

# **EDINBURGH TRAM (LINE ONE) BILL COMMITTEE**

Tuesday 28 September 2004

Session 2

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## **EDINBURGH TRAM (LINE ONE) BILL COMMITTEE** **†5<sup>th</sup> Meeting 2004, Session 2**

### **CONVENER**

\*Jackie Baillie (Dumbarton) (Lab)

### **DEPUTY CONVENER**

\*Phil Gallie (South of Scotland) (Con)

### **COMMITTEE MEMBERS**

Dr Sylvia Jackson (Stirling) (Lab)

Michael Matheson (Central Scotland) (SNP)

\*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

\*attended

### **THE FOLLOWING ALSO ATTENDED:**

Paul Freeborn (Casella Stanger)

John Houghton (Bond Pearce)

Dr Richard Maggs (Casella Stanger)

### **CLERKS TO THE COMMITTEE**

Jane Sutherland

Callum Thomson

### **LOCATION**

Committee Room 1

**† 4<sup>th</sup> Meeting 2004, Session 2—joint meeting with Edinburgh Tram (Line Two) Bill Committee.**



## Scottish Parliament

### Edinburgh Tram (Line One) Bill Committee

*Tuesday 28 September 2004*

[THE CONVENER opened the meeting at 10:35]

### Edinburgh Tram (Line One) Bill: Preliminary Stage

**The Convener (Jackie Baillie):** I welcome everybody to the fifth meeting of the Edinburgh Tram (Line One) Bill Committee. We have apologies from Sylvia Jackson, who is convening the Subordinate Legislation Committee meeting, and from Michael Matheson, who hopes to join us later.

Agenda item 1 is preliminary consideration of objection 72, which was lodged by Derek O'Carroll. Members will remember from last week's meeting that, under standing orders, we are required to give preliminary consideration to all admissible objections. In other words, we must be satisfied that each objection is based on a reasonable claim that the bill would adversely affect the objector's interests. If we are not so satisfied, we must reject the objection.

Members thought that they had dealt with all the objections, but objection 72 was missed off the table at paragraph 27 of last Wednesday's briefing paper and that is why it is before you today. Mr O'Carroll has objected both to the whole bill and to specified provisions of the bill. We agreed previously that objections to specified provisions demonstrated reasonable claims of a clear adverse effect and that such objections would automatically go on to the consideration stage.

Members are invited to consider the whole-bill element of Mr O'Carroll's objection, which is on the issue of project cost. Members will remember that the committee agreed that, in general, objections based on project cost did not demonstrate a reasonable claim that objectors' interests would be clearly adversely affected. However, is there anything in objection 72 by way of special circumstances to make us depart from that general view?

**Phil Gallie (South of Scotland) (Con):** It seems to me that all Mr O'Carroll's points are worthy of investigation, but that that will come at the next stage. My understanding is that the committee's purpose is to consider the kind of issues that Mr O'Carroll has raised. However, I believe that they will get due consideration as we go along the line.

**The Convener:** They will indeed. I take it that members agree that the whole-bill part of objection 72, which is on the cost of the project, does not demonstrate a clear adverse effect. Is that agreed?

**Members indicated agreement.**

**The Convener:** Agenda item 2 is our approach to consideration of the bill's general principles. Members will see from the briefing paper that we are asked to agree to seek and consider written evidence on the bill's general principles. That is one of the committee's three main functions at the preliminary stage. In other words, we are asked to take a view on whether the proposal for a circular tramline linking St Andrew's Square, Leith, Granton and Haymarket is a sensible policy to pursue.

Those who have had the relevant files slightly longer may find that there is more detailed information on both the objections and the general principles in chapter 3 of the updated preliminary financial case. We will, of course, be looking at that later on in the agenda.

The recommendation in the briefing paper asks us to consider annexes 1 and 2. Annex 1 has general questions on the bill's general principles that it is proposed we send to the promoter. Annex 2 lists witnesses from whom we may wish to take written evidence. I will take the issues separately because I know that members have additional questions that they want to put. We will deal with annex 1 first. Are there any other questions that you feel might be useful to ask the promoter?

**Phil Gallie:** I have a little bit of a list. First, I would be interested to know what Transport Initiatives Edinburgh has done with respect to the past performance of a tram system in Edinburgh. I would like to know whether TIE has looked back at why the tramlines were stripped out, what advantages they had and what it feels has been lost. Is it just the case that that was another age, that things have moved on and that much-improved systems are available today?

Another aspect that I want to know about, although I suspect that it is covered to a degree in the environmental statement, is how much construction work will take place at night. Because of the possibility of considerable traffic disruption, the obvious answer will be to do a lot of work at night, which could well disturb residents who live alongside the works. I want to know what investigation there will be into that. I understand that the noise and vibration issues are well covered in the documents, but the effect of noise and vibration at night is of particular interest.

I accept that the trams will lead to a localised improvement in air quality, but I wonder about wider issues, given that the system will be

dependent on electricity generation. We all know about the targets for renewable energy generation, but to my mind they are quite illogical in many respects. I wonder whether the reliability of the supply has been considered. I would like to think that those who did the calculations on air quality considered the impact nationally as well as locally in order to find out what the impact will be of the additional burden on the electricity supply industry or generation network.

Somewhere along the line, I want to know what consideration has been given to the points that were raised in the National Audit Office report, which was helpful. I am not sure whether this is the right stage to raise the issue—perhaps the matter should be considered with the financial aspects—but we should ask TIE about that in the first instance.

I referred to traffic management when I mentioned my suspicions about construction work being done at night. A detailed look at traffic management intentions should be carried out at this early stage because clear thoughts are needed on that.

Finally, I would be interested in comments on the environmental impact in relation to wildlife. I understand that wildlife can be found even in the city—and I do not mean the kind that one sees around Rose Street bars.

**The Convener:** I would not know anything about that, but do not enlighten me at this stage.

If I have captured the matter right, you want six further issues to be raised. I will deal with all of them. You are right that we should ask about the past performance of trams in Edinburgh and elsewhere. That would be a useful question to include.

I am open to suggestions, but my inclination on the issues of construction work at night, air quality and wildlife is that we could pick them up in the third strand of our work, which is the consideration of the environmental issues, rather than include them in the questions on the general principles. I am in members' hands on that. The critical point is that we cover the issues.

Question 10 deals with the updated preliminary financial case and the information that we received from the National Audit Office about private finance initiative/public-private partnership funding. Does that cover your concerns on that matter, or do you want to ask something more than that?

**Phil Gallie:** A specific reference to the National Audit Office report would be useful and would help to tease out the issues.

**The Convener:** Let us include that. Members were struck by some of the evidence from the National Audit Office.

The only point that I have not yet mentioned is the one on traffic management. Are members happy that we raise that issue as part of our consideration of the general principles?

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Are you referring to the issue of how the tram system will co-ordinate with buses, taxis and so on? There is a question in the paper on that issue. Is that what you are referring to?

**The Convener:** The issue goes beyond those raised in the paper. Question 4 mentions integration with the current bus network and question 5 is about the impact of the tramline on traffic congestion. However, a general question about traffic management would be useful and could be accommodated.

I have a suggestion, although the clerks will probably tell me that this is the wrong stage at which to raise the issue. I am interested in why this route was chosen rather than another one and whether variations were considered. I am not sure whether this is the appropriate point to ask that question. I see that one clerk is nodding and the other is shaking his head. I am now totally confused. That would be a useful issue to raise, although we do not necessarily need to raise it in our discussion of the general principles.

10:45

**Phil Gallie:** I think that it is a very good question and that we would be remiss not to ask it.

**The Convener:** So do I. The clerks inform me that I cannot ask the question in our discussion of the general principles, but that I can ask it at the consideration stage, which is helpful to know.

**Phil Gallie:** Sorry, convener, but I would like that point to be explained further because the question is a basic one. Could the legal minds advise?

**Callum Thomson (Clerk):** In considering the general principles of the bill at the preliminary stage, the committee must decide whether the general route that the convener outlined—linking the city centre with Leith, Granton and Haymarket—is a sensible policy. However, the consideration stage, when the committee will consider the detail of the objections, is the appropriate stage at which to consider whether the exact route that the promoter has proposed is the correct one. At that point, it will be appropriate for the committee to consider, say, the merits of the Roseburn corridor vis-à-vis the alternative route, which may be a more direct link with the Western general hospital.

**The Convener:** So, during our consideration of the general principles, we could ask why the four

general areas in the route have been chosen and then consider the detail of specific areas at the consideration stage. We can have our cake and eat it.

**Callum Thomson:** Indeed.

**The Convener:** Excellent—I like that. Shall we do that, gentlemen?

**Members indicated agreement.**

**The Convener:** Do members have any additional questions that they would like to be included?

**Phil Gallie:** Points arose during the pre-meeting session. Will our advisers be commenting during the meeting?

**The Convener:** They will do so under agenda item 3.

**Phil Gallie:** Will we have a chance to raise issues at that point?

**The Convener:** Absolutely.

Do members agree to ask the questions in annex A1, plus the supplementary questions that we have identified?

**Members indicated agreement.**

**The Convener:** Annex A2 is a list of the witnesses from whom we propose to seek written evidence. At a later date, we will agree on the witnesses from whom we wish to take oral evidence. We are not precluded from taking oral evidence from people who are not on the present list. I invite members to consider the key contributors of written evidence. Should we seek written evidence from anyone else?

**Mr Stone:** Before I make a suggestion, I want to check whether the Mobility and Access Committee for Scotland is concerned with access for disabled people.

**The Convener:** It is.

**Mr Stone:** I remember from the Holyrood project that it is the main organisation in that area.

We have light rail and bus companies, but why do we not have ScotRail, Great North Eastern Railway or Virgin Trains, or representatives of Waverley or Haymarket stations? Those groups may have something to say—I do not know.

Perhaps I misunderstand the purpose of the list, but should we not seek evidence from representatives of cab companies? Cabbies, by definition, are vocal on most topics, not least the Holyrood project, and they may want to say something about the tramline. To take evidence from them might be prudent, to use your hero's expression, convener.

**The Convener:** That sounds reasonable. We shall seek written evidence from ScotRail and a representative of taxi companies, if we can manage that. If those groups do not want to give evidence, that is a matter for them, but it is a good suggestion to seek written evidence from them.

**Mr Stone:** The only problem might be if we have ScotRail but not GNER. I cannot remember who runs in and out of Waverley.

**The Convener:** We will leave it to the clerks to make sure that we have total coverage of all interests.

**Mr Stone:** I think that that might be wise.

**The Convener:** Is that agreed?

**Phil Gallie:** Can we clarify what we are doing at present? The list is made up of companies, associations, businesses and groups such as Friends of the Earth Edinburgh, rather than individuals. We have determined that the individuals with their various objections will come later, at the consideration stage.

**The Convener:** The individuals might come as witnesses at the preliminary stage. We already have two volumes of written evidence from objectors. We agreed on 22 September, and I think that it is worth repeating now, that our intention is to invite some of the objectors to give oral evidence to the committee. All that we are doing at the moment is agreeing to seek additional written evidence from the bodies; we have already done that in relation to the objectors. With that reassurance, do members agree to seek written evidence from the bodies listed in annex A2, with the two additional suggestions?

**Members indicated agreement.**

**The Convener:** We move on to agenda item 3. Members have a copy of the written evidence that has been gathered to date on the adequacy of the accompanying documents to the bill. That evidence relates to the committee's second function at the preliminary stage, which is to consider whether the bill should proceed as a private bill.

I welcome to the committee John Houghton of Bond Pearce, and Paul Freeborn and Dr Richard Maggs of Casella Stanger. As members know, Bond Pearce is acting as general adviser to the committee and has provided comments on the adequacy of the environmental statement, and Casella Stanger was appointed by the committee to undertake a peer review of the chapters of the environmental statement on noise and vibration and on air quality. Members have seen, but will probably not have had an opportunity to read, sections C and D of the evidence folder, which is where the detailed comments are to be found. As I said earlier, the purpose of today's meeting is not

to consider the substance of that. Our purpose today is quite narrow; we are not making decisions on the evidence but considering the adequacy of the documents and asking what further information is required on the environmental statement.

I remind members that we are still awaiting comments from the seven late objectors whose objections we agreed at a previous meeting were admissible, and we will feed those comments into our evidence timetable. We are also yet to receive further information on five items in relation to the environmental statement: information on engineering and associated features, the landscape and habitat management plan, details of noise barriers, a table of residual impacts and an interim report on the habitats regulations. We asked for those items to be provided by the end of September. TIE has indicated that it can provide the first four items by 4 October and the final item by 11 October. I invite John Houghton to expand on the information that is in our papers.

**John Houghton (Bond Pearce):** We started by analysing the environmental statement. The committee raised a number of questions to put to the promoter, and the promoter has responded to them. Our general view is that the responses are full and comprehensive, although the promoter has indicated that further information is required on five areas—that information is important for the purposes of assessing residual impacts in relation to habitats, landscape and noise. In a number of areas the promoter has helped to clarify matters that were raised by the committee.

Information on noise barriers is an important element in assessing the residual impact of noise, even though at this stage it might not be possible to identify the precise design of the barriers. The landscape and habitat management plan will give an indication, at least in principle, of how the landscape and habitats will be restored after the construction work has been completed—that is particularly important in the context of the Roseburn corridor. The table of residual impacts will clarify how the promoter regards the residual impacts overall, across all areas of the environmental statement. There will also be a report on the work that is being carried out for the purposes of the habitats regulations on the impact on bird populations of the tramway along the waterfront.

When that information is received it will be assessed to see how fully it responds to the committee's concerns. Subject to that, it will be useful to go back to the promoter for further clarification on two points. The first point is on the tram depot. In order to assess the residual impact of the depot, more information is needed on the likely construction method, on the overall noise impact when it is in operation and on the

measures that will be put in place to mitigate any significant noise impacts. The likely residual impact can then, in principle, be established. That is an important point, which relates to the overall information that should be provided as part of the environmental assessment exercise.

Secondly, on a point of clarification, it would be helpful to ask the promoter why, at this stage, it does not think that it is appropriate to factor the effects of the CETM proposals into the traffic modelling and transport modelling. According to the answers that have been received so far, the promoter envisages that that will be dealt with at a later stage, but we think that it should clarify why it cannot be dealt with now; it would be helpful to seek that clarification.

**The Convener:** For the benefit of the *Official Report*, will you tell us what CETM stands for?

**John Houghton:** It stands for central Edinburgh traffic management.

**The Convener:** Jamie Stone knew that—I am very impressed. Paul Freeborn dealt with the chapter on noise and vibration and I invite him to enlighten us with the highlights.

**Paul Freeborn (Casella Stanger):** We examined the methods of prediction and assessment and, in our opinion, they are perfectly appropriate for this type of assessment. The impacts have been identified, their significance has been indicated and the assessment appears to be an accurate and fair representation on a technical basis. We think that further information should be supplied in three areas. First, the information that we have states that at this stage it is not known where night working will be required. I understand that there might be a requirement to close roads and work at night, and further information will be needed on that at some stage.

The second issue is line-side barriers to reduce noise from the trams. I understand that noise reduction is dependent on the relationship between the receiver, the source and the barrier. Until the tramline is defined, it is difficult to do proper barrier calculations, so that is a matter for further down the line—excuse the pun.

The third issue is one that John Houghton has already mentioned: the construction and operation of the depot. The information that we have been given is that a preliminary assessment has been carried out. That preliminary assessment identified the fact that there could be substantial and severe impacts. We ought to have more detail to define what those impacts are rather than just a preliminary assessment.

**The Convener:** Thanks very much. I invite Dr Richard Maggs to talk to us about air quality.



11:00

**Dr Richard Maggs (Casella Stanger):** We carried out a peer review of the air quality chapter of the environmental statement. The methodology used was the same as that which was followed to review the chapter on noise and vibration. We looked at the methodology that was used by the promoter in the environmental statement and that was found to be entirely in keeping with both best practice and all issued guidance on transport assessments of this type. The air quality chapter provides a clear statement of its assumptions and uncertainties, in which regard it is transparent in leading us through understanding what the issues are regarding both local and regional air quality impacts—CO<sub>2</sub> emissions, global warming gases, and so on.

I do not expect that the chapter will change significantly to provide any additional clarifications that are required. In line with previous commentary on residual impacts, we should perhaps seek additional clarification from the promoter on the residual impact of any appropriate traffic management measures that may be put in place.

**The Convener:** Thank you. I invite questions from members.

**Phil Gallie:** I want to ask about air quality and the fact that the tramline would be run from the electricity supply system. What details have been given of plans to cover for loss of supply, given the fact that future energy supplies may have a question mark hanging over them? Should we be looking at that?

**Dr Maggs:** I am not entirely sure that that would be covered in the air quality chapter. The air quality chapter considers the impact of increased CO<sub>2</sub> emissions through the need for the additional electricity supply to the tramline. I do not expect that the validity and security of the supply would form part of a technical chapter on air quality impacts.

**Phil Gallie:** I was wondering whether such things as the need for emergency diesel generators have been taken account of.

**Dr Maggs:** The promoter would seek to use a sustainable form of electricity generation. Once the tramline was in place and procurement of electricity was sought, a more sustainable form of electricity supply would be favoured above a non-sustainable one.

**The Convener:** I suggest that, in questioning the promoter, we can ask whether it has considered that issue.

**Mr Stone:** I take Dr Maggs's point. However, I do not quite understand how a more sustainable supply of electricity could be favoured—one cannot really tell where it has come from when it

comes through the wire. Was Dr Maggs talking about the back-up system to which Phil Gallie referred?

**Dr Maggs:** In electricity generation, certain fuel types are more polluting than other fuel types. For example, electricity that is generated from wind turbines is a much more sustainable form than—

**Phil Gallie:** But it is not terribly reliable for running a tram system.

**The Convener:** That is a matter for debate, but not in consideration of the bill.

**Phil Gallie:** The turbines are operational only 30 per cent of the time and that might be during the day or night.

**Mr Stone:** So, would you go nuclear?

**Phil Gallie:** Well, I would.

**The Convener:** In fairness, our advisers are not responsible for the detail of how the promoter has taken that issue forward; therefore, that is something that we should ask the promoter about.

**Mr Stone:** Okay. However, Phil Gallie's question is about what would be done about the trams if the power supply went down. Would there be a back-up auxiliary diesel generator? Would that not have an impact on air quality? Tell me if I am out of order, convener.

**The Convener:** I would not dream of doing so, but I suggest that we put those questions to the promoter. That is how we will tease things out. If there is anything to be analysed further, our advisers will be able to pore over the detail of it.

**Phil Gallie:** I have another question on utilities and disruption to gas, electricity and water supplies. Does that fall into the areas covered by the papers that Dr Maggs has looked at? For example, is the amount of disruption that there is likely to be adequately covered and will there be alternative sources of supply?

**Dr Maggs:** In terms of air quality, it is very much—

**Phil Gallie:** I am not thinking about air quality: my question is about the wider environmental aspects of the development, of which the supply of water is one. The heating of homes through gas supply is another environmental aspect. I wonder whether the environmental statement has taken account of such things. I imagine that disruption of utilities is something that we will have to face up to at an early stage.

**The Convener:** The detail of the matter needs to be explored with the promoter; however, I ask John Houghton to give us a general view as to whether the environmental statement covers that.

**John Houghton:** That area is covered as part of the proposed method of working to ensure that any interruption of utilities is kept to a minimum. However, the detail is left for the construction management statement, which will have to propose a method of working that would allow for the diversion of utilities—or the temporary cessation of supplies—while the works are going on. It is not a matter that the environmental statement deals with in detail.

**Phil Gallie:** Will that paper be before us before we start considering the bill? Is that something that we can determine at the preliminary stage?

**The Convener:** We can certainly check. If we are minded to say that we would be interested in even the emerging conclusions of that paper, that can be communicated to the promoter. The point that you raise will be of interest to many people who live on the route; therefore, that is a valid suggestion. Do you have any further questions?

**Phil Gallie:** Not at this stage. No doubt, we will return to consider the issue in more detail.

**The Convener:** There are several points—I have been trying to scribble them down—on which the committee wants to seek further information from the promoter. The first, and probably most substantive, concerns the construction method for the tram depot and what mitigation measures are proposed to be in place regarding the impact of noise once the depot is in operation. The second request is for clarification of why the traffic modelling is not being carried out now. The third is for more detail on night working, as the paper is virtually silent on the issue—is that a fair assessment?

**Paul Freeborn:** Yes. The peer review report makes the general statement:

“It is not known at this stage where night working may be required”.

**The Convener:** We should seek the detail on that from the promoter.

Paul Freeborn mentioned noise barriers, which we can pick up on later when the final route of the tramline is known. We have also asked for additional information on residual impacts. Have I captured everything?

*Members indicated agreement.*

**The Convener:** Are we agreed that we will seek further information from the promoter on those points?

*Members indicated agreement.*

**The Convener:** I thank our advisers for enlightening us; I am sure that they will be of as much benefit to us in the weeks ahead.

I seek members' agreement to do a number of other things. First, I propose that we write to the objectors seeking their comments on the adequacy and methodology of the five remaining items of evidence, namely: the engineering design and associated features, including noise barriers; the landscape and habitat management plan; details of the noise barriers, including location, types, and lengths; the interim report on information that is required under the habitats regulations; and a table of residual impacts. In line with our practice to date, I propose that we send those five additional pieces of information to the objectors as soon as we get the information from the promoter. Are we agreed?

*Members indicated agreement.*

**The Convener:** I have a question about the suggested closing date for the return of evidence from the objectors, which is 22 October. Following the return of that evidence, we will seek the view of the promoter, and the suggested date for its comments is 15 November. We are not giving the objectors as much time as we are giving the promoter. Is that normal practice, particularly given that an objector probably has fewer resources than the promoter? I suggest that we adjust the timescale slightly. I do not want to pick an arbitrary date out of thin air, but rather than give objectors 11 days and the promoter 24 days, I suggest that we ask the clerks to rebalance the dates. Given what I suspect will be the substantial nature of the documents, I think that it would be helpful to do that. Are members agreed?

*Members indicated agreement.*

**The Convener:** Okay. Thank you.

I reiterate the point that Phil Gallie made earlier. It is important that people are not in any doubt about how we will take oral evidence on the accompanying documents. I thank the objectors who responded to our request—members will find their views made known in the folder that goes with the accompanying documents. The evidence received will be extraordinarily valuable to us in looking at the balance of the arguments and in our consideration of the documents. At our meeting next week—which, with members' agreement, I hope that we will hold in private—we will decide which witnesses to invite. I am thinking not only of objectors but of others with technical or professional expertise on the issues. In our private session we can also consider the timetable and themes for our evidence taking in relation to the adequacy of the documents. As soon as we have made our decisions, the information will be placed in the public domain. It will be published as part of the minute of the meeting. Are members happy to hold our meeting next week in private?

*Members indicated agreement.*

**Phil Gallie:** I have one question. Given that we will determine those issues in private session—for perhaps the good reason that that allows wider debate—once the information is in the public domain, will the objectors who have not been invited to give oral evidence be able to make representations that we will have to consider?

**The Convener:** I suspect that anybody can make representations to the committee at any point in time. If we arrive at a conclusion about which witnesses to invite to give oral evidence, we should stick to it. Obviously, if time allows, we could consider hearing from more people. However, I would not want to hold out false hope to people, as we have quite a tight timetable. From our perspective, we will want to choose widely from the objectors to the bill and from those who have technical and professional expertise. My inclination is to say, “No. There will be no further court of appeal.” However, in the interests of the objectors, I think that we will want to be flexible if we can.

**Mr Stone:** Is it not fair to say that we will clump the objections into categories—in, I hope, a completely dispassionate way—from which we will choose the best of each type for oral evidence? The objectors who are not chosen to give oral evidence can therefore take comfort that at least one of their peer group—possibly the one who produced the best thought-out or laid-out objection—will represent their interests.

**The Convener:** That is exactly right. I think that we will find that some of the objectors have got together with others who are objecting on similar grounds. Indeed, we actively encourage that.

**Mr Stone:** Further to that, perhaps we could advise the objectors who were not chosen that they can get in touch with Mr J Stone who happens to have been chosen to give oral evidence.

**The Convener:** I am sure that that will happen.

**Mr Stone:** But will we encourage it?

**The Convener:** It will happen intrinsically as part of the process. We need to remember that we are calling those objectors as witnesses and not as objectors; their status changes slightly.

**Mr Stone:** I appreciate that.

**The Convener:** I am sure that we will bear all those points in mind when we come to consider which witnesses to call at our next meeting, which will be held in private on 7 October at 12.45 pm.

11:15

*Meeting continued in private until 11:23.*



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