

EDINBURGH TRAM (LINE TWO) BILL COMMITTEE

Wednesday 18 May 2005

Session 2

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EDINBURGH TRAM (LINE TWO) BILL COMMITTEE **6th 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 5

Scottish Parliament

Edinburgh Tram (Line Two) Bill Committee

Wednesday 18 May 2005

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

Edinburgh Tram (Line Two) Bill: Consideration Stage

The Convener (Bill Aitken): Good morning, ladies and gentlemen, and welcome to the Edinburgh Tram (Line Two) Bill Committee's sixth meeting this year. As is usual, I remind members to switch off mobile phones and pagers.

For our first agenda item, the committee will consider two papers on consideration stage of the bill. Members' agreement is sought on a series of issues that are set out in the first paper. I intend to go through each in turn.

As members will recall, we agreed at our meeting on 16 March to group objections to the bill that are similar or the same. Objectors were given the right of reply to the committee's proposed groupings; one objector has subsequently asked to be grouped differently. Annex 1 to paper ED2/S2/05/6/1 shows how the committee's initial groups will change if the revisions that objectors propose are agreed to. Following informal meetings with the clerks, all groups were asked to agree their lead objectors, who are also clearly marked in annex 1.

The first task for the committee is to discuss and agree to revised groupings and lead objectors, which are set out fairly clearly in the paper. Do members agree to what is proposed?

Members indicated agreement.

The Convener: As we have agreed to the new groups, I propose that, for ease of communication, we refer to them by the numbers that are used in annex 1.

All the groups and the promoter were invited to provide witness lists and summaries, which have been collated and circulated to members. I ask members simply to note that one group has said that it does not wish to provide further evidence on its original objection or a part thereof.

Groups 54, 56 and 57 have not communicated with the committee. Should those groups be treated as though they have agreed to provide no further evidence, which will mean that they cannot provide witness statements and oral evidence?

Members indicated agreement.

The Convener: I make it clear that the committee is still required to deliberate on the objections of groups that provide no further information. The promoter has suggested witnesses for all such groups, which will enable the committee, if it so chooses, to question the promoter's witnesses on issues that those groups have raised in their objections.

For the remaining groups, I invite the committee to consider the witness lists and summaries that the promoter and lead objectors have provided, and to decide whom it wishes to invite to provide oral evidence. I reiterate that the committee's role in phase 1 of consideration stage is to consider and 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 on the promoter to consider issues that had not been raised in an original objection.

I remind members that at the preliminary stage, the committee produced a report that, among other things, considered the bill's general principles and recommended to Parliament that they be agreed to. I am therefore reluctant to reopen issues that were properly dealt with at that stage.

With that in mind and having reviewed the witness summaries that have been provided, I have concerns about the issues that several groups have raised. First, in relation to group 51—the west Edinburgh residents trams action group—I contend that the committee considered the tram route's financial sustainability at the preliminary stage, so I do not wish the witness to cover that in a witness statement or in oral evidence. Similarly, the committee has considered the tram's implications for other transport choices and its impact on social inclusion. I suggest that we can consider such matters only as they relate to the objection and not if they mean re-examining the bill's general principles.

One witness for WERTAG has referred to legislation and local policy in their witness summary. Any matters that fall under that heading are allowed only if they help the committee's understanding of the objection and of the differences between the promoter and the objector. I trust that the witness statement will spell out why those issues are relevant to the objection.

On a minor point, I note that WERTAG's witness summary states that it has

"the right ... to appoint any Expert Witnesses".

I remind all parties that the committee retains control over who is invited to appear as a witness to provide oral evidence.

As members have no comments to make on WERTAG's witness summary, do they agree that the issues that I have raised should be conveyed to it?

Members indicated agreement.

The Convener: On the same objection, it is important to make it clear to the promoter that we do not wish its witnesses to raise issues that have already been covered at the preliminary stage. Therefore, I stress to the promoter that accessibility and patronage issues and issues relating to city of Edinburgh rapid transit alignment, comparison with the Bury to Altrincham line in Manchester and Scottish transport appraisal guidance appendices K, L and M can be raised only in so far as they relate to the objection in question and not if raising them would mean re-examination of the general principles of the bill. Do members agree?

Members indicated agreement.

The Convener: I have similar concerns about another group and I make it clear that exactly the same message applies to it. I want to record in the *Official Report* that I have concerns about group 55 and the proposal by A Hamilton and J Sansom to provide evidence on the European convention on human rights. They have also mentioned the "Dublin scenario" and the "Budapest tram", neither of which I could trace to their original objection. The same message applies: such issues can be raised only if they are relevant to the original objection and do not involve re-examination of the bill's general principles. For the promoter, that applies to the witness who has been proposed to speak about powers in the bill being unnecessary or too wide and about compliance with the Human Rights Act 1998. On the same objection, I note that the objector proposes to include video evidence. I suggest that we request that full transcripts of that evidence be made available to the committee.

Do members have comments on the objection? Do members agree that those issues should be highlighted to the respective parties?

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): My only query is about the video evidence. If there are images in the video evidence for which transcription is impossible, how can that evidence be translated so that the promoter or others can respond to it? How can such things be recorded in the *Official Report*?

The Convener: That could be a problem that we might have to address. I hope that it will not arise.

Jeremy Purvis: Photographic and video evidence will include "Noise from tram squeal". I am not sure how the *Official Report* would report that.

The Convener: I invite the clerk to comment on that.

Terry Shevlin (Clerk): Evidence will be provided as part of the witness statements, which will be sent to the promoter. Therefore, the promoter can see the evidence in advance.

The Convener: As members have no other points to make, is it agreed that the issues that I have mentioned be highlighted to the respective parties?

Members indicated agreement.

The Convener: I turn to group 52. The lead objector for that group is Miss H T Reynolds. Again, the committee covered consultation or initial provision of information in its preliminary stage report and therefore the issue should not be raised in a witness statement or in oral evidence. Do members agree?

Members indicated agreement.

The Convener: It appears from correspondence that has been received from Miss Reynolds that she may have wished to have lodged an objection to both tram bills but that she has, for whatever reason, objected only to the Edinburgh Tram (Line Two) Bill. She is perfectly entitled to do that, but some aspects of her objection and her witness summary—for example, on noise and vibration—may be more relevant to the work that is being carried out in respect of line 1. I trust that the issue will become clear when we receive detailed witness statements from both parties.

On the witness summary for group 50, we have received two pieces of correspondence from Murrayfield community council, the latter of which it wishes to be treated as its witness summary. That correspondence was received after our deadline, but I understand that health issues made that inevitable. We wish to be fair to everyone, but we must also adhere to deadlines. As a result, we would be entitled not to accept the submission. However, in the light of the fact that the delay was caused by illness, I propose that we accept it, although it must be made clear that that should in no way be considered to be a precedent and that any future late submissions will probably be rejected. Do members agree to accept the witness summary, even though it was received after the deadline?

Members indicated agreement.

The Convener: Secondly, and perhaps for connected reasons, the witness summary that was provided is not as clear as it could be. We received oral confirmation from the chairman of Murrayfield community council that the issues that will be covered in witness statements and oral evidence are: the proposals for the tramline to cross roads to the south of the council's area at

grade; the use by trams of the surface of Princes Street; and loss of privacy, disturbance, possible devaluation of property, adverse visual impact and damage to the environment. If members agree, I suggest that we make it clear to the community council that its witness statements must follow those three broad headings.

I have reservations about the part of the objection that relates to Princes Street. Murrayfield community council in effect asks for a route change in its submission, which says:

"As the tram rails approaching Haymarket from the west are at the same level as the heavy rail tracks it would be very much better to cut and fill the tramway underground to Leith Walk and free the World Heritage Site from the wirescape associated with tramways."

The original objection did not mention a route change, so I suggest that that part of the objection is unacceptable. Furthermore, we propose to take evidence on Princes Street from the New Town, Broughton and Pilrig community council. I propose that we write to Murrayfield community council to bring the matter to its attention and to ask whether it wants to provide oral evidence in relation to Princes Street. My view is that it might be better for that matter to be dealt with by the relevant community council. Do members agree?

Members indicated agreement.

The Convener: Those were all my queries about the witness summaries that were provided. If members have no other queries, I thank everyone who contributed written evidence for their hard work so far. I appreciate that the process can be daunting and time consuming for objectors who are not professionally represented, so their co-operation is very much appreciated. Are members content with the other witnesses who have been proposed by the lead objectors and the promoter?

Members indicated agreement.

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

Members will recall that at our most recent meeting we set out a draft timetable for taking oral evidence on certain objections, which helped to facilitate discussions between the clerks, the lead objectors and the promoter on the timings. Does the committee agree to the revised timetable, which is set out in annex 2 to committee paper ED2/S2/05/6/1?

Members indicated agreement.

The Convener: Now that we have received the remaining witness summaries, I propose that the committee take oral evidence on the remaining objections on 21st or 28th September. The clerks will soon host informal discussions with lead objectors and the promoter to discuss the detailed

timetable for oral evidence, so it would be helpful to all parties if members could agree those dates.

Members indicated agreement.

The Convener: The dates will be circulated to the promoter and the lead objectors in advance of their meeting the clerk. After those discussions, the committee will agree the finalised timetable at a future meeting. Thereafter, the next deadline for the objectors and the promoter will be to provide witness statements by 14 June.

Item 2 is consideration of oral evidence taking. The committee is asked to note paper ED2/S2/05/6/3, which explains the procedure that will be followed when we take oral evidence. The paper is fairly straightforward and is primarily for information. Do members note the paper and the procedure that it sets out?

Members indicated agreement.

The Convener: The paper also asks us to make a more substantive decision, which is to agree that the committee meet in private at the end of each meeting's oral evidence taking session. That will allow us to discuss the evidence that we have heard, which will make it easier for us to write our report on each outstanding objection at the end of the first phase of consideration stage. Is that agreed?

Members indicated agreement.

The Convener: That concludes our business for this meeting. I thank members of the public and committee members for attending.

Meeting closed at 10:15.

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