

EDINBURGH TRAM (LINE TWO) BILL COMMITTEE

Wednesday 4 May 2005

Session 2

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EDINBURGH TRAM (LINE TWO) BILL COMMITTEE **5th Meeting 2005, Session 2**

CONVENER

*Bill Aitken (Glasgow) (Con)

DEPUTY CONVENER

*Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

COMMITTEE MEMBERS

*Marilyn Livingstone (Kirkcaldy) (Lab)

Kate Maclean (Dundee West) (Lab)

*Alasdair Morgan (South of Scotland) (SNP)

*attended

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 3

Scottish Parliament

Edinburgh Tram (Line Two) Bill Committee

Wednesday 4 May 2005

[THE CONVENER *opened the meeting at 10:04*]

Edinburgh Tram (Line Two) Bill: Consideration Stage

The Convener (Bill Aitken): Good morning and welcome to the fifth meeting this year of the Edinburgh Tram (Line Two) Bill Committee. I remind members to switch off mobile phones and pagers. An apology has been received from Kate Maclean.

We have one agenda item, which invites the committee to consider two papers on the bill's consideration stage. A number of issues are set out on which members' agreement is sought. I intend to go through each of them seriatim.

Members will recall that at our last meeting, on 16 March 2005, we agreed to group certain objections to the bill which are similar or the same. Objectors were given a right to reply to the committee's proposed groupings and a number have subsequently asked that their objections be grouped differently. Those objectors are listed clearly in annex 1 of paper 1, which shows how the committee's initial groups would change if the revisions that have been proposed by objectors were agreed.

Following informal meetings with the clerks, all groups have been asked to agree their lead objectors. Again, those are clearly indicated in annex 1. However, one group, comprising objections 8, 13, 28 to 30, 34, 37 and 54, has not been able to suggest a lead objector. I suggest that all those objectors be de-grouped and placed in groups on their own.

The first decision for the committee, therefore, is to agree the revised grouping and the lead objectors that have been set out, and to decide whether the group that failed to appoint a lead objector be de-grouped. Is that agreed?

Members indicated agreement.

The Convener: Having agreed the new groups, I propose that from now on we refer to groups according to the numbers that are used in annex 1. All those groups and the promoter were invited to provide witness lists and summaries, which have been collated and circulated to members in a separate paper. Before we discuss the documents, I thank all those who have so far

contributed written evidence for their hard work and commitment. I know that it will make the work of the committee, the lead objectors and the promoter during oral evidence taking much more focused and, I hope, less time consuming.

Two documents—from Norwich Union Linked Life Assurance and the New Town, Broughton and Pilrig community council—have been circulated to members in hard copy only. I ask members simply to note that a number of groups have indicated that they do not wish to provide further evidence on their original objections or parts thereof; in other words, they will rest on issues that are raised in their original objections.

Various groups have not communicated with the committee; namely, groups 10 to 13, 18 to 20, 23, 29 and 40. I invite the committee to consider whether these groups should be treated as though they have agreed not to provide any further evidence—that is, to agree that they will not be able to provide witness statements and oral evidence. Is that agreed?

Members indicated agreement.

The Convener: I make it clear that where groups will provide no further information, the committee is still required to deliberate on their objections. In all cases, the promoter has suggested witnesses for the groups, which will enable the committee, if it chooses, to ask questions of the promoter's witnesses on issues that are raised by the groups in their original objections. For the remaining groups, I invite members to consider the witness lists and summaries that have been provided by the promoter and the lead objectors, and to decide whom it wishes to invite to provide oral evidence.

As members will be aware, the committee's role during phase 1 of the consideration stage is to consider and then decide on each outstanding objection to the detail of the bill. To do that, oral evidence should be restricted to issues that are raised in original objections. It would be unfair to the promoter and it would, in my view, be improper for the committee to consider issues that have not been raised in an original objection.

I emphasise that groups 1 to 7 are joint objectors—that is, the objections raise the same or similar issues about parts of the tramline 1 and tramline 2 bills. We have already agreed to consider those objectives at a joint meeting of this committee and the Edinburgh Tram (Line One) Bill Committee.

With that in mind, in reviewing the witness summaries that have been provided, I have some concerns about issues that have been raised by a number of groups. First, in relation to group 2, I acknowledge that Versicolor Ltd wishes to rest on its original objection. However in doing so, it has also indicated that it wants to raise the issue of

noise. In my view, the company did not raise that issue in its original objection, so we should not pursue it in oral evidence taking. However, I am reassured that because other groups in the same geographic area as Versicolor have mentioned noise, the matter will be explored through those groups' witnesses. That said, I accept that such evidence will not be specific to Versicolor.

I ask members to decide whether the noise issue that was raised in Versicolor's written evidence—but not in its original objection—should be discussed in oral evidence taking meetings. As I said, I feel that we should not consider that issue with respect to Versicolor. Are members agreed?

Members indicated agreement.

The Convener: Group 6—Norwich Union Linked Life Assurance Ltd—has raised the issue of consultation on the preferred route. As members will recall, we considered the adequacy of the consultation at the preliminary stage. I am therefore concerned that by taking oral evidence on the consultation on the preferred route we would be returning to our preliminary stage role and revisiting our decision. My view is that, because we have dealt with the matter, we should not take further evidence on it. Furthermore, although the issue is mentioned in its witness summary, Norwich Union's original objection does not comment on the route selection or on an alternative alignment. Again, I feel that we should not take oral evidence on the matter. Are members agreed?

Members indicated agreement.

The Convener: I encourage the promoter and Norwich Union to seek a resolution to Norwich Union's concerns, including any proposal for an alternative alignment. However, it is not a matter on which we should take oral evidence from the company. As other groups that are located near Norwich Union have—entirely appropriately, I believe—proposed witnesses to speak to route selection and alternative alignment, such evidence will be presented to the committee, albeit in relation to other groups.

The remaining witness summaries that I am concerned about relate solely to tramline 2. Group 8—the New Town, Broughton and Pilrig community council—has drawn attention to the central Edinburgh traffic management proposals and the way in which the bill is being dealt with as a “private transport bill”. Again, I argue that those issues have been dealt with at the preliminary stage and should not be resurrected during oral evidence taking.

Group 8 has also raised the issue of tram-prioritised intersection signalling and has suggested a route change. I note that the lead objector has provided a map, which we have only in hard copy, which shows preserved rail routes

that it says could be used. I recommend that we say to the group that both issues can be raised in oral evidence only where they relate to its original objection and the geographical area that it represents.

Moreover, I note that the witness summary raises the issue of service relocation. Again, I recommend that any evidence on that should relate to the original objection, which raised the issues of amenity and congestion.

I have concerns about the issues that are raised in the witness summaries of four other groups. With regard to groups 26, 31 and 34, I am concerned that the witness summaries raise issues such as the Scottish transport appraisal guidance, the proposed Edinburgh airport rail link and the west Edinburgh planning framework review, which have already been considered at the preliminary stage. My opinion is that such issues should not be raised in oral evidence unless they are essential to our understanding of the issues that were raised in the respective original objections. We will not take evidence on any of those issues if our doing so would mean revisiting the preliminary stage.

Finally, group 45—the Edinburgh and Lothian badger group—has again raised issues that I could not trace to the original objection; namely, mitigation on the Croydon tramline, the strategic plan for Gogar field as a gateway to Edinburgh and Scottish Natural Heritage's being the licensing authority. I reiterate that such issues should be raised in oral evidence only if they are used to substantiate points in the original objection. I clarify that we would expect to take oral evidence on the Croydon tramline, for example, only if it were directly relevant to the bill and related to the original objection.

I appreciate that I have raised a fair number of concerns about witness summaries. As a result, I invite members to discuss my concerns, if they feel the need to do so. Do members agree that the issues that I mentioned should be raised in oral evidence, or do members agree that they should be raised only if they relate directly to the original objection?

Alasdair Morgan (South of Scotland) (SNP): The latter.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I agree.

The Convener: With that agreement, we will inform the relevant objectors in writing about the committee's intentions and concerns.

Are members content with all the other witnesses who have been proposed by the lead objectors and the promoter?

Members indicated agreement.

10:15

The Convener: Those witnesses will now be invited to provide oral evidence to the committee.

The committee is also asked to discuss the draft oral evidence taking timetable which is set out in today's papers and which proposes that we meet in June and September to take oral evidence on the objections that have been discussed today. As members will see, it is proposed that we start to take oral evidence on Tuesday 14 June at 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, at which the committee considers evidence.

The draft timetable draws on the information that is contained in the witness summaries that have been provided to the committee. Experience shows that some objections can be withdrawn at the last minute, so it is proposed that witnesses for the lead objectors and the promoter be given two alternative dates to provide oral evidence. If members agree the draft timetable, that will facilitate discussions that are due to be held between the clerks, the lead objectors and the promoter on Monday, at which all the parties will look at the specific timings for oral evidence. After those discussions, the committee will, I hope, be able to agree the finalised timetable at its next meeting. Do members agree the draft timetable?

Members indicated agreement.

The Convener: I confirm that the draft timetable will be circulated to the promoter and lead objectors in advance of Monday's discussions.

Our next decision is whether to undertake a site visit and, if so, when. I think that all members will agree that it would be beneficial for us to visit key sites that are the subject of objections and for the clerks to use the forthcoming timetable meetings to identify such sites. I propose that we undertake an all-day site visit on 8 June.

Alasdair Morgan: What day is that?

The Convener: Wednesday.

Alasdair Morgan: There will be parliamentary business in the afternoon.

The Convener: Obviously the visit would depend on that business. I suggest that we provisionally agree to a site visit on 8 June, but suggest that the visit will depend on members' commitments on Wednesday afternoon.

Alasdair Morgan: There again, it is not essential for all members to attend entire meetings.

The Convener: No. Members must attend only the meetings at which evidence is taken. Some

members might feel that, having visited a site before, it is totally necessary to do so again. Are members agreed?

Members indicated agreement.

The Convener: Given that we might need the promoter to be present in order that we can access some of the sites that we visit, and in the interests of fairness, I seek members' views on whether to include a representative from the promoter—I stress this—as an observer only. At this stage, because we will take evidence at our formal committee meetings on the issues in the objections, the site visit is for fact finding only. It would not be appropriate for objections to be canvassed during the visit. Do members agree that, on our site visit, we should include a representative of the promoter purely as an observer?

Members indicated agreement.

The Convener: Before I close the meeting, I remind members, lead objectors and the promoter that the next deadline after Monday's timetable meeting is for witness statements to be submitted by 18 May. It is likely that the next committee meeting will take place on Wednesday 18 May.

I thank members for their attendance.

Meeting closed at 10:18.

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