

WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE

Tuesday 14 December 2004

Session 2

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WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE 8th Meeting 2004, Session 2

CONVENER

*Tricia Marwick (Mid Scotland and Fife) (SNP)

DEPUTY CONVENER

*Christine May (Central Fife) (Lab)

COMMITTEE MEMBERS

*Mr Ted Brocklebank (Mid Scotland and Fife) (Con)

Gordon Jackson (Glasgow Govan) (Lab)

Margaret Smith (Edinburgh West) (LD)

*attended

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 5

Scottish Parliament

Waverley Railway (Scotland) Bill Committee

Tuesday 14 December 2004

[THE CONVENER *opened the meeting at 09:31*]

Late Objections (Consideration)

The Convener (Tricia Marwick): Good morning. I remind members to switch off mobile phones and pagers. We have received no apologies.

Agenda item 1 is consideration of late objections. The committee is required to consider four late objections to the bill and decide whether each objector has shown good reason for not lodging their objection within the specified objection period, in which case the objection will be allowed to proceed to the preliminary consideration stage.

I invite comments from members on each of the four objections. First, do members agree that the objection from Nigel Miller should be allowed to proceed to the preliminary consideration stage?

Christine May (Central Fife) (Lab): Yes.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Yes, that is fair.

The Convener: Secondly, do members agree that the objection from Ms Rosie Wild should be allowed to proceed to the preliminary consideration stage?

Mr Brocklebank: We have said in the past that it is not appropriate to object to the whole bill, and Ms Wild falls into the same category as others who have objected in that way. Is that not the case?

The Convener: We must decide whether she has a good reason for lodging a late objection. If we agree that she has, we will consider the objection under the next agenda item.

Mr Brocklebank: I follow.

Christine May: I think that Ms Wild's reasons, including the second one, which is a personal family reason, make a good case for our allowing the objection through to preliminary consideration.

Mr Brocklebank: I agree.

The Convener: I agree.

Thirdly, do members agree that the objection from Youngace Ltd should be allowed to proceed to the preliminary consideration stage?

Christine May: I argue that it should not. It seems to me that Youngace made a valid commercial decision to withdraw its initial objection and the committee is not to be used to deal with a sudden change of mind on a purely local planning issue, which is what the objection seems to be about.

Mr Brocklebank: That makes sense.

The Convener: Are we agreed that the objection from Youngace Ltd should not be allowed to proceed to the preliminary consideration stage?

Members indicated agreement.

The Convener: Lastly, do members agree that the objection from Peregrine Edinburgh Ltd and Lansdowne Holdings Ltd should be allowed to proceed to the preliminary consideration stage?

Mr Brocklebank: My view is that it should not, because the organisation had ample time to consider what adverse effects there might be on its business on the basis of the plan as it was published originally. I do not see why the objection should be considered. The organisation had ample opportunity to object previously.

Christine May: I agree. Sensible landowners examine proposals that might affect their landholdings. A multimodal study—which, in this case, suddenly mentions Straiton—should not be needed to draw to someone's attention the fact that a major development is proposed close to where they have landholdings.

The Convener: Are we agreed that the objection from Peregrine Ltd and Lansdowne Ltd should not be allowed to proceed to the preliminary consideration stage?

Members indicated agreement.

Objections (Preliminary Consideration)

09:35

The Convener: Agenda item 2 is preliminary consideration of objections. We have to consider how best to deal at preliminary stage with the late objections from Nigel Miller and Rosie Wild.

First, we will consider the whole-bill element to the objections from Nigel Miller of Stagehall Farm, Stow and Ms Rosie Wild of St Boswells, which are covered in paragraphs 8 to 14 of paper WAV/S2/04/8/2. I invite members' views on whether they consider that the objectors' interests are clearly adversely affected by the bill, in relation to the whole-bill element of the objections.

Christine May: In each case we are in a similar position to that which pertained when we considered similar objections at other meetings of the committee. I do not agree that the two individuals can show that there would be a particular adverse affect on them. The matters that are raised are of such importance that we will deal with them in the generality of our considerations. I do not think that the objections should be admitted as specific objections to the whole bill.

Mr Brocklebank: I agree that we should follow the pattern that we followed previously with people who have objected to the whole bill. No special provision should be made for these two objectors.

The Convener: I agree. Although the committee rejects the whole-bill elements of the objections, we consider that many of the issues that are raised in the objections appear to be relevant to the committee's consideration of the general principles of the bill at the preliminary stage and will, doubtless, be covered in oral evidence. Do members agree?

Members indicated agreement.

The Convener: I invite members' views on the elements of the objection from Nigel Miller that relate in whole or in part to specified provisions, as covered in paragraphs 15 to 17 of paper WAV/S2/04/8/2. Do members agree that the objection from Nigel Miller should be allowed to proceed to substantive scrutiny at consideration stage?

Mr Brocklebank: I have no objection to that. The objection should be allowed to proceed as it relates to a specified provision.

Christine May: I agree.

The Convener: The committee will invite evidence from all the objectors whose objections were considered today on the adequacy of the accompanying documents and the business case.

I invite members' views on a deadline of 21 January 2005 being set for the receipt of the written evidence. That is the same deadline that was set for the objections that we considered at our meeting on 23 November. That would allow the committee to meet shortly thereafter to consider its timetable and witnesses for oral evidence meetings and possibly to commence hearing oral evidence shortly after the February recess. Is that agreed?

Members indicated agreement.

The Convener: I thank members and close the meeting.

Meeting closed at 09:38.

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