

EDINBURGH TRAM (LINE ONE) BILL COMMITTEE

Tuesday 3 May 2005

Session 2

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CONTENTS

Tuesday 3 May 2005

Col.

EDINBURGH TRAM (LINE ONE) BILL: CONSIDERATION STAGE.....	317
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EDINBURGH TRAM (LINE ONE) BILL COMMITTEE **6th 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 1

Scottish Parliament

Edinburgh Tram (Line One) Bill Committee

Tuesday 3 May 2005

[THE CONVENER *opened the meeting at 10:30*]

Edinburgh Tram (Line One) Bill: Consideration Stage

The Convener (Jackie Baillie): I will put a stop to our discussion about the election and welcome everyone to the sixth meeting in 2005 of the Edinburgh Tram (Line One) Bill Committee.

There are four items of business for us to deal with, the first of which is groupings, witness lists and summaries of objections. Members might remember that at our meeting on 15 March we agreed to group objections that raised the same or similar issues about the same part of the route. Objectors were of course given a right of reply to the proposed groupings and a number of objectors asked to be grouped differently. Members who have been paying attention will have noticed that six new groups were created as a result of those comments. Lead objectors, who were nominated at objector meetings in early April, are indicated by an asterisk in annex A of committee paper ED1/S2/05/6/1. Obviously, if there is one objector in the group, that objector is the lead objector, although there is no asterisk. Do members agree to the groupings and the designation of lead objectors in annex A?

Members indicated agreement.

The Convener: Annex B of the same paper contains witness lists and summaries for groups 1 to 19, 37 to 39, 42, 44 and 46. The groups may give oral evidence in June and were asked to submit witness lists and summaries to us by 22 April. I thank everyone who contributed written evidence for their hard work, which will make the job of the committee, the lead objectors and the promoter much easier by ensuring that oral evidence taking can be more focused and, I hope, less time consuming.

Groups 1 to 4 and 6 to 19 will be considered by this committee alone. Groups 5, 37 to 39, 42, 44 and 46 are joint objectors—in other words they raise similar issues about the same parts of both line 1 and line 2. On groups 1 to 4 and 6 to 19, the only point to note is that the witness in group 17, ADM Milling Ltd, indicated that it does not want to provide further evidence and will rest on its original objection. The committee is required to consider the terms of the objection and come to a decision

on it, but the promoter has provided witnesses for group 17, to whom we will be able to direct questions. If members have no comments, are they happy with the proposed witnesses in groups 1 to 4 and 6 to 19?

Members indicated agreement.

The Convener: We move on to groups 5, 37 to 39, 42, 44 and 46. Evidence from the groups will be taken at a joint meeting of the Edinburgh Tram (Line One) Bill Committee and the Edinburgh Tram (Line Two) Bill Committee. The witnesses in groups 37 and 38 indicated that they are content to rest on their original objection but provided further written evidence for us. The promoter provided witnesses for both groups, whom we can question about the issues that the groups raised if we want to do so. Are members happy to invite the witnesses who have been identified for groups 5, 37 to 39, 42, 44 and 46?

Members indicated agreement.

The Convener: The committee is very agreeable this morning. Members do not need to be reminded that the committee's role during phase 1 of consideration stage is to decide on each of the outstanding objections to the detail of the bill. Oral evidence must therefore address the issues that were raised in the original objections, because it would be unfair on the promoter if the committee were to consider objections on issues that have not previously been raised. When we reviewed the witness summaries with that in mind, a couple of concerns arose. First, on group 38, Versicolor Ltd indicated that it wants to rest on its original objection, but it also wants to raise the issue of noise. Its original objection did not refer to noise, so we should not pursue that in taking evidence. I hope that members are assured that other groups from the same area as Versicolor have raised the issue of noise, so it will be explored in detail. Do members have views on that?

Helen Eadie (Dunfermline East) (Lab): I agree with you.

The Convener: Are we happy not to consider noise in relation to group 38?

Members indicated agreement.

The Convener: A concern arose about the submission from the Institute of Chartered Accountants of Scotland, which forms group 44. The institute wanted to talk about an alternative route at Haymarket. Having reread its original objection, we are content that that subject is mentioned, so we are happy to take evidence on it. Are members happy with that conclusion?

Members indicated agreement.

The Convener: Finally, group 44 raised several issues—

Rob Gibson (Highlands and Islands) (SNP): It is group 46.

The Convener: It is group 46—well done. My briefing has a wonderful error—not that I want to put the clerks on the spot.

We have slight problems with group 46, which wants to comment on the consultation on the preferred route. As members will recall, we considered the adequacy of the consultation at the preliminary stage. We had substantial reservations, but we said that the promoter had met the Parliament's requirements. We should not revisit our decision or take further evidence on it, so I propose that we should not consider the matter as part of group 46's submission.

Phil Gallie (South of Scotland) (Con): Group 46 also raises questions about route selection and alternative alignment. The committee's acknowledgement that the consultation was not up to scratch is well recorded. As you said, we proceeded despite our reservation. However, because the company was not properly consulted, it did not have the opportunity to comment on the alignment. Given that, perhaps its proposals on route selection and alignment should at least be considered.

The Convener: Unfortunately, the company's original objection does not refer to route selection and alternative alignment. I would sympathise with what you said if others in a similar—if not identical—location had not made comments on alternative routes and alignments that the committee will address in a different group. We are bound by the fact that Norwich Union Linked Life Assurance's original objection did not refer to the matter, so we cannot consider it in that group, but we will consider the point with other objectors.

Phil Gallie: Will you remind me whether the other objectors were properly consulted?

The Convener: Everybody had a generic difficulty with the consultation. One or two expressed that view strongly and we heard about many people's concerns about the consultation. Notwithstanding that, other objectors proposed alternative route alignments in their objections. NULLA's objection had no such proposal, so we cannot consider its comments on the subject, but we will probably consider exactly the same proposal from somebody else.

Phil Gallie: Fair enough.

The Convener: Are members content with that explanation?

Members indicated agreement.

The Convener: The final agreement that I require on paper 1 is on the next step for all the groups, which is to provide witness statements by 18 May. The rebuttal witness statements must be provided by 6 June. Are members happy with that timetable?

Members indicated agreement.

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I seek advice on whether that is a long enough time.

The Convener: The reality is that we are running to quite a tight timetable, given that we have more than 200 objections—[*Interruption.*] I am advised that the number is down slightly now to 196—we have saved ourselves pain with four or more objections. Going through those objections will take a long time, which is why we are trying to proceed as swiftly as possible.

Phil Gallie: You have acknowledged that a large number of objections have been withdrawn. For the record, are reasons provided why objections have been withdrawn or are such matters entirely for objectors?

The Convener: Such matters are entirely for objectors, who may withdraw an objection at any stage, even in the run-up to a meeting at which they are due to give oral evidence. Objectors are not required to give reasons for withdrawing their objection. I think that Nevisport withdrew its objection following a meeting for objectors.

Agenda item 2 is the oral evidence timetable and site visit. The dates that are proposed in the annex to the clerk's paper were notified to members on 16 March, so I hope that all members have them in their diary. I seek members' views on the timetable for oral evidence taking for groups 1 to 19, 37 to 39, 42, 44 and 46. We propose to start oral evidence taking on 14 June in a joint meeting with the Edinburgh Tram (Line Two) Bill Committee. I remind members that all committee members must be present at all meetings, including joint meetings. We propose to take evidence on groups 1 to 4 and 6 to 19 in two all-day meetings, on 21 June and on 27 June. Do members have any views?

Phil Gallie: I want to put on record the fact that I recognise my obligations to the committee, but I also have obligations to the European and External Relations Committee. I have informed the clerks and the convener that, if extraordinary circumstances were to arise in which I felt it necessary to be present for the discussion of a particular item on the agenda of the European and External Relations Committee, I would try to come to an arrangement with the convener of that committee so that I could seek a suspension of this committee's meeting to allow me to attend that committee meeting for a short time. I do not want

to give a blank cheque for my attendance at this committee in the event that something extraordinary were to arise in the other committee. However, my substitute on the other committee should usually be able to cover me, so the problem should not arise. I just do not want to be caught short at some time in the future.

Mr Stone: You may also have duties to fulfil in the Conservative party's leadership election.

Phil Gallie: That would not interfere with the Edinburgh Tram (Line One) Bill Committee.

Rob Gibson: We know that the Edinburgh Tram (Line One) Bill Committee is far more important.

The Convener: Absolutely. All jesting aside, members should be aware of the commitment that they are required to make to attend all meetings of the committee for the bill to proceed. That is set out in standing orders. I will attempt to accommodate the extraordinary needs of committee members, but I will operate on the basis that this committee takes priority.

Mr Stone: On a factual point, what happens if a committee member is sick? I am not threatening to throw a sickie, so you need not worry about that.

Jane Sutherland (Clerk): Standing orders provide for a couple of options. If a member is unable to attend a meeting at which evidence is to be presented, one option is for that member not to be allowed to take any further part in the committee's proceedings. Alternatively, the committee may seek the permission of the promoter, the objectors and any other witnesses from whom the committee has heard for their evidence to be given again.

The Convener: So any member who failed to attend a meeting would make their colleagues sit through the evidence hearing twice. It is not advisable to be sick.

Are we agreed on the proposals for 14, 21 and 27 June?

Members indicated agreement.

The Convener: What happens next is that the clerks will meet the promoter and the lead objectors to agree the detailed order and timing for oral evidence. As I said earlier, it is not unusual for objections to be withdrawn in the run-up to evidence-taking sessions and, indeed, at the last minute. For groups 1 to 4 and 6 to 19, we will invite the promoter and objectors to attend our meetings on both 21 June and 27 June. That might mean that we have a slightly earlier finish if any objections are withdrawn.

The next decision, which has been made easier by changes to my diary, is whether to undertake a site visit and, if so, when such a visit should take place. When we made a site visit to part of the

route, we all felt that it would be useful to have a site visit that involved seeing the length of the route, or at least those points about which clear objections have been lodged. The suggestion is that the clerks will use the forthcoming timetable of meetings to identify the sites on the route that we want to visit. The proposal is for an all-day site visit on Tuesday 7 June. Are we agreed?

Members indicated agreement.

10:45

The Convener: Excellent.

In order for us to get access to certain parts of the route, it is proposed that a representative of the promoter is invited to attend, but purely as an observer. Our intention is not to debate the relative merits of sites but to look at the facts. Are members content that a representative of the promoter is invited to attend the site visit?

Phil Gallie: One?

The Convener: One.

Mr Stone: Purely as a guide?

The Convener: Yes. I understand that groups of objectors will be present at different points along the route. Our interest in making the site visit is purely factual. Our intention is not to take evidence on site or enter into debate but to look at what is there. I understand that we will be unable to access some parts of the route unless a representative of the promoter is with us.

Mr Stone: Why is that?

The Convener: Because the promoter owns some of the sites along the route.

Mr Stone: As long as we make clear to the promoter that our impartiality is not in any way to be compromised.

The Convener: It would be very difficult to compromise our impartiality. Any attempt to do so would be viewed with a degree of annoyance. The intention is for the representative to facilitate the site visit by enabling access to various parts of the route.

Rob Gibson: Needless to say, objectors will attempt to sway us, but in the opposite direction.

Helen Eadie: I was about to say that.

The Convener: Indeed. Are we agreed that a representative of the promoter will accompany us?

Members indicated agreement.

The Convener: Excellent. Thank you.

Although we are halfway through the items for consideration, I know that we are nearing the end of the meeting. We move on to item 3, which is our

consideration of appropriate assessment. Members know that the bill includes a proposal for the widening of a footway along a section of the sea wall at Starbank Road. That will have an impact on the Firth of Forth, which is a special protection area and site of special scientific interest. The Parliament was therefore required to undertake an assessment of the impact of the project and assess the measures that will be taken to negate or mitigate the impact. As a result, a survey of the coastal bird species in the area was undertaken between February 2004 and January 2005. The survey report has now been published and members have a copy. The report has also been made available on the promoter's website. Members will be pleased to hear that I propose to consider the report, which is substantial, at a later meeting. Are we agreed?

Members indicated agreement.

The Convener: We have begun the process of seeking the views of Scottish Natural Heritage and the City of Edinburgh Council planning department on the results of the survey. We expect to receive their responses by 9 May and I propose to consider them at a future meeting of the committee. Are we agreed?

Members indicated agreement.

The Convener: We move on to item 4, which is our consideration of additional written evidence. We are asked to note the provision of two items of written evidence from the promoter, the first of which is the first two sections of the landscape and habitat management plan for the Roseburn corridor. We expect to receive the next four sections of the management plan in late May and the remaining two sections by mid-to-late June—I hope that it is mid-June.

I seek members' agreement that we will consider the management plan in its entirety at a future meeting. In the meantime, we need to ensure that, when copies become available, they are forwarded to the relevant lead objectors, as that will assist them to prepare their oral evidence. Are we agreed?

Members indicated agreement.

The Convener: The promoter has also provided a copy of its noise and vibration policy. Although we did not ask for such a policy document as part of the preliminary stage, it is a useful document for the committee and objectors to have as part of the consideration stage. I seek members' agreement to note the document. Are we agreed?

Members indicated agreement.

The Convener: That brings us, in record time, to the conclusion of the meeting. Before I close today's meeting, I indicate that it is likely that the next meeting will be held on Tuesday 17 May. In the meantime, I am sure that members will enjoy pounding the streets of whatever constituency they live in.

Meeting closed at 10:49.

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