

WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE

Thursday 6 October 2005

Session 2

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CONTENTS

Thursday 6 October 2005

	Col.
LATE OBJECTION (CONSIDERATION).....	407
OBJECTION (PRELIMINARY CONSIDERATION)	408
CONSIDERATION STAGE (APPROACH).....	409

WAVERLEY RAILWAY (SCOTLAND) BILL COMMITTEE 10th 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 2

Scottish Parliament

Waverley Railway (Scotland) Bill Committee

Thursday 6 October 2005

[THE CONVENER *opened the meeting at 13:05*]

Late Objection (Consideration)

The Convener (Tricia Marwick): Good afternoon and welcome to the committee's 10th meeting in 2005.

The committee is required to consider a late objection and to decide whether the objector has shown good reason for not lodging the objection within the specified objection period, in which case the objection would be allowed to proceed to preliminary consideration. I invite comments from committee members on the objection, which is annexed to paper WAV/S2/05/10/1.

Mr Ted Brocklebank (Mid Scotland and Fife) (Con): In view of the facts that previous objections of this type have been accepted and that this appears to be a genuine case of someone's having not been informed, they should be granted the right to be considered as objectors.

Margaret Smith (Edinburgh West) (LD): I agree.

Christine May (Central Fife) (Lab): I agree.

The Convener: For the interest of the committee, I should say that rule 9A.6.7A of the standing orders states that a late objection may be lodged only up to the first meeting of the committee at consideration stage. As this is our first meeting at consideration stage, no further late objections may now be lodged.

Do members agree that the objection should be allowed to proceed to preliminary consideration?

Members indicated agreement.

Objection (Preliminary Consideration)

13:06

The Convener: The committee is required to give preliminary consideration to the objection, therefore I invite members' views. Do members agree that the objection should be allowed to proceed for substantive scrutiny at consideration stage?

Members indicated agreement.

The Convener: We will consider our approach to the objection as part of our consideration of all objections to the bill at agenda item 3.

Consideration Stage (Approach)

13:07

The Convener: Paper WAV/S2/05/10/3 gives a general outline of the committee's role at consideration stage and invites Parliament officials to meet the promoter and objectors to explain consideration stage and the committee's approach to it in more detail. Are members content with that?

Christine May: If objectors are to be able to present their cases properly, it is essential that they have the opportunity to discuss the nature of their objections with the promoter and perhaps to realise a solution in advance of the committee having to hear objections.

The Convener: Paper WAV/S2/05/10/4 sets out a possible approach for the committee in the lead-up to oral evidence taking. The paper includes possible groupings of objections, suggested lead objectors from each group, an approach to written-evidence gathering and a timetable. Do members have any general thoughts on that before we discuss more specific issues?

Margaret Smith: I am generally happy with the approach, but it is quite an onerous task to be the lead objector for a group. It is important that strenuous efforts be made to ensure that the people who do that are able to take on the task and that they have the support of the other people in the group. The key point is implicit in paragraph 11 of WAV/S2/05/10/4; we should ensure that the committee does not dictate who the lead objectors are. That must be done through discussion among the people themselves, so that they can ensure that they have a lead objector who is able to speak on behalf of everyone.

The Convener: The committee clerks will write to all the objectors this afternoon about the role of the lead objector, giving all objectors the opportunity to respond. Full information will be given by the clerks, and it will be up to people who either do or do not want to be the lead objector to make such representations, which we will certainly consider. In no way will the committee dictate who the lead objectors will be. The clerks are genuinely trying to facilitate the procedure. We will consider any suggestions that come back.

Margaret Smith: My other point was about the objection that we have just accepted. I am not sure whether it is in a grouping or has yet to be added to one.

The Convener: I will put that question later.

I turn to the specific issues in paper WAV/S2/05/10/4, starting with the groupings. Before I seek the views of members, I suggest that

from group 27, Lord Borthwick be moved into group 26 and Mr and Mrs Scott be moved into group 30. In the current group 29, Mr and Mrs Allison should be moved into group 28, which will become the new group 27. In group 30, the objections from Samuel and Llewellyn and from Still Haugh will remain, and that group will become the new group 28, which will leave James Barr and Mr and Mrs Scott as the new group 29. That will take the number of groups down to 40. Do members have any comments on the proposed groupings?

Christine May: I have no comment other than to say that that was perhaps a little difficult for us to follow. However, if the advice is that the proposed groupings will make for a sensible and better balance, we should agree to them. The primary consideration must be objectors' ability not merely to have their voices heard but to believe that their voices have genuinely been listened to. That is what we are aiming at.

The Convener: I note that objection 84 from the trustees of Newbattle Trust does not appear on the list of draft groupings in annex C. I propose that their objection be added to group 10.

Members indicated agreement.

The Convener: Are members satisfied with the proposed amended draft groupings in annex A?

Members indicated agreement.

The Convener: Are members content that the late objection be included in group 40?

Members indicated agreement.

The Convener: Are members content for the clerk to intimate the proposed groupings to the objectors and the promoter and to invite the objectors' views on them?

Members indicated agreement.

The Convener: Given the earlier changes to groupings, I suggest the following lead objectors: for group 26, James Dun; for group 27, Robin Bull; for group 28, George Baillie; and for group 29, James Barr.

Are members content with the suggested lead objectors as amended in annex A?

Members indicated agreement.

The Convener: Are members content for the clerk to intimate those suggested lead objectors to the objectors and the promoter and to invite the objectors' views on them?

Members indicated agreement.

The Convener: The four steps in paragraphs 12 and 13 of WAV/S2/05/10/4 propose an approach to consideration stage. Are members content with

the approach to the gathering of written evidence that is outlined there?

Margaret Smith: We have to accept that most people, committee members included, want the matter to be progressed as timeously as possible. However, the process puts an incredible burden on lay people in respect of what is expected of them. I for one will be only too happy to think that we will change the process. We have no alternative but to accept what is suggested—that is how the matter has been progressed—but the process places a terrible burden on members of the public.

Christine May: I agree, and would go a little further. Perhaps that is why it is incumbent on the promoter, who in the main is represented by professional people, and on us, in so far as we are able through our officials and advisers, to assist the objectors. Perhaps one of the best ways in which we can assist them is by encouraging the promoter to enter into early discussion with them. We might come to that later. I emphasise the importance that I place on good dialogue. I hope that the promoter will approach that dialogue supportively, rather than aggressively and confrontationally, and will take into account people's fears and hopes so that we can arrive at a resolution that everyone can agree with.

13:15

The Convener: Are members content with that approach to gathering written evidence?

Members indicated agreement.

The Convener: Subject to any changes in groupings or our approach to gathering written evidence, I suggest the following changes to the deadlines for the receipt of written evidence.

For groups 1 to 8, the deadline for receipt of evidence is 10 November, the promoter's response deadline is 28 November and the deadline for the groups' response to that is 12 December.

For groups 9 to 22, the deadline for receipt of evidence is 17 November, the promoter's response deadline is 9 December and the deadline for the groups' response to that is 22 December.

For groups 23 to 40, the deadline for receipt of evidence is 18 November, the promoter's response deadline is 12 December and the deadline for the groups' response to that is 23 December.

Are members content with the provisional timetable as set out in annex B?

Members indicated agreement.

The Convener: I invite the views of members on possible venues for our oral evidence meetings and on the undertaking of site visits.

Christine May: We should do as our parliamentary standing orders suggest and do our best to meet people in their own communities, in so far as that is consistent with the aim of getting the matter dealt with, which is the other criterion. Progress has already been considerably delayed and everyone—local people and ourselves—would like things to move on. We should try to find a balance that will allow the committee to visit and take evidence in the three major areas that are covered by the bill, but which will also allow us to have meetings here. Our meeting here will enable us to have a longer day because of the lack of need to travel. That approach should enable many more objectors to be heard in an evidence-taking day and might lead to more detailed consideration. That should ensure that people see that we have fulfilled our obligation.

Margaret Smith: I agree. There is a need for us to strike a balance between moving forward as timeously as we can—nobody has benefited from the delays so far—and building on the local evidence taking that we did in the previous stage. Therefore, we should have at least some of our meetings in the three areas that the bill will affect. I would be particularly keen to see whether we could take evidence in Stow on the Stow station. I appreciate, however, that there might be some difficulties in terms of accommodation.

We must ensure that the site visits—although we might have time for only one—are meaningful and give us an opportunity to consider most of the objections, particularly those which include alternatives.

Mr Brocklebank: There are two separate factors. It is extremely important that we go on site visits—we must see what is happening on the ground—and those visits have to be as thorough as possible. I also accept that, as part of our remit, it is important that we try to go into the Lothians and the Borders to hear objectors and take evidence. However, we are under pressure to move on the bill because of the time that has been lost, so that should be our priority. Therefore, the bulk of our meetings should be held in Edinburgh. As Margaret Smith said, we should hold a meeting in Stow; perhaps we should also hold one in Galashiels. Other than those two places, however, we should hold meetings here.

The Convener: I think that that is the unanimous view of the committee. The members of the committee want to engage with the local areas. It is important that we do so, but we also believe that we should hold evidence-taking sessions in Edinburgh. The clerks will arrange those meetings for us and get back to us at a later

date. However, I hope that, as far as possible, we will take local objections in the relevant areas and that the corporate objectors can give evidence in Edinburgh. It might not be possible to hear all the local objectors in their areas, but we will do our best.

We are mindful of the delays to which the bill has been subject and it is the wish of all members that we progress the matter as quickly as possible while upholding the principles of Parliament by travelling to relevant areas.

Do we agree that the clerks should arrange a whole-day session, if possible, during which we should conduct all the site visits? No doubt the clerks will be speaking to the promoters in the next wee while.

Members *indicated agreement.*

Christine May: It is notable that a number of objections have been submitted on similar grounds. As we cannot look at every bit of the line, it would be useful if the site visits could be used to highlight the most outstanding major areas of objection.

The Convener: Okay. I should point out that it is important that the promoter and the objectors get together to discuss the objections. We have 128 objections which, as Gordon Jackson said in the preliminary stage debate, is a huge number not to have been resolved. It would be helpful if the objectors and promoters could resolve some of the issues before we move much further down the line.

Christine May: When I asked someone what happens if that resolution cannot be achieved, I was told that this committee must decide. If two people cannot reconcile their differences to the extent that we must arbitrate, someone will be upset. That is why it is imperative that the promoter do whatever it can to facilitate discussions in a spirit of trying to find a resolution. I do not want us to sit in judgment on issues concerning the promoter and an individual but, if we have to, we will.

The Convener: I ask the clerk to record the decisions as appropriate in the minutes for this meeting and for the necessary decisions to be intimated to objectors and the promoter today.

Meeting closed at 13:24.

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