, because the ground-borne noise is effectively masked by the airborne noise. Ground-borne noise becomes an issue in tunnels or deep cuttings where the airborne noise is suppressed by mitigation measures; people cannot hear the airborne noise, but the vibration through the ground is heard as a rumble. However, I do not think that that will happen in this case.

Chris Brewerton: Thank you—that is helpful.

I refer you to table 1 on page 10 of paper SAK/S2/04/4/26, which I photocopied from the environmental statement. At that time, my information led me to believe that the vehicles that will pass by would be travelling at 60mph. Our house is 20m from the line—in fact, parts of it lie within 20m—so I used 20m as a standard. In table 1, impact level 3 is described as “adverse comment possible”, but I do not really understand what that means. Does it mean that complaints will be made because the floors appear to bounce and the ornaments seem to shake? Is that the level of complaint that we are talking about?

Stuart Coventry: That is about right. There would be internal effects of vibration, which would be noticeable to the extent that people would consider making a complaint. You have to understand that table 11.5, of which your table 1 is a copy, is a representation of a community response; it is not a guarantee of what will happen to an individual, because people's responses to vibration vary. In a community that was affected at that level, it is likely that adverse comments would arise from the vibration. The phenomena that you described might occur.

Chris Brewerton: Will you reassure us that our floors will not bounce up and down and that ornaments will not bounce around on mantelpieces and walls?

Stuart Coventry: The approach to dealing with vibration that is set out in the environmental statement has been to measure the levels of vibration on another line. Obviously we could not do that in this situation because of the lack of sufficient data. Vibration is a function of the geology, topography and other conditions at the site. The environmental statement pointed out that in situ calculations will be undertaken to design vibration levels such that they will be below the level at which adverse comment would be possible. I cannot guarantee that, in relation to your property, there will not be an unforeseen circumstance that means that mitigation measures do not work. The intention is that mitigation measures will be provided such that those phenomena do not occur. At 20m from the track, we consider that mitigation can be provided so that those phenomena do not occur, but that is not a guarantee on my part.

Chris Brewerton: That is one of my worries: there are no guarantees. I thank Mr Coventry and Mr Maneylaws and I appreciate their answers.

The Convener: Thank you. You will have a chance to question other witnesses.

I have a couple of questions for Mr Coventry. Paragraph 40 of Mr and Mrs Brewerton's evidence—paper SAK/S2/04/4/26—refers to the

use of HTA wagons. That point is covered in paragraph 22 of your evidence in document SAK/S2/04/4/27. However, so that the committee and I can be quite clear, are HTA wagons always covered with a crown sheet?

Stuart Coventry: Sir, the crown sheet to which we refer is an integral part of the HTA wagon—it is not a sheet that is pulled across the top of the wagon to cover a gap. It is the term that is given to the metal enclosure at the top of the wagon, but there is a gap through which the wagons are filled.

The Convener: The crown sheet is part of the wagon.

Stuart Coventry: Yes.

The Convener: You gave a figure of 80dB to 83dB for noise from a class 60 locomotive at 20m from the track when it is moving at 96kph. What is the equivalent L_{Aeq} level?

Stuart Coventry: Sir, that question cannot be answered because the level depends on the duration of the event. The L_{Aeq} levels that we have calculated are based on those events. They are calculated over a 16-hour day, taking into account a defined number of events.

The Convener: I am grateful for that answer because it shows clearly that the question was not easy to answer.

Stuart Coventry: It is a question of definition of terms.

The Convener: Okay. Thank you for that.

Roy Martin: On that matter, Mr Coventry, is that L_{Amax} level, when it occurs, a measurement of an actual level of noise reached?

Stuart Coventry: Broadly, that is the L_{Amax} . There are some complexities, but that is broadly the case.

Roy Martin: On the other hand, is an L_{Aeq} measurement a calculation of the amount of noise energy that is produced over a given period?

Stuart Coventry: Yes—it is an average.

Roy Martin: I am putting these matters very broadly and I am sure that Mr Coventry can assist the committee if that is necessary. I will not take that any further.

Is that why it is not possible to reconcile a L_{Amax} measured level and an equivalent L_{Aeq} over a period of time, unless one knows how long the L_{Amax} level has lasted and, therefore, how much energy has been produced?

Stuart Coventry: That is right. You must also know the number of L_{Amax} events.

Roy Martin: Am I correct that the L_{Amax} of 80dB to 83dB that you gave to Mr Brewerton was the level for a train being pulled by a class 60 locomotive?

Stuart Coventry: That is the case.

Roy Martin: You explained that the research information is not presently available to do the equivalent calculation for a class 66 locomotive, but if a class 66 locomotive creates less noise than a class 60 locomotive, what is that likely to do to a level of 80 to 83dB?

Stuart Coventry: The level is likely to be reduced. The caveat to that is that the detailed information on the class 66 locomotive is not available, which is why we used the information on the class 60. It follows that a quieter engine would reduce the L_{Amax} .

Roy Martin: So far as the type of fencing is concerned, to what extent is it possible to mitigate noise at a specified location in the detailed design and construction of an acoustic fence?

Stuart Coventry: Are you asking about levels of reduction—

Roy Martin: No, I am asking a general question. Perhaps I should put the question another way. To what extent is it possible to mitigate noise levels through the detailed design of the fence, by which I mean the close-boarding, sound absorption or sound-reflection avoidance of the fence? To what extent is it possible to mitigate predicted noise levels through the detailed design of an acoustic barrier?

12:15

Stuart Coventry: The detailed design can reduce the noise by up to 15dB, depending on the situation and the type of fence. The provision of a fence would reduce noise levels.

Roy Martin: To what extent can the effects of vibration be reduced in designing the track, the ballasting and various other things like that?

Stuart Coventry: The level of attenuation of vibration is not as straightforward as noise mitigation. Noise mitigation is very straightforward: with a barrier in place, it is possible to do the calculation, which is not site specific in the same way that applies to vibration mitigation. Vibration mitigation is a newer art, which is why we cannot guarantee the level of mitigation. However, vibration mitigation can still be effective—indeed, it is effective. In the environmental statement, we suggest a number of types of mitigation that could be considered under the circumstances, taking into account the particular situation of each property. Vibration mitigation is effective.

The Convener: There being no further questions for them, I thank Mr Coventry and Mr Maneylaws for their evidence. Mr Martin, do you have any questions for Mr Reid?

Roy Martin: I have no questions for Mr Reid, thank you.

The Convener: Mr Brewerton, do you have any questions for Mr Reid?

Chris Brewerton: Yes. Good afternoon, Mr Reid. I have exactly the same questions to ask you as I asked Mr Coventry and Mr Maneylaws. I will try to make them succinct. With regard to the design capacity that has been referred to previously, am I correct in understanding that the maximum permissible number of pass-bys by our property at Causewayhead is 64? Will the level of 64 pass-bys not be exceeded?

David Reid (Babtie Group Ltd): The question relates to the number of actual train movements, which is 64. As we explained previously, the numbers that we have used refer to the use that will be made of the line in due course. In fact, when the line opens, if it does open, the number will not reach 64 initially: as we foresee it, all the paths will not be taken up. However, as we have outlined in the railway processes paper, I cannot guarantee that the number will not extend beyond that level should the hours of operation be extended in the fullness of time.

Chris Brewerton: So the figure of 64 is really almost arbitrary.

David Reid: No, it is certainly not an arbitrary figure. The capacity of the line, as things stand, will be to provide for one passenger train per hour and one freight train per hour in each direction. The capacity will not permit much more than that, if anything. I was referring to the hours of operation, which, as we have said previously, we cannot control once the railway is open. However, I can give the reassurance, or at least partial reassurance, that we have based the capacity of the line on its design, on what we have done in the way of mitigation and so on, and on what we view as being the practical worst case.

Chris Brewerton: In reality, however, the number of pass-bys could be a lot higher.

David Reid: In reality, it could be higher, but only in terms of hours a day as opposed to the number of trains per hour.

Chris Brewerton: I am sorry—I did not catch that.

David Reid: It could be higher in terms of the time of day, rather than the number of trains per hour. The line has a specific capacity.

Chris Brewerton: We are talking about the time between 06:00 and 23:00, and the line cannot take more than 64 trains in that period.

David Reid: Essentially.

Chris Brewerton: But if that time was exceeded, the 64 pass-bys would be exceeded.

David Reid: That would depend on whether all the capacity during the hours of operation that we have discussed was filled.

Chris Brewerton: But a worse-case scenario would be having that number of trains per hour and the line operating 24 hours, which would amount to 96 pass-bys.

David Reid: The scenario of every path on the line that could be used being used for 24 hours would be worse than the worst case, if that is possible. Our considered worst case at the moment is what we genuinely consider will be the worst case, but you are correct that if trains were to run 24 hours a day and every path was used, the number would be exceeded.

The Convener: Is that likely?

David Reid: As I have tried to portray, I consider that not to be likely. At present, there are a number of constraints, not just the capacity of the line. For example, currently the Longannet signal box does not function during the evening, so trains could not be run during the evening period to which we have referred. Also, examination of the traffic that we consider will use the line, which is the basis of the need for the railway, does not highlight any trains that would use the railway during the night-time hours. We have tried to be quite up front about the numbers of trains, even though initially not all the paths will be used by Longannet traffic.

Chris Brewerton: Is not 06:00 to 07:00 part of the night time when talking about noise levels?

David Reid: I am afraid that I will have to pass that over to my colleagues. I do not deal with noise.

Chris Brewerton: No, the question is about the times to which you referred. You said that it is not envisaged that any trains will run through the night time, but my understanding is that 06:00 to 07:00 is classified as night time.

David Reid: If I may put it in a different way, what we refer to as being night time or not is immaterial. We have specified the hours of day during which we foresee trains running. The times that we foresee them not running are the times that we have stated in the document. Whether you refer to those times as night time or otherwise does not affect them.

Chris Brewerton: I am sorry, Mr Reid, but 06:00 to 07:00 and anything after 23:00 is material, because I will have to live next to it.

David Reid: No, I am sorry, but you misunderstand. I am talking about whether you refer to that as night time or not. We have not tried to hide anything in the calculations that we have done or in the scheme that we have set out. We

have said that the hours of operation will be up to 23:00. Whatever you refer to as night time does not take away from the hours that we have set out in our calculations.

Chris Brewerton: I am sorry if the question remotely implied that you have tried to hide anything. That certainly is not an issue.

David Reid: I was trying to clarify what I was referring to.

Chris Brewerton: Can you confirm that with this design there will be no trains after 23:00?

David Reid: As I said, at this stage there is no prospect in our minds of trains after 23:00. However, I have also said that within our railway processes, that is not something that we can fix forever.

Chris Brewerton: That produces a little conundrum in my mind, because somewhere down the line—if you will pardon the pun—I read that there will be trains after 23:00. Please turn to page 2 of document SAK/S2/04/4/28, the last paragraph of which states that

“Calculated L_{Aeq} (23:00 to 07:00) levels at the Objector’s property are all below 45 dB”

but mentions

“two occurrences of relatively high L_{Amax} levels”

including

“only one passenger train between 06:00 and 07:00”

and

“one passenger train between 23:00 and 24:00”.

That indicates that there would be passenger trains coming past our property, which is why I have been a bit confused. I have been at the committee and have listened to the evidence that nothing will happen after 23:00, but the document mentions things happening after 23:00.

David Reid: As far as I am aware, there would be no trains after 23:00. If we have the opportunity, I can double-check the timetabling and provide that specific information.

The Convener: That would be very helpful. As a lay person, there seems to me to be an obvious possible contradiction, so some elucidation would be helpful.

Chris Brewerton: I take David Reid on to paragraph 14 on page 6 of his precognition, in SAK/S2/04/4/30, which states:

“At this stage, the Promoter and/or the Contractor will be involved in monitoring the performance of the environmental mitigation measures. This could include, for example measuring the actual noise levels generated by the operation of the works if necessary. These measured values could then be compared against the predicted values, and additional measures implemented where necessary, again paid for by the Promoter.”

I take him back to paragraph 8 on page 5, the last sentence of which states:

"In addition, as explained during the Preliminary Stage, this assumed level of freight usage may well prove to be significantly higher than the actual line usage, as transfer of all the coal currently moved by rail into Longannet Power Station would likely result in only 5 freight trains in each direction 5 days a week."

I know that you have said that the figure is the maximum for the times that we are talking about, but my concern is that the design capacity is for 30 pass-bys by freight trains, but paragraph 8 indicates that there would be only 10 pass-bys per day, and the monitoring of only 10 pass-bys per day would result in abnormally low L_{Aeq} values being generated. Is that the case?

David Reid: If what I say is incorrect, I am sure that my learned friends will assist me. The monitoring that we undertake will be much more to do with the maximum levels that you will experience at your property. There might be one train or 30 trains; we would consider the impact of a single train. Is that a reasonable answer?

Alf Maneylaws: We would also be interested in the average level over the 16-hour period—the L_{Aeq} , which was mentioned earlier.

Chris Brewerton: If that is the case, I am correct in assuming that if only 10 freight trains pass by that will be reflected in the L_{Aeq} .

Alf Maneylaws: It will be reflected in the L_{Aeq} .

Chris Brewerton: So, in all probability, because you would be monitoring only a third of the potential traffic—the maximum is three times that—that would result in L_{Aeq} values that do not reflect what could be the truth?

David Reid: I will answer that question. The point that I was trying to get at was that the monitoring that we, as promoter, will undertake will consider whether the maximum levels that the passing traffic attains are what we hoped would be achieved or are better. Should they be worse, I am sure that we would take into account the fact that there was a lesser number of trains during our monitoring. We would not try to use the fact that there were only five trains per day in either direction to negate the effect that the traffic might have on you.

12:30

Chris Brewerton: I appreciate knowing that, because I was genuinely concerned that the mitigation measures that are to be put in would not be adequate and would give false results that would justify what had been installed, even though it was not sufficient. You have answered my question. Thank you, Mr Reid. That is all.

The Convener: Mr Martin, do you have any further questions?

Roy Martin: No re-examination will be necessary.

The Convener: There are no further questions for Mr Reid, whom I thank for giving evidence.

Mr Martin, do you have any questions for Tara Whitworth?

Roy Martin: I have no questions at this stage.

The Convener: Mr Brewerton, do you have any questions for Tara Whitworth?

Chris Brewerton: Yes. Good morning. I was not sure whether I would put these questions to you or to Mr Reid, but it is good to meet you again. Will you confirm that no mitigation will be carried out on our building before the railway is built?

Tara Whitworth (Babtie Group Ltd): We cannot do anything to other people's property or Network Rail's property until Parliament has passed the bill.

Chris Brewerton: Can you give us a guarantee that the mitigation of the fence will mean that people living in our house will not experience noise levels that would cause them disturbance, such that they would not be able to sleep through the day, if they needed to, without noise from traffic on the railway line waking them up? I ask the question because my wife used to work as a prison officer and had to work shifts, so I want to be reassured on the issue.

Tara Whitworth: Are you seeking reassurance that mitigation measures will be sufficient to allow people to sleep during the day?

Chris Brewerton: Yes—I would like you to guarantee that.

Tara Whitworth: Mr Coventry is probably better placed to answer the question. The project will implement mitigation measures that are appropriate to the situation. As David Reid said, we will work with each landowner, and with you in particular, to ensure that the mitigation that is finally provided at the location is acceptable to you. If you identify daytime sleeping as an issue, we will definitely take that on board during the detailed design. Mr Coventry is better able to provide details of noise levels.

The Convener: I know that this is a slight break with procedure, but it might be helpful if Stuart Coventry were able to add something to what Tara Whitworth has said.

Stuart Coventry: I can give an answer to the question, if that would be helpful. The issue of sleep disturbance and noise is very personal. Obviously, I cannot provide an answer based on the personal circumstances of Chris Brewerton's family. This is a developing area. Noise disturbance from railways is not yet sufficiently

understood to allow us to be precise about the effect that it has. One must turn to guidance in PPG 24, for example, which we discussed earlier and which states that at L_{Amax} levels of about 82dB, one needs to consider the number of L_{Amax} events, in addition to the L_{Aeq} , when determining the band into which a dwelling falls. That level is set because previous guidance has shown that it may be a factor in disturbance.

Everything depends on the individual and the number of events. A single event might not awaken someone, although it might disturb their sleep. A number of events might have a different effect. It is not the case that if someone is not awakened by a single event they will not be disturbed if the same thing happens a number of times. This is a very complex area. There are a number of other factors to take into account—for example, whether someone chooses to sleep with the windows open or closed and whether they choose to sleep during the daytime near the facades that are more directly affected by noise.

Chris Brewerton: Thank you. It certainly seems that the situation will be a bit limiting. Am I correct in presuming from what has just been said that, if we experience disturbance, we could contact Ms Whitworth and she would respond to our difficulties?

Tara Whitworth: When David Reid gave evidence last week—as I said, I was not here—he gave an undertaking that we will monitor the situation for a year after the line opens. If you experience disturbance during that year or during the construction phase prior to that year, you can definitely contact me and I will deal with it.

Chris Brewerton: Good. That is reassuring. Basically, you can give us no guarantees at the moment that we will not be disturbed by noise or vibration. Is that a correct understanding?

Tara Whitworth: I hope that I can give you some comfort, in that the project must still go through detailed design. In railway and other major infrastructure projects, noise and vibration are not new issues. A number of different standards are set by Network Rail, the Health and Safety Executive and Her Majesty's railway inspectorate. We will ensure that the work is carried out in accordance with those standards. During the preliminary stage, the Parliament asked us to consider implementing a code of construction practice. I assure you that the draft code of practice to which we signed up has been included in the contract that we are seeking to let with the main contractor who will construct the project.

I cannot say for sure that you will experience no problems during the construction phase or during the first year, but I can give you every assurance that we are doing everything that we can. We will

implement the best standards that are currently available and we will carry out the work in accordance with the draft code of construction practice. If there are any problems, feel free to contact me and I will assist in whatever way I can. That might involve my having a discussion with the contractor if he does not seem to be adhering to the standard. Alternatively, if there is some unusual occurrence taking place in your household such that you would prefer there to be no work taking place for, say, a week, we will look into things like that.

Chris Brewerton: Obviously, there will be some time between now and when the work will take place. If it happens that we sell our property and somebody else takes it over, would those same guarantees be given to them?

Tara Whitworth: Yes. It would make no difference who the owner of the house was. Whoever owns the house will have the same issues to deal with, so they will be able to contact me.

Chris Brewerton: So that I have this clear in my head, let me ask one last question. If whoever owns the house experiences disturbance, they will be able to contact you and you would do your utmost to ensure that the issue would be resolved to the best possible degree.

Tara Whitworth: Yes.

Chris Brewerton: I have no more questions. Thank you very much, Ms Whitworth.

The Convener: I have a couple of questions for Ms Whitworth.

Paragraph 4 of the promoter's evidence SAK/S2/04/4/30 states that no decision has yet been made on the provision of air-conditioning in Mr and Mrs Brewerton's house. For the benefit of the committee, will you explain why no decision has yet been made? Paragraph 3 of the same document records your e-mail of 6 February, which said words to the effect that a decision in principle would be taken by 16 February 2004.

Tara Whitworth: I have discussed with the project team the possibility of providing air-conditioning at the Brewertons' house, given the issue that the Brewertons have raised. We have agreed to continue considering that. We do not want to pre-empt the Parliament in any way, so we are not willing to say at this stage that we will definitely provide air-conditioning. However, we are willing to say that we will continue to consider whether it would be appropriate to do that. The project steering group does not want to set a precedent that would cause problems to the Parliament.

The Convener: I do not think that that would pre-empt the Parliament, although I hesitate to say

something so grand. Taking a decision in principle would not pre-empt anything. Why is there such a hesitation to take a decision in principle?

Tara Whitworth: Perhaps I did not articulate myself correctly.

The Convener: Have another go.

Tara Whitworth: If the noise levels that are calculated during the detailed design stage are over a certain amount, the Brewertons will be eligible for noise mitigation and compensation. Over the past couple of weeks, when I have not been able to attend the committee, there has been a lot of discussion about what exactly the compensation would be. As I said, we cannot confirm the noise levels that the Brewertons' house will be exposed to at this stage, but we can say that if the noise levels are above a certain amount, the Brewertons will be eligible for noise mitigation. If air-conditioning is the most appropriate means of providing that, that will be provided.

The Convener: That is helpful, but it would be more helpful if you could put in writing what you have just said. Is that possible?

Tara Whitworth: It is. I should also point out that there are suitable noise mitigation measures other than air-conditioning that the Brewertons might want to go for at the end of the day.

The Convener: I understand that. I only mentioned air-conditioning because you did.

In paragraph 7 of your paper, you answer the question that is asked in paragraphs 19 and 20 of SAK/S2/04/4/26. However, that answer leads to another question. If acceleration is taking place, there will presumably be an increase in source-noise levels. Will you confirm the basis of the analysis in the environmental statement in relation to locomotive noise with regard to the Brewertons' house? Has any assumption been made about acceleration or braking?

Tara Whitworth: I cannot answer that question. To the best of my knowledge, the environmental team has assumed that the trains are travelling at the speed at which they are designed to travel, but I cannot say whether consideration has been given to acceleration or deceleration. I will have to pass that question to Stuart Coventry.

Stuart Coventry: This might repeat an answer that I gave at the last meeting.

The Convener: That is all right. A belt-and-braces approach is always helpful to us lay people.

Stuart Coventry: Ms Whitworth is right in that our calculations assume that the trains are travelling at the design speed. At the last meeting, I said that, when a train is accelerating up to the

design speed, which is what I suspect will be happening in the circumstance that we are discussing, the rolling noise of the train will be lower than we had assumed, because it will be travelling more slowly, but the engine noise will be increasing because of the acceleration. Broadly speaking, those two noise levels will balance each other out. That means that the assumption that the noise levels will be those that would be expected if the train were travelling at its design speed is not inappropriate and is likely to reflect the actual noise levels. Obviously, all of that depends on the location that we are talking about.

The Convener: I think that I follow you, but common sense and experience suggest that the noise emissions during acceleration and braking might be significantly higher than when the train is travelling at a steady rate, regardless of whether that is 30mph or 60mph.

Stuart Coventry: That would perhaps be the case for vehicles on roads, but the situation is different with regard to railways because the wheels on the track are the principal source of noise. The engine noise comes into play with acceleration. The balance that I described is broadly correct.

Rob Gibson (Highlands and Islands) (SNP): In looking at the view of Mr and Mrs Brewerton's house from the other side of the level-crossing, we have been talking about having a fence along the side of the railway as a mitigating measure. Might such mitigation be considered for the area along the road, which is also exposed at the front of their house?

Tara Whitworth: I am sorry, but I do not understand that question. You said, "from the other side of the level-crossing". Which side are we talking about?

Rob Gibson: I am sorry if my description was not adequate. There is a photograph of the area on page 8 of SAK/S2/04/4/26.

Tara Whitworth: Is that figure 3?

Rob Gibson: Yes. I understand that it is called figure 3. We have been discussing a case that involves mitigation along the side of the railway track at the point at which there is a hedge that is roughly 2m high at the moment.

12:45

Tara Whitworth: I am sorry, but could you repeat the question.

Rob Gibson: I was just about to get to the question. Would mitigation of a similar nature be considered for the road side of the garden wall at the Brewertons' house?

Tara Whitworth: I am sorry, but I seem to be missing the point. You asked about mitigation of a

similar level. Are we talking about noise barriers to protect the road users or to protect the open space at each side of the road?

Rob Gibson: We are talking about the front boundary of the Brewertons' house, which I think is a white wall.

Tara Whitworth: Right. I think that I have got the question. You are asking whether we would propose noise mitigation measures.

Rob Gibson: No. I am not asking whether you are proposing such measures; I am asking whether they are a possibility. From what has been said, I assume that you will design something that is suitable to individual circumstances. I am asking whether that area could be treated in the same way.

Tara Whitworth: Indeed, it could be. That said, the Brewertons have a garage, which they access from the road at the location that is shown in figure 3. One of the things that they have requested is for dropped kerbs to be put in so that they can park their cars off the road. I confirm that we can mitigate along the front of their house on the road side. However, if the Brewertons continue to wish to use their existing garage, there would have to be a gap.

Rob Gibson: Thank you.

The Convener: Mr Martin, do you have any follow-up questions for Miss Whitworth?

Roy Martin: Thank you, sir. I have just one question for Miss Whitworth. You indicated that you could not do any work unless and until the bill is passed and a contract has been entered into. Will there be a pre-contract survey of the houses that are adjacent to the line? If so, would that include Mr and Mrs Brewerton's house?

Tara Whitworth: There will not be pre-contract surveys, but there will be pre-condition—I am sorry, I am getting myself into muddles today. Condition surveys will be carried out prior to construction on the route. They will be carried out on the Brewertons' house. The timing of the surveys will be agreed with the Brewertons. We cannot organise the surveys until we have a body to do the work. I confirm that we will be doing pre-construction condition surveys on the Brewertons' house.

Roy Martin: Thank you.

The Convener: There are no further questions for Miss Whitworth. I thank her for giving evidence. Mr Martin, do you have any questions for Mrs Gorlov?

Roy Martin: Thank you, sir, but I do not.

The Convener: Mrs Brewerton, do you have any questions for Mrs Gorlov?

Pauline Brewerton: Yes.

The Convener: Please proceed.

Pauline Brewerton: If the bill is passed and we decide to move and attempt to sell our property, can we submit a compensation claim, if we are able to justify one, once a sale has been completed? In other words, having realised that we have suffered a loss, can we submit a compensation claim when we are no longer the owners of the property?

Mrs Alison Gorlov (John Kennedy & Co): The answer is yes. You would have to show that the property had depreciated in value.

Pauline Brewerton: Yes.

Mrs Gorlov: Of course, it may be that the sale at a lower price does not indicate that at all. The fact that you had sold at a lower price would not in itself mean that the land had depreciated in value because of the railway. There is another thing that one has to bear in mind, which is included in the note that no doubt you will have seen. I am not sure whether you are talking about a sale after construction or after the railway is put into use. There is a slight difference between the two situations.

Pauline Brewerton: My question was about what would happen if the bill is passed. I am asking about the situation once the bill is passed but prior to the railway becoming operational. I am not necessarily talking about a situation of complete blight but one in which we attempt to sell our property for a price that seems realistic, but eventually have to take a reduced price because of the effect of the railway on potential buyers.

Mrs Gorlov: There are two circumstances in which compensation would be payable: one is in the case of depreciation caused by the railway's construction and the other is whether the operation of the railway could be shown to have caused the property's value to depreciate. That obviously does not stretch into the far, distant future. It is measured after a year largely to show that the depreciation is related to the railway. However, I suspect that the question might be directed at a slightly different state of affairs, in which the railway might not even have started running, but you have difficulty in getting the price that you want because the railway is coming. If that is the nature of the question, the depreciation would not be subject to compensation.

Pauline Brewerton: If we were to sell before the line became operational, would the new owner be able to apply for blight compensation, if appropriate, at a future date?

Mrs Gorlov: Perhaps I ought to explain something about blight: in the legal sense of the word, it applies in very limited circumstances. The

major point, as far as your property is concerned, is that it must apply where the property is proposed for compulsory purchase. If one is not going to lose any land, the law regarding blight is not applicable.

Pauline Brewerton: In paragraph 26 of paper SAK/S2/04/4/27, we were told:

"The Objectors loss in this regard if it is justified must be claimed by way of compensation. Whilst the Promoter will endeavour to negotiate with the Objector, if the parties cannot agree, the claim will be referred to the Lands Tribunal for Scotland."

We are not unreasonable people, and I would like to feel that we could negotiate were it necessary. Has the promoter laid aside funds for any compensation?

Mrs Gorlov: There is no bank account with money in it, but funds are available for the project, and it is recognised that compensation will be payable. A lot has been said about the £700,000 that is mentioned in the funding statement, but that money covers the sort of compensation about which we are talking; it represents quantifiable figures for known areas of land. A specific amount has not been identified for wider compensation for the sort of disturbance about which you are talking, but it is part of the project that there will be a liability to pay compensation. The sources of funding will therefore ensure that funding is available for that, although there is no bank account with compensation money in it should it be needed.

Pauline Brewerton: Is a fee involved in claiming compensation?

Mrs Gorlov: I do not know the administrative details. When one gets to the Lands Tribunal, I am sure that fees are involved. However, there is no fee involved if one writes a letter to the authorised undertaker and claims compensation.

Pauline Brewerton: Would legal representation be required to activate a compensation claim?

Mrs Gorlov: No. Essentially, it is not a legal issue. Initially at least, one is considering land values, which is not a subject about which lawyers know terribly much, and many of us would go off to surveyors.

Pauline Brewerton: What is the normal settlement time for compensation?

Mrs Gorlov: I am afraid that I really cannot tell you, but, as in all negotiations, one can either reach agreement or not. I am afraid that I cannot tell you how long proceedings take before the Lands Tribunal. I am sure that Mr Martin could give you a better idea than I, but I am afraid that I do not know.

Pauline Brewerton: Paragraph 17 of the information note on compensation and blight,

which is the appendix to paper SAK/02/04/4/2, says:

"Essentially, if a property is blighted within the statutory definition the landowner will be able to serve notice on the Council".

Would that be Clackmannanshire Council, as the promoter of the bill, or Stirling Council?

Mrs Gorlov: It would be Clackmannanshire Council. The authorised undertaker is initially Clackmannanshire Council, although there is provision in the bill for that position to be transferred to somebody else.

Pauline Brewerton: You might already have answered this question, so I apologise if what you said earlier did so. Assuming that the bill is passed and that we remain the owners of our property, is there a date beyond which compensation would no longer be available?

Mrs Gorlov: Compensation for what? Which category of compensation?

Pauline Brewerton: Any type of compensation. Is there a cut-off point? Is there a period of a certain number of years within which you have to apply?

Mrs Gorlov: There are a number of cut-off points. Compensation for depreciation due to the operation of the railway could not be claimed after more than a year. The claim might go on for more than a year, but one would be measuring it against a year's running. You could not come along 10 years later and say, "The value of my land depreciated due to the running of this railway."

Pauline Brewerton: If we remained the owners of the property and, after a year, tried to sell our property and found that it was blighted, would there be nothing that we could do about it then?

Mrs Gorlov: I do not want to mislead you or the committee. When you talk about blight and I talk about depreciation, I hope that we do not mean two different things. There is no compensation in respect of the lay concept of blight except where the value of land depreciates because of the operation of the railway next to the land. That covers the actual physical operation of the railway and, if it shakes one's house about, what that does to depreciate the value of one's house. It does not cover the wider lay perception of blight, where, for example, one can no longer sell one's house at the value that one thought that it commanded, because people do not want to live next to a railway. That is not a depreciation in value due to the trains going past. It is due to people's perception of a house next to a railway.

If the house were proposed for compulsory purchase and could not be sold at its normal price, or could not be sold at all, the authorised

undertaker could be compelled to buy it. However, where, as in this case, compulsory purchase of your property is not in prospect, the only available claim for compensation in respect of the lay concept of blight is in relation to the depreciation in value of the land due to the actual, physical operation of the railway. I am not sure whether that is what you have in mind when you talk about blight, but I am afraid that that is all that is covered by the general compensation code that is applicable throughout the country.

Pauline Brewerton: All right. I refer you again to paragraph 13 of document SAK/S2/04/3/2, which comes under the heading "Compensation when no land is acquired", which will obviously apply to us. The paragraph states:

"As SAK scheme would be authorised by legislation in the form of an Act of the Scottish Parliament, it will have immunity against any action against it for activities that would, in normal circumstances, be termed a nuisance. Therefore a landowner will not be able to bring an action under the general law of nuisance for any interference with his use or enjoyment of land as a result of the SAK Scheme."

Am I correct in my interpretation that, once the bill has been passed, no compensation could be claimed for any disturbance to our lives?

Mrs Gorlov: Not quite. There is no general law action for nuisance, because the works will be built under the authority of the bill, once passed. However, two statutory alternatives are available to you, and they are the two that follow the "Nuisance" heading in document SAK/S2/04/3/2.

The first alternative is compensation arising from the construction of the works, where there is a claim for what the law calls injurious affection. If the general banging around, noise, dust and so on result in depreciation in the value of the property, there can be a claim for compensation. Secondly, as I explained, when the works are in place and in use there is a possibility of claiming compensation if the use of those works causes depreciation to the value of the land. The rules are somewhat more complex than that, but that is an outline of how the system works.

Pauline Brewerton: The rules about compensation do not seem difficult to understand, but they seem frightening. It seems difficult to pursue compensation, should one find oneself having to face the need to do so. Is that correct?

13:00

Mrs Gorlov: In itself, compensation is not difficult to pursue. One writes to the people who are causing the problem, and a negotiation follows to see whether one can agree on a figure. However, it is not something that all of us would undertake without expert advice. It is a specialist

field, as is property valuation, and the rules, like a lot of other rules, are complex. It would therefore be prudent to take professional advice, both on the rules and on the property values.

Pauline Brewerton: Again, from our point of view, that would involve cost.

Mrs Gorlov: It would, but if compensation is due, one would expect those costs to form part of the compensation.

Pauline Brewerton: On immunity, is it the case that unless our property is safeguarded in the bill, should it be found that noise and/or vibration levels far exceed those that are predicted there would be no obligation under the law for anything to be done to our property in the form of mitigation?

Mrs Gorlov: I am sorry. I think that I lost the thread of the question. If you are asking whether we have put in place the mitigation measures so that there are no claims for nuisance, the answer is that the two are not related. There will be no nuisance claim; if the works are done in accordance with the legislation, there is no right to sue for nuisance. However, the mitigation measures that have been mentioned today and on other days will be put in place.

Pauline Brewerton: Is that a goodwill gesture rather than a legal obligation?

Mrs Gorlov: It is more than a goodwill gesture. It is being done because one cannot build a railway with a view to creating a nuisance for other people. If we did, you would, no doubt, have a claim for depreciation in the value of your land. There is a good reason for putting in mitigation, and undertakings are in place to provide it.

Pauline Brewerton: Thank you. I have no further questions.

The Convener: Thank you, Mrs Brewerton.

I have a couple of questions, Mrs Gorlov. You will see that the objectors are looking for various mitigation assurances to be written into the bill. Are you for or against that? If you are against it, what are your reasons?

Mrs Gorlov: Let me say at the outset that I am in favour of the authorised undertaker doing what it ought to do, in terms of mitigation measures. As a legislative draftsman, I balk somewhat at writing into a bill anything that is so imprecise that one cannot define it. The environmental statement rightly describes the mitigation measures that are proposed in broad terms, because we will not know precisely what is the right thing to do, foot for foot, materials for materials and angle for angle, until we get there and until we can see precisely what is required. That has been explained by others who know more about building and about

these measures than I do. If one wanted to be precise, it would be rather difficult for the bill to provide adequately for the measures that are to be put in place.

The bill could certainly say that the authorised undertaker will put in place the necessary mitigation measures. What that means, when one comes to analyse it, seems fraught with difficulty. If the committee wanted some words put together, I should say that they do not exactly trip off the tongue. In practice, it would be extremely difficult to produce something adequate; in theory, it could be done.

The Convener: Thank you for that. In addition to compensation for depreciation in property values, the objectors are looking for compensation for the emotional stress that they contend they have suffered. That is mentioned in paragraph 48.8 of committee paper SAK/S2/04/4/26. In your experience, has compensation been given to objectors under that heading in similar public transport projects?

Mrs Gorlov: I am not aware of that having been done. The scope of compensation claims that I have been describing does not cover that sort of claim: it covers purely land value issues.

The Convener: Thank you for that, Mrs Gorlov. Mr Martin, do you have any further questions?

Roy Martin: I have no re-examination, sir.

The Convener: We will take a one-minute break to allow Mr and Mrs Brewerton to take their places at the witness table.

13:06

Meeting suspended.

13:08

On resuming—

The Convener: Thank you for coming here today, Mr and Mrs Brewerton. I understand that you have both decided to take the oath.

PAULINE BREWERTON and CHRIS BREWERTON took the oath.

The Convener: Mr and Mrs Brewerton, you have had an opportunity to submit written evidence to the committee about your concerns in relation to the scheme. The committee has read all that evidence. In the light of what the promoter has had to say about your evidence, is there anything that you would like to add at this stage?

Chris Brewerton: Yes, there is. I am still concerned about the reference to the noise exposure categories. My understanding is that the NECs apply only to residential developments

where there is pre-existing noise and that they should not be used in the contrary situation in which a noise source moves into a residential area. I am concerned that PAN 56 puts an obligation on the developer, in one way or another, with a residential development in an area where there is noise, but when the noise source moves into the residential area, there is no obligation whatever. I am concerned that PAN 56 might have given the wrong impression and therefore might be a dangerous document to refer to. I appreciate that there is little or no guidance on what can be done about noise levels in residences. I have found various things, some of which refer to particular noise levels, but PAN 56 is the wrong document and should never have been referred to. That issue still concerns me.

I am also still concerned about the ambient noise level. In volume 2 of the environmental statement, which contains topic-specific reports, table 11.2 showed the ambient noise levels, not for our house, but for 40 Wallace Gardens, which is just down the way from us. I have averaged out the day and evening levels, which came to 48dB. I live with that level of noise, but when the line becomes operational, the level that I live with will move up to 57.1dB at ground-floor level. The figure at first-floor level will be even higher. The ground-floor increase will be 9dB and the first-floor increase will be 12.4dB. As I understand it, an increase of 10dB has the effect of doubling the noise—9dB is virtually there. Therefore, the noise on the ground floor will be almost doubled, but at first-floor level, it will definitely be doubled.

I am concerned that we are going to be exposed to noise levels ranging from 70dB to 80dB and perhaps even higher. That was confirmed by what the witnesses said. That noise will impact on the windows of our house. Without doubt, and as was confirmed in the cross-examination of the witnesses, that will mean that I could be talking to Pauline in my lounge and she would not hear me if the windows were open. I will not even be able to hear my television when trains go by. I accept that it will take only a minute to two minutes for a train to go by, but when that figure is multiplied over the day, it comes to 64 minutes, given that 64 trains will go past. That is the equivalent of my not being able to hold a conversation with my wife for more than an hour because of the noise from the railway.

I am concerned that should someone who, out of necessity, had to sleep during the day moved into our house, the noise levels would be invasive. Our house is a family house—it is intended for children. Our children have grown up and gone away, but I am thinking about protecting somebody who might move into our house. What effect might the railway have on them? They could easily have children. As I understand it, the normal

watershed time is 21.00—presumably that is when children should be in bed. My children were in bed before then, but I do not know how modern people work. I am concerned that children will be badly affected. I have heard nothing today that convinces me otherwise. In fact, what I have heard today has made me all the more fearful.

13:15

The other issue is that if the noise was a steady noise—I am not saying that I could manage with a steady noise at 57dB—one would stand a chance of adjusting to it. However, in our case, the level will be way below 57.1dB, and in the next instant it will shoot up to levels in excess of 70dB or 80 dB. You cannot adjust or get used to that change. It is the change that is invasive—that is referred to in the environmental statement as “substantial” and “severe”. I am concerned about that. All the bedrooms in our house overlook the line, so that impact cannot be avoided.

My understanding is that the wooden fence would reduce the volume by 10dB, but we hear today that it could be reduced by 15dB. If that is the case, that is excellent—I am pleased with it. However, my problem is that the fence is open to vandalism. The proposal is that the line will not be used during the night time, although it could be used at night time at a later date. People use the line at the moment—they go walking down it. I do not see anything that would stop people walking down the line during the night. That means that the line and the fencing will be vulnerable to vandalism. Any damage to the fencing would reduce its effectiveness, as we have heard today—it would reduce the noise by, at best, 5dB.

The other point is that the fencing will be exposed to graffiti. I have seen that in Holland, where the fences are grotesque and have not been treated. Unless the fencing is well maintained, there will be great difficulties and its effectiveness will be reduced.

I put hedges around our border because the wind blew down the fences. Unless the fence is substantial, it could be damaged by the wind, which really picks up and comes in strong gusts. How long will it take for somebody to come out and resolve the problem if the fence is damaged? How long will people in our house be subjected to the noise levels? Would it be dealt with immediately? Would it take a day or two? Would it take a week? I do not know, but I am concerned about such problems.

I am also concerned about our garden. Nothing has been said that has made me believe that anything will be improved. The World Health Organisation refers to 55dB—

The Convener: Mr Brewerton, you might wish to

save some of those comments—which are all, in your view, to the point—for your closing statement, which will be five minutes long. Would that be agreeable to you?

Chris Brewerton: That would be fine.

The Convener: Do you have one more specific point?

Chris Brewerton: Yes, I have one last thing. I am concerned about the 55dB limit, which is the limit referred to by the WHO. I note that 57.1dB is 2dB above that. The WHO must have set a limit for a good reason. Okay, 57.1dB may just be 2dB above that limit, but if it is above it is above, and that is the bottom line. The maximum has been set for a good reason, but I am concerned that we will have to live with 57.1dB.

The Convener: Mr Martin, do you have any questions?

Roy Martin: Good afternoon. Could you please refer once again to document SAK/S2/04/4/28, which is headed “Further Noise Information”? I am sure that the committee heard quite clearly what you said about the qualification in planning advice note 56, which covers the noise exposure categories that are used for new residential developments, as opposed to new transport projects. I invite you to agree that, as the document says, the

“daytime free-field noise level of 55 dB L_{Aeq} (07:00 to 23:00) and a night-time free-field noise level of 45 dB L_{Aeq} (23:00 to 07:00)”

are

“based on guidance provided by the World Health Organization”.

Is that right?

Chris Brewerton: Yes, I would agree with that.

Roy Martin: You are quite right—I think that Mr Coventry accepted this—to emphasise the qualification in the use of noise exposure categories in PAN 56. I ask you to agree that the levels that are referred to in the document from which I have just quoted, and which are in PAN 56, are derived from material that was approved by the WHO.

Chris Brewerton: I cannot confirm that—I do not know whether that is where the material was obtained from.

Roy Martin: I refer you to document SAK/S2/04/4/26—your own statement—and in particular to the photograph that is identified as figure 3 on page 8. I am interested to follow up Mr Gibson’s question to Ms Whitworth. If it were of advantage, in order to attenuate sound, to provide an acoustic fence not only along the line of the railway but—as I understand it—at right angles,

along the line of your front wall and front fence, would that, as a matter of principle, be something that you would wish the promoter to consider, if it had benefits in respect of the sound level within your property?

Pauline Brewerton: Our main concern relates more to the sleeping areas—mitigation measures would not necessarily help with those areas. Because our main concern is noise levels, however, we would be interested in anything that might help with those factors.

Roy Martin: If I may say so, that is extremely fair of you. I do not know what effects such a fence could have—it might have effects on the upper rooms as well as on the lower rooms. In principle, is such a fence something that you would wish to discuss with the promoter, if it could be designed to have beneficial effects?

Pauline Brewerton: In principle, we are willing to discuss with the promoter anything that we feel might safeguard our present quality of life.

The Convener: I have a few questions for Mr and Mrs Brewerton. In paragraph 4 of your written evidence—SAK/S2/04/4/26—you state:

"We neither question the basis for the calculation of the noise levels since CRN was used, nor do we question the methodology of calculation. However we do question the accuracy of the report."

Could you help me on that? If you do not question the calculation or methodology, why do you still question the report's accuracy?

Chris Brewerton: I was concerned as to whether everything was included in the report. I did not mean for that paragraph to seem a bit rude, as if it was intended to criticise people's professionalism; obviously, everybody has behaved as they should have done. However, I was concerned about whether every single thing that could possibly produce noise, including the horn and everything else associated with a railway, was included. If not, the accuracy of the figures would be affected. That is what I meant.

The Convener: Are you saying that you now accept that a comprehensive overview has been taken? You might not agree with the overview, but it is comprehensive.

Pauline Brewerton: I feel as though there are too many variables at the moment. Although we do not doubt the promoter's integrity, we had an e-mail from an acoustics consultant, a copy of which we will give to the committee. Unfortunately, we did not have the finance to employ the consultant to do a site visit. The consultant's findings—we have no reason to doubt him, either—gave a wide range of variables; that is what we are concerned about.

The Convener: Your real doubts are about judgment, not integrity.

Pauline Brewerton: We are concerned about the fact that it will be such a long time before we know anything. We have a fear of the unknown. We are not sure about anything and the promoter might agree that, although it believes that its figures are accurate, it will be impossible to say what is fact until the scheme is up and running. I like to deal in facts and in this case it is difficult to say what is fact and what will happen. There seem to be so many variables.

The Convener: You are concerned because of the number of imponderables.

Pauline Brewerton: Yes. My husband has spent hours and days in the library, as you have probably gathered, dealing with all this. So many different matters have been raised, not just by the promoter, but by others, such as Network Rail. It is difficult to know what the facts are.

The Convener: I am grateful for that response. Paragraph 8 of document SAK/S2/04/4/26 refers to information from Network Rail on noise impacts. It might be buried somewhere in the paperwork that we have, but can you tell us the source of the information and whether it is already before the committee?

Chris Brewerton: I researched that information on the internet. I will have the source somewhere because I have kept just about everything. I could find it and supply it to the committee. It referred to all the issues that are mentioned in that paragraph.

The Convener: It would be helpful if you could do that. Paragraph 3 of your response to the promoter's evidence, in document SAK/S2/04/4/29, describes difficulties with fencing. Will you remind me of the level of your property in comparison with that of the railway line?

Chris Brewerton: It is pretty much on the same level.

The Convener: Does that affect what is said in paragraph 3 or does that paragraph stand as what you see as being fact?

Chris Brewerton: Paragraph 3 stands.

The Convener: I have a final question. I am sure that you understand the powers of the committee. If the mitigation measures that you seek are not included in the bill, but are left to later agreement between you and the promoter, are you suggesting to the committee that it recommend to Parliament that the bill be rejected?

Pauline Brewerton: That is a difficult question for us to answer. When we first heard about the bill, we agreed with it in theory because the railway would be of public benefit. Now that we have done more research from our personal point of view—which is the only thing that I can talk

about—we have serious misgivings about whether the bill should go ahead.

The Convener: That is a fair answer.

Rob Gibson: I have a couple of points to follow up about the area to the west of your house, beside the road. What is the distance between the house and the perimeter wall?

Pauline Brewerton: I think that it is about 10m.

Rob Gibson: You know that the average distance between the house and the railway is about 20m.

Pauline Brewerton: It is 6m from the rail to the border of our fence and 16m to the shortest point of our property.

Rob Gibson: But it is about 10m from the west side—the entrance side—of your house to the road. Is that right?

Chris Brewerton: Are you talking about the distance from our front door to the road?

Rob Gibson: Yes. I was trying to recall where your front door was.

Chris Brewerton: I realise that. I estimate that distance to be 4m.

Rob Gibson: Is the garage between the railway and the house?

Chris Brewerton: Yes.

13:30

The Convener: Mr Martin, do you have any follow-up questions?

Roy Martin: I have no follow-up questions.

The Convener: That concludes questions. I now give either Mr Brewerton or Mrs Brewerton up to five minutes to make closing remarks.

Chris Brewerton: I thank members of the committee for allowing us the time to ask so many questions of the promoter's witnesses, because we needed to ask those questions. I thank the committee also for undertaking the site visit. I am sure that it was a long and tiring day, but you showed understanding and concern and you listened, which was appreciated. I thank the clerks to the committee for their understanding of the circumstances and their much-needed and readily available help.

As Pauline said, the variables that must be considered are widespread. The three issues that have recurred when I have attended committee meetings are noise, vibration and compensation. When members consider whether the bill should advance to the next stage, I ask you to put yourselves in our position. Would you really be able to live in peace with sudden noise increases

of 70dB to 80dB? Would you want to have to deal with the complex issues of compensation? Would you want to know that there were safeguards built into the bill to protect your lives and your financial interests? Would you want guarantees from the promoter that everything they claim would be carried out and that you would be able to live in peace? Those are real issues that have not been finally or thoroughly dealt with or resolved.

We acknowledge that public transport issues are important and that it is important to protect against the greenhouse effects of transport. However, it is unfair and unjust that in order to protect the environment and provide a passenger service for Clackmannanshire, people who live along the borders of the track should have to bear a heavy cost in their lives—which will be disturbed—and in their financial circumstances.

With the exception of a small amount, all our wealth is tied up in our property. I remember that when the committee visited our property I asked one or two of you to protect us. I ask you again: please protect us and others like us. If you decide that the bill should proceed further, please include in it safeguards for people like us, such that we can have really solid guarantees that we will not have our lives polluted with excessive noise levels and vibration.

The whole process has been disturbing to Pauline and me. We have had several sleepless nights and one or two disagreements about the action that we should take. We cannot continue in that manner for possibly another two years. We ask that safeguards be introduced now before the bill goes any further and that each objector who will be affected by the railway be given notice of those safeguards now so that their minds can be put at rest and they do not have to wait another two years with the spectre of the railway hanging over them, which to me is like the sword of Damocles—it will fall—and so that their lives can return to normal. Pauline and I feel particularly exposed and vulnerable in the circumstances. Please help us, and thank you again for your attention.

The Convener: On behalf of the committee I thank Mr and Mrs Brewerton for a thoroughly researched presentation. That concludes the evidence for group 10. At this stage we will break for lunch; we will return at 20 past 2.

13:35

Meeting suspended.

14:23

On resuming—

The Convener: Good afternoon, ladies and gentlemen. We move to group 14. The promoter's

witnesses in the group are Stuart Coventry and Alf Maneylaws, who will give evidence on environmental matters; Julie Hamilton, who will give evidence on town and country planning matters; and Malcolm West, who will give evidence on roads, transportation and road safety. I think that everybody on the promoter's side is still under oath from the 8 March meeting. Mr Martin, do you have any questions for Mr Coventry or Mr Maneylaws?

Roy Martin: No, thank you, sir. I am sure that you are aware that the document to which we refer in our evidence is paper SAK/S2/04/4/36. I have no questions at the moment for Mr Coventry.

The Convener: I am obliged.

Derek Craig (Hilton Crescent Residents): One problem that I have had with the bill is that much of it seems to be about noise. Everybody seems to be concerned about noise, but one of my problems is the same as that of the previous witness—vibration. I have been told that there is a 7.5 tonne weight limit on Hilton Road and that there will be no limit at all on the new road. What research has been done into the causes of vibration? I have asked that question time and again but have received no answer to it.

I know for a fact that British standards state that the maximum limit for residential buildings is 15mm/s peak particle velocity—allowing for a safety factor of one and a half that brings the limit down to 10. No mention has been made of what the limits will be on a road that could be used by 40-tonne lorries, double-decker buses and everything else. That issue seems to have been totally ignored.

Stuart Coventry: I believe that the limit that you are referring to is in respect of structural damage. The generally acknowledged fact in environmental noise and vibration is that there is no evidence that vibration from infrastructure schemes—railways and roads—is of sufficient magnitude to cause structural damage. We put that case forward in the environmental statement.

Given the distance of the properties on Hilton Crescent from the road—they are certainly not bang-up adjacent to it—it remains our view that there is no possibility that use of the road, even by large trucks, will cause structural damage to those properties. We retain that position.

Derek Craig: If that is the stance that you are taking, I take it that, if there were any damage and it could be proved that it was caused by vibration, we would have a claim.

Stuart Coventry: I believe that the pre-construction condition survey that applies to properties bounding the railway would apply to properties bounding the road. I would need to get

confirmation of that from the promoter. I am not qualified to answer the question about what would happen in the event that it was shown that damage had been caused subsequently by vibration from the road.

Richard Baker (North East Scotland) (Lab): In the last paragraph of the promoter's noise assessment, SAK/S2/04/4/34, there is an assumption made about night-time noise levels from road traffic. Given that we are operating within an environmental impact assessment context, can you provide some justification for the assumptions—in terms of published advice or otherwise?

Stuart Coventry: Is the assumption to which you refer the one that night-time noise levels from traffic are assumed to be 10dB lower than daytime traffic?

Richard Baker: Yes.

Alf Maneylaws: That figure is based on a range of measurements that were taken over a number of years. It has been generally found that, in urban and suburban areas, night-time noise levels from road traffic are in the region of 10dB below the daytime levels.

The Convener: Does Mr Martin have any follow-up questions for Mr Coventry and Mr Maneylaws?

Roy Martin: I have not, thank you.

The Convener: There being no further questions, I thank Mr Coventry and Mr Maneylaws for giving evidence. Does Mr Martin have any questions for Ms Hamilton?

Roy Martin: I have not, thank you.

The Convener: Mr Craig?

Derek Craig: The first drawings that we received from Babbie Group Ltd showed the road built on an embankment. That is what I could see from the small scale of the drawing that we received. I had a meeting with Mr West and Councillor Derek Stewart. Mr West said that that was certainly not the case and that the road would be built at ground level. I received a new drawing from Babbie a couple of weeks ago by e-mail. I was able to zoom in on it and it shows the road in a cutting; it has gone from one extreme to the other. Obviously, the promoter wants all the objections to be taken away. How can we take away our objections when no one seems to know what is going on?

Julie Hamilton (Clackmannanshire Council): The particular detail of whether the road will be on an embankment or in a cutting is a matter that Mr West would need to address. From a planning point of view, we would be looking at identifying—on the development plan—the principle of a road

in that location. That is what we have done. I cannot answer the question about the detail of the road.

14:30

The Convener: Perhaps you can return to that issue when you question Mr West.

Derek Craig: The existing Hilton Road has a 7.5 tonne turnabout limit. It is proposed that Hilton Road should be closed off at the existing level-crossing. Just up the road are the likes of Parkhead Building Supplies Ltd and Beatson's Building Supplies Ltd. Any large-scale deliveries that we get from them go down Whins Road, along Clackmannan Road and up Hilton Road, avoiding the narrow Lothian bridge. If Hilton Road is closed off, what route will they use? They will not be able to go the back way, because it is fenced off with supposed structural planting. Are we being shut off from that option? That seems to be the case.

Julie Hamilton: I do not wish to be unhelpful, but that is not a planning question. It is more of a roads question. You will need to ask Mr West about the operational aspects of the road.

The Convener: That is another question that you can save up for Mr West.

Derek Craig: I hope that my next question is relevant to Julie Hamilton. Way back on 14 November 2002 I submitted a few queries to the council. I received no reply, although recently I received the promoter's response to my objections to the bill. One of my comments was that the existing Hilton Road is a speeding black spot—the police are there all the time. I asked whether there would be provision for a permanent speed camera to be placed on the new road. I was told that the council was not aware that there was a problem with speeding on the road. However, I informed the council of the problem a year and half ago—did the council think that I was lying?

Julie Hamilton: There are two parts to the question. I am aware that there was correspondence to which you received no response. I understand that that had a great deal to do with the local plan inquiry, where your objection was heard and the issues that you raised taken into consideration. I do not wish to be unhelpful, but the issue of speeding on Hilton Road is not a planning matter.

Derek Craig: We received a reply to the objections to the bill that stated that the new proposed road would be closer to number 4 than to number 3 Hilton Crescent, where I stay. That is not the case. You do not know anything about the layout of the street, so how can you say glibly that it is no problem for you simply to put in a road?

The scheme will create problems for three major

utilities. I had a meeting with Niall Urquhart of the planning committee about those services and asked him whether he had any idea how much it would cost to deal with them. I pointed out that there is an intermediate pressure gas main, a main sewer and a main water line that runs between Sauchie, Alloa and Clackmannan. I said that there was no way that the council would get permission to build on top of the line and asked whether it had any idea how much it would cost to divert the utilities. I said that the council would have to find an alternative route, although there are no such routes, and that the scheme would cost a fortune. I was told, "If it's too dear, we'll find an alternative route."

The Convener: Do you have a specific question? I know that there were some questions in the comments that you have just made.

Derek Craig: It seems that no research has been put into the proposal.

The Convener: Is that correct?

Julie Hamilton: No—as the committee heard on 8 March, research has been done on the proposal and the options. Mr West will be able to explain that more. We are aware that there are services in the area. I cannot comment on the conversation that Derek Craig had with Mr Urquhart, but Mr Urquhart was correct to state the principle that the road is required. He would have been aware that there were alternatives that could be considered. In the development plan, the land to the east is allocated for housing. Consideration must be given to provision of services for that housing. It is normal first to identify the principle of a development, but there is also a requirement to deal with the issue of services.

Derek Craig: I might be going slightly off the matter of the road. We have been told that, if the railway goes ahead, the road will be needed—it is as simple as that. We have been told that the railway is a great opportunity to enhance the area by bringing in business and so on, but we have had no examples of that. We have been told that the reason why Alloa seems so far behind all the other places in the area is that it does not have a rail link, but I would just like to point out that, although Larbert and Croy have rail links, they are hardly buzzing industrial communities.

The Convener: Mr Craig, you are wandering and I would like you to return to the specific issues that you want Miss Hamilton to address. You can comment in that way—up to a point—in the five minutes that you have at the end. Do you have any more specific questions for Miss Hamilton?

Derek Craig: What examples do you have to show that the rail link will provide benefits to the area? I would like examples rather than just a glib comment.

The Convener: I am sorry, Mr Craig. That issue has been decided on by the Parliament, which has agreed to the bill's general principles. Do you have any questions on your specific concerns that you wish to address to Miss Hamilton?

Derek Craig: No.

The Convener: Mr Baker, do you have some questions?

Richard Baker: Yes. In paragraph 12 of document SAK/S2/04/4/33, you refer to the position on the existing playing field. Will that playing field be replaced by a new facility elsewhere, whether as a consequence of the implementation of local plan proposals or as a consequence of the railway scheme? In answering the question, you may wish to have regard to what you say in paragraph 6 of document SAK/S2/04/4/36 about the fact that the area is not a public open space.

Julie Hamilton: The area is not a public open space, because the land is privately owned. The playing field is not an established recreational facility and there is no plan to relocate it, because we would not need to. Nevertheless, we would require there to be an appropriate level of recreational open space as part of the new housing development that is shown in the local plan.

Richard Baker: I asked that question because of the weight that is given to the retention of playing field land in the context of the Kincardine bypass option B, which was discussed on 15 March. It rather appears that the importance that is attached to retaining the playing field within the alignment of option B at Kincardine is greater than that which is given to the retention of the playing field adjacent to Hilton Crescent. In commenting on that, you might wish to note that, just as the playing field adjoining Hilton Crescent is not public open space, the playing field adjoining the old Kincardine power station is not public open space.

Julie Hamilton: The Kincardine playing field is an established recreational facility, whereas the one at Hilton Crescent is not; it is a privately owned area of space, the gate to which is locked. The only access to it is through breaks in the fence. Even in Mr Craig's evidence, it is acknowledged that the playing field is locked and fenced. Although the playing field is used by the local football club on an informal basis, it is different from the Kincardine playing field in that the land is allocated to residential development in the development plan. Regardless of whether it is public or private, it is not safeguarded open space.

The Convener: Mr Martin, do you have any follow-up questions for Miss Hamilton?

Roy Martin: Just two. Is the Alloa eastern link road included in the finalised Clackmannan local

plan and was it examined at the local plan inquiry, at which matters such as effects on infrastructure were taken into account?

Julie Hamilton: It is identified in the finalised local plan. Objections to that plan were received and were considered by the inquiry reporter in June last year. The inquiry reporter's report was submitted in December and he recommended no change to the local plan, so there is no reason to suggest that the eastern link road should not be retained.

Roy Martin: Mr Craig identified that, as far as the bill is concerned, the Alloa eastern link road is part of the works, along with the reconstruction of the railway. Is the Alloa eastern link road desirable in its own terms as a piece of road infrastructure, whether or not the railway goes ahead?

Julie Hamilton: My understanding is that the principal requirement for the road is to do with the rail project. The question whether the road has other benefits is one that Mr West would be able to answer.

Roy Martin: Thank you.

The Convener: There are no further questions for Miss Hamilton. I thank her for giving evidence. Mr Martin, do you have any questions for Mr West?

Roy Martin: I do, sir. I have two questions of clarification.

The Convener: Please proceed.

Roy Martin: I think that Mr Craig might have identified the situation, Mr West, but there is a typographical error in your evidence. The numbers "3" and "4" are transposed. Is that correct?

Malcolm West (Clackmannanshire Council): That is correct.

Roy Martin: Could you explain that to the committee and meet Mr Craig's point?

Malcolm West: Numbers 3 and 4 Hilton Crescent are semi-detached houses at the corner of Hilton Crescent. Basically, the properties run north to south. The proposed route of the eastern link road runs at a slight angle to them such that the road would be slightly nearer the northernmost property—or the northernmost half of the property, which is in fact number 3 Hilton Crescent and not number 4, as shown.

Roy Martin: Thank you. The second question is whether you have any recent information about road safety in the vicinity.

Malcolm West: There are two aspects to my reply. I carried out further research into whether any notification had been made of speeding problems in the area. I found only one registered

complaint about speeding in the area, which was made in July 2002. Following our receipt of the complaint, we carried out speed measurements. The average speed on the road at that time was 28mph in a northbound direction and 29mph in a southbound direction. We also carried out further research into accidents on the road. There were two, both of which involved pedestrians. In one, a pedestrian ran out in front of a cyclist and, in the other, a young pedestrian ran out in front of a car. Both accidents were slight.

Roy Martin: Thank you.

The Convener: Mr Craig, do you have any questions for Mr West?

Derek Craig: I do. In fact, I have sent most of them to Miss Hamilton. As I stated previously, in the meeting with Mr Urquhart we were told that there were no alternative routes. In document SAK/S2/04/4/38, the committee will find the route that the promoter is proposing, plus another three. In the tenders that have been sent to contractors, why was only one option sent out for tender?

Malcolm West: As the committee is aware, I went through the detail of the route selection process at a previous meeting. If it would assist the committee, I can go through it again or I can abbreviate my evidence today. The preferred route, which is the one that is included in the bill, was the result of an assessment process. The route minimises the impact on the warehousing in the area and on Carsebridge Road, which is the road that was used in two of the alternatives. Those are the main reasons for the selection of the preferred route.

Derek Craig: Another question that I asked previously was how, if Hilton Road were closed off, we would receive deliveries.

Malcolm West: Vehicles would still be able to go down Hilton Road as far as the level-crossing, at which point the road would be closed. Turning heads would be provided so that vehicles could get down the road to the point that I have described, turn around and come back again. If you are asking how the road closure would impact on specific deliveries that are made by large vehicles to Hilton Crescent, which I accept is a narrow road, there would be no difference from the present delivery arrangements.

Derek Craig: But what if there is to be a 7.5 tonne weight limit on the bridge?

Malcolm West: There is no weight limit on the bridge on Hilton Road. The weight limit on Hilton Road is an amenity weight restriction, which was imposed following complaints by residents about the number of heavy goods vehicles that were using the road.

14:45

Derek Craig: Further to your comment about speed analyses in relation to accidents, as I am sure you are aware—you might do this yourself—when people are driving along and see two tubes in the road, they hit their brakes. Have you asked Central Scotland police how much time they sit waiting to catch cars speeding and how many people they catch?

Malcolm West: I am perhaps slightly more informed than the general public. The council uses two tubes across the road to measure speed, whereas the police use three tubes. We carry out regular volume and speed checks on a variety of roads throughout the council area by using two tubes across the road. Those give us the direction of the traffic and a relatively accurate measure of its speed, but they are not as accurate as the equipment that is used by the police.

Derek Craig: My point is that, when people who are driving along see the tubes, they hit their brakes and slow down. However, if they are coming down Hilton Road, they do not see the police hiding round the corner, so they are more likely to be travelling at their normal speed.

Malcolm West: I agree that, if motorists see the tubes, they will be likely to brake. However, in reality, if the car is travelling anywhere near the rear of the vehicle that is in front, the opportunity to see the tubes is very limited. The tubes are a dark colour, so they blend into the road surface quite well and are difficult to spot. I suggest that, on the majority of occasions, by the time people react to seeing the tubes, it is too late for them to brake.

Derek Craig: At our previous meeting, which you attended along with the other residents of Hilton Crescent and with Councillor Derek Stewart, it was openly admitted that the passenger line would not make any money but would be subsidised by the freight line—plenty of people admitted that. The freight is primarily for Longannet. What will happen once the power station reaches the end of its design life, which will be after 10 years or 15 years maximum? Have you any guarantees that the freight line will still be used?

The Convener: All those matters were considered at stage 1 and the question is not absolutely relevant to your objection. If you have questions specifically on your objection, please address them in question form to Mr West.

Derek Craig: I refer Mr West to the reporter's decision letter, which is contained in SAK/S2/04/4/37. Page 83 of the extract from the reporter's report on the objections says that, if the road went further into the existing bonds, more land would be freed for housing, recreation and

what have you. Is there a specific reason why the principal route has been chosen above others?

Malcolm West: Let me expand on the reason that I gave previously. The route was chosen to minimise the impact on the warehousing of producing a route further to the east.

Derek Craig: Is it not the case that those walls will be demolished at some point anyway?

Malcolm West: That is not my understanding.

Derek Craig: One of my concerns was that the road was to be built on greenfield land. We have been told repeatedly that the land is not greenfield land, but it is certainly not brownfield land, as nothing has been built there before. What is the land classed as?

Malcolm West: My understanding is that it is not classed as greenfield land in the strict planning sense of the term, as it has been used for other purposes in that past. Admittedly, it is green in so far as it is a grassed area, but it is not a greenfield site in the planning context.

Richard Baker: During the consideration stage, we have explored evidence relating to the reason for the selection of the proposed eastern relief road. However, the Hilton Crescent residents will not have heard that evidence. With reference to document SAK/S2/04/4/38, which outlines four possible alignments for the eastern relief road, will you explain the logic behind the choice made, taking into account in doing so the concerns of the Hilton Crescent residents as explained in their commentary in document SAK/S2/04/4/35 on your response to their objection in paragraph 3 of document SAK/S2/04/4/34?

Malcolm West: You might need to remind me of parts of that question in due course. The process of selecting the route for the relief road started when it was decided to reopen the railway line. The first option that we considered was the installation of a level-crossing on Hilton Road. That was initially estimated to cost around £750,000. On further investigation, it quickly became apparent that that was not a practical proposition because of the possibility of traffic queueing back from Clackmannan Road across the crossing and also from the crossing back on to Clackmannan Road. It was judged that the proposal would almost certainly be opposed by HMRI.

An alternative was to close Hilton Road and divert all the traffic that currently uses that road on to Whins Road via Shillinghill roundabout. You will be aware that there is a height limit on Whins Road rail bridge. We initially considered the possibility of increasing the clearance at that point either by raising the railway or by lowering the road underneath it. In the event, neither proved

possible, although we had come up with an initial cost estimate of £1 million.

The third option that we considered was to close Hilton Road and create a new link road between the A907 and Whins Road. We ended up concentrating on the Whins Road roundabout. We considered three routes initially. The first one, line 1 in the diagrams in SAK/S2/04/4/38, goes through the Diageo warehouses and comes out about halfway along Carsebridge Road and uses the western end of Carsebridge Road to get access to Whins Road roundabout. That option was discounted because of the inability of Carsebridge Road to carry the predicted volume of traffic.

Line 2 was a road engineer's dream, in that it was basically a straight line between two points. However, it was discounted because of the impact on Diageo's warehouses. Line 3, which tried to minimise the impact on the warehouses, involved taking a route up the eastern side of the warehouses to the access road to Jellyholme farm and along the full length of Carsebridge Road to Whins Road roundabout. That was discounted, again because of the unsuitability of Carsebridge Road for the volume of traffic that was predicted.

That left us looking to minimise the impact on the warehousing while creating a link between the A907 and the A908. The preferred route is the route that was chosen. We have minimised the impact on the warehousing by reducing the design speed from 40mph to 30mph. That allows us to use smaller radii to produce tighter curves, which will have an impact by reducing the speed of vehicles on that route as well. I am not sure whether that is a full answer to all the points of your question.

Richard Baker: That is adequate, thank you.

In their objection, the residents note that the existing weight limit that applies to Hilton Road will be removed once the works have taken place and the eastern relief road is in operation. In paragraph 20 of paper SAK/S2/04/4/36, you say that the eastern relief road

"is being designed to current standards to accommodate all classes of vehicle and hence there is no need for a weight restriction."

That does not explain why the weight restriction that currently applies to Hilton Road will be removed. Can you tell us the reason for that?

Malcolm West: We have no reason to believe that the weight limit on Hilton Road would necessarily be removed. It could remain as an amenity weight restriction—that is why it was there previously. Heavy goods vehicles tended to use the road as a shortcut between the A907 and the A908. However, that would not be possible if the road was closed at the level-crossing. The

possibility of the through movement of heavy goods vehicles would be absolutely minimised. We could leave a weight restriction on the road, but I do not think that it would be necessary. Nonetheless, I am happy to consider that.

Richard Baker: Would you consider leaving the weight restriction?

Malcolm West: We could leave the weight restriction on Hilton Road without any problem.

Richard Baker: Thank you. In paragraph 3 of paper SAK/S2/04/4/33 and paragraph 9 of paper SAK/S2/04/4/36, you give a distance of 34m as that between the running surface of the eastern relief road and 4 Hilton Crescent. In comparison, part 26 of paper SAK/S2/04/4/37—the reporter's report into the local plan—cites a distance of approximately 25m. I appreciate that the figure that is given in paper SAK/S2/04/4/37 is approximate, but how certain is the figure of 34m? I ask in view of the potential implications for measurable noise emissions, which are discussed on the second page of paper SAK/S2/04/4/34.

Malcolm West: The figure of 34m was produced by me scaling from a 1:2,500 preliminary design plan of the eastern link road. The measurement was taken from the corner of the building to the edge of the running surface of the road—the black-topped surface. I chose that point because noise and vibration is created by the vehicles that are travelling on the road and the closest that they can come to the property is the edge of the running surface.

The figure of 25m, which is cited in paper SAK/S2/04/4/37, may well be to do with the edge of the boundary of the road, which could be the fence line. The eastern link road is being designed on the basis of the running surface, a 2m verge, a 2m footway, 0.5m at the top or bottom of the embankment and a fence line on the outside of that. Subtracting all those considerations from the 34m figure gives us a figure in the mid-20s.

Richard Baker: Thank you.

The Convener: Mr Martin, do you have any follow-up questions for Mr West?

Roy Martin: I have no re-examination, sir.

The Convener: There being no further questions, I thank Mr West for giving evidence. We will have a one-minute break to allow Mr Craig to take his place at the witness table.

14:59

Meeting suspended.

15:00

On resuming—

The Convener: I thank you for coming along today, Mr Craig.

DEREK CRAIG *made a solemn affirmation.*

The Convener: The committee has read all the written evidence that sets out the concerns of Hilton Crescent residents in relation to the scheme. In the light of what the promoter has said about your evidence, is there anything further that you would like to add initially?

Derek Craig: Primarily, I want to add that I hope that it is not true that the edge of the boundary of the road will be 25m from my house, because that would be in my garden. That is pretty much it.

The Convener: Okay. Thank you, Mr Craig. Mr Martin, do you wish to ask Mr Craig any questions?

Roy Martin: Yes. Good afternoon, Mr Craig. I would like to ask you about one matter. I refer to paper SAK/S2/04/4/37, which is the extract from the reporter's report of objections made to the Clackmannanshire local plan. I think that the second part is a decision letter, which is a separate matter. From section 26 onwards, which begins on page 78 of the overall document from which this document was extracted, we can see that there were objections from a number of parties in relation to Hilton Road in Alloa and the Alloa eastern link road. Were you an objector at the time in respect of both of those?

Derek Craig: Yes.

Roy Martin: I would simply like to clarify matters and I am sure that you can assist the committee. To what extent did you participate in those proceedings? James Barr is referred to in the report, but I do not think that there is a reference to you or to any other individual. There is also a reference to written submissions from the council. Will you explain to the committee what you did in relation to that objection?

Derek Craig: Sure. We really heard about the local and structure plans first—I think that they were at the Greenfield offices. It was pretty much from those plans that we saw that there would be a road and that the playing field would be taken away. Our objections then moved from the local and structure plans to the bill and pretty much the same objections have carried on from one straight through to the other.

Roy Martin: I understand that, Mr Craig, but I am really asking about your participation in the local plan inquiry proceedings. Did you go and give evidence? Did you make written objections? Did you consider the documents? What did you do?

Derek Craig: I made written objections.

Roy Martin: Thank you, sir.

The Convener: Thank you, Mr Martin.

Richard Baker: Mr Craig, in document SAK/S2/04/4/32, you refer just before the postscript to a public inquiry. I assume that the reference is not to today's hearing, but perhaps you could help us with the event to which reference is made.

Derek Craig: To be perfectly honest, I was talking about today's hearing. We heard that a hearing would be required.

Richard Baker: Right. That was not clear from the document. In paragraph 5 of document SAK/S2/04/4/33, the promoter indicates uncertainty about two references that you made to "The previous plan" and "The updated plan". You address that point in document SAK/S2/04/4/35 at points 5 and 19 and you say that you attach a further copy of a letter. With reference to that letter, which I think is attached at the back of paper SAK/S2/04/4/32, could you take us to the concerns that you do not consider to have been answered?

Derek Craig: The concerns were pretty much the ones that are unanswered as of now. Primarily, they are about noise and safety and they arise from the fact that the road will run so close to our boundary fences. The road will mean a greater increase in noise for us than the railway will mean for some people. The fact that the road will run so close to the boundary fences also means a problem of pollution. As the road will be a major one, there is bound to be a pollution problem. The biggest concern that many people have about the railway is about a train derailment. I imagine that, statistically, there is more chance of a car leaving the road than there is of a train being derailed.

Richard Baker: So safety is your main concern.

Derek Craig: Yes.

The Convener: That concludes the questioning for group 14. Mr Craig, you have up to five minutes to make any closing remarks.

Derek Craig: I will simply reiterate the points about safety. I find it hard to comprehend that the road is to go ahead so close to our boundary fences. This might be an aside but, in a previous meeting with Mr West, I asked him how many people who are on the planning committee stay in Alloa and will be affected by the proposals. Obviously, the answer is none. It is easy to put something in somebody else's back yard. However, my major concern is safety. I have an 11-month-old son. As the road is to go right up to our boundary fences, I dread to think what would happen if a car left the road.

The Convener: Thank you for your attendance at the meeting, Mr Craig. That concludes the evidence on group 14.

As group 16 has been withdrawn, we will move to group 12. We will suspend for a moment or two for the necessary arrangements to be made.

15:07

Meeting suspended.

15:08

On resuming—

The Convener: We now move to group 12. The committee is aware of a planning application that is currently before Stirling Council. Both parties should appreciate that the committee cannot become involved in a local planning determination that relates to residential land. Accordingly, the committee requests that parties do not lead evidence that pertains to the merits or demerits of the planning application.

The witnesses for the promoter for this group are Tara Whitworth, who will give evidence on engineering and other matters, and Mrs Alison Gorlov, who will give evidence on compensation.

Roy Martin: Good afternoon, Ms Whitworth. I have questions on matters arising from your precognition, which is SAK/S2/04/5/12. Can you confirm the technical specification of the proposed Waterside level-crossing at Ladysneuk Road, so that there is no doubt?

Tara Whitworth: I can indeed. The current proposal for Waterside level-crossing is for an automatic half-barrier crossing. That contradicts what David Reid indicated on 15 March, at column 359 of the *Official Report*. He was under the impression that a full-barrier crossing was envisaged. That is not the case. The promoter's current proposal is for an automatic half-barrier crossing, with any mitigation measures as required by Her Majesty's railway inspectorate and Network Rail.

Roy Martin: Obviously, from the documents, AHB is the acronym for an automatic half-barrier.

Tara Whitworth: It is indeed.

Roy Martin: Can that be supplemented by a particular safety feature, so far as protecting the crossing is concerned?

Tara Whitworth: It can. The measure most likely to be put in at the location is red-light enforcement cameras. This type of crossing has traffic lights that go with it. A problem with half-barrier crossings is that sometimes, when they are in a hurry, people try to break through the barriers. The red-light enforcement cameras improve safety by recording that illegal act.

Roy Martin: Is it intended that there should be such red-light enforcement measures in this

situation, or does that ultimately depend on detailed design and perhaps the input of Her Majesty's railway inspectorate?

Tara Whitworth: It definitely depends on the detailed design, and the input of Her Majesty's railway inspectorate and Network Rail.

Roy Martin: But if it is desired by the authorities that have ultimate control over this matter, will red-light enforcement be provided by the promoter?

Tara Whitworth: Yes.

Roy Martin: Thank you.

The Convener: Good afternoon, Mr Macleod, and welcome to the committee. Do you have any questions for Ms Whitworth?

Ewan Macleod: Yes, sir, I do. Good afternoon, members of the committee. Good afternoon, Ms Whitworth. Mr Martin in his examination in chief dealt with my first question for you, which was on the current status of the barrier. You mentioned that Mr Reid had been under the impression that a full barrier was envisaged. Are you able to say what led him to that conclusion?

Tara Whitworth: No, I am sorry, I cannot.

Ewan Macleod: Have you had any discussions with Mr Reid about why he came to that conclusion?

Tara Whitworth: I have had some discussions with him. He was under the impression that the half-barrier crossing could be amended so that the barrier crossed the full width of the road. He is not sufficiently expert on the names of the different level-crossings, and he got slightly confused as to whether the barrier went halfway across the road or whether it went the full way across the road.

Ewan Macleod: So that I am not confused when I ask you some questions later, in terms of standards of level-crossing, is there a difference between what is referred to in some reports as an MCB, which is a manually controlled barrier, and what is referred to elsewhere as a CCTV—or closed-circuit television—crossing?

Tara Whitworth: To the best of my knowledge, an MCB is a manually controlled barrier, and it is a different type of barrier from an AHB. An MCB crossing involves different types of signalling and interlockings between the gates and the signalling system. It is monitored and CCTV is the form of monitoring that is used in a lot of circumstances at this type of crossing, so it is commonly referred to as an MCB3 with CCTV camera. I hope that that answers your question.

Ewan Macleod: In short, for present purposes, are they one and the same?

Tara Whitworth: Yes.

Ewan Macleod: First, I would like to ask you some questions about the environmental impact assessment process that was carried out, with particular regard to the site that Taylor Woodrow intends to develop. I ask you to look at the first volume of the environmental statement.

Tara Whitworth: I am sorry, could I get a copy?

Ewan Macleod: Certainly. As I will also refer you to volume 2, it would be helpful if you had a copy of that as well.

Tara Whitworth: Okay, I have the documents.

Ewan Macleod: The first point is a point of fact. At the top of page 3, we see that the main aims of the EIA process are to

"ensure that there will be a full consideration of the likely environmental effects of the Scheme in a way that enables both the importance of the environmental effects and the scope for mitigating these to be properly evaluated".

Presumably, you agree with that aim.

15:15

Tara Whitworth: Yes.

Ewan Macleod: Do you further agree that it is of the utmost importance that consistency is applied during the environmental impact assessment process?

Tara Whitworth: Yes.

Ewan Macleod: Please turn to volume 2 of the environmental statement. Before I refer you to any specific section, what is your view on whether it was appropriate for the environmental statement that accompanies the bill to take into account the proposed redevelopment of the site that we are considering this afternoon?

Tara Whitworth: I am not an expert on environmental statements and environmental regulations, but I will answer to the best of my knowledge. My understanding is that environmental statements must take account of all approved planning uses of land, that where possible they should recognise any planning applications that are under consideration but that they must deal only with approved applications—where consent has been given, the environmental statement must consider it.

Ewan Macleod: I accept the caveat that you gave before your answer, but there are different ways in which an environmental statement can look at development proposals, are there not? It could consider the baseline for the environmental impact assessment or it could consider the cumulative impact of the scheme that is under consideration and other projects that may be going through the planning process.

Tara Whitworth: Again, I am not an environmental statement person, but the

environmental statement baseline, as I understand it, considers what is there on the ground at the present time. It does not consider what might happen. The future case that it considers looks at the proposed project in a scenario of approved land use.

Ewan Macleod: Please look at page 17 of volume 2 of the environmental statement. The chapter that this falls under begins on page 15 under the heading "Land Use". Paragraph 3.4, which is headed "Baseline", states:

"The following baseline study indicates the type and location of ... land-uses, and the extent to which they exist."

Do you see paragraph 3.4.2? That paragraph refers to

"new housing developments at various stages of implementation at the former Sunlight Factory and Kerrs Scrapyard sites, including Riverbank Stables."

Tara Whitworth: Yes, I see that paragraph.

Ewan Macleod: I take it that you are aware that the reference to the

"Kerr's Scrapyard sites, including Riverbank Stables"

is a reference to the site that Taylor Woodrow proposes to develop.

Tara Whitworth: Yes.

Ewan Macleod: On the face of it, that section of the environmental statement seems to take those sites into account within the baseline.

Tara Whitworth: Yes. Scott Wilson Scotland Ltd, which carried out the environmental statement, did a consultation on the project at that time. I believe that Gail Jeffrey was involved in discussions with Kerr's, which ran the scrapyard at that time. Kerr's indicated that it was considering selling it, and she was put in contact with Taylor Woodrow. I am aware that that matter came up through consultation.

Ewan Macleod: Please look at page 34 of volume 2 of the environmental statement, which comes under the heading "Community Effects". In the box at the top of table 4.2, which is headed "Level Crossing Site Consultees", there is a reference to the Causewayhead level-crossing and

"Wm. Kerr's Metal Merchant/Bryant Homes".

As a point of clarification, the second sentence in the third box says:

"Stirling Council advised that no planning application had been received for this area."

At the time that the environmental statement was submitted to the Parliament, that statement was inaccurate, was it not?

Tara Whitworth: To the best of my knowledge, Stirling Council received the planning application in something like December 2002.

Ewan Macleod: Yes.

Tara Whitworth: During the preliminary stage, the committee asked questions about the timing of the environmental statement. I believe that it came out through questioning that although the environmental statement was published in February 2003 when the bill was submitted, the baseline studies were concluded, I believe, in November 2002. I am not the author of the document, so I am reciting what I believe to be the case. In November 2002, when the statement was written, it was correct but, as you say, by February 2003, when the environmental statement was published, Stirling Council had received a planning application, I believe.

Ewan Macleod: I appreciate that you are not responsible for the environmental statement and that you are not an "environmental statement person", but is it possible that a planning application could have been received and determined in the period between when the baseline studies were conducted and the environmental statement and the bill were submitted to the Parliament? I am not referring necessarily to the one at Causewayhead, but generally.

Tara Whitworth: Yes. That happened in Clackmannan, I believe. On the day on which the bill was introduced, planning permission was granted for a site that abuts the railway and that was not reflected in the environmental statement. I understand that Clackmannanshire Council tries to turn planning applications round within two months, so there was plenty of scope for that to happen.

Ewan Macleod: Has no account been taken of that development site either?

Tara Whitworth: That came up during the preliminary stage, and we used it as an example of how the notification that is attached to the bill's introduction serves to highlight issues that have not come to light. When the landowner of the development site in Clackmannan received notification that the bill was being introduced, he contacted me and Alison Gorlov, advised us that his planning application had been given consent and was not correctly reflected in the environmental statement, and requested that we no longer take possession of his land. We entered into a legally binding agreement to release his land from the project.

Ewan Macleod: From pages 31 and 32 of volume 2 of the environmental statement, does it appear that the Causewayhead site and its potential for development for residential purposes were taken into account in assessing the community effects at the baseline level?

Tara Whitworth: I am sorry, could you repeat the question?

Ewan Macleod: Yes. I suspect that it was long and rambling. Pages 31 and 32 of volume 2 of the environmental statement introduce and set out the methodology for the assessment of community effects, and reference is made to the consultations. Table 4.2 goes on to show that the possibility of development of the site was taken into account in the baseline study of community effects. Do you agree with that?

Tara Whitworth: I cannot confirm that without having studied the environmental statement.

Ewan Macleod: Under the heading "Cumulative Community Effects Assessment" and under the subheading "Causewayhead Level Crossing", at the bottom of page 64, reference is made to

"the developed Wm Kerr/Riverbank Stables sites".

The key issue is increased vehicular movement and access to and from the sites. On the face of it, development of the site seems to be envisaged in that chapter of the environmental statement, and the cumulative effects are considered.

Tara Whitworth: Sorry—is that a question?

Ewan Macleod: Yes.

Tara Whitworth: Could you repeat the question?

Ewan Macleod: Yes. Paragraph 4.8, on page 64 of the environmental statement, is headed "Cumulative Community Effects Assessment". At the bottom of that page, under the heading "Causewayhead Level Crossing", reference is made to

"the developed Wm Kerr/Riverbank Stables sites".

Is it apparent that the authors of that chapter of the environmental statement were considering the possibility of that site being developed?

Tara Whitworth: I cannot answer that, as I was not one of the authors. I can say that both William Kerr and Taylor Woodrow were consulted. That consultation was fed back into the bill process and into the environmental statement, at the points that you are pointing out. However, I cannot confirm whether that information was fed back into all the various sections of the environmental statement. The area of land that you are discussing is not identified in the Stirling Council local plan as having housing among the permitted development there. There is a planning application covering that piece of land, which has been submitted by Taylor Woodrow. However, planning approval has not yet been granted, and it had not been granted when the environmental statement was written and published.

Ewan Macleod: Indeed not—that is understood. I refer you to an earlier point in the environmental statement. Page 58 of volume 2 contains table

4.4, which is headed "Predicted Pedestrian Journey Length & Time Impacts". You will see, near the top of that table, reference to the Causewayhead level-crossing being closed. The next box along from there refers to the

"Wm. Kerr Metal Merchants site (proposed housing development)".

We then see an analysis of what the impact would be were that site to be developed.

Tara Whitworth: That is correct. Under the "Comments" column, it says that that is

"only applicable if current housing development proposal proceeds to planning".

Ewan Macleod: Yes—there is a caveat there. Nonetheless, the impact appears to have been assessed.

Tara Whitworth: Yes, according to the table.

Ewan Macleod: The table on page 238 of volume 2 of the environmental statement mentions the level-crossings at Causewayhead and Waterside, and reference is made to the existing position. However, there is no reference whatever to the potential for development of that site.

Tara Whitworth: That appears to be the case.

Ewan Macleod: Similarly, table 13.3, on page 242, shows the results of assessments of the significance of the effects of the level-crossings. Again, no reference is made to the potential for the development of what is referred to in that table simply as "Kerr's scrap yard".

Tara Whitworth: From my brief reading of the table, I do not see any reference to that.

Ewan Macleod: Accepting that you are not ultimately responsible for the document, and that you are possibly looking at some of its pages for the first time this afternoon, would you agree that, on the face of it, there has not been a consistency of approach in the environmental assessment as to the bill's effects on that site?

15:30

Tara Whitworth: I agree that the sections that you have pointed out indicate that the proposed development that does not have planning approval is not dealt with in the same way in every section. That might be because different people wrote different sections, but again, I am not the author. I believe that the discussion on the environmental statement's methodology was undertaken during the preliminary stage.

Ewan Macleod: Indeed, that is fully accepted, but I am asking you particular questions in relation to the site and I think that your answer is probably that, on the face of it, there is an inconsistency in the procedure for different sections of the environmental statement.

The Convener: I hate to sound like Perry Mason, especially as I am not quite that old, but you cannot put words in the witness's mouth.

Ewan Macleod: I am very sorry, sir.

The Convener: That is okay. Miss Whitworth, as you are not the author of the sections of the environmental statement that are under consideration and which Mr Macleod is asking about, perhaps someone for the promoter could clarify the point so that Mr Macleod does not have to go around putting words in witnesses' mouths and he can be 100 per cent certain that he is getting information from the people who wrote those sections.

Tara Whitworth: Can I just be clear that clarification is required on the treatment of the proposed development in the environmental statement?

Ewan Macleod: Yes.

The Convener: Mr Macleod also wants to know whether that treatment is consistent. Is that the question?

Ewan Macleod: That is a good question, yes.

The Convener: Thank you.

We would be grateful if that information could be given to the committee in early course.

Tara Whitworth: It can.

Ewan Macleod: Miss Whitworth, will you consider a document with which you might be a little more familiar? Indeed, you gave me a copy of it, so I suspect that you know it better than I do. It is the Arthur D Little risk assessment of December 2003—document SAK/S2/04/5/14.

Tara Whitworth: I point out that the copy that the Parliament has sent to me is missing the first page. I submit that page to the Parliament as document SAK/S2/04/5/14A. It appears to be the way in which the document was copied. It has a front half cover and there is a lot about a notice on the front of the Parliament's copy.

The Convener: We have a copy of document SAK/S2/04/5/14A here and we will take it into consideration.

Ewan Macleod: I suspect that it will be helpful to take the committee through the background to the document. Page 1 is headed "Introduction" and paragraph 5 on that page summarises the background. Scott Wilson had been commissioned "to undertake a review of level-crossings"

and a report was produced in May 2003. Babbie, acting on behalf of the bill promoter, was then asked to carry out an independent review from the safety point of view.

Tara Whitworth: The report came about when Scott Wilson Railways (Scotland) Ltd was commissioned to undertake the preliminary design and parliamentary submission for the project. It did some work on level-crossings, as it did on the rest of the route, and that work was used for initial discussions with HMRI and Network Rail. HMRI raised some concerns about the validity of the report, which it had received so that a site visit could take place.

I commissioned Arthur D Little Ltd to carry out on behalf of the promoter an independent review of the four level-crossings that the report covers. The purpose of the report is to assist in discussions with HM railway inspectorate and Network Rail, which will consider, when the time comes—if the bill is passed—the appropriate form of the level-crossing at each location along the route.

Ewan Macleod: So, in essence it was a response to HMRI concerns.

Tara Whitworth: It was a response to concerns raised by Network Rail, the project team and HMRI about information that had been produced previously.

Ewan Macleod: And some of that information related to the standard to which level-crossings should be upgraded.

Tara Whitworth: The issue of what a level-crossing will be in the future is under discussion and will be discussed right through the project's development. There are a number of existing level-crossings along the route. Although some are deemed operational, they have fallen into disrepair and will require works to bring them back up to full operational standard. Those discussions form part of the discussions about approvals under the Railway and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994 that HMRI is required to give Network Rail.

Ewan Macleod: I turn to the aims and objectives on page 1 of document SAK/S2/04/5/14. The first bullet point indicates that one of the overall aims of the work was to establish the likely risks at each location if each crossing were to be specified as an automatic half-barrier crossing or automatic barrier crossing, locally monitored—ABCL. That sets the context for what I am going to ask. At the bottom of page 9 of the document, there is a summary of Arthur D Little's initial conclusions. It considers that the minimum level of protection for all four crossings—the basis for consideration of additional risk mitigation—is the automatic half-barrier crossing. In essence, Arthur D Little carried out work and came to the conclusion that AHB was a starting point; whether that was satisfactory could then be

considered in more detail. Is that a fair summation?

Tara Whitworth: I do not have in front of me the brief that we gave Arthur D Little, but my recollection is that we explained that we proposed to upgrade the level-crossings to AHB and that we were seeking its professional opinion on whether that was sufficient to allow us to continue discussions with Network Rail and HMRI.

The Convener: We are puzzled. In relation to paragraph 2.4 of document SAK/S2/04/5/14 you referred to four level-crossings, but it seems to us that only three are seen as AHB and the one at Kincardine Station Road is seen differently.

Ewan Macleod: You are absolutely right; that is my mistake.

The Convener: Okay.

Ewan Macleod: On page 10 of the document, there is an explanation of a risk assessment and options review exercise that was undertaken. In the second paragraph, an explanation is given of the VPF—value to prevent fatality—figure. Two figures are given. One is £1.3 million per equivalent fatality for single events and the other is £3.64 million per equivalent fatality for events with the potential for multiple fatalities. Am I right in thinking that those figures are used as part of a cost-benefit analysis when considering the level to which one would upgrade a level-crossing?

Tara Whitworth: I think that you are correct in principle. My understanding is that the final approval of a level-crossing is subject to a number of different issues that HMRI and Network Rail are concerned about. One of those, which is noted on page 1 of SAK/S2/04/5/14, is the fact that the risk to the users will be kept

“‘As Low As Reasonably Practicable’ (ALARP)”.

As with a number of different safety analyses of infrastructure schemes, it is easiest to do that by quantifying the value to prevent fatality, the value of a fatality or whatever means is used. That is where the numbers came from.

Ewan Macleod: I ask you to turn to page 4 of Arthur D Little's risk assessment report. Under the heading “Collective risk”, we see a reference to

“the probable extent of loss per annum to all exposed people (in this case crossing users, train passengers and staff).”

The paper goes on to say:

“the result is dependent on the number of people exposed to the risk. Thus, a crossing with a high traffic moment (product of trains and vehicles per day) will be expected to experience a higher number of equivalent fatalities per year.”

Helpfully, it then goes on to say:

“Equivalent fatalities ... may be used in cost-benefit analysis to inform decision making on appropriate risk mitigation options.”

In essence, it says that one should look at the level of traffic and the number of trains, known as the traffic moment, which can then be taken into account when one is carrying out one's cost-benefit analysis.

Tara Whitworth: Yes, that is correct. Appendix A shows different charts that are extracts from the model that Arthur D Little uses. They go through the different assessments that are made at each location. Traffic moments are assessed, as is the position of the level-crossing, whether the road surface is suitable, what the visibility is like and suchlike.

Ewan Macleod: Let us consider first the level of road vehicle traffic. I ask you to look at page 11 of paper SAK/S2/04/5/14. In the second bullet point under the heading “Notable features of the crossing”, we see that the level of road vehicle traffic is estimated from the quick census to be around 840 vehicles per day. How long was the quick census?

Tara Whitworth: I will just check that. I believe that we are told in appendix A. On page 29, we are told that the quick census was of 27 minutes' duration.

Ewan Macleod: Am I right in thinking that, at the time that the Arthur D Little report was commissioned and produced, the information in the environmental statement was finalised and in the public domain.

Tara Whitworth: That is correct.

Ewan Macleod: Can you advise the committee why the information on traffic numbers in the environmental statement was not made available to Arthur D Little when it was carrying out its risk assessment?

Tara Whitworth: It was made available to Arthur D Little. I do not believe that we sent the company a copy of the environmental statement, but I believe that we indicated the assumptions that Scott Wilson had made in carrying out the assessment. In undertaking its level-crossing risk assessment, Arthur D Little felt that a site visit was the best means of correlating all the information and ensuring that what it was doing was not based on other people's work, so that the results that it produced would be consistent with those for other level-crossings that it assesses. Arthur D Little chose to go out on site and to take a quick census, as that is what it normally does in such situations.

Ewan Macleod: I ask you to keep hold of the Arthur D Little report and to refer back to the environmental statement. Page 238 of volume 2 of the environmental statement, to which we referred

earlier today, deals with the existing situation at the various level-crossings. In the second box from the top of the page, reference is made to the Waterside level-crossing. In its traffic assessment, Scott Wilson assessed the levels, at 2002, as being in the region of 1,100 vehicles per day.

15:45

Tara Whitworth: That is correct. The figure ties in quite well with the estimate of 1,050 vehicles per day that Arthur D Little used in its assessment. The second bullet point on page 11 of the Arthur D Little report says:

"On this basis we estimate that traffic is likely to be around 1050 per day".

Ewan Macleod: I can see that, but we should read out the sentence in full. It says:

"The reopening scheme also includes closing two nearby level-crossings (Causewayhead and Abbeycraig) and redirecting the traffic over Waterside. On this basis we estimate that traffic is likely to be around 1050 per day."

In essence, Arthur D Little says that the product of what is there at the moment plus the effect of closing two level-crossings will bring us up to 1,050 vehicles per day. You said that that tied in quite neatly with what is in volume 2 of the environmental statement.

Tara Whitworth: For Waterside level-crossing, yes.

Ewan Macleod: I ask you to look at page 242 of the environmental statement. I refer to the second box down, where you will see a reference to Waterside level-crossing. It says:

"In addition, the closure of the Causewayhead Level Crossing will cause the displacement of about 100 vehicles onto Ladysneuk Road per day. Furthermore, the closure of Abbeycraig Level crossing will increase the flow on Ladysneuk Road in the order of 150 vehicles movements per day. The cumulative effect would be to increase the flow to 1350 vehicles per day on Ladysneuk Road."

When Scott Wilson took the closure of the two crossings into account, it put the figure at 1,350 as opposed to the 1,050 that Arthur D Little assumed.

Tara Whitworth: Yes, but in traffic terms, the numbers are really quite close. As I said, the reports were done for different purposes. The environmental statement considers the bigger picture, whereas the Arthur D Little report is based specifically on the level-crossings. As you have seen, Arthur D Little went out and did a quick census on the Waterside level-crossing. I do not believe that it did any on the Causewayhead and Abbeycraig crossings. The Arthur D Little numbers are more likely to be an accurate reflection of the situation at the present time.

Ewan Macleod: Are you seriously suggesting that an assessment that was carried out for 27

minutes on one day is likely to be more robust than the assessment that Scott Wilson took into account in its preparation of the transport section of the environmental statement?

Tara Whitworth: As I said, in traffic terms, the numbers are really quite close together. The two things were done for different purposes. Arthur D Little has sufficient knowledge of these things. It undertook its quick census on a day on which the traffic flow would give a broad estimate of the traffic level that it should consider in the level-crossing report.

Ewan Macleod: Surely a huge degree of extrapolation is required if a 27-minute survey is used to work out what the likely daily traffic movement is.

Tara Whitworth: Again, I hate to say that I am not a traffic expert, but I am not. I am aware that there are recognised formulae that take days of the week, hours of the day and different months of the year to come up with estimates of the likely traffic that can be predicted at any one location. Traffic engineering is a specific area of engineering and it is not one in which I am expert.

Ewan Macleod: In addition, reference is made in the second bullet point on page 11 of the Arthur D Little report to the fact that

"new homes are planned on the Cambuskenneth side of the railway, meaning that an increase in traffic would be inevitable."

I accept that you did not see the detail in the Arthur D Little report until very recently, but can you say whether the Scott Wilson environmental statement took into account the proposed new houses?

Tara Whitworth: Although I have read the environmental statement from cover to cover, I should clarify that I have not done so in the past couple of days. That is why I am saying that I am not totally up to speed on every paragraph that you are highlighting. I assure everybody that I have read it. I am sorry; I have forgotten the question.

Ewan Macleod: Arthur D Little and Scott Wilson certainly both seem to have taken into account the closure of the two nearby level-crossings, although they come to different conclusions in respect of the traffic numbers. In its transport assessment, did Scott Wilson take into account the potential for an increase in traffic because of new housing to the south of the railway?

Tara Whitworth: As far as I can remember, Scott Wilson did not do that, because it focused on the base conditions as they were at the time. Again, I would have to clarify whether it assumed that the traffic at Cambuskenneth would increase in the future. My understanding is that, in the

Arthur D Little report, matters such as local plans were not considered and there was no awareness of the planning constraints that exist in an area such as Cambuskenneth. To err on the side of caution and for safety's sake, it appears that, because there was an existing area of residential houses at the end of a dead-end road, it was assumed that the number of vehicles and the traffic that the existing housing generated would be likely to increase somewhat in the future. I believe that Arthur D Little added about 25 per cent to its predicted levels, to ensure that any further increase in traffic from Cambuskenneth was included in the risk assessment at the level-crossing.

Ewan Macleod: Let us adopt such an approach to Scott Wilson's study. If we refer back to page 238, we find that, at 2002, traffic levels at Waterside level-crossing were in the region of 1,100 vehicles per day. That was the base condition, leaving aside any question about whether the figures that it used for the closure of the level-crossings and so on were appropriate. Do you accept that figure?

Tara Whitworth: I accept that.

The Convener: Mr Macleod, this is all very interesting, but where are you leading to?

Ewan Macleod: The objectors are concerned about the treatment of the Waterside level-crossing by the bill's promoter. A recent risk assessment of the impact of the railway proposal on existing conditions—leaving aside any potential development of the Taylor Woodrow site—which the bill's promoter commissioned, seems to point in the direction of a particular type of level-crossing. I would like to explore with Miss Whitworth why the bill's promoter does not seem willing to accept the conclusions of that report. In order to do that, I need to ask a couple more questions of detail, but I assure you that I will not take up any more time than is necessary.

The Convener: The committee is grateful for that assurance. Proceed.

Ewan Macleod: I want to consider briefly the 25 per cent margin of safety that Arthur D Little uses, to which you referred. If we were to take the Scott Wilson figure of 1,100 vehicles per day in 2002 and apply a factor of 25 per cent, do you accept that we would end up with a figure of about 1,300 vehicles, which is not far off the figure of 1,350 vehicles that Scott Wilson predicts there would be with the closure of the two level-crossings?

Tara Whitworth: Yes, your maths appears to be correct.

Ewan Macleod: I am glad to hear it. Do you think that, in relation to future traffic numbers, it is fair to use a figure of around 1,300 or 1,350

vehicles, as Scott Wilson concludes on page 242 of volume 2 of the environmental statement?

Tara Whitworth: In relation to level-crossings, I do not accept that. At the detailed design stage for the level-crossing, there will have to be consideration of the existing conditions at the time. If the bill is passed, the bill promoter will have to give an assurance to Network Rail, as the owner of the infrastructure and the operator of the level-crossing, and to Her Majesty's railway inspectorate about the most appropriate type of level-crossing to be installed at the location.

We have started those discussions but have by no means completed them. The timing of those discussions is important because, if the bill were delayed for, say, two years, the traffic conditions in the area might change and so it would not be appropriate to carry out a level-crossing risk assessment and seek approval from HMRI based on traffic figures that were in the environmental statement but which were obviously out of date. I am confident that, when we get to the detailed design stage and seek approval for the level-crossing, HMRI and Network Rail will inspect our figures and question all the assumptions that we have made about all aspects of the level-crossing, including road traffic and rail traffic.

In relation to level-crossings, I cannot say that we should base our assessment on figures in the environmental statement as they do not appear to be applicable. It is more likely that we would use the Arthur D Little report, which includes a census of the existing traffic conditions at the location that we are talking about.

Ewan Macleod: I understand what you are saying about HMRI, but do you accept that this committee has to be relatively satisfied that what the bill promoter proposes is likely to be safe?

Tara Whitworth: Yes, I believe that the committee has to be satisfied. I would point out that HMRI lodged an objection to the bill on the basis of some of the wording about level-crossings and has asked that we remove any wording that states what type of level-crossing we are proposing, as that was seen to be taking away its role in the process. This committee must be assured that our proposal is safe, but I stress that that is the reason why the bill does not specify the form of level-crossing. The bill only gives us the power to continue the level-crossing at that location.

Our paper on existing railway processes sets out in detail the process that still has to be gone through and the other legislation that covers things such as the final approval of level-crossing provision. The actual type of equipment that we will have to provide at the level-crossing is not known by the bill promoter at this stage, but we

give the committee every assurance that we will put in place the most appropriate measures, which will happen through discussions with and submissions to HMRI and Network Rail.

Ewan Macleod: To return to my first question, if the committee has to be convinced that the promoter's proposal is safe, is it appropriate that it should err on the side of caution if there is a discrepancy between two sets of figures that the promoter has produced?

Tara Whitworth: I will leave the committee to answer that one.

Ewan Macleod: I want you to consider a different aspect of the Arthur D Little risk assessment, which is train numbers. Figure 2 on page 7 of the assessment is entitled "Traffic Moment Compared to National AHB Profile". Before we consider the train figures, do you accept that, if 1,350 cars were using the crossing, the traffic moment would be 81,000, as opposed to the 62,000 that is set out in figure 2?

Tara Whitworth: Without having a calculator before me, as you do, I defer to your maths. As there has been a lot of discussion, particularly today, about the predicted traffic levels at that location, I point out that, if the number of trains was reduced, the traffic moment would also be affected.

Ewan Macleod: Indeed. Note 1 to figure 2 on page 7 of the risk assessment document SAK/S2/04/5/14 states:

"Traffic moment for crossings on Stirling-Alloa-Kincardine route based on 36 passenger and 36 freight trains per day".

However, in the fifth box down of the series of boxes on page 29—the box is headed "Train Utilisation"—Arthur D Little gives a total of 60 trains.

16:00

Tara Whitworth: I can clarify that. You have quoted from Arthur D Little's final report, the draft version of which used an incorrect number of train movements. When I sought clarification from Arthur D Little on which level of passenger and freight usage was being studied, Arthur D Little clarified that the correct figure was 60, which is 30 passenger train movements and 30 freight train movements per day. I suggest that note 1 is an incorrect reference that was not corrected by Arthur D Little.

I can seek further clarification, but as I am aware that the draft report used a figure that was in the region of 64 or 66 trains—no, it was 72 trains per day—I suggest that note 1 is a drafting error that has carried through. The figure of 30 passenger and 30 freight trains has already been clarified, so I suggest that the figure on page 29 is correct and that the reference in note 1 on page 7 is incorrect.

Ewan Macleod: Are the key assumptions in appendix B on page 54 correct? Paragraph 1 states:

"The following frequency of trains have been used:

- 15 return (30 total) passenger trains per day (one every hour in each direction over an 18 hour period)."

I need the calculator for some things, but in my book 18 times 1 makes 18. It does not make 15, as is set out in paragraph 1.

Tara Whitworth: Again, I think that that has been carried over from the previous version of the report. I can seek clarification from Arthur D Little, but I am positive that the assessment was based on 15 passenger and 15 freight trains in each direction each day. The draft version of the report incorrectly used too many passenger and freight movements.

The Convener: Mr Macleod, where are we heading?

Ewan Macleod: I am just about there, sir. I have one further question on train numbers before I move on.

The Convener: Please proceed.

Ewan Macleod: When Mr Reid gave evidence on train movements this morning, he used the figure of 64. Why is that figure not appropriate in this context?

Tara Whitworth: I believe that Mr Reid's evidence related to the environmental statement. This issue has been discussed quite a lot throughout the whole process. The design capacity of the route is 15 passenger and 15 freight trains in each direction per day. The environmental statement used a slightly higher number, which I believe was 64 movements in total.

As we and Scottish Power have previously pointed out, a number of assumptions have been made, although the actual level of usage is not for us to decide. However, we are confident that 15 freight trains and 15 passenger trains in each direction represents the worst-case scenario for a number of different issues.

Ewan Macleod: On a slightly different issue, we have heard reference to the MCB3 barrier. What is the approximate cost of an MCB3 barrier?

Tara Whitworth: It is difficult to answer that. Are you talking about one MCB3 crossing at one location or are you talking about one of a number of such barriers?

Ewan Macleod: I suppose that I am talking about one MCB3 in the context of a number of other level-crossings that are being bundled as part of a tender.

Tara Whitworth: My current understanding is that an MCB3 is somewhere in the region of £1.6 million.

Ewan Macleod: Perhaps I should phrase my question differently. Is £1.6 million the total cost of an MCB3 barrier?

Tara Whitworth: It is not easy to give you a simple answer to that. An MCB3 barrier is connected to the signal system. It requires interlockings between the traffic signals and the railway signals that are relayed back to a location. In the situation that we are talking about, if the barrier were to be put into Waterside level-crossing, one would expect the CCTV camera to be located in the Stirling north signal box.

I cannot tell you how much of the signalling equipment is related to the £1.6 million cost. Because it is a level-crossing and because it is a new route, there will be signalling, but I would not be able to say which signals are related to the level-crossing MCB3 cost and which are not.

Ewan Macleod: In broad terms, though, would £1.6 million be a relatively accurate overall figure?

Tara Whitworth: It seems to be very difficult to get a cost for level-crossings from those who are involved with them. They are not constructed every day and are normally dealt with by Network Rail, whose financial management systems I am not party to. The indications that I have been given suggest that an MCB3 costs in the region of £1.6 million. However, that has not been defined in a way that would allow me to say which costs are included in that and which are excluded and whether that is a commercially reasonable cost.

Ewan Macleod: Could you give the committee an indicative cost for an AHB standard of crossing?

Tara Whitworth: My recollection of what is included in the estimate of expense and funding statement is that around £400,000 has been allowed for four AHB crossings to be put in as part of the signalling system and the major project that is being developed. That work feeds into the signalling cost that is presented in the estimate of expense.

Ewan Macleod: Page 13 of the Arthur D Little report contains the conclusions that have been reached following the exercise that was conducted using the value-per-fatality information that we discussed earlier. The report uses lower traffic numbers than those I have referred to this afternoon.

The second last paragraph says:

"The results suggest that an MCB (Option 2), should only be provided if the cost is lower than around £1.3M."

To clarify that statement, I point out that, at the top

of the page, we can see that that £1.3 million is over and above the cost of an AHB.

Tara Whitworth: Are you saying that the Arthur D Little report says that an MCB3 costs £1.3 million?

Ewan Macleod: The first paragraph on page 13 says:

"Expenditure of around £1.3M using the higher VPF could be justified above the costs of an AHB for providing a full barrier manually controlled crossing"

and the second last paragraph says that

"an MCB ... should only be provided if the cost is lower than around £1.3M"

because

"Costs *significantly* higher than £1.3M would be disproportionate to the safety benefits gained, and could therefore not be justified on the basis of cost-safety benefit."

It appears, therefore, that the Arthur D Little report is saying that an expenditure of £1.3 million over and above the cost of an AHB can be justified.

Tara Whitworth: I point you to the final paragraph on page 13, which sums up the matter. It states:

"We understand that current costs for providing MCBs are generally higher than this figure. Should this be the case, the crossing should be an AHB with red light enforcement cameras and other road improvements to increase the warning of the crossing for road users."

I believe that the report is saying that, based on the results and all things being considered, an AHB with a red-light enforcement camera is the most effective and appropriate mitigation measure, taking into account the as-low-as-reasonably-practicable basis on which the assessment has been carried out.

Ewan Macleod: Page 13 states that the

"costs for providing MCBs are generally higher than this figure."

However, the final paragraph on page 10 states:

"Where the safety benefits exceed the costs, then the option can be justified on cost benefit grounds, and the option would need to be applied to demonstrate that risks have been reduced to a level that is"

as low as reasonably practicable. The document goes on to address the converse situation in which the costs significantly exceed the safety benefits. The paragraph ends with a note of caution by saying:

"Caution needs to be applied where costs are slightly higher than the safety benefits. In such cases a reasonable margin should be applied, as within the accuracy of the assessment it would be unreasonable to conclude that the costs were grossly disproportionate to the safety benefits."

Is that not the situation that we are in?

Tara Whitworth: Yes. My understanding is that options 1 and 2 were considered because the crossing is a borderline case in risk assessment terms. Arthur D Little considered an AHB as the base case and concluded that for option 1, which was an AHB with a red-light camera, the individual risk of a fatality per year came down to a figure lower than the minimum that is required by Network Rail. The report concluded that that is the most cost-effective option and should be chosen.

Ewan Macleod: But if we can justify costs of £1.3 million over and above the £450,000, that takes us to £1.75 million, which is greater than the £1.6 million that you quoted as the general ballpark figure for an MCB3 barrier.

Tara Whitworth: I am sorry, I do not understand the question. Are you asking what we propose for the location?

Ewan Macleod: No. The question is whether the Arthur D Little report says that spending £1.3 million over and above the £450,000 for an automatic half barrier could be justified.

Tara Whitworth: I believe that the report says that an MCB barrier could be justified on safety grounds. However, the report also says that that is not the most cost-effective option, as an AHB with a red-light camera brings the individual risk of fatality down to an acceptable level.

The Convener: Mr Macleod, the issues that you raise are for Network Rail and HMRI. Do you have any other questions?

Ewan Macleod: I have one other question on a slightly different topic.

The Convener: One question will do, thank you.

Ewan Macleod: Paragraph 10 of Miss Whitworth's precognition, which runs from the bottom of page 11 to the top of page 12—

The Convener: To which document are you referring?

Ewan Macleod: Sorry. I am referring to Miss Whitworth's precognition, which is part of document SAK/15/20/04/5.

Roy Martin: It appears that the document is SAK/S2/04/5/19. Sorry, I mean SAK/S2/04/5/12.

The Convener: Any advance on number 12? On we go.

Ewan Macleod: At the top of page 12 of SAK/S2/04/5/12, there is a quotation from the Arthur D Little risk assessment that implies a fundamental difficulty with the potential redevelopment of the William Kerr scrapyard. Why did you choose that quotation from the report?

Tara Whitworth: I do not recollect why I chose it. It just seemed like a good one at the time.

Ewan Macleod: The quotation implies an impact on the site. The committee is entitled to understand whether Clackmannanshire Council, as the bill's promoter, has a fundamental objection to the development of the Taylor Woodrow site.

16:15

The Convener: I am afraid that you are straying into a subject that is not relevant. I refer you to my introductory remarks to everyone concerned.

Ewan Macleod: I fully understand your remarks about the planning application. I do not intend to become embroiled in any discussion of that. However, the bill's impact on existing and proposed land uses is relevant. That is evidenced by the fact that the environmental statement contains a land use section.

The Convener: If you are asking about land use in the context of the environmental statement, please proceed—but with caution.

Ewan Macleod: The quotation in Miss Whitworth's precognition says:

"It is critical that"

the Taylor Woodrow site

"is not used to provide access to Ladysneuk Road".

As an assessment of the bill's effect, is it your understanding that if the bill proceeds, the site cannot be developed for residential housing?

Tara Whitworth: That is not my understanding.

Ewan Macleod: I therefore repeat my original question: why did you choose that quotation from the Arthur D Little report?

Tara Whitworth: As I said, the quotation seemed appropriate at the time. Taylor Woodrow representatives and I have had much discussion about the planning application for the location and the level of access provision. In the bill, we have tried to maintain access to an area of land, the main access to which will be removed. That is what "Work No. 1A" does.

What the environmental statement does and does not cover has been discussed. The environmental statement must consider existing approved land use and the approved land use at the Riverside area was not for new housing, so I felt that the quotation was quite sensible, as it drew attention to the fact that, if that location had new housing that was accessed through Ladysneuk Road, that could have an impact on the level-crossing.

Ewan Macleod: As far as you are aware, the bill promoter's position is not that no residential housing will be permitted at the site.

Tara Whitworth: That is correct. The site has

residential housing at present. We have no desire to change the land use.

Ewan Macleod: I am sorry to have taken so long with my cross-examination.

The Convener: Not at all. Mr Mundell has some questions.

David Mundell (South of Scotland) (Con): I will be brief. In SAK/S2/04/5/12, Tara Whitworth refers to a letter of 16 September 2003 to the objector. The committee would appreciate it if you provided that letter, as is offered in your precognition.

Tara Whitworth: I can do that. I have the letter with me this afternoon, so I can give it to the clerks before we leave.

David Mundell: Can you confirm the reasons for the proposed closure of the Causewayhead level-crossing? Why is that necessary?

Tara Whitworth: There are about 15 level-crossings along the route of the existing railway. Her Majesty's railway inspectorate has indicated to us that it dislikes level-crossings; they are inherently dangerous places because they are the interface between road and rail. We are seeking to amalgamate as many level-crossings as possible. At an early stage we identified that Causewayhead level-crossing is a private accommodation works crossing. It serves one residential property, which was the scrapyard. On the opposite side is Abbeycraig level-crossing, which serves one property. It was felt that closing those two level-crossings and keeping open Waterside level-crossing, which is on a public road, offered the best balance between maintaining access to existing properties and minimising the number of level-crossings along the route.

David Mundell: Has any assessment been made of the highway capacity of the road across the Waterside level-crossing following the intended upgrade to CCTV standards?

Tara Whitworth: No formal assessment has been done. The Waterside level-crossing crosses an existing public road. Traffic levels on the road—in the region of 800 to 1,000 vehicles per day—are well below its expected capacity. A single carriageway road can carry in the region of 10,000 to 13,000 vehicles per day. We did not think that it was appropriate to assess the capacity of the road at Waterside level-crossing, given that traffic levels are so low at this stage and that the road is a dead-end into Cambuskenneth.

David Mundell: Do you expect that the capacity of the road as it crosses the level-crossing will be greater or less than or the same as it is currently?

Tara Whitworth: The capacity of the road will not be affected by the railway.

Roy Martin: I refer you to the objectors' written evidence, which is document SAK/S2/04/5/9. I want to deal briefly with the statement in the context of the cross-examination.

Page 2 of the document contains a section headed "Objection". Paragraph 5 states that the objector initially

"questioned the amount of land proposed for compulsory purchase by the Promoter."

It continues:

"This conflicted with the proposed access road to the site which Taylor Woodrow intended to construct from Ladysneuk Road. Taylor Woodrow had not previously considered taking access to the site across the Causewayhead level crossing, as it had been lead to believe that access could be taken from Ladysneuk Road."

Taking that paragraph as it stands, what is the relevance of what is proposed as "Work No. 1A": the creation of access from Ladysneuk Road into the site?

Tara Whitworth: Work number 1A is required to maintain access that is being severed by the closure of Causewayhead level-crossing. It will maintain the status quo in future. It is not meant in any way to facilitate or to hamper development at this location. It is intended merely to maintain access.

Roy Martin: That is the case because, in principle, access will have to be via Ladysneuk Road and Waterside level-crossing, rather than Causewayhead level-crossing.

Tara Whitworth: That is correct.

Roy Martin: The next paragraph refers to

"discussions with the Bill Promoter's Agents".

It states that this issue emerged first on 23 December 2003. Is that correct? When did the promoter mention the issue first to Stirling Council?

Tara Whitworth: Stirling Council is a member of the project steering group, so right from the beginning of the project it has been aware of the possibility of closing Causewayhead level-crossing and maintaining Waterside level-crossing.

Roy Martin: When was the Arthur D Little report received?

Tara Whitworth: The Arthur D Little report is dated September 2003.

Roy Martin: After it was received, and no doubt considered, to whom was it sent and when?

Tara Whitworth: The report was sent to members of the project steering group, which includes Stirling Council, in October 2003, I believe. A copy was sent to Scottish Power as the report refers to the Station Road level-crossing in

Kincardine. That is a private-user works level-crossing and Scottish Power is the private user. A copy was also sent to Network Rail as the report refers to its infrastructure.

Roy Martin: Paragraph 7 of SAK/S2/04/5/9 states:

"It would now appear that the Bill Promoter does not believe that the upgrading of Waterside level crossing as proposed by the Bill will allow for the development of the site. The Promoter appears to suggest that a further upgrade to the level crossing will be required."

I need not read any further. The critical question for the purposes of this objection is this: to what extent would the powers granted by the bill define exactly what type and standard of level-crossing will be provided?

Tara Whitworth: As I said earlier, the bill does not define the type or the standard of level-crossing to be provided.

Roy Martin: That will be determined in discussion with whom, ultimately?

Tara Whitworth: Network Rail and Her Majesty's railway inspectorate are the two main parties that will be involved in the discussion.

Roy Martin: Will they take into account the actual characteristics that will arise from the detailed design, the actual rail traffic projections, the actual road traffic projections and any other circumstances that may be relevant?

Tara Whitworth: The methodology for taking factors into account is in the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994—known as ROTS. I believe that Network Rail and HMRI will take a number of different things into account, but they will definitely focus on proposed rail traffic and, I assume, on existing and proposed road traffic.

Roy Martin: In principle, if the powers of the bill are granted, will that methodology be any different to that used at any other location at which a level-crossing is involved?

Tara Whitworth: No. The situation is exactly the same at Station Road in Kincardine. We still have to conclude the discussions with the interested parties—which, in that case, are Scottish Power and Network Rail—to ensure that what we propose, and what Network Rail will ultimately seek approval from HMRI for, is in accordance with everybody's requirements.

Roy Martin: Thank you, Ms Whitworth. I am sorry, convener, for taking up a few moments.

The Convener: That is quite all right, Mr Martin. We have no further questions for Miss Whitworth, so I thank her for giving evidence. Mr Martin, do you have any questions for Mrs Gorlov?

Roy Martin: No, sir.

The Convener: Mr Macleod, do you have any questions for Mrs Gorlov?

Ewan Macleod: Sir, you will be pleased to hear that I have none.

David Mundell: Mrs Gorlov, in paragraph 31 of your precognition—SAK/S2/04/5/12—you describe the current status of discussions with Mrs Kerr. Has any further progress been made?

Mrs Gorlov: I have no personal knowledge of that, but perhaps Miss Whitworth can answer.

Tara Whitworth: No further progress has been made.

David Mundell: Is there any prospect of Mrs Kerr's element of the objection being withdrawn?

Mrs Gorlov: I stand to be corrected, because I simply accept what I am told, but, as I understand the position, Mrs Kerr is in fairly close contact with the Kerrs next door. I get the impression that she might be guided by what action they choose to take.

The Convener: Mr Martin, do you have any follow-up questions?

Roy Martin: I have no further questions, thank you.

The Convener: There being no further questions, I thank Mrs Gorlov for giving evidence. We will take a break to allow the objectors' witnesses to take their places at the table.

16:29

Meeting suspended.

16:32

On resuming—

The Convener: I invite the next group of witnesses to take the oath or make a solemn affirmation.

ALLAN MACDONALD, IAIN GAUL and DAVID STEVEN made a solemn affirmation.

GERARD MCDERMOTT took the oath.

The Convener: Mr Macleod, do you have any questions for Mr Macdonald?

Ewan Macleod: No, convener.

The Convener: Mr Martin, do you have any questions for Mr Macdonald?

Roy Martin: Yes. I have some general background questions about the plan at the back of document SAK/S2/04/5/7 and, in particular, about the two level-crossings that are indicated. If the bill were passed, the Causewayhead level-

crossing would be closed. Am I right that development on the north side of that roundabout has already effectively closed off that level-crossing?

Allan Macdonald (Taylor Woodrow Developments Ltd): The access to the development to the north of the railway line does not use that strip of ground to access the houses, if that is what you mean.

Roy Martin: That is not quite what I mean. I suggest that the route from the public road to the Causewayhead level-crossing—we can see a little bit of it on the north side of the railway in the drawing before us—has been built over substantially.

Allan Macdonald: No. The access road that the Kerrs used while the scrapyard was in operation is still intact physically and has not been built on.

Roy Martin: If one were crossing the level-crossing to the north-west side, could one still go straight out to the public road?

Allan Macdonald: Yes.

Roy Martin: I see. In so far as the other level-crossing at Waterside is concerned, can you agree that what is known as work number 1A in the bill—the new junction that provides access to the Riverbank development—would be sufficient to allow road access to such a development from Ladysneuk Road and that the precise position and design of that access has been a matter of discussion with the promoter?

Allan Macdonald: That is correct.

Roy Martin: That leaves the question of the Waterside level-crossing. Did you hear the evidence of Ms Whitworth that the precise standard and specification of that crossing will be determined only after final design has been considered and approved by Network Rail and Her Majesty's railway inspectorate?

Allan Macdonald: Yes.

Roy Martin: Did you also hear Ms Whitworth's evidence that when the authorities make that assessment, they will no doubt take into account the volume of road and rail traffic and the likelihood of traffic generation when assessing the standard of the level-crossing?

Allan Macdonald: Yes.

Roy Martin: Are you therefore reassured that, if it is the case that the Riverbank development has received planning permission by that stage and is able to be developed, that is a factor that the authorities will take into account when deciding what standard of level-crossing is appropriate?

Allan Macdonald: The problem that we have at

the moment is that in attempting to determine the application, Stirling Council assumes that the level-crossing will be a half-barrier crossing and that, if our development were to go ahead, that crossing would have to be upgraded. I do not know whether the council could determine the application before the assessment of what is required is complete.

Roy Martin: The convener is rightly urging me not to get into the planning merits of your scheme and I do not intend to do that. The fact is, however, that you will be able to develop only if planning permission is granted. Is that correct?

Allan Macdonald: Correct.

Roy Martin: Is it also correct that it is a matter of the planning merits whether access can be taken in relation to any site, including the one that we are discussing?

Allan Macdonald: Correct.

Roy Martin: Is it true that it is often the case in such situations that a developer has to make alterations to the road network, as well as particular investments in design and upgrading, to allow for the additional traffic?

Allan Macdonald: Yes.

Roy Martin: In principle, you are in no different a position at the Riverbank development.

Allan Macdonald: Different from what?

Roy Martin: From the position that I have just described. If you wish planning permission for a housing development, you will have to design the access, satisfy the authorities that the road network can cope and, if it cannot cope, you might have to invest in upgrading it.

Allan Macdonald: That is correct.

Roy Martin: So the position in which you find yourself at Riverbank is no different in principle from that of any other development.

Allan Macdonald: Not in principle.

Roy Martin: Ms Whitworth has explained why there would be no specification in the bill—if it were passed—of the technical design of the level-crossing. Does that reassure you that no concluded situation would arise if the bill were passed, because the detailed design has yet to be finalised and that detailed design will take into account all the material circumstances, including the possibility of planning permission on your site?

Allan Macdonald: If the detailed design were to include the possibility of planning consent on the site, I would be reassured.

Roy Martin: You do not suggest that that is a matter on which the committee can decide.

Allan Macdonald: No.

David Mundell: I have some questions, but I am not clear about how topics have been allocated to the witnesses. I will put my questions to Mr Macdonald, but he should advise me if other witnesses in the group are better placed to answer them.

Mr Macdonald, paragraph 4 of your submission SAK/S2/04/5/9 describes certain development intentions. Will you clarify the status of the land involved in terms of the adopted local plan and any outstanding or proposed planning application?

Allan Macdonald: My colleague Mr Gaul, who is our design director and the architect who has been dealing with the planning application, might be better placed to answer your question.

Iain Gaul (Taylor Woodrow Developments Ltd): As you have probably heard, our planning application—

The Convener: Mr Gaul, I beg your pardon for interrupting you just before you launch into your answer, but perhaps Mr Martin and Mr Macleod should interrogate the witnesses before Mr Mundell asks his questions.

David Mundell: Fine.

The Convener: Mr Gaul has been forewarned of one question. Mr Macleod, do you have any further questions for Mr Macdonald?

Ewan Macleod: No.

The Convener: As there are no further questions, I thank Mr Macdonald for giving evidence.

Mr Macleod, do you have questions for Mr Gaul?

Ewan Macleod: No.

The Convener: Mr Martin, do you have questions for Mr Gaul?

Roy Martin: Yes. Good afternoon, Mr Gaul. On what matters will you and the remaining two gentlemen give evidence? I do not want to take up the committee's time by duplicating matters.

Iain Gaul: We are here in case there are any questions about the planning issue.

Roy Martin: Are you the person to whom Mr Mundell and I should put questions on planning issues?

Iain Gaul: Yes, in relation to the Causewayhead site.

Roy Martin: I hesitate to steal a committee member's thunder, but I was going to ask—

The Convener: Imitation is the sincerest form of flattery, Mr Martin.

Roy Martin: What is the status of the site in the current Stirling local plan?

Iain Gaul: The site is currently used as a scrapyard. I understand that the site was not zoned for housing within the plan, but we have been in consultation with the planning department for about three years and the principle of a housing development is acceptable to the department. Indeed, in December 2002, we submitted a detailed planning application, which is on-going and has reached a stage at which our design is acceptable to the planning department. Only the transport issues remain to be resolved.

Roy Martin: If we consider the structure and local plans, do you agree that there is a relationship between the development, the granting of planning permission in relation to any site and the possible effect of that site on the Stirling-Alloa-Kincardine railway reconstruction?

Iain Gaul: I agree, but the timing is the problem. We have been engaged in discussions about the site for about three years. The problem with the recent discussions about the railway is precisely that they have been recent. We fully expected to receive planning consent without the transportation issues arising at this late stage.

Roy Martin: I understand. Will you look at page 49 of the Clackmannanshire and Stirling structure plan? I hope that the plan was circulated in advance, because I indicated that I would ask the witness to consider it.

Iain Gaul: I am sorry, but I do not have that document.

Roy Martin: I apologise. I asked for copies to be given to committee members but perhaps the witnesses do not have them. Perhaps I should say that I will also ask Mr Gaul to consider page 70 of the Stirling Council local plan.

Ewan Macleod: It would be helpful if I could also have copies of both documents.

The Convener: We will take a short break.

16:45

Meeting suspended.

16:48

On resuming—

The Convener: Mr Martin, would you care to proceed with your questioning of Mr Gaul?

Roy Martin: Thank you, sir. Mr Gaul, do you have page 49 of the "Clackmannanshire and Stirling Structure Plan" in front of you?

Iain Gaul: It is not marked "page 49", but I presume that that is the page that is in front of me.

Roy Martin: In a box on the left-hand side, it has the words "Proposal TRP1". I am afraid that the copy is not very good, but it is as good as we can get it.

Iain Gaul: I have the page in front of me, thank you.

Roy Martin: Can you see "Proposal TRP1: "Strategic Transport Infrastructure"? The plan refers to the councils in the plural because, of course, it was produced by Clackmannanshire Council and Stirling Council. Under point 2, it says that the councils will

"Support the re-opening of the Stirling-Alloa-Kincardine rail route and stations; safeguarding of rail routes which would support the development of rail freight opportunities; and investigations into the feasibility of additional rail halts to serve Plan's development strategy."

I ask you to keep the page in front of you for a moment. Do you have page 70 of Stirling Council's local plan, which—I hope—is the other document that was photocopied and handed to you?

Iain Gaul: Yes.

Roy Martin: Towards the top of the page, in a paragraph that is numbered 6.8, you will see a policy that is referred to as "POL.T2". The paragraph says:

"In order to safeguard strategic opportunities for development of roads and other transport routes, terminal and interchange facilities, the Council will not permit permanent developments affecting such routes or sites."

Of course, that applies only in the Stirling Council area.

Without wanting in any sense to trespass on the committee's strictures or ask about planning merits in general, can we agree that it would be legitimate, in terms of the two councils' structure plan and Stirling Council's local plan, for Stirling Council to consider the refusal of an application for planning permission that might prejudice the re-establishment of the Stirling-Alloa-Kincardine—or Dunfermline—rail route?

Iain Gaul: Yes, I agree with that. Our discussions with the planning department indicated that they view the Causewayhead site as a brownfield site. As such, it is viewed as a development windfall opportunity for the council. During our discussions, even before the bill came into being, the reopening of the railway was always recognised as a possibility. We have taken it into consideration in our design.

Roy Martin: Thank you, sir. I have no further questions.

The Convener: Mr Macleod, do you have any follow-up questions for Mr Gaul?

Ewan Macleod: No, sir. I do not.

The Convener: As there are no further questions for Mr Gaul, I thank him for giving evidence. Mr Macleod, do you have any questions for Mr Steven?

Ewan Macleod: No, sir. I do not. However, I would like to clarify for the committee's benefit that Mr Steven is the regional engineer for Taylor Woodrow. He is here to address any detailed issues in respect of the contamination of the site or to clarify any infrastructure matters that the committee might want to address. With that explanation, I am happy for questions to be asked of him.

The Convener: Thank you. Mr Martin, do you have any questions for Mr Steven?

Roy Martin: Thank you, sir, but I have no questions.

The Convener: Right. Mr Macleod, do you have any questions at this stage?

Ewan Macleod: I have no questions at this stage, sir.

The Convener: Okay. I thank Mr Steven. You may be giving evidence a little later on, Mr Steven. Mr Macleod, do you have any questions for Mr McDermott?

Ewan Macleod: No, sir. I do not. Bearing in mind the convener's introductory remarks about the demerits of the site in respect of the planning application, I do not intend to ask Mr McDermott any questions. Again for the committee's benefit, I would like to clarify that Mr McDermott is the master and factor of the Cowane's Hospital Trust. I am sure that he would be happy to explain the role that that organisation fulfils and the impact that non-development of the site would have on the aims of the organisation.

The Convener: Thank you. Mr Martin, do you have any questions for Mr McDermott?

Roy Martin: Thank you, sir. I have no questions.

The Convener: Mr Mundell, do you have any questions at this stage?

David Mundell: Thank you, convener. I will proceed on the basis that the first question that I was going to ask has been eloquently put and answered. I will move on to my second question.

I have read paragraph 13 of Tara Whitworth's precognition in document SAK/S2/04/5/12 and the objector's statement of evidence in document SAK/S2/04/5/9, and it seems clear that there were no surprises so far as the objector was concerned in terms of the closure of the Causewayhead level-crossing. I ask panel members whether they agree that that is the case.

The Convener: Any of the gentlemen can answer.

Iain Gaul: During our discussions, the closure of the Causewayhead level-crossing was always on the cards. No other solution was ever discussed.

David Mundell: Thank you. I refer you to paragraph 7 of document SAK/S2/04/5/9. With regard to the Waterside level-crossing, on what basis is it said that the upgrading of the crossing will not allow for the development of the site, as is discussed in paragraph 4 of the same document?

Iain Gaul: I am sorry—could you repeat the question?

David Mundell: The first sentence in paragraph 7 of your statement says:

“It would now appear that the Bill Promoter does not believe that the upgrading of Waterside level-crossing as proposed by the Bill will allow for the development of the site.”

On what basis do you make that statement?

Iain Gaul: We received correspondence from the planning department, which states that that level-crossing must be upgraded.

David Mundell: By upgraded, do you mean beyond the upgrading to CCTV?

Iain Gaul: Yes.

David Steven (Taylor Woodrow Developments Ltd): We mean upgrading the level-crossing from AHB to CCTV, so there is a change in the cost from £400,000 to £1.6 million.

Iain Gaul: Without that upgrading we will not get planning consent.

David Mundell: Yes. However, I am afraid that I am a little confused, because you seem to say in your statement that the upgrading to CCTV would not be sufficient. Is that what you are saying?

Iain Gaul: My understanding is that if the level-crossing is upgraded to CCTV, the council will grant planning consent, but an additional expense is involved.

David Mundell: However, that is not the upgrading to the full barrier that was being discussed earlier by Mr Macleod.

Iain Gaul: Yes, it is.

David Mundell: Okay. I am still confused, but perhaps reading the evidence that has been given will shed some light on the matter.

Does anything that you have heard today about the upgrading of the level-crossing alter in any way the evidence that you have given in SAK/S2/04/5/9?

Iain Gaul: The problem will perhaps now be one of delay. If we do not know what type of level-crossing will be required, the contribution amount cannot be determined, which may impact on the granting of planning consent.

David Mundell: Overall, the committee, in looking at your objection in the light of today's evidence, wishes to be clear about what it is that you now seek. You must appreciate that the committee cannot become involved in the local planning determination; that has been made clear today. Are your objections really matters for discussion in the context of compensation rather than in the context of the content of the bill?

Iain Gaul: I am not sure that I could answer that question, to be honest.

David Mundell: In simpler terms, is there anything specifically that you are looking for the committee to do to the bill in relation to your objection?

Iain Gaul: Ideally, we want the committee to recognise the traffic figures that we consider are correct. We also want the level of contribution that is requested from us as applicants for the Causewayhead site to accord with those figures.

David Mundell: We will note that. However, I am sure that you heard evidence previously that the nature of the level-crossing will not be covered in the bill.

Iain Gaul: Yes.

David Mundell: It will therefore not be a matter that we will determine.

17:00

The Convener: Mr Macleod, do you have any further questions?

Ewan Macleod: I have one point of clarification. Mr Gaul, you were referred to paragraph 7 of paper SAK/S2/04/5/9, the first sentence of which refers to the upgrading of the Waterside level-crossing, as proposed by the bill. Do you recollect the evidence that Ms Whitworth gave on the promoter's current intentions with regard to the upgrade of that level-crossing?

Iain Gaul: My understanding was that the upgrading was to be considered at some later date, after a detailed design had been considered.

Ewan Macleod: Yes, but what is your understanding of the promoter's intentions at this stage?

Iain Gaul: A half barrier.

Ewan Macleod: So the reference in the first sentence of paragraph 7 is to a half barrier, as opposed to upgrading the crossing to CCTV status.

Iain Gaul: Yes.

Ewan Macleod: Thank you. I have no further questions.

The Convener: Thank you, Mr Macleod. I thank all the gentlemen for giving evidence or for being available for questions.

That concludes the questions for group 12. I will give Mr Macleod up to five minutes to make any closing remarks that he might have in relation to group 12.

Ewan Macleod: Thank you, sir.

The environmental statement that accompanied the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill should have fully assessed Kerr's scrapyards site, about which we have heard evidence today. It assessed the impact of the bill in some respects, but not in others. Most significantly, there is no assessment of the impact on the viability of the site's redevelopment. If the site cannot be developed, there will be losses in respect of the ability to decontaminate the site and social costs arising from the lack of affordable housing and particular-needs housing.

However, leaving aside the development of the site for housing, the Waterside level-crossing needs to be upgraded. An automatic half barrier is the starting point, but the Arthur D Little report, which was commissioned on behalf of the promoter, concludes that an automatic half barrier is not likely to be sufficient. The report assesses traffic levels at a level that is below those that are set out in the environmental statement. The environmental statement is a more robust document from the point of view of existing and projected traffic. The Arthur D Little report is inconsistent in its use of train number figures. On any view, the traffic moment is far higher than that which is set out in the report—in fact, it could be as high as 86,000 vehicles. That being the case, the risks are greater and the promoter should be required to address those safety risks through the bill.

We have heard this afternoon that the promoter does not intend to upgrade the level-crossing beyond an automatic half barrier at this stage, but the evidence demonstrates that it should do so. In such circumstances, I ask the committee to note in the bill a minimum level to which the Waterside level-crossing should be upgraded.

The Convener: Thank you, Mr Macleod. That concludes the evidence for group 12.

We were going to move on to groups 13 and 17, but those groups have withdrawn; therefore, we will now move on to group 3. I would like to say something briefly about groups 3 and 5 for the *Official Report*. Representatives of Clackmannan community council and Broomknowe Drive residents have decided not to give oral evidence and the promoter has also declined the opportunity to do so. The committee will therefore consider the written evidence that has been put forward by the parties in relation to both groups.

I intend that the committee should take a break of around a couple of minutes to allow Mr Martin to collect his thoughts prior to his summing up, which will last for a maximum of half an hour.

17:04

Meeting suspended.

17:09

On resuming—

The Convener: At the start of the meeting, I said that the promoter would make closing comments on all the groups, following the conclusion of evidence taking on the last group. I therefore invite Roy Martin to make his closing remarks on behalf of the promoter—you have up to 30 minutes.

Roy Martin: Thank you very much indeed. At this stage of the proceedings, I will not, on the promoter's behalf, labour any of the detailed issues that arise from particular objections. The committee has heard evidence over the past three meetings, and I have been privileged to be present at two of those. The committee also has the *Official Report* for the previous days and will have one for today. I hope to be able to assist the committee in highlighting a number of issues that, I suggest, support the promoter's objectives and should allow the bill to pass the consideration stage.

I will divide my submission into two general headings. First, I will deal with alternative routes, which are important in a number of respects. I hope to assist the committee on that. Secondly, I will deal with a number of other issues, perhaps under the general heading of consequences of the works. My general remarks on alternative routes will address the routes that have been suggested for the railway and for the Alloa eastern link road. I will come to the details of those later, but the generalities of what I am about to say apply to all alternative routes.

My first submission is that the basis of the bill and the powers that it seeks is, as the long title says,

"the reconstruction of a railway from Stirling to Kincardine".

Ladies and gentlemen, the word is "reconstruction" and, without being unduly literal about that, it is clearly consistent with all the evidence that the committee has heard. The promoter's intention has all along been to investigate, and thereafter to promote, the reopening of the former railway between Stirling and Kincardine—that is, its reconstruction. At various points in his evidence, Mr Reid explained the background to that, and that reopening and reusing the existing route was always what was being considered. That is not to

say that the alternatives that have been suggested are not to be taken seriously and given considerable thought, but the point of the bill is, nevertheless, reconstruction of the former railway.

The Scottish Executive has recently provided—by way of the Scottish transport appraisal guidance, or STAG—the methodology for assessment of the alternatives. The evidence indicates that, in each respect, the alternatives were considered under STAG, particularly on the railway alignments. The point about alternatives is that one will never be able to pick a right one and a wrong one; the question is one of judgment. In the first instance, it is a judgment for the promoter to make and in the second instance it is, perhaps, a judgment for the committee to make. If the promoter has gone through the proper assessment, particularly with reference to STAG, and identified that there is support for the route that it has chosen but that there is less support for alternatives that have been proposed, or that there is reason to reject those alternatives, that is worthy of support.

On the face of it, the reuse of an old railway route for a reconstructed railway will have less impact than the selection of an alternative route. That difference gave rise to a number of the elements on which the committee has heard evidence; for example—at Clackmannan—the alternatives of using the existing route, albeit through housing and close to existing properties, or driving a new route on an embankment through farmland and across a major road. I suggest that on the face of it and applying common sense, the impacts of reconstruction of an existing or former railway are likely to be less than those of constructing an entirely new railway on an entirely new route. I emphasise that I do not make those comments to minimise the consequences for those who will be affected by the reconstruction or its impacts on them, but to emphasise the balance that must be struck in such cases and the balance that has been struck by the promoter.

17:15

I would like to consider the consequences of a decision by the committee to support one of the alternatives that have been put forward. Given that the long title of the bill contains the word “reconstruction”, and given that the route that has been chosen is indicated in the various plans and so on, the promotion of an alternative could not be achieved by a straightforward amendment to the bill. For a new alignment, it would be necessary to seek powers over land that is not currently the subject of the powers that are being sought. As far as the promoter is concerned, that would require going through again all the stages that have led to the presentation of a formed bill for the seeking of such powers.

If an alternative route were selected, I suggest that a bill within a bill would be required. In the first place, there would need to be detailed assessment, appraisal and design of the new route. Secondly, the new alignment would need to go through the environmental impact assessment procedures. The railway would need to go through that because it would be a schedule 1 project. The new alignment of the Alloa eastern link road might be required to go through an environmental impact assessment because it would be a schedule 2 project. It would be necessary to carry out all the consultations and notifications that are required by environmental impact assessment regulations and it would be necessary to go through all the notification, advertisement and other consultation processes that are required for the bill in general.

People who have not had reason to object to the bill because their land would not be affected, and certainly not to be acquired, would have the opportunity to object in principle on the ground that a route through their land was not the best alternative because there would be another possible route; at the very least, there would be the route that was promoted in the first place. In other words, the procedure that would follow would be complicated. I suggest that it would lead to significant delay to a bill whose principles were approved by Parliament after the committee's report at the preliminary stage.

I hope that my comments are not being taken to mean that they should pre-empt the committee's decision; that is not the case. It is vital for the committee to assess all the evidence that it has heard, particularly the merits of the evidence of those who support alternative routes. What I am saying is that, given the amount of inquiry, investigation, notification and so on that has occurred in relation to the chosen route, it is clear that a finding by the committee that an alternative might be preferable could be merely that. It would mean that the bill would be held up while a new route was investigated and ultimately, if appropriate, promoted.

The promoter understands clearly how strongly the many objectors feel. Their feelings are, of course, entirely understandable; however, at the end of the day, the project, like any other public project that involves impacts one way or the other, will have an effect on somebody. Regrettable though that is, it is a consequence of policies that promote the use of public transport and the reopening of railways—those things, unfortunately, bring forward the possibility that there will be impacts. If the committee is satisfied that the impacts of the chosen routes are acceptable in principle and have been properly investigated, there is no reason to delay the bill by requiring consideration of an alternative.

I turn to planning policy in relation to the alternative routes. For the *Official Report*, I will give a number of references to the elements of the development plan that have, historically, supported the proposed alignment.

In so far as the Clackmannan area is concerned, there is: the Alloa local plan from 1986, which is policy T3; there is the 1994 adopted Clackmannanshire local plan, which is policy INF1; and there is the identification in the infrastructure section of sites 13, 16, 38 and 56. There is, in the finalised Clackmannan local plan—about which we have heard something—which has been the subject of a local plan inquiry and which, as Ms Hamilton explained, it was anticipated might well be adopted in the course of this summer, there is policy INF1 and the allocations in infrastructure sites of items 4, 7, 8, 14, 15, 18, 21 and 34, including the promotion of stations at Alloa and, if possible, at Clackmannan. All those, in the series of local plans in Clackmannanshire, support the identification of the routes that have been chosen. The same is the case in relation to the Kincardine and Fife local plans, about which you heard last week. There is also support in the relevant structure plans. I have just cross-examined one of the gentlemen in respect of the Taylor Woodrow objection to the structure plan in Clackmannan and Stirling—policy TRP1—and the Stirling local plan, which I will mention again soon.

In my submission, the reopening or reconstruction of the line—which is the promoter's choice and which has been the subject of so much evidence before the committee—is entirely consistent with the development plan process over a period approaching 20 years. However, the issue of the traffic on the route and whether it is to be reopened for freight or passengers bears some examination. The original Alloa local plan allocation tended to emphasise passenger transport; however, latterly, the local plan and the structure plan refer to at least safeguarding of the line and thus, ultimately, the reopening of the line for freight.

I ask you to bear in mind the evidence that you have heard about the reasons why freight transport has become more important. I will not rehearse anything that was said at the preliminary stage about the benefits of the line for freight use, in particular in relation to Longannet. Nevertheless, I emphasise the fact that one of those who appeared in support of an objector—Mr Martin O'Neill MP—fairly acknowledged that part of the reason why the freight requirement is perhaps greater than it might formerly have been is the unfortunate reality of the closure of the deep coal mine at Longannet, which has meant that much more coal for the Longannet power station requires to be brought in from the west of Scotland.

I submit that the chosen route has the support of the development plan, that both freight and passenger transport have the support of the development plan, and that there are specific reasons why freight transport is now of such importance.

I turn to the alternatives, without wishing to labour the evidence that the committee has already heard. The first option is the alternative at Clackmannan—I refer to the documents that the committee has received. The route would have to go over open land and then linked to the former Oakley route with the present footpath and bicycle track. It would pass over farmland. There was some debate about demolition of a chimney, which is either a local landmark or something that people do not think very much of, depending on which evidence you accept. There was also the issue of the need for a bridge over the A907. Clearly those are, in short form, the particular issues that would arise in Clackmannan. The final issue is the additional cost. That was, I submit, a significant part of the assessment that was done, which you have available to you under STAG 1 and which led to that alternative being considered but not taken further.

I hope that the committee will forgive me if I deal briefly with the Bogside alignment, because it raises the same points of principle. That would go by a significantly longer route, coming out of the Longannet complex the other way and eventually meeting up again with the Oakley line. Depending on which evidence you accept, it would add extra costs of something in the order of £30 million to £40 million up to more than £200 million. Although I did not hear him give evidence last week, I think that even Mr Bisset seemed to suggest that expenditure of £50 million would be justified. In my respectful submission, in a cost-benefit analysis, that would be a reason for not choosing that alternative.

Thirdly, the Kincardine alternative raises similar issues in a slightly different form. There is, of course, no power over the land at Kincardine that would justify such an alternative, so the amendment procedure would be as I have described it. However, there is the additional issue of the existing operational railway land at Kincardine. The bill would need to seek powers to somehow stop up, close or suspend permanently the existing railway route at Kincardine. That is an additional factor that would have to be built in procedurally to any amendment of the bill to that effect. I submit that that is another reason why, in relation to the Kincardine alternative, the matter is particularly difficult.

The committee now has before it a paper on the positioning of pylons, which I know from the evidence that was heard last week is a factor that

could give rise to significant costs, thereby further justifying the rejection of the Kincardine alternative as a possibility.

Again I emphasise that in each of the cases that I have talked about, there are undoubtedly amenity benefits for some people. I submit, however, that at the end of the day the balance is significantly in favour of the proposed route.

The last option is what might be called the alternative Alloa eastern link road. Only Diageo pursued an objection to that at the meeting on 8 March. You will recall that there was a choice between only three routes. However, Mr West's objection to the Whins Road route—which related to the physical difficulties that would be involved in either lowering the road or raising the railway bridge—could not be overcome.

It was explained that the second option, which was to drive a slightly more curved route to the west of Diageo and to the east of the houses in Hilton Road, would be impossible because of curvature requirements and so on. That means that the only realistic option would be what has been termed the alternative Alloa eastern link road, which would be significantly to the east and would connect the A907 to the A908 further north by means of a roundabout or junction on Carsebridge Road. I will not go into the details—you have them in a paper that was made available following the proceedings on 8 March. Again, that option ought to be rejected. The issue is not one of amenity; rather, it is one of the expense to Diageo. In principle, of course, that is a matter for compensation. However, for all the reasons that have been outlined, one should not take up time investigating that alternative further.

The evidence of Mr Craig has a bearing on the alignment that was chosen for the Alloa eastern link road. I do not think that he was suggesting an alternative, but he was clearly concerned about amenity implications, safety and so on. However genuine his concerns are, a sufficient issue does not arise by virtue of the proximity of the Alloa eastern link road to his garden to suggest that that route should be rejected. Of course, I have already said that the Alloa eastern link road, like the railway, has been significantly supported over the years in the structure and local plans.

I am conscious of the time, so I shall deal only briefly with the consequences of the works. The first issue that I will deal with relates to the environmental statement. I will not labour the evidence, but I remind the committee that the evidence, particularly that from Mr Reid, is that the assessment is a worst-case assessment. We have heard a great deal about the volume of railway traffic and, to some extent, the volume of road traffic and it has been quite clear that that has been based on a worst-case scenario. Mr Reid

told us today that, taking into account the pathways, no more trains could be accommodated during the working day. I use the term “the working day” without contention; I am talking about the daylight period. Clearly, if trains were to run during the night, the impact would be increased.

However, I believe that it is reasonable to proceed on the basis that trains will not run at night. There are two obvious reasons for that. First, I know that there is to be clarification of whether there will be a train between 23:00 and midnight but, in general, passenger trains do not run anywhere between about midnight and 6 or 7 o'clock in the morning. Secondly, given that the principal use of the freight line will be for coal for Longannet, the closure of the Longannet signal box suggests that there are no implications in respect of the power station and that the assessment is soundly based. I hope that members will forgive me: that issue was touched on at the preliminary stage.

17:30

As Mr Reid explained in the paper on railway processes, it is not possible for the promoter of the bill to regulate railway operations. However, as with every other form of activity—whether it be road traffic or pedestrian movements—people who are engaged in projects are entitled to make reasonable assumptions. It is reasonable to suggest a worst-case scenario as a reality, even if that involves making a number of assumptions.

The second issue as a consequence of the works is human rights. I mention that briefly so that it is not overlooked. The committee and Parliament have approved the general principles of the bill at the preliminary stage. The committee has heard evidence that, in the case of any individual interest that has been affected, the principles of the Human Rights Act 1998 and the European convention on human rights have been taken into account. I am not sure that there has been any suggestion otherwise.

The next issue is that of mitigation when considering impacts generally. There are a number of general matters that the committee can take into account—I will deal with specific points in a moment. The promoter has agreed that there should be pre-construction surveys so that those who will be immediately affected have a baseline against which a judgment can be made. There will be the opportunity to refine designs—at this stage, we are discussing principles. From the evidence that has been taken, it is clear that the detailed designs of noise barriers, measures for dealing with vibration in the track and so on will be refined.

Members may pay particular attention to the evidence that has been given today that the

promoter and their representatives will do everything that they can to accommodate and deal with issues that are raised by individual objectors, especially those who are in the position of Mr and Mrs Brewerton, who may be affected significantly. The promoter will follow the best standards in the code of construction practice and will monitor the effects of the project for a year. At the previous meeting, there was a debate about whether monitoring should take place for a year or longer. I suggest that that judgment that has been made is entirely reasonable.

I will finish by dealing with a number of specific points. The issue of noise and vibration is perhaps one of the most critical as far as operation is concerned. I emphasise the evidence that was given today by Mr Coventry, Mr Maneylaws and Mr Reid that, in general, the assessment of noise has been based on the effect of a type of locomotive—the class 60 locomotive—for which there is good background research material. The more modern locomotive is likely to be slightly quieter. Again, we are dealing with a worst-case assessment: if there are fewer trains, noise will be reduced significantly.

As regards design, members have received evidence on the location of noise attenuation barriers. We heard from Mr and Mrs Brewerton on that issue. The promoter will take into account a number of very sophisticated design principles, such as reflection.

The committee has received evidence—although not oral evidence—on how in the ballasting, design and layout of the track, steps can be taken to minimise vibration. Again, that is a matter of detailed design. It is undoubtedly the case that noise and vibration are very important in a project such as this and that they are of critical importance to those whom the project will affect. The promoter has demonstrated in the evidence and in the way in which their witnesses have responded to objectors that, in preparation for the scheme, all reasonable steps have been taken to minimise the impacts of noise and vibration. In due course, such steps will be taken when implementing the project.

The issue of safety was raised particularly on the first day. The evidence—I know that the committee also received some at the preliminary stage—is that there is no particular safety issue in respect of the line. Hypothetically, any form of transport infrastructure gives rise to potential risks to safety; nothing is without risk. In this case you have heard nothing—about the design of the line, where it goes, how it is situated and how it would operate—that suggests that it is potentially any more dangerous, or presents any more risk to safety, than any other line. The line would, of course, be subject to detailed approval by HM

railway inspectorate; I submit that there is no reason to refuse to grant such approval. HMRI would deal particularly with safety at level-crossings. I will deal in a moment with one particular level-crossing, but in principle, level-crossings are under HMRI's control.

Coal dust has been the subject of evidence. I refer to what was said earlier today: with the modern, permanent crown-type wagon, coal dust is minimised. There is also evidence that suggests that if the trains are full travelling from Hunterston to Longannet, by the time they get to Alloa or Clackmannan any dust that results from eddies or whatever will be minimised because the train will have by that point made a significant journey. I think that that was pointed out in Mr Bisset's evidence or cross-examination. The most modern type of wagons would be used.

I turn to loss of property value, on which we heard the evidence of Mrs Gorlov again today. Compensation is no reason to refuse to grant the powers in the bill, but it is obviously important to people such as Mr and Mrs Brewerton. I submit that you should be satisfied from the evidence that the promoter has properly taken into account the points about compensation and that compensation procedures will apply. It is understandable that Mrs Brewerton is anxious about the delays and the uncertainties around the Lands Tribunal and the question whether she needs a lawyer. Those are perfectly understandable concerns, but they are a regrettable but inevitable consequence of any project of this sort. I submit that the promoter has demonstrated that it has done everything that it can.

I turn to the loss of development value, particularly regarding the Taylor Woodrow site, in respect of which I will not labour the point in any detail. As became clear in evidence, inhibition on development will depend on the technical specification of the level-crossing that is chosen, which has not been decided and will not be regulated one way or the other by the bill. That specification will be decided in due course and will have regard to the road infrastructure, traffic characteristics and trip generation. Without going into the development's merits, it is of course fair to say that the development is yet to receive planning permission.

When I cross-examined Mr Gaul, we heard that there are in the structure plan for Stirling and Clackmannan and in the Stirling local plan policies that could justify refusal of planning permission for the development, because the railway scheme is seen as having priority. Let us hope that that does not happen, because the promoter has no reason to inhibit the development of any site. However, the committee should certainly not refuse to grant the powers of the bill on that basis. It is worth

noting that, as Ms Whitworth indicates in paragraph 8 of SAK/S2/04/5/12, the existing line at Waterside is operational railway land and therefore even if the bill did not exist, given that it would be necessary to cross operational railway land, the requirements of HMRI and Network Rail would still need to be taken into account. The issue does not arise simply because of the bill. Of course, it is ultimately a matter for consideration of compensation.

In conclusion, I submit respectfully that—as I am sure the committee will acknowledge—the bill is very important. It is the first significant transport bill in Scotland since devolution. It has given rise to a number of novelties and innovations in procedure, which—I say this as someone who has been involved only in the latter stages—seem to have provided an opportunity for all to participate properly. It will result in improvements for passengers in Alloa and in crossing the Forth bridge, because of the improved paths. It will also result in improvements in freight which, as a matter of principle, has already been found in the bill.

The question is whether any of the objections or all the objections taken together provide sufficient reason either to refuse the bill or to delay it because of the need for significant amendments, as I explained. However significant the objections may have been and however well they were presented, they have not raised either individually or cumulatively considerations that ought to result in the bill falling or being delayed. The committee should therefore report to Parliament that the bill may proceed beyond the consideration stage. I conclude—I hope almost exactly on 30 minutes—by thanking the committee on behalf of my clients for its patience and courtesy during the course of the proceedings generally, and while I have been involved.

The Convener: You finished exactly on 30 minutes. Thank you for your closing remarks on behalf of the promoter. I thank all the witnesses and their representatives for their attendance and contribution not just today, but during the past two Mondays. The committee appreciates everyone's efforts. We will now consider carefully all the evidence before we publish our report, giving our decisions on the objections that have been considered. The report might mention areas in which the committee expects the bill to be amended during the second phase of the consideration stage. I thank all the staff here at Alloa town hall, who have looked after us these past few months while we have been meeting here—we are grateful to you all for your help.

17:41

Meeting continued in private until 17:57.

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