

WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE

Monday 31 January 2005

Session 2

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2005.

Applications for reproduction should be made in writing to the Licensing Division,
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Monday 31 January 2005

	Col.
ITEM IN PRIVATE.....	41
LATE OBJECTION (CONSIDERATION).....	42

WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE 1st Meeting 2005, 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 4

Scottish Parliament

Waverley Railway (Scotland) Bill Committee

Monday 31 January 2005

[THE CONVENER *opened the meeting at 14:07*]

Item in Private

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

Under agenda item 1, we must consider whether to take in private agenda item 4, which is the committee's consideration of its approach to the preliminary stage of the bill, including the timetable for oral evidence sessions and suggested witnesses. Members will be well aware that the minutes of the meeting, which are published, will record any decisions that we take in private. I seek members' agreement to take item 4 in private.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): Will you go a little further and spell out to us the reasons why you think the item should be taken in private? I believe that most such matters should be taken in public, as far as possible. Will you add to what you have said about why the item should be taken in private?

The Convener: We have in the past taken items in private when they have dealt with housekeeping and timetabling matters, such as the timetable for oral evidence sessions. Taking the item in private will allow us to consider who we are likely to call as witnesses and our overall approach to the bill, which we need to discuss. I take your point about not meeting in private too often, but most of the issues for consideration under item 4 are housekeeping issues. Any decisions that we take will, of course, be a matter of public record.

Mr Brocklebank: That sounds fine. I do not want us to nod these things through by rote, as it were, but to consider them every time.

The Convener: Thank you. Do I have the committee's agreement to take item 4 in private?

Members indicated agreement.

Late Objection (Consideration)

14:09

The Convener: Agenda item 2 is consideration of a late objection, on which the committee has received a paper. I invite members to comment on the objection.

Margaret Smith (Edinburgh West) (LD): I find myself in an odd situation. I support Scottish Natural Heritage's point that we should have the most rigorous assessment possible of the environmental impact of what is obviously a substantial transport infrastructure scheme. However, having read through the papers that are before us, I cannot see any reason why SNH has lodged its objection late in the day. There needs to be consistency in how we deal with objectors, not only in this committee but in other private bill committees. I have a bit of knowledge of that, because two such committees are dealing with bills that affect my constituency. I know how other committees have treated individual residents and small residents groups when they have submitted late objections. Those individuals and groups, which do not have the back-up that SNH has, have been told, "Unless you have very good reasons for this objection being late, we will not hear it."

I am reassured that the issues about which SNH is concerned, such as the adequacy of its communication with the promoter, the adequacy of the environmental statement and the need for rigorous assessment of the impact on the environment, will be considered both generally and specifically when we take evidence from the organisation. Given that, and for the sake of consistency, we should not accept the late objection, with the proviso that when SNH comes to give evidence to us later in the process, it will be able to raise those issues with us and we will be able to check that the promoter has been engaging in meaningful dialogue with it. SNH has concerns about that and it is not alone; such concerns have also been expressed in relation to other bills. That might be a signal to other organisations that, even if they are in doubt about whether to lodge an objection to a private bill, they should lodge the objection sooner rather than later.

The Parliament should not set a precedent by accepting a late objection from SNH for no particularly strong reason, given that we do not accept such objections from individuals and small residents groups. We must try to ensure that the process is consistent. We should ensure that we hear from SNH in due course and we should send the promoter the message that from now on we

want it to engage in meaningful dialogue with SNH on this serious issue.

Mr Brocklebank: I agree with Margaret Smith, who makes the case well. Although, like her, I believe that SNH probably raises a number of issues of which we should take cognisance, I do not understand why the issues had to be brought to our attention in the form of an objection to the bill. If SNH wanted to lodge an objection, it could have done so earlier.

To some extent, we have been delayed in accepting objections and we have taken on a number of late objections, but there seems to be no need to accept an objection from SNH at the 11th hour, particularly because SNH will have ample opportunity to make its case in evidence to the committee. It is essential that SNH gives evidence. If the organisation has a problem concerning communication with the bill's promoter, we should draw attention to that, to ensure that problems do not continue. However, we are asked to accept the objection simply because SNH says that it had problems in talking to the promoter and was left with no option but to try to lodge an objection. I do not accept that; SNH could have used other approaches.

Christine May (Central Fife) (Lab): I have little to add to that. I agree that the issue is valid, but if it is valid now it was equally valid four, five or six months ago and an objection could have been lodged then. Like my colleagues, I do not think that we should accept the comments as a late objection. However, we should send a clear message to the promoter that we do not consider that there has been adequate dialogue with SNH—SNH makes a valid point about that. When we call SNH to give evidence to the committee, which I am sure that we will do because the organisation will be a key witness, we can ascertain whether the promoter has improved dialogue after receiving the committee's comments.

The Convener: The committee is fairly unanimous that the objection from SNH should not be allowed to proceed to consideration stage. We do not accept that it is a valid objection, but we expect the promoter and SNH to enter into dialogue. Evidence from SNH will be important in our consideration, particularly of the environmental statement, and we look forward to hearing from the organisation.

The committee does not agree that the objection should be allowed to proceed. Therefore agenda item 3—preliminary consideration of objections—falls. We will therefore move to item 4, which we agreed to take in private. Any decisions that we take will be minuted, so they will be a matter of public record.

14:15

Meeting continued in private until 17:06

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Tuesday 8 February 2005

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Standing orders will be accepted at the Astron Print Room.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop
53 South Bridge
Edinburgh EH1 1YS
0131 622 8222

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh

Blackwell's Scottish Parliament Documentation
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

RNID TYPETALK calls welcome on
18001 0131 348 5412
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers

Printed in Scotland by Astron