

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

Tuesday 25 January 2005

Session 2

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### **EDINBURGH TRAM (LINE ONE) BILL COMMITTEE** **2<sup>nd</sup> Meeting 2005, Session 2**

#### **CONVENER**

\*Jackie Baillie (Dumbarton) (Lab)

#### **DEPUTY CONVENER**

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

#### **COMMITTEE MEMBERS**

\*Helen Eadie (Dunfermline East) (Lab)

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

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

\*attended

#### **CLERK TO THE COMMITTEE**

Jane Sutherland

#### **LOCATION**

Committee Room 3



## Scottish Parliament

### Edinburgh Tram (Line One) Bill Committee

*Tuesday 25 January 2005*

[THE CONVENER *opened the meeting at 10:00*]

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

**The Convener (Jackie Baillie):** Good morning. I welcome the members of the public—all two of them—to the second meeting in 2005 of the Edinburgh Tram (Line One) Bill Committee. Agenda item 1 is the consideration of a late objection from the friends of the Roseburn urban wildlife corridor association, which we will do in two parts. First, do members agree that the objector has shown good reason for not lodging the objection within the specified objection period?

**Phil Gallie (South of Scotland) (Con):** Yes, given that the group did not exist until recently.

**The Convener:** That is entirely reasonable and I get the sense that the committee agrees.

**Helen Eadie (Dunfermline East) (Lab):** Yes.

**The Convener:** Now that we have agreed that the objection is late for good reason, I invite members to give preliminary consideration to the objection, to determine whether it should receive substantive consideration at the consideration stage.

**Helen Eadie:** There have been difficulties in setting up the group and it has tried to make sense of the available information in a short timescale. It is reasonable for us to take on board the group's concerns about the modelling and the environmental statement. Therefore, we ought to consider those concerns during our detailed consideration of the bill.

**The Convener:** In my view, the objector has demonstrated a clear adverse affect and therefore the objection can receive substantive consideration at the consideration stage. Do members agree with that?

**Members indicated agreement.**

**The Convener:** Agenda item 2 is on subordinate legislation. The Subordinate Legislation Committee has reported to the Parliament on the relevant delegated powers provisions in the Edinburgh tram bills. It is incumbent on us to consider those provisions and satisfy ourselves that they are appropriate. The report from the Subordinate Legislation Committee

suggests that, overall, the provisions are satisfactory, but it raises concerns about three sections. There have been exchanges between the Subordinate Legislation Committee and the promoter, the outcome of which is that recommendations for amendments at the consideration stage are to be considered. On behalf of this committee, I thank the Subordinate Legislation Committee for its work, which, as the report demonstrates, was careful.

We should give the undertaking that substantive consideration will be given to the issues that have been raised and to the suggested amendments at the consideration stage. Do members have any comments?

**Phil Gallie:** In annex A, the promoter makes a valid point about section 61, which relates to insulation against noise. However, it does not mention a noise level above which there will be an adverse effect on those who live close to the tramline. Section 61 is open-ended because it leaves the construction people and the operators to determine the appropriate level. In any contact with the promoter, it would be worth while suggesting that it adds into its proposed amendments to the bill a provision on a noise level.

**The Convener:** I suspect that the promoter will read the *Official Report* of the meeting and reflect on that point. We will give thought to that issue at consideration stage, because it is a matter of detail.

**Phil Gallie:** As the promoter's ability to make compulsory acquisition into the future will hang over the heads of the people who live alongside the line, the Subordinate Legislation Committee's concerns on that matter are fully justified. It would be excessive if the period within which acquisitions can be made went on for 15 years. I simply make that observation.

The report also mentions the provision on penalty fares. It appears that the promoter has wound up the watch here. A penalty fare of 25 times the normal fare would be much better for the promoter than the penalty fare that was originally suggested would have been. I have no hard feelings about that issue; it is right that people who dodge fares and pass on responsibilities to others should pay a penalty. In this instance, I have sympathy with the promoter.

**The Convener:** You are right to highlight those issues that the Subordinate Legislation Committee drew to our attention. We will consider them in detail at the consideration stage. Does the committee agree to take that approach?

**Members indicated agreement.**

**The Convener:** That nearly concludes the public part of the meeting but, before we move into private, I draw the attention of members and the public to four additional items of evidence, which have been circulated to members and published on the Parliament's website. Three of the items follow on from our meeting of 14 December and are responses from the promoter, Ove Arup & Partners Scotland Ltd and the Minister for Transport. They have been published on the part of the website that contains written evidence on the general principles of the bill. We have also received from the promoter a written summary of the preliminary stage evidence, which has been published on the website as additional written evidence on the general principles of the bill.

I thank the members of the public for attending this short meeting in public. We now move into private.

10:07

*Meeting continued in private until 12:01.*

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