

# **MEETING OF THE PARLIAMENT**

Wednesday 29 March 2006

Session 2

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## Scottish Parliament

*Wednesday 29 March 2006*

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

### Time for Reflection

**The Presiding Officer (Mr George Reid):** Good afternoon. The first item of business, as it is every Wednesday, is time for reflection. Our time for reflection leader today is the Rev Graham S Taylor, who is rector of St Mary's episcopal church in Aberdeen.

**The Rev Graham S Taylor (St Mary's Episcopal Church, Aberdeen):** Let me begin by thanking you so much for your kind invitation to share this time with you in the Parliament.

Within the church calendar, we seek to journey through this season of Lent to reach the great celebration of Easter once again. This is a time for us to stop, to think and to examine ourselves; it is a time when we remember once again that out of death comes resurrection.

Jesus, in the gospel's account, takes time to pray that we may all be one. In November last year I moved parish from the town of Peterhead, on the coast, to Aberdeen—the granite city itself—and to a church that is known locally as the tartan kirkie, because of all the rich colours that are contained within the brickwork of that magnificent building, dedicated to the glory of God, that we may all be one. As we reflect on that skilled brickwork, which was designed carefully to create a beautiful landmark, so may we reflect that as a gathering, as a parliamentary body and as a nation, we are all—as we all know only too well—very different. Yet, how rich it can be when we take stock of the great unity that our diversity can create within us, as all of us put our differences together to generate vibrancy of life and harmony between us.

May I encourage you to think deeply on that during this season of Lent and, somehow, to celebrate the different views and opinions that we might have and to see beyond those differences to something wonderful and rich that is created for God and for his kingdom.

May God bless you in all your debates and in all your differences. May you seek common ground as you are able to reflect a Parliament of power, of wisdom and of authority among one another, to those whom you serve and above all to almighty God.

Let us pray.

Father, we thank you for this day, we thank you for this moment when we celebrate our diversity and realise the

great richness that lies within this body. Bless all who debate in this place for the common good of our country and bring close to us all during this period of Lent a greater understanding of you and of all your ways. This we ask in Jesus' name.

Amen.

## Business Motion

14:35

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-4204, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a timetable for final stage consideration of the Edinburgh Tram (Line One) Bill.

*Motion moved,*

That the Parliament agrees that, during the Final Stage of the Edinburgh Tram (Line One) Bill, the debate on groups of amendments shall be brought to a conclusion by the time limit indicated (that time being calculated from when the Stage begins and excluding any periods when other business is under consideration or when the meeting of the Parliament is suspended or otherwise not in progress):

Groups 1 to 4 - 35 minutes

Groups 5 to 7 - 1 hour and 25 minutes.—[*Ms Margaret Curran.*]

**The Presiding Officer:** Mr Gorrie wishes to speak. Do you oppose the motion, Mr Gorrie?

**Donald Gorrie (Central Scotland) (LD):** I want to query it and possibly to oppose it. If the debate on the main source of argument, which is noise, goes on a bit, will the minister support a continuation of 15 minutes or so, which is within the Presiding Officer's power? It would be a pity if the discussion of the one major issue of dispute was truncated.

**The Presiding Officer:** That power of decision lies with me and I intend to do that.

**Donald Gorrie:** Thank you.

*Motion agreed to.*

## Edinburgh Tram (Line One) Bill Committee Report

14:36

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of motion S2M-4130, in the name of Jackie Baillie, on behalf of the Edinburgh Tram (Line One) Bill Committee, on the committee's first report of 2006, which is entitled "Appropriate Assessment on the Firth of Forth Special Protection Area".

*Motion moved,*

That the Parliament notes the 1st Report 2006 (Session 2) of the Edinburgh Tram (Line One) Bill Committee, *Appropriate Assessment on the Firth of Forth Special Protection Area* (SP Paper 486), and agrees that the works proposed in the Bill will not adversely affect the integrity of the Firth of Forth Special Protection Area.—[*Jackie Baillie.*]

**The Presiding Officer:** The question on the motion will be put at decision time.

## Edinburgh Tram (Line One) Bill: Final Stage

14:37

**The Presiding Officer (Mr George Reid):** The next item of business is final stage proceedings on the Edinburgh Tram (Line One) Bill. I make the usual announcement about the procedures that will be followed.

We will deal first with amendments to the bill and then move to the debate on the motion to pass the bill. For the first part, members should have the bill as amended at consideration stage—SP bill 17A—the marshalled list, which contains all the amendments that have been selected for debate, and the groupings of amendments, which I have agreed. The period of voting for the first division on an amendment will be two minutes. Thereafter, I will allow a voting period of one minute for the first division after a debate and all other divisions will be 30 seconds. We will have a suspension of five minutes before the first vote to ensure that all members are present.

### Section 31—Set-off against betterment

**The Presiding Officer:** Group 1 is on set-off against betterment and construction. Amendment 1, in the name of Jackie Baillie, is grouped with amendment 2.

**Jackie Baillie (Dumbarton) (Lab):** In speaking to amendment 1, I record that it is approximately 50 years since trams were last seen on the streets of Edinburgh. After today, I hope that they will be seen again.

Under Section 31, if land is acquired under the bill and the landowner has other contiguous or adjacent land that increases in value because of the tram, the compensation for the lost land will be reduced by any increase in the value of the other land. The principle is known as betterment. Just as the effect of betterment will be taken into account in respect of compensation that is payable in relation to land that is acquired under the bill, section 31 also provides for the effect of betterment to be taken into account in respect of compensation that is payable as a result of reduction in property values during the construction works.

Amendments 1 and 2 will clarify the drafting of section 31 to make its purpose clearer, but will not change its meaning or effect.

I move amendment 1.

**The Presiding Officer:** Conversations, even whispered, that would be perfectly acceptable in the chamber simply do not work here in committee

room 2. The noise makes it difficult to hear members from the platform. I ask members please to have any conversations outside.

*Amendment 1 agreed to.*

*Amendment 2 moved—[Jackie Baillie]—and agreed to.*

### Section 36—Correction of errors in Parliamentary plans and book of reference

**The Presiding Officer:** Amendment 3, in the name of Jackie Baillie, is grouped with amendments 4 to 6.

**Jackie Baillie:** The Edinburgh Tram (Line One) Bill Committee expressed serious concerns at consideration stage about the width of the powers that will be conferred by section 36 and so subsequently amended the section. However, after further discussions with the clerks to the committee and our legal adviser, I am convinced of the need for further amendments to section 36 to improve even further the rights of affected parties. The promoter has agreed to such amendments' being lodged.

As drafted, section 36 would allow the authorised undertaker to apply to the sheriff for the correction of any inaccuracy in the parliamentary plans or the book of reference, relative to their description of any land, or of the ownership or occupation of any land. The authorised undertaker can do that only if it gives at least 10 days' notice to the owner or occupier of the land that is the subject of the error. If the sheriff agrees that the inaccuracy arose from a mistake, the sheriff must certify the fact accordingly. The sheriff would have no discretion in the matter. It would then be lawful for the authorised undertaker to take the land or, as the case may be, to take a right over the land in question and to execute the works in accordance with the certificate.

The proposed new subsections make it clear that where a person has been given notice under section 36(1), they can give to the sheriff and the authorised undertaker a written counter-notice to the effect that they dispute that there is an inaccuracy that may be amended under section 36. That must be done within 10 days of the original notice. Where such a counter-notice is given, the sheriff must ensure that a hearing is held before making a decision on the application. Although we all expect it to be unlikely that there will be such errors in the documents, particularly in such a serious situation in which the promoter requires compulsorily to acquire land, it is important that the section strike a fair balance in enabling the sheriff to act in the light of all relevant facts.

Amendments 3 to 6 will build in better safeguards for people who may be affected by

section 36 and will better ensure that their human rights will not be breached. Amendment 6 is a minor amendment to section 36, to provide a definition of the term “Partner Libraries”.

I move amendment 3.

*Amendment 3 agreed to.*

*Amendments 4, 5 and 6 moved—[Jackie Baillie]—and agreed to.*

#### After section 56

*Amendment 7 not moved.*

**The Presiding Officer:** Amendment 8, in the name of Lord James Douglas-Hamilton, is in a group on its own.

**Lord James Douglas-Hamilton (Lothians) (Con):** In the interests of public safety and the environment, no driver of a vehicle in Edinburgh is entitled to drive in excess of 40mph. Even then, the speed limit is 40mph on a limited number of strategic roads. By the same criteria, it is desirable that trams endanger neither the public nor the environment. To take one example, in the corridor between Roseburn and Granton, which I have walked along recently, many men, women and children use the current walkway, often with domestic pets. Even with a fenced-off walkway, a tram that is going at 50mph could increase the risk of an inadvertent collision or have an adverse impact on the environment.

I accept that safety is the responsibility of Her Majesty's railway inspectorate, but a 40mph speed restriction would be likely to reduce noise levels, which would benefit the environment. What is most convincing in that connection, relating to speed levels, is paragraph 434 of the Edinburgh Tram (Line One) Bill Committee's second report, which confirms that the speed limit's being reduced or restricted to 40mph would add only two seconds to the journey time.

I move amendment 8.

**The Presiding Officer:** I call Phil Gallie.

14:45

**Phil Gallie (South of Scotland) (Con):** Thank you, Presiding Officer—I nearly called you “Speaker”.

Although I am a member of the Edinburgh Tram (Line One) Bill Committee, the views that I express are not those of the committee. During the committee's deliberation, I felt that 40mph would be a sufficient operating speed in the Roseburn corridor, given the corridor's natural heritage and leisure uses. The papers with which the committee was provided suggested that sole discretion for imposing such a limit would be based on safety

and lay with HMRI. On that basis, I accepted that it would not be possible to include the 40mph limit in the bill.

However, I have changed my mind since I examined documentation on the matter. I emphasise that I regard a 40mph limit to be of benefit to the environment of the Roseburn corridor and not necessarily related to the safety aspects that HMRI addresses.

**Jackie Baillie:** I am not surprised that Phil Gallie was tempted to call you “Speaker”, Presiding Officer—he knows that that area of policy is reserved, but perhaps he thought that he was in another place.

Does Phil Gallie agree that the primary purpose of amendment 8 is to set a speed limit? If that is the case, the matter is reserved. I would expect somebody with his credentials to recognise that.

**Phil Gallie:** No. As far as I can see, HMRI sets speed limits that are based on safety considerations; I suggest that amendment 8 would introduce a speed control for environmental reasons. The 40mph limit would not only limit the tram operators within the Roseburn corridor but would be set around the system. However, I can think of no area other than Roseburn where the tram would be likely to exceed 40mph.

The impact of trams going through the Roseburn corridor will be significant. The committee decided that, for the overall good, we should go along with use of the corridor, but that anything we could do to reduce the trams' impact would be of benefit. By setting a 40mph limit, we would certainly benefit the environment, particularly with respect to slipstreaming: when a large vehicle passes cyclists or walkers in close proximity, there is bound to be an impact, which constitutes an adverse impact on the environment. On that basis, I suggest that amendment 8 be agreed to.

**Jackie Baillie:** I believe that, in another place, David Cameron was accused of “flip-flopping”; Phil Gallie appears to have caught the same disease. I point out that the committee was unanimous on the proposed speed limit and that amendment 8 raises a matter that is clearly not within Parliament's competence.

**Phil Gallie:** Will Jackie Baillie give way?

**Jackie Baillie:** No. It is important that I explain as simply as I can why amendment 8 is not within Parliament's competence. The setting of speed limits was a matter of concern upon which the committee heard a fair amount of evidence. As a consequence of that evidence, we took advice from HM railways inspectorate, which is now part of the Health and Safety Executive. HMRI confirmed that it is responsible for approving safety on tramways and helpfully set out the



criteria that apply. If members require it, I can narrate the lengthy list of matters that it takes into account. I will spare the Parliament from that.

HMRI has advised us that, in practice, there is on-going dialogue between it and tramway operators as part of the approval process that is set out in the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994. Her Majesty's railway inspectorate and tramway operators tend to reach consensus on maximum speed limits. However, there is a final regulatory backstop under which HMRI has powers to impose maximum speed limits. Section 45(1) of the Transport and Works Act 1992—which I know members have read avidly—enables the Health and Safety Executive to give to any person who carries on an undertaking that includes the provision of transport services on a tramway a direction that imposes maximum speed limits at which vehicles that are used on the system may travel.

Generally speaking, section 117 of the Railways Act 1993 brings section 45 of the Transport and Works Act 1992 within the ambit of the health and safety regime that is operable under part 1 of the Health and Safety at Work etc Act 1974. In terms of section H2 of part II of schedule 5 to the Scotland Act 1998, part I of the Health and Safety at Work etc Act 1974 is a reserved matter. Put simply, the setting of maximum speed limits for the operation of tramways is not within the legislative competence of the Scottish Parliament. It is a matter for Westminster.

Because of that advice, we accepted that amending the bill to set a speed limit would serve no purpose. If we did so, the measure could be struck down as being outwith Parliament's competence. Naturally, we did not let the matter lie—we discuss speed issues in paragraphs 422 to 437 of our report. I commend those paragraphs to the member, and, in particular, our conclusion at paragraph 434, which states:

"The Committee would recommend the promoter considers reducing the maximum requested speed limits operating for tram Line One along the length of the Roseburn Railway Corridor".

We note that a speed reduction from 46mph to 40mph—the level that is suggested in amendment 8—would increase run time by a mere two seconds, so we commend our conclusions to the promoter, as well. We believe that the committee has already—quite cleverly—made the required point. It captures the spirit of Lord James's amendment, but his amendment is not legislatively competent, so I ask him to seek to withdraw it.

**David McLetchie (Edinburgh Pentlands)**  
(Con): On a point of order, Presiding Officer. If Jackie Baillie's argument on the legislative

competence of Lord James's amendment is correct, why was it accepted for debate? My understanding is that amendments are screened for legislative competence before they are presented to Parliament for a decision. Is that the case in relation to this bill, or is it not?

**The Presiding Officer:** No. Legislative competence is not a criterion of admissibility. The chair will always attempt to give Parliament the fullest chance to debate a matter of some interest.

I ask Lord James to respond and to indicate whether he wishes to press his amendment.

**Lord James Douglas-Hamilton:** I would like to press my amendment.

First, Phil Gallie is perfectly entitled to change his mind on the matter. If he did so, he would have the full support of President Abraham Lincoln—

**Phil Gallie:** Will the member give way?

**Lord James Douglas-Hamilton:** I ask the member to let me finish what I am saying.

Former President Abraham Lincoln said—

**The Presiding Officer:** Again, I must ask members to keep private conversations down so that we can hear.

**Lord James Douglas-Hamilton:** President Abraham Lincoln said:

"I do not think much of a man who is not wiser today than he was yesterday."

With regard to legislative competence—

**Phil Gallie:** Will the member give way?

**Lord James Douglas-Hamilton:** I want to proceed. I will give way briefly, but the member has had his say.

**Phil Gallie:** I make the point to Lord James that I did not flip-flop on the issue. I was consistent in my argument in committee, but I was persuaded wrongly with information that was given that I should—

**Lord James Douglas-Hamilton:** I thank Phil Gallie.

On Jackie Baillie's point about legislative competence, amendment 8 was cleared by the clerks, who act impartially. I merely emphasise what the amendment seeks to do: it seeks to place a responsibility on the undertaker—in this case, the City of Edinburgh Council—to restrict the speed of trams to 40mph. I accept that it might be for others to set the overall speed limit, but it is entirely competent for us to place that restriction on the undertaker, who would be obliged to observe it regardless of whether a higher limit had been set elsewhere.

I can say only that we were all elected to fight for the best interests of our constituents. I would be aggrieved if that right was to be taken away by spurious arguments about legislative competence, which do not apply within Parliament.

**The Presiding Officer:** For clarification, are you pressing amendment 8?

**Lord James Douglas-Hamilton:** Yes.

**The Presiding Officer:** The question is, that amendment 8 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** I suspend the meeting for five minutes to allow members to come to the voting consoles.

14:54

*Meeting suspended.*

14:59

*On resuming—*

**The Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 MacDonald, Margo (Lothians) (Ind)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Murray (West of Scotland) (Con)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)

Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Presiding Officer:** The result of the division is: For 17, Against 79, Abstentions 0.

*Amendment 8 disagreed to.*

#### Section 61—Insulation against noise

**The Presiding Officer:** Group 5 is on mitigation and maximum noise levels during operation—that also goes for noise levels in the chamber.

Amendment 10, in the name of Margaret Smith, is grouped with amendments 11, 12, 13, 15, 15A and 16.

**Margaret Smith (Edinburgh West) (LD):** There are no statutory requirements for mitigation of noise from rail systems in Scotland, so we are left to judge for ourselves what is reasonable. The Minister for Transport and Telecommunications might like to give some thought to that matter in due course, given the tremendous progress that the Executive is making in bringing forward rail and tram projects.

My purpose in lodging the amendments in my name and in supporting those in the name of Donald Gorrie is to alleviate the worst impacts of noise from the tramline without imposing limits that would threaten the operation of the line. We each experience noise differently, as it is subjective, but excessive noise levels impact on communication, on work, on concentration and on rest and relaxation.

It is undoubtedly the case that the operation of the tramline will adversely affect many people's enjoyment of their homes and the amenity of their surroundings. Amendments 10 and 11 would change the noise insulation scheme from being optional to being a statutory requirement. That is a reasonable amendment that would give greater comfort to residents who might be affected.

Presiding Officer, could you clarify which other amendments in the group I can speak to?

**The Presiding Officer:** You can speak to all the amendments in the group.

**Margaret Smith:** Thank you.

Amendment 12, in the name of Lord James Douglas-Hamilton, and amendment 15, in the name of Donald Gorrie, deal with permissible noise levels. I have a degree of sympathy with those amendments and with their approach; I have a greater degree of sympathy for residents whose homes and gardens will be affected by tram noise. Unfortunately, I am unable to support amendment 12. I have spoken to an acoustic consultant about the issue and believe that the amendment would put the scheme in jeopardy.

Amendment 15 directly addresses the Roseburn wildlife corridor and walkway, which is a well-used local amenity that stretches from Drylaw to Craighleith, in my constituency, and beyond to Roseburn and Murrayfield. Until now, the corridor has enjoyed low levels of noise, in the region of 35dB. As members know, noise is measured on a logarithmic scale, so it is quite complicated for laypeople like us to understand. However, we know that the  $L_{Amax}$  60dB that is mentioned in amendment 15 is the level at which the World Health Organisation and countless studies state

that people can be expected to experience sleep disturbance.

If the figure is taken to 70dB max for intermittent noise, we have a doubling; if it is taken to 80dB, we have a doubling again. Time and again, in noise studies from around the world, I have seen the levels that are proposed by the promoter associated with sleep disturbance and resident annoyance. That is why I am supporting amendments 15 and 15A. I believe that the noise levels that are covered in those amendments are reasonable and reflect British standards and WHO guidance.

The promoter has been using planning advice note 56 as a basis for its figure of 82dB. Having spoken to an acoustic consultant about the matter, I have great concerns about that approach, given that PAN 56 covers new housing that is being built next to an existing noise source, not the situation that we have here of a new noise source that is being built next to existing homes. We must also bear in mind the fact that new homes are better insulated. The promoter's noise level of 82dB was also chosen partly because that figure was chosen for the Merseyside tram, but the Merseyside scheme has now been scrapped.

Amendment 15 proposes what is probably the ideal noise level, but amendment 13 represents an attempt to increase the number of householders who will be entitled to noise insulation mitigation measures. Amendment 13 concentrates on night time, when disturbance will be worst.

**Jackie Baillie:** Can the member explain why she uses the definition of  $L_{Amax}$  slow rather than  $L_{Amax}$  fast?

**Margaret Smith:** No, I cannot. I made my request to the parliamentary draftspeople and that is what they came back to me with. I think that it is linked to what was used by the promoter in the noise and vibration policy.

Amendment 13 tries to increase the number of householders who will be entitled to noise insulation mitigation measures. I appreciate that many objectors would see that as second best to reducing noise levels in the first place. I agree with that, but I think that it is reasonable to try to improve the last line of protection.

What amendment 13 asks for is different from what is asked for by the amendments in the names of Donald Gorrie and Lord James Douglas-Hamilton. I am asking the Parliament to reduce the night-time trigger from  $L_{Aeq}$  63dB to  $L_{Aeq}$  60dB and the night-time figure for noise peaks from 82dB to 70dB. It is likely that decreasing the trigger levels will add no more than 200 homes to the scheme, at a cost of around £1,500 to £2,000 each, but that will make a significant difference to the quality of life in those homes.

Amendment 14 changes the definition of “night time” to the hours between 10 pm and 7 am. The man on the Clapham omnibus or, if it comes to pass, the man on the Edinburgh tram would see those times as being perfectly reasonable—10 pm is the time when many elderly people, especially, take to their beds. I hope that members will support amendment 14 and the other amendments in my name, as well as amendments 15 and 15A.

I move amendment 10.

**Lord James Douglas-Hamilton:** Amendment 12 and amendment 16, which is consequential to it, seek to amend the noise and vibration policy that the promoter will rely on in dealing with the problem of operational noise. The amendments have been lodged on behalf of all citizens who live near the tramway, the operation of which has the potential—if we do not take great care—to keep children and possibly others awake at night.

Amendment 12 is the assertion of the principle that sleep disturbance should not be inflicted unnecessarily on any citizen, young or old, regardless of where they live.

**Jackie Baillie:** Will the member give way?

**Lord James Douglas-Hamilton:** I have quite a lot to say, but I will give way briefly.

**Jackie Baillie:** Thank you. Does the member agree that expert advice suggests that  $L_{Aeq}$  is a good indicator of noise, given that it measures fluctuating railway noise over time as a logarithmic average? Why has the member not used that?

**Lord James Douglas-Hamilton:** I can answer very easily. It is because the World Health Organisation strongly recommends the standards that are contained in amendment 12. I am disappointed that the member does not accept the recommendations of the World Health Organisation, which she might well do in relation to other countries.

The purpose of amendment 12 is twofold: first, to prevent an outburst of extreme noise that would have a substantial and adverse effect, leading to disturbance of the sleep of persons living near the line; and, secondly, if that cannot be reasonably achieved, to provide for persons so affected an appropriate and proportionate level of compensation. The significance of the amendment lies in the fact that it deals with maximum rather than average noise levels—a distinction that would not be lost on the men, women and children who will be needlessly deprived of sleep. That is important because, as it stands, the noise and vibration policy makes no reference to  $L_{Amax}$ , which is the maximum level of noise, but instead refers to  $L_{Aeq}$ , which refers to averaged-out noise levels. We need to deal with both.

Amendment 12 refers to a maximum level immediately outside the window of a property of  $L_{Amax}$  60dB. If that cannot be achieved reasonably, the  $L_{Amax}$  should be 45dB inside the window. Those standards are recommended by BS 8233 and I understand that they are commonly applied daily by local authorities throughout the country, including the City of Edinburgh Council. The promoter has sought to rely on the far less robust measures that are contained in planning advice note 56. Adding weight to that, the World Health Organisation strongly recommends the noise levels that are contained in amendment 12 in the best interests of the good health of men, women and children.

I do not wish sleep disturbance to be inflicted on any family. Amendment 12 is a necessary improvement to the bill and it will create a deal of good will if it is accepted. I have lodged the amendment on behalf of the health of the nation. I will move amendments 12 and 16 at the appropriate time. I commend all the other amendments in the group on the same basis. Whether Margaret Smith votes for my amendment or not, I will support hers.

**Donald Gorrie (Central Scotland) (LD):** Members might be surprised by the fact that I have lodged an amendment to amendment 15. The purpose of doing that is to give members an opportunity to vote separately on daytime and night-time noise because they might have different views on one as opposed to the other. Amendment 15 is about night-time noise, which the two previous speakers have dealt with to some extent.

The area that is covered by amendment 15 is an off-road walking and cycling path that runs from Roseburn to Crewe Toll. Forty years ago, it was a municipal railway line. The railway was eventually closed down and it is now a peaceful place where people cycle, walk and walk their dogs. I therefore think that it is a separate case from other parts of the proposed tramway that are on streets where there is already a lot of noise. I will support an improvement to public transport, but we do not want improvements in public services if it means that individuals do not get any sleep.

**Margo MacDonald (Lothians) (Ind):** I do not mean to be flippant, but people have been sleeping the length and breadth of Leith Walk for generations. What do we mean by the British standards members have mentioned? Do the same standards apply in Brussels or Oslo? If they do not, it would seem that no one in Oslo sleeps.

**Donald Gorrie:** The figures that I propose to use are accepted by the World Health Organisation, which I think covers Oslo and the other places mentioned. The people who live in Leith Walk do not have a single very noisy tram

running straight past their doors every now and then. The argument that we should go for an average level of noise seems to me to be foolish. People are not woken up by an average level of noise; they are woken by a noise. If a tram makes a very loud noise, people will wake up and no amount of averaging affects that at all.

The peaceful existence that has hitherto been enjoyed by people living along the Roseburn corridor is going to be invaded by noise day and night from a large number of trams. Unless they are controlled, those trams will make a lot of noise. I propose that we limit the noise to  $L_{Amax}$  60dB. That figure is accepted by the World Health Organisation and by British standards. As the committee's report agrees, it is now

"more common for local authorities to rely on BS8233/WHO rather than PAN 56".

It is widely accepted that that is the right sort of figure to go for. PAN 56 relates to brand new houses with high-tech glazing. It does not refer to old houses with sash-and-case windows.

15:15

Moreover, I am advised that if people were to build new houses beside such a source of noise, the City of Edinburgh Council would in effect opt for the figure of  $L_{Amax}$  60dB, in that the maximum noise level inside such houses would not be allowed to exceed 45dB, which is the equivalent of 60dB on the edge of a house. Thus, there is widespread support for setting the maximum noise level at 60dB.

I pay tribute to the committee for its hard work and industry, but I have been led to believe by a considerable number of people who were involved in the bill that the information, arguments and opinions that were provided by the promoter and its allies left a great deal to be desired and should not be relied on. It is possible that the committee erred in taking too much notice of what such people said.

**Jackie Baillie:** Does the member acknowledge that the committee took a range of advice from people other than the promoter? We felt that it was important that we had independent advice on which to frame our questioning.

**Donald Gorrie:** I accept that, but we have a difference of opinion. I argue that the worldwide and British weight of opinion is for a maximum noise level of 60dB rather than 82dB.

I also argue that it is better to be on the safe side. The committee's consideration stage report stated that the aim was for a disturbance level of 25 per cent. Instead, we should aim for a zero disturbance level. That would not adversely affect the tramway, as the additional cost of the extra

mitigation measures would be quite small and such measures are quite feasible.

Amendment 15 is not a wrecking amendment. The proposed change is quite sensible and would protect the sleep of thousands of people who live along that section of the line. We owe it to them to look after their interests. I urge members to consider the issues seriously, as the amendment is not about whether people are for or against the tramway. In considering the arguments, we should err on the side of the individuals who might need help if they are to get any peace if the promoter cuts corners during the construction of its tramline.

Amendment 15A would require that the maximum daytime noise level should not exceed 70dB. I hope that members will also consider that issue, but the night-time noise level is obviously the main issue. I urge members to take the issue seriously.

**Sarah Boyack (Edinburgh Central) (Lab):** I rise to support amendments 10 and 11, in the name of Margaret Smith, but I will preface my remarks by highlighting how the present discussion illustrates not only the hard decisions that the bill presents us with but the difficulties that are thrown up by our current procedure for dealing with private bills.

I do not believe that it is appropriate for us to have such debates in a meeting of the full Parliament. The committee has spent two years considering this and many other issues in great detail. I am not prepared to overturn the series of reports that the committee prepared, the discussions and negotiations that it held and the representations from constituents and others that it weighed up. Alternative suggestions have been put in front of us today, but I am not prepared to overturn all that work on the basis of the short speeches that we have heard today.

That is not to say that I do not acknowledge that those views are held by various individuals, some of whom are probably my constituents who will let me know about their views afterwards. However, there is an issue about the process that we use to handle such bills. I am not prepared to take a chance by taking the word of people who have made a few short speeches in the chamber. I have read the committee's report. Like Margaret Smith, I have ploughed through some of the evidence sessions and I have attended many debates and meetings on the issue in my constituency.

However, I am prepared to support amendments 10 and 11. Having read many bills, I know that a change from "may" to "shall" is not a huge change in legislative terms, but it is a symbolic change. It says to our constituents and people who are potentially affected by the trams that the authorised undertaker shall,

"after consulting the Council, make a scheme providing for the making of grants towards the cost of insulating buildings, or such classes of buildings",

as are appropriate. It is important that we put that level of comfort in the bill, given the range of concerns that have been expressed and the work that the committee has done on the issue. I understand that the committee is not unhappy with the amendments.

It is important that we reassure people, but we must get the issue in perspective. There is a limit to what we can do in plenary session when debating a bill such as this. I very much look forward to a new transport and works act, which will allow us to debate issues in a different kind of framework, with different kinds of expertise at the top table. We do not have that today. My judgment is to rely on the work that the committee has done over the past two years, with the amendments that Margaret Smith has lodged.

I understand that the amendments in the name of Lord James Douglas-Hamilton would mean that we would never build railways except in tunnels. There is a debate about what the appropriate noise levels are. I am not prepared, on the basis of a brief discussion in the chamber this afternoon, to overturn the consideration and work of the committee.

**Lord James Douglas-Hamilton:** Will the member give way?

**The Presiding Officer:** I am sorry, Lord James. The member is down.

**Des McNulty (Clydebank and Milngavie) (Lab):** I want to place this debate about noise and its control in a broader context and to relate my experience and, I suspect, that of Brian Adam in that connection. Our constituents are heavily affected by aircraft noise. In Clydebank, 800 persons are within the 63dB contour that was mentioned and 4,350 persons are within the 60dB contour. Significantly greater numbers of people are affected by aircraft noise than will be affected by the trams. In Aberdeen, the relevant figure for the 63dB contour is 900 persons and there are 3,300 persons within the 60dB contour.

My constituents and I are very interested in issues of insulation, noise protection and so on, but the question with which we are dealing is much bigger than the tram scheme. It would be welcome if Sarah Boyack and the minister could give us some reassurance that both the Environment and Rural Development Committee and the minister will examine issues of transport noise and the rights of people who are affected by it. In my constituency and, I suspect, Brian Adam's, the number of planes flying over both at night and during the day has increased considerably in recent years. That is a big

nuisance for people in the affected areas. The Parliament should pay close attention to the issue.

**The Presiding Officer:** I call Brian Adam. Please speak to the amendments.

**Brian Adam (Aberdeen North) (SNP):** The amendments that we are debating specify a maximum noise level. The current arrangements are for average noise levels. Des McNulty is correct to say that, in similar circumstances, many people are affected by noise, although an average figure is not breached. People are disturbed by events, not by averages. If we set a maximum noise level, that will be more helpful to those who will be affected by noise. I echo Des McNulty's comments on that point.

**The Minister for Transport and Telecommunications (Tavish Scott):** Members will already be aware that if they take an intervention from Jackie Baillie on the subject of noise this afternoon, they do so at their peril.

I will make two points on this complex issue. First, I am with Sarah Boyack on the theme of her remarks. That in no way belittles the amendments that Margaret Smith, Lord James Douglas-Hamilton and Donald Gorrie have lodged. However, the committee that the Parliament set up to consider these matters has done so in considerable detail, as Donald Gorrie accepted. Parliament will wish to recognise and take cognisance of the fact that the committee took independent advice on the issues.

Secondly, I note that the cost of the amendments has not been made clear. As the Parliament would expect, we have been concerned that it might be prohibitive and have implications for the scheme. Therefore, we do not support amendments 12, 13, 15, 15A and 16. However, we are content to support amendments 10 and 11. We agree with the promoter and the committee that what amendments 10 and 11 seek to do is already implicit in the bill as a result of the enforceability of the noise and vibration policy. Amendments 10 and 11 reinforce that position.

I take the points that members have made about noise, but they relate to various areas in the transport portfolio.

**Jackie Baillie:** The committee took many hours of evidence on noise before reaching its conclusions. Given that we acknowledge that the topic is extremely complex, I hope that members will afford me some leeway in trying to condense the committee's consideration in a few minutes for members in the chamber today. I was not deliberately trying to trip members up by asking technical questions about noise, although I was perhaps using it as a device to illustrate that we have taken considerable time to understand the

complexities of the subject. I am grateful to Sarah Boyack and Tavish Scott for recognising that.

I will provide the chamber with a little lesson on noise—although members have probably already had that lesson from the Presiding Officer. The terms “sound” and “noise” tend to be used interchangeably, but noise can be defined as an unwanted sound. Sound is a normal and desirable part of life, but when noise, for example from industry, construction, transportation or—dare I say it—unwanted comment in the chamber, is imposed on people, it can lead to disturbance, annoyance and other undesirable effects.

It is relatively straightforward to measure sound physically with a sound level meter. However, it is much more difficult to measure perceived loudness and the effects that that might cause. Noise levels do not add up according to simple linear arithmetic. For example, adding two equal noise sources results in a combined noise level that is only 3dB higher than individual levels.

I will illustrate that to members with an example that I hope they will all remember. They will remember the wonderful bagpipe players we all used to enjoy in our other home when we were trying to work. One bagpipe player would create a certain level of noise, but if there were two, the level would increase by only 3dB. If there were four bagpipe players, only 6dB extra would register. If there were eight players, perhaps 9dB more would register, which is less than double the noise created by one bagpipe player and less than one would expect. A relatively large change in sound energy is needed before it is perceived by our ear to be louder or quieter. It is generally accepted that an increase of 10dB is perceived to be a doubling of noise and a decrease of 10dB is perceived to be a halving of noise.

I will now explain how noise is measured and explained—[*Interruption.*] I ask members to please listen.

**Christine Grahame (South of Scotland) (SNP):** I am following Jackie Baillie closely, but I am curious to know how many bagpipes it takes to make a noise, as distinct from a sound.

**Jackie Baillie:** If Christine Grahame was listening earlier to my little lesson on noise, she would know that noise is an unwanted sound. However, for some people, one bagpipe player might make a pleasurable sound. I hope that that answers the member’s question.

Noise metrics are used to measure the variation of noise over time. Two commonly used measures about which we have heard are  $L_{Aeq}$  and  $L_{Amax}$ .  $L_{Aeq}$  is called the continuous equivalent sound level. It represents a varying noise level by calculating the constant noise level that would have the same sound energy content over the

measurement period. As  $L_{Aeq}$  is a logarithmic average and not an arithmetic one, it has been found to be a good indicator of the effects of a noise that comprises a series of varying signals over a period, exactly as one would expect from railway noise.

$L_{Amax}$  is a measure of the maximum noise level. For railway noise, it is the highest level experienced when the vehicle passes, usually occurring directly in front of the receptor location.  $L_{Amax}$  is a useful metric when considering sleep disturbance, so it is used in conjunction with  $L_{Aeq}$  to assess the impact from railway noise.

15:30

Three sets of guidance are commonly utilised to determine acceptable noise levels to protect against sleep disturbance, but none of them applies specifically to railway noise. There is no statutory requirement to mitigate noise from railways in Scotland, but the promoter produced a noise and vibration policy, dated March 2005, to set out its approach to mitigating noise. The policy was amended to address the committee’s concerns and it was subsequently incorporated in the bill at section 63C, which ensures that the policy must be complied with.

Among other purposes, the policy seeks to ensure that, through the design of the track and track bed, and the procurement of modern tram systems, all reasonable, practical measures are taken to avoid significant noise impacts. Where significant noise still arises, the policy proposes a tiered approach to mitigation, with noise barriers to be provided to attenuate noise in the first instance. Once that mitigation is in place, should noise levels still exceed the thresholds, noise insulation will be made available.

Let me turn now to the content and effect of the amendments in group 5. I will say a little bit about the process because the subject of noise and vibration is highly technical and the committee was conscious of the need to get it right, which was why we took months over it. As I said earlier, we commissioned a report from independent experts because of the complexity of the matter and the conflicting written evidence that we received. We wanted our own, independent report from experts in the field to inform our approach to oral evidence on noise and vibration. The report proved particularly helpful in our testing of the oral evidence, particularly that from the promoter’s experts, which has come in for criticism today. It enabled us to ensure that we fully understood the issues when we wrote our report. With respect, I say that the members who are moving amendments today have not had the benefit of that knowledge.

I have considerably more to say, Presiding Officer, but you are indicating that I should wind up. I will home in on one matter. Sarah Boyack rightly focused on the 45dB limit that Lord James Douglas-Hamilton proposes. She said that that limit was so low that if it were applied to new railways, it would mean that in future railways could be built only in tunnels. If the suggested noise limits were adopted, we would never be able to build a road again either, unless it was in a tunnel. I urge members therefore to support amendments 10 and 11 but to reject all others in group 5.

**The Presiding Officer:** The current amendment is amendment 10, with Margaret Smith to wind up.

**Margaret Smith:** Presiding Officer, could you clarify whether it is just amendment 10 or whether it is all the amendments in the group?

**The Presiding Officer:** As I just said, it is amendment 10.

**Margaret Smith:** Oh, right. Well, I am happy to accept members' support for amendment 10 and, indeed, for amendment 11.

**The Presiding Officer:** You can wind up on the whole group, of course, but you should say whether you are pressing amendment 10 and taking it to a vote. Are you content to do that?

**Margaret Smith:** I am pressing amendment 10. I have a few comments on other amendments in the group. I will not attempt to add to the committee convener's helpful lesson on noise, but I would say in passing that, having been a member of the Waverley Railway (Scotland) Bill Committee for several years, I have had to listen to evidence on noise and vibration on several occasions. My colleague Ted Brocklebank indicates that he agrees.

I am pleased that the Executive will accept amendments 10 and 11, which will give greater comfort to some local residents. I do not disagree with Sarah Boyack's comments on the work that the committee put in and about the amendments not being the right way to go about matters. However, when we deal with the proposed transport and works bill, we will have to consider seriously the role of MSPs outside the committee and how they can influence the procedure. The current system has given those of us who represent the affected areas no other place, over a period of years, in which to bring forward our concerns, other than a three or four-minute speech in the preliminary stage debate.

**Rob Gibson (Highlands and Islands) (SNP):** Of course, like all other members, the member was free to attend the committee's meetings and make her points there.

**Margaret Smith:** At meetings over many months, I have been asked—as has Sarah Boyack—whether we would lodge amendments. However, we could not say what we would be amending because the committee was still deliberating. We gave the committee a chance to deliberate and it has done a very good job in the main. However, some concerns remain, and there has been no time in the process, other than here today, for us to address those concerns. The Parliament will have to consider an alternative procedure for the future.

I will support amendments 15 and 15A, in the name of Donald Gorrie, which are clearly different from amendment 12, in the name of Lord James Douglas-Hamilton. Margo MacDonald, Sarah Boyack and Jackie Baillie have said that amendment 12 would make the scheme unworkable, and their points were well made. However, amendments 15 and 15A are particular to the Roseburn corridor, where the ambient noise is very low at the moment. The WHO and British standards figures are reasonable in that context.

Edinburgh airport is in my constituency, so I have a great deal of sympathy with Des McNulty's comments. The Environment and Rural Development Committee, under Sarah Boyack's convenership, might want to consider the whole issue of noise. Whether caused by trams or bagpipes, 82dB is a lot of noise. Amendment 13, on mitigation, seeks to give some peace to the few hundred people who will be affected badly by the trams.

In the report of the Edinburgh Tram (Line One) Bill Committee, and in the evidence taken by the Waverley Railway (Scotland) Bill Committee, we find that noise experts will tell us all kinds of different things. In the past week or so, I have spent more time than I would like to admit in trying to read my way through the various views of various noise experts. It is more of a black art than a science. I ask members to support amendments 10, 11 and 13, in my name, and amendments 15 and 15A, in the name of Donald Gorrie.

*Amendment 10 agreed to.*

*Amendment 11 moved—[Margaret Smith]—and agreed to.*

### **Section 63A—Compliance with Code of Construction Practice and Noise and Vibration Policy**

*Amendment 12 moved—[Lord James Douglas-Hamilton].*

**The Presiding Officer:** The question is, that amendment 12 be agreed to. Are we agreed?

**Members:** No.



**The Presiding Officer:** There will be a division.

**FOR**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Murray (West of Scotland) (Con)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)

Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**ABSTENTIONS**

Gallie, Phil (South of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)

**The Presiding Officer:** The result of the division is: For 14, Against 82, Abstentions 2.

*Amendment 12 disagreed to.*

*Amendment 13 moved—[Margaret Smith].*

**The Presiding Officer:** The question is, that amendment 13 be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Margaret (Edinburgh West) (LD)  
 Tosh, Murray (West of Scotland) (Con)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)

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 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)

Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinney, Mr John (North Tayside) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### ABSTENTIONS

MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 17, Against 80, Abstentions 1.

*Amendment 13 disagreed to.*

**The Presiding Officer:** Group 6 is on the definition of night time for noise levels. There will be a change of Presiding Officer shortly, but I will get matters under way. Amendment 14, in the name of Margaret Smith, is grouped with amendments 17 and 18.

**Margaret Smith:** My remarks will be brief, because I have already mentioned the issue. In her epistle on noise, Jackie Baillie gave us an understanding of the different levels and measurements that apply. Another factor that alters is the definition of the hours between which night time is taken to fall: sometimes night time is taken to start at midnight and sometimes it is taken to start at 11 o'clock. My understanding is that both those times figure in the promoter's noise and vibration policy, and in some schemes 10 o'clock has been taken as the beginning of night time. It would be common sense and reasonable to adopt a definition of night time as falling between 10 o'clock at night and 7 o'clock in the morning.

In passing, I acknowledge that the committee took the issue into account in some of its work, for example on construction times.

I move amendment 14.

**Jackie Baillie:** On this occasion, I thought that I would regale Parliament with a little poetry.

I am not sure that the poet Alvarez would agree with the sentiment that the night be extended, and I am afraid that the promoter does not agree, either. Let me share with members what Alvarez thought about the night:

"There is something ... not quite right about night life, something shadowy in every sense. However efficiently artificial light annihilates the difference between night and day, it never wholly eliminates the primitive suspicion that night people are up to no good."

Margaret Smith, however, wants to extend the night time.

It might assist members if I provide a little background on the genesis of the times in the current policy. Around the early 1990s, a

consensus emerged on the period that should be treated as night when noise is being assessed. In the United Kingdom, it was agreed to use 23:00 to 07:00 hours, because that is the core rest period. PAN 56 and BS6472 for vibration use that convention. The Mitchell committee—which I had hoped to tell Parliament about earlier, but did not have time to—recommended that the hours of 23:00 to 07:00 be used.

The noise insulation regulations for road traffic noise predate the adoption of that definition. Conventionally, the day period for road traffic noise was 06:00 to midnight and there was no night-time period. It is important that members are clear that different time limits for the significant noise impact and noise insulation triggers are set out in the noise and vibration policy, which I will now summarise. For significant noise impact, night time is taken to fall between 23:00 and 07:00; for noise insulation, it is taken to fall between 00:00 and 06:00; and for vibration impacts, it is taken to fall between 23:00 and 07:00.

When the Government made the Noise Insulation (Railways and Other Guided Transport Systems) Regulations 1996 (SI 1996/428), which apply in England and Wales, it wanted to ensure consistency with the regulations for road traffic, so the midnight to 06:00 definition of night was used. The regulations also cover the remaining day period, but with higher limits.

As I have shown, the definition of night time for significant noise impact for noise and vibration to which the committee has agreed is as recommended in the Mitchell committee report, PAN 56 and BS6472. In addition, for noise insulation the noise and vibration policy mirrors the regulations that apply in England and Wales. In my view, there appears to be no sensible reason to depart from the guidance that I have outlined. I therefore recommend that Margaret Smith withdraws amendment 14.

**Margaret Smith:** I am not sure whether Jackie Baillie is suggesting that there is something of the night about me.

**Jackie Baillie:** Not at all.

**Margaret Smith:** Worse has been said about me.

In the spirit in which the debate is being conducted, I seek leave to withdraw amendment 14.

*Amendment 14, by agreement, withdrawn.*

*Amendment 15 moved—[Donald Gorrie].*

*Amendment 15A moved—[Donald Gorrie].*

**The Deputy Presiding Officer (Murray Tosh):** The question is, that amendment 15A be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
Brownlee, Derek (South of Scotland) (Con)  
Davidson, Mr David (North East Scotland) (Con)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gorrie, Donald (Central Scotland) (LD)  
Johnstone, Alex (North East Scotland) (Con)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
McLetchie, David (Edinburgh Pentlands) (Con)  
Milne, Mrs Nanette (North East Scotland) (Con)  
Mitchell, Margaret (Central Scotland) (Con)  
Scott, John (Ayr) (Con)  
Smith, Margaret (Edinburgh West) (LD)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
Baillie, Jackie (Dumbarton) (Lab)  
Baird, Shiona (North East Scotland) (Green)  
Baker, Richard (North East Scotland) (Lab)  
Barrie, Scott (Dunfermline West) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Brown, Robert (Glasgow) (LD)  
Butler, Bill (Glasgow Anniesland) (Lab)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Cunningham, Roseanna (Perth) (SNP)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
Eadie, Helen (Dunfermline East) (Lab)  
Finnie, Ross (West of Scotland) (LD)  
Gallie, Phil (South of Scotland) (Con)  
Gibson, Rob (Highlands and Islands) (SNP)  
Glen, Marlyn (North East Scotland) (Lab)  
Godman, Trish (West Renfrewshire) (Lab)  
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
Grahame, Christine (South of Scotland) (SNP)  
Harper, Robin (Lothians) (Green)  
Harvie, Patrick (Glasgow) (Green)  
Henry, Hugh (Paisley South) (Lab)  
Home Robertson, John (East Lothian) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Hyslop, Fiona (Lothians) (SNP)  
Jackson, Gordon (Glasgow Govan) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lyon, George (Argyll and Bute) (LD)  
MacAskill, Mr Kenny (Lothians) (SNP)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
MacDonald, Margo (Lothians) (Ind)  
Maclean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
Mather, Jim (Highlands and Islands) (SNP)  
Maxwell, Mr Stewart (West of Scotland) (SNP)  
May, Christine (Central Fife) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McMahon, Michael (Hamilton North and Bellshill) (Lab)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 14, Against 80, Abstentions 0.

*Amendment 15A disagreed to.*

**The Deputy Presiding Officer:** The question is, that amendment 15 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brownlee, Derek (South of Scotland) (Con)  
 Davidson, Mr David (North East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Johnstone, Alex (North East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Margaret (Edinburgh West) (LD)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)

Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Swinney, Mr John (North Tayside) (SNP)  
 Turner, Dr Jean (Strathkelvin and Bearsden) (Ind)  
 Wallace, Mr Jim (Orkney) (LD)

Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

**The Deputy Presiding Officer:** The result of the division is: For 15, Against 81, Abstentions 0.

*Amendment 15 disagreed to.*

**The Deputy Presiding Officer:** We move to group 7: clarification of planning role in the landscape and habitat management plan. Amendment 19, in the name of Jackie Baillie, is grouped with amendments 20 to 33.

**Jackie Baillie:** At consideration stage, we undertook to amend the bill as detailed in our second report, in the sections entitled “Roseburn Railway Corridor—Flora and Fauna” and “Roseburn Railway Corridor—Health and Safety”. Section 63C was added to the bill as a result of our amendment 87.

Given that the Roseburn railway corridor is a designated urban wildlife site, we were determined that the environmental impacts be mitigated as far as possible. Although we accepted that the exact effects cannot be identified until the detailed final designs are prepared, we agreed with the objectors that mitigation is paramount. The promoter’s landscape and habitat management plan is a helpful starting point in considering mitigation.

Section 63C sets the minimum requirements in that regard. It not only establishes the minimum standards of mitigation to be achieved, but details who should be consulted. It also establishes the minimum standards that must be met in any subsequent version of the landscape and habitat management plan and ensures that the standards are enforceable.

Section 63C requires the promoter to consult Scottish Natural Heritage and the emergency services on the evolution of the landscape and habitat management plan. Once final designs are available, we expect that it will be necessary to revise it further. A multi-agency approach, together with the required involvement of residents, will ensure that landscape and habitat issues are treated sympathetically.

Section 63C also ensures that other aspects of construction and operation along the Roseburn railway corridor, such as emergency access, security and drainage, will be incorporated in decisions on changes to the landscape and habitat management plan. That means that such matters will be considered along with any changes to the Roseburn corridor landscape and habitat and it ensures that, as a witness at consideration stage wrote:

“An appropriate urban fit will be achieved by addressing the existing volume of space in a holistic way”.

However, the committee did not just sit back after consideration stage. On reflection, we decided that we could do even better, and exchanges between the promoter and our eagle-eyed legal advisers and clerks led to the amendments that we are considering today.

Amendments 19 to 33 are largely technical. They will tighten the drafting and give the planning authority specific authority to approve and enforce. I will spare members the experience of being taken through the amendments in the group one by one, and content myself with commenting briefly on amendments 31, 19 and 20. Amendment 31 will give the planning authority power to enforce the requirements of the landscape and habitat management plan when enforcing planning conditions. Amendments 19 and 20 follow from amendment 32 and achieve the same purpose, by which I mean that they will ensure that the documents that identify the minimum standard to be met by the code of construction practice and the noise and vibration policy are clearly defined.

I move amendment 19.

**Sarah Boyack:** I welcome the amendments. Many people have grave concerns about these issues. Indeed, as a result of the tram proposal local groups have been established that are committed to enhancing and improving the quality of habitat management in the Roseburn area. The amendments will ensure that the bill provides a proper framework for the council to take forward habitat management. I warmly welcome the approach and look forward to the wildlife corridor’s enhancement, as well as to its establishment as a transport corridor in future.

**The Deputy Presiding Officer:** Do you want to respond, Ms Baillie?

**Jackie Baillie:** No.

*Amendment 19 agreed to.*

*Amendments 16 to 18 not moved.*

*Amendment 20 moved—[Jackie Baillie]—and agreed to.*

### **Section 63C—Landscape and habitat management plan**

*Amendments 21 to 33 moved—[Jackie Baillie]—and agreed to.*

**The Deputy Presiding Officer:** That concludes consideration of amendments. I will pause to allow members who wish to leave the room to do so before the formal debate on the bill begins.

## Edinburgh Tram (Line One) Bill

### **The Deputy Presiding Officer (Murray Tosh):**

The next item of business is a debate on motion S2M-4129, in the name of Jackie Baillie, on behalf of the Edinburgh Tram (Line One) Bill Committee, that the Parliament agrees that the Edinburgh Tram (Line One) Bill be passed.

15:54

**Jackie Baillie (Dumbarton) (Lab):** I will take great delight in moving the motion in my name. As I said earlier, it is approximately 50 years since trams ran in the streets of Edinburgh and, with the Parliament's consent, I hope that after today the situation will start to change.

Today represents the culmination of 27 months of hard work since the bill was introduced on 29 January 2003. Since the Parliament debated the preliminary stage report in March 2005, the Edinburgh Tram (Line One) Bill Committee has undertaken around 110 hours of scrutiny and evidence taking, which culminated in the publication of our 77-page report on 1 March this year.

We have covered topics from badgers, bats and budgerigars to slipstreaming, bogies and dynamic kinematic envelopes—private bills are interesting creatures. I advise my colleagues to beware party whips asking small favours. Scott Barrie, who has now left the room, has a lot to answer for, because he promised me that the process would take a mere nine months. I now know more about trams than I could ever have imagined possible.

I thank my colleagues on the committee—Phil Gallie, Helen Eadie and Rob Gibson—who have worked long and hard in scrutinising the bill. At the start of the process, we agreed to be rigorous and fair in our scrutiny. Members have been dedicated in that pursuit, regularly meeting all day until 7 in the evening. Our consideration stage report provides a comprehensive analysis of the many detailed, technical and sometimes hotly debated issues that objectors raised.

I thank the staff from the private bills unit who were involved—Jane Sutherland, Carol Mitchell, James Burton and David Cullum—who are sitting in the room next door. They, along with the legal and technical advisers and the broadcasting and official report staff, stuck with us throughout the process and gave us valuable and professional advice and support.

I put on record the committee's thanks to others who participated in our scrutiny of the bill, including the promoter's witnesses and the objectors. From the beginning, the committee acknowledged the valuable role of objectors in our

work. I thank all those who provided written and oral evidence during consideration stage. Ultimately, our role was to uphold or dismiss the issues that were raised in each objection. Our decision on each and every objection was justified and fair, and was based on the detailed evidence that we read and listened to in the past year. All the evidence contributed in some way to the bill that is before us now.

I must ask the Parliament roundly to reject Margaret Smith's amendment. As my colleague Helen Eadie will explain in great detail, the committee took considerable evidence on whether the trams should stop directly outside the Western general hospital. We reject the proposal because we believe that we have secured a measure that may well prove better in the long run—a feeder bus that will not only serve the front entrance of the hospital, but stop within the hospital grounds, where patients go.

**Margaret Smith (Edinburgh West) (LD):** I hear what the member says. I will discuss the issue further but, for now, will the member clarify where the bill secures the future of the feeder bus service to the Western general hospital?

**Jackie Baillie:** We have a written undertaking between the promoter and the committee, which is on the record and will be enforced. Further, NHS Lothian will have to be involved in any subsequent adjustments to the feeder bus service. A robust commitment has been given. The solution addresses objectors' concerns and those of NHS Lothian. I confess to being perplexed as to why Margaret Smith believes that, given the size of the Western general campus, a tram stop outside the hospital that does not serve the many internal hospital buildings is a better option. At no time in the history of the project has any Liberal Democrat member of the City of Edinburgh Council proposed such a stop, nor does it have the support of the Minister for Transport and Telecommunications. I am disappointed that Margaret Smith seeks to ambush a much-needed project.

For members who have so far managed to avoid any exposure to the bill, I will briefly recap its purpose and history. Through the bill, the promoter seeks to construct and operate a tram running in a loop from St Andrew Square, along Leith Walk to Leith, west to Granton, south to Haymarket and then back to St Andrew Square along Princes Street. On 2 March 2005, the Parliament agreed to the general principles of the bill and agreed that it should proceed as a private bill. At the start of March 2006, at the end of phase 1 of consideration stage, the committee reported its decisions on the objections. During phase 2 of consideration stage, the committee amended the bill.

During last week's debate on the Edinburgh Tram (Line Two) Bill, members rightly commented

on the funding for the tramlines. That issue exercised our committee, too. While my colleagues on the committee will address the many other issues that we have tackled, I will spend my time addressing the issue of funding.

During preliminary stage, the committee acknowledged that the bill seeks to acquire for the promoter the power to construct and operate a tram along the proposed route, but that it does not indicate how that should happen and when it should happen by. The committee heard evidence that, should both tram bills be passed by Parliament, the promoter would consider other ways of operating the tram, including a route from Leith to the airport. The committee commented on that issue in paragraphs 153 to 158 of its preliminary stage report. The committee undertook detailed scrutiny of the estimate of funding and expenses provided by the promoter. While the committee accepted that the information was what could reasonably be expected at that point in the process, it sought from the promoter during consideration stage updated information on a range of funding issues. At the end of evidence taking in January 2006, the promoter agreed that it would phase the construction and operation of line 1 to address the funding available for the project. That decision, taken so late in the committee's consideration of the bill, was unhelpful and caused some dismay to members and, of course, to objectors.

I shall focus finally on the phasing. Of more broad concern to the committee was the ability of the line 1 tram route to realise the policy objectives that the committee examined in detail during preliminary stage. The committee accepted that the tram was an integral part of the Edinburgh waterfront development, which spans from Leith waterfront to Granton. That development in turn was identified to contribute 55 per cent of the patronage for line 1. The harbour development is set to incorporate a population the size of Bathgate. If the strategic objective is to be realised, we must ensure that the waterfront section proceeds.

The committee welcomes the minister's decision to index link the £375 million contribution to the tram project, and it is reassured that the final decisions on Scottish Executive funding will be made by Scottish ministers only following receipt of a robust final business case, which I understand will happen over the summer.

The committee acknowledges that tramline 1 can bring many benefits to Edinburgh. As well as aiding economic growth, reducing congestion and encouraging a shift to public transport, the tram will bring social inclusion benefits. On balance, it is the committee's view that those benefits are of such a magnitude that they outweigh the individual

impacts that some objectors believe may remain after mitigation.

I move,

That the Parliament agrees that the Edinburgh Tram (Line One) Bill be passed.

16:02

**Margaret Smith (Edinburgh West) (LD):** I thank the committee for its hard work over the past two years. I echo Jackie Baillie's comments about the impact on the committee of decisions that were taken by the City of Edinburgh Council on changes to the route; those decisions showed great disrespect to the Edinburgh Tram (Line One) Bill Committee, to the Parliament and to the process in which the committee was engaged. Jackie Baillie accuses me of ambush. Considering that I spoke to her last week and told her exactly what I was doing and why I was doing it, I hope that she accepts that it is a well-mannered type of ambush.

I am deeply sorry that I have had to lodge the amendment. People have many concerns about funding and about the fact that although parliamentary and public scrutiny has been conducted on the basis of a loop, now, because of the shortfall and the council's decision, we are left with a hybrid scheme. Hundreds of residents are left not knowing whether the line that we are debating will ever be built and how it will affect them. We look to the minister to continue the robust investigation of the business case. In passing, I thank the Executive and the minister for the index linking of the project.

However, the position regarding the Western general hospital in my constituency concerns me most. I feel that I have no alternative but to put on record my abiding concern that the tramline, as it is set out in the bill, is a missed opportunity. For the past few years in my constituency, and indeed in the preliminary stage debate in the Parliament last March, I have consistently supported the tram system in principle but raised my concerns about the route that has been chosen—a route that will not serve the Western general hospital directly and which will instead make use of a wildlife corridor that is used by thousands of people every day as a cycleway and walkway.

That is my first reason for lodging the amendment. The second reason is that when I approached the parliamentary clerks to try to lodge an amendment for the final stage proceedings, I was advised that I could not do that and that such an amendment was likely to be ruled inadmissible for a number of reasons, not least of which is the understandable one that if my amendment were agreed to, residents living on an alternative route would not have had any

notification or any chance to object. I was also told that there would be myriad consequential amendments, which would necessitate so many changes that the clerks and draftspeople would not be able to assist me.

As a constituency member, I was left with no alternative to challenge the route but to lodge the amendment after two years, on the last day of the bill's consideration—literally at the 11<sup>th</sup> hour. Constituents who have voted for MSPs expect that their local representatives should be able to influence the progress of major projects such as the tramline, but the reality is different. Local members are given three to four minutes to speak during the preliminary stage debate, no place on the committee and no chance to lodge amendments at consideration stage or at final stage. Today, our time is again understandably curtailed; we have had a fairly short period in which to digest the committee's report and scrutinise its amendments—many of which are welcome, by the way—and even less time to formulate our own amendments. We are nothing more than human rubber stamps in a private bill system that must be changed. I am glad that we have acknowledged that and I urge the Executive to take those issues into account in the development of the forthcoming transport and works bill.

I said earlier that I support the trams project. The tramlines have the potential to benefit residents and businesses throughout the city and to help Edinburgh to compete against its European competitors. However, I have consistently taken the view that a route that does not service the Western general hospital directly is a missed opportunity. That view is shared by many of my constituents and the vast majority of the public who responded to the consultation in 2003, when an outright majority voted for the tram to service the hospital.

TIE Ltd went ahead with its preferred route and told many of us that the hospital could not be served for technical reasons. However, a crucial point is that NHS Lothian wants a direct service as well, despite everything that Jackie Baillie has told members about the feeder bus, the guarantee for which is not in the bill. In meetings that I have had recently, in briefing notes that I have received from NHS Lothian and in a conversation that I had with one of its directors today, it has been made clear to me that the health board considers what we have in front of us to be second best. It said:

"We remain very disappointed that the travel line proposed ... doesn't pass the principal public entrances to the Western General .... NHS Lothian has always viewed the proposed route for Tramline 1 as second best"

and

"a major defect of the overall tram scheme."

The hospital is one of the largest employers in my constituency. It is a regional cancer centre and has tertiary services in cardiology and neuroscience. In 2004-05, there were 55,000 admissions and 125,000 out-patient attendances. On Crewe Road South, there are 15,000 travellers a day, all of whom should be given the option of getting on a tram.

When the National Audit Office gave evidence to the committee, it said that we should build tram systems where people are and which take people to where they want to be; we should not use disused railway lines for reasons of cost and speed but, for accessibility, we should connect to areas such as the Western general hospital. In fact, the committee acknowledges that in its report. Recent studies—such as the Faber Maunsell-Semaly report, which compares British and European schemes—support the view that one of the main reasons that United Kingdom systems have not achieved patronage is that they tend to use disused railway corridors because lines are cheaper to construct there. However, patronage along such lines is low. TIE cites reliability, speed and cost as reasons why it wants to use the Roseburn corridor; I cite the environment, patient care, social inclusion and common sense as the reasons why that decision should be challenged.

Some will say that a delay now will add an extra 18 months on to the process. That is not due to those who, like me, have objected; it is due to TIE and the decision that it has taken to bypass Edinburgh's second hospital.

I move amendment S2M-4129.1, to leave out from "agrees" to end and insert:

"does not agree that the Edinburgh Tram (Line One) Bill be passed because the tram route does not directly service the Western General Hospital."

16:08

**The Minister for Transport and Telecommunications (Tavish Scott):** Last week, the Parliament agreed to pass the Edinburgh Tram (Line Two) Bill. Today, we will decide whether to complete the Edinburgh tram network proposals that are before Parliament by agreeing to pass the Edinburgh Tram (Line One) Bill, which is the second part of a necessary investment in modern public transport in Scotland's capital.

The Parliament is indebted to the Edinburgh Tram (Line One) Bill Committee—to Jackie Baillie, for her spirited and cheerful convening, and to her colleagues, who have worked diligently and with much attention to detail on the issues that they have been confronted with. We also recognise the promoter, the advisers, the clerking team and all who have been associated with the project.



The Executive supports the tram scheme. We have confirmed our commitment to providing £375 million plus inflation. The challenge for the promoter and construction manager is to deliver efficiencies against that budget. The City of Edinburgh Council's decision in January to phase the construction of the tram network recognised the reality of the funding situation. The Scottish Executive funding, together with the £45 million that has been put forward by the council, will provide the necessary funds for the construction of the first phase from Leith to the airport.

I particularly want to say to Margaret Smith and to the Parliament that construction of the remaining phases of the network has not been ruled out. They could be completed if the underlying assumptions prove to be robust and future funding becomes available.

**Mr David Davidson (North East Scotland) (Con):** Will the minister take an intervention?

**Tavish Scott:** I will be happy to give way when I have finished the point.

When I gave evidence to the committee in February, I said that there are many calls on the transport budget and that I could not make a commitment that future Executive funding will be made available. That remains the case, and I suggest that the Parliament would expect no less.

**Mr Davidson:** When the minister decided on behalf of the Executive to sponsor and fund the loop, did he do so on the basis that money would be drawn down on a pro rata basis? Is he now saying that the money that the Executive is putting in—which, with inflation, might be £0.5 billion—will be given for the completion of only part of the route and that there will be a different funding package for any further developments?

**Tavish Scott:** As I made absolutely clear in my statement on major public transport projects, we will fund what is now in front of us—that is, the tram network between Leith and the airport—but that is dependent on the business case. That is our position.

Parliament is aware of the importance that I attach to transport projects being delivered on time and on budget and to their representing value for money. I am sure that Mr Davidson appreciates that. The work that the promoter has undertaken on phase 1 of the tram network gives me confidence that the economic benefits continue to represent value for money. However, continuous testing of the business case is critical. Before the summer recess, the promoter must complete a full update of the outline business case and present the results to Transport Scotland. Transport Scotland has in place review mechanisms for all the major public transport projects, including the Edinburgh tram project. Parliament can be

confident that the public investment will be safeguarded by close monitoring of the project to ensure that value for money is maintained.

Why should we support the motion and the bill? Without the bill, there will be no tram network. On Margaret Smith's amendment to the motion, I readily understand her concern that the tram does not directly serve the Western general hospital, but we must recognise that the tram is only one part of the City of Edinburgh Council's plans to improve public transport in the city. As Jackie Baillie said, the committee heard in evidence at consideration stage that a new interchange between buses and trams at Crewe Toll will allow feeder buses to serve the Crewe Road South entrance to the Western general hospital. The feeder buses will operate at least as frequently as the tram. Given the City of Edinburgh Council's commitment to continue the existing bus services, there will be greatly improved public transport access to the Western general.

The creation of Transport Edinburgh Ltd, together with the Scottish Executive's investment in the tram network, will give Edinburgh the perfect opportunity to deliver for the city as a whole an improved integrated public transport network that serves the places to which people need and want to travel. I assure Margaret Smith and the Parliament that I will seek clear evidence from the City of Edinburgh Council, TIE and Transport Edinburgh that those improvements will be delivered. Without that evidence, I will not give the go-ahead for the release of the Executive's investment.

I trust that the assurances that Margaret Smith has heard from the City of Edinburgh Council, from the bill committee and from me make it clear that the Western general hospital will be fully taken into account and that the tram represents a significant improvement in public transport access to the hospital. I therefore ask Margaret Smith to withdraw her amendment.

There is significant development in the north of Edinburgh. As the promoter stated in evidence to the committee, a community the size of Bathgate is being built in and around Leith docks. The first phase of the tram network will serve two thirds of the proposed waterfront development. The experience of Nottingham and other cities gives us confidence that the tram scheme will encourage a shift from cars and help to reduce congestion.

The tram is necessary to encourage and support economic development in the north of the city. The scheme will improve the local infrastructure, but it will also help to safeguard the continued economic growth of the city and the region and the growth of the Scottish economy. Last week, the Parliament showed its support for Edinburgh trams. I strongly urge the Parliament to support the motion and the bill today.

16:14

**Mr Kenny MacAskill (Lothians) (SNP):** We will support Margaret Smith's amendment and will not be able to support the motion if it remains unamended.

To some extent, the debate is a rerun of last week's debate on the Edinburgh Tram (Line Two) Bill. As with last week, I thank those who served on the committee. However, this is not how legislation should be made and it is certainly not how major infrastructure projects should be taken forward. I believe that there is consensus on that view in the chamber. The tragedy is that committees have already been created to deal with the rail links to Edinburgh and Glasgow airports. We support those projects, but we must change the way in which such matters are dealt with, because it does not serve committee members well and it is not the best way of making legislation.

We concur heartily with Margaret Smith's comments. We oppose the Edinburgh Tram (Line One) Bill for the same reasons that we opposed the Edinburgh Tram (Line Two) Bill last week. We have no objection in principle to trams. After all, why should not Edinburgh aspire to having a tram scheme at some stage? However, is such a scheme the immediate priority? Is it the right scheme? The short answer to both questions is most certainly no. This is the wrong scheme at the wrong time.

Jackie Baillie was being disingenuous when she tried to make light of the distance from the tram stop to the Western general hospital. We are not talking about a small distance or even a small amount of money. Half a billion pounds is being spent on what is supposed to be a state-of-the-art tram scheme, but in order to serve one of our major hospitals, we will have to lay on a shuttle bus from the tram stop. That is utterly insane and is certainly not a feature of a state-of-the-art scheme. Indeed, the point that I made about tramline 2's service to the Royal Bank of Scotland applies to tramline 1 and its ability to serve the Western general hospital. This scheme will not deliver what it should deliver for the amount of money that is being invested in it.

Moreover, this scheme is not the most important transport priority in Scotland. The minister is correct to say that the transport budget has many calls on it, but there appears to have been no call on it to ensure that we have the flagship station at Waverley that he mentioned last week and which we fully support. Waverley station is vital not just to the interests of Edinburgh as a capital city that aspires to compete with European competitors, but to public transport movements in east, central and indeed all of Scotland. After all, trains come into the city from east, west, north and south. We

must ensure that there is adequate access to the city; because that access does not exist at the moment, our first priority for investment must be Waverley station. However, the Executive has not committed to that project as yet.

**Tavish Scott:** That is absolute rubbish. What about the £150 million for phase 1?

**Mr MacAskill:** The Executive might have committed to phase 1, but it has not committed itself to phase 2.

**Tavish Scott:** I wonder whether Mr MacAskill can tell me the exact transport and railway advantages of phase 2.

**Mr MacAskill:** It is quite clear that phase 1 does not go far enough with regard to access. It is also disingenuous to suggest that phase 2 is simply about property development—it most certainly is not. Everyone who is involved in the rail sector has made it clear that phase 1, although welcome, is a stop-gap scheme and does not go far enough. We need phase 2, not simply because it addresses certain aesthetic considerations of a major part of the city of Edinburgh but because of what we must deliver.

People have talked about hypocrisy. I point out that someone said, with regard to another scheme:

"Clearly it does not represent the best value for money ... or the best use of public money—particularly when compared to alternative proposals put forward ... for top of the range rapid bus scheme ...

This would deliver significant transport benefits locally and be an opportunity to develop a first of its kind, showcase bus system".

That was Alastair Darling—Secretary of State for Transport and one of the MPs for this wonderful city. He has repudiated tram schemes not only in Leeds but in Portsmouth and Liverpool, because he has realised that they do not provide best value. That is why we oppose this tram proposal.

**Jackie Baillie:** Will the member give way?

**Mr MacAskill:** I cannot—I am in my final minute.

This is the wrong scheme. It fails to deliver what is necessary for the city of Edinburgh and it is not the major strategic priority for Scotland. That priority must be Waverley station. To spend £0.5 billion and still have to lay on a shuttle bus from a tram stop to the Western general is an insane use of public money.

16:19

**Mr David Davidson (North East Scotland) (Con):** First, I acknowledge the diligence of committee members and clerks in dealing with this enabling bill. Committee members must be dreadfully disappointed with the council's U-turn

on the project, because the scheme that we are asked to approve today is neither the one that is in the bill nor, I suspect, the one that the minister first agreed to fund.

Questions arise from the minister's response today. He stated that he will now provide the funding that he said he would provide for the total scheme for only part of the scheme. We are now totally dependent on the minister's intervention when the business case is eventually produced towards the summer.

However, we must query what Margaret Smith is trying to do. No one in their right mind would want to run a tramline through the middle of a hospital building to make it accessible.

**Margaret Smith:** If members know the location of the Western general hospital, they will know that as well as that hospital on Crewe Road South, where I suggest that the tram stop should be located, there is Edinburgh's Telford College—that area will be opened up to new housing—thousands of homes, Fettes College, Lothian and Borders police headquarters, Broughton high school, Flora Stevenson primary school, two hospital sites and the Napier University nursing college. All the clinical buildings at the Western general are front loaded to the front of the site at Crewe Road South.

**Mr Davidson:** I thank the member for that guided tour of a hospital in which some members of my family have been treated. Despite all that, there must be a flexible system when there is a multisite campus of any description. I am sure that a feeder bus is the best option.

I agree with one point that Margaret Smith made about the process. A local member can turn up at a council planning committee and speak on behalf of their constituents at all stages of a hearing on a proposal, but apparently that cannot happen in the Parliament. That seems strange, and I agree that we must examine the process for the future. However, it is not for me to decide on the process.

I have made my point about the £0.5 billion. We are dependent on the assurances of the minister. The route from Haymarket down to Granton appears to be almost self-supporting, which is more than can be said for an awful lot of the rest of the route. Our councillors on the City of Edinburgh Council supported—and we agree with them—the route from Leith to the airport, and supported the eventual link down to Granton only when the proposed development at Granton, which will be a huge facility, is under way.

I am always sceptical about tram schemes, because they are not flexible—it is not possible to move them to another route. We must decide what we are trying to deal with.

I pay tribute to the committee. More than money is involved; there are also the issues, which were raised earlier, of noise, access and safety if the Roseburn corridor is used. Trams, children, animals and bicycles cannot mix safely on a narrow route. I remember being taken as a child, by my grandfather, from Leith up to town on the train on that route, which is not very wide.

We are sceptical about whether the scheme will happen. We are considering an enabling bill, which will give permission for the scheme, but if the council is starting to backtrack after two years of work by the Edinburgh Tram (Line One) Bill Committee up to January of this year, what else will it backtrack on? Perhaps there needs to be a sunset clause. We are dependent on the minister to deliver that.

When the minister winds up, I hope that he will give us the assurance that the Parliament requires that if he doubts in any way the financial viability of the scheme, he will say so publicly and deny it funding. Of course, if we have a new Executive after 2007 it might not operate on a blank cheque basis.

16:23

**Helen Eadie (Dunfermline East) (Lab):** I agree with Jackie Baillie's comments. We are delighted that we have come to the end of the line on the bill. Like her, I will in the future hide from the whips.

The committee recognised from the start of consideration stage that a substantial number of objections recommended alternative routes to that which was proposed by the promoter of the Edinburgh Tram (Line One) Bill. By far the largest number of objections proposed that the line should not run along the Roseburn railway corridor, but should stop outside the front entrance of the Western general hospital. Objectors believed that that would better serve the Western general hospital than would the proposed route, which is some 700m from the front entrance of the hospital.

The objectors stated that the social inclusion benefits of the tram could be enhanced by allowing passengers to exit the tram immediately adjacent to the entrance to the hospital. They proposed a number of on-road routes by which that could be achieved, and the committee received a considerable volume of evidence on those proposed alternative routes. Objectors disputed almost every aspect of the route's selection and appraisal procedure and challenged almost every piece of evidence that the promoter provided. That presented the committee with considerable evidence from which to reach its decisions.

In relation to the range of on-road routes proposed, the committee was mindful of such

issues as cost as well as technical feasibility. Balanced against that, the committee recognised that, all things being equal, the tram stopping outside the front entrance of the hospital would be a good thing. A number of the proposed alternative routes utilised Douglas Gardens and/or the Dean bridge. In considering the evidence on routes using Douglas Gardens, which has a gradient along the road of 8.9 per cent, the committee concluded that there would be serious cost repercussions, given the fact that a non-standard tram car—of which there is only one type—would have to be procured. In relation to the Dean bridge, which is a grade I listed bridge, the committee agreed with the promoter's evidence that it presented considerable engineering difficulties as well as other difficulties such as where overhead line equipment could be located and the problem of relocating utilities, as well as unknown factors such as the stability of the arch.

As a result, the committee agreed that it would not uphold those alternative alignments. That left one remaining alternative route, which proposed running on-road past the front entrance of the Western general hospital before rejoining the Roseburn railway corridor near Sainsbury's. Early on in the consideration stage, the promoter brought forward a proposal to provide a feeder bus service from the proposed stop on the Roseburn railway corridor near Crewe Toll to the front entrance of the hospital. In oral evidence, the promoter then confirmed that such a service would be of the same frequency as a tram and would have integrated ticketing with the tram.

I have to say, with passion, that I was one of the people who campaigned strongly—with Phil Gallie—in the committee to have that feeder bus. We recognised that for anyone arriving and presenting at the hospital—whether they had come by tram or by bus—it would be far better to have a bus taking them directly into the hospital campus than to have them walking many metres right round the hospital campus.

**The Deputy Presiding Officer (Trish Godman):** One minute.

**Helen Eadie:** I say for Margaret Smith's benefit that I have a copy of the written undertaking from the office of the City of Edinburgh Council guaranteeing that that bus service will be there for an initial five years with an on-going commitment to that service never being unreasonably withheld or delayed.

The reality may be that this is by far the best option for the Western general hospital. Existing bus services will not be jeopardised, and a connecting bus will penetrate into the hospital grounds. Although a few would, perhaps, have benefited from a tram going to the gate, many others might have suffered if existing bus services

were compromised. What we have now may well represent the best of both worlds. For that reason, I urge members to vote against Margaret Smith's amendment.

The aim of Margaret Smith's amendment is to secure direct access to the Western general hospital, but the committee has already done that through the unilateral undertaking that was given by the promoter to provide a direct feeder bus service that will enable all public transport users to access not only the front entrance of the hospital, but buildings within the grounds.

My fellow committee members and I acknowledge the hard work that was done and the time that was taken by the objectors in researching and presenting their case for the alternative tram routes that were proposed.

**The Deputy Presiding Officer:** You must finish now.

**Helen Eadie:** In supporting the promoter's route with the addition of the feeder bus service, the committee believes that it has gone even further to ensure that the hospital is accessible to all who use its facilities than either the objectors or the promoter could originally have envisaged.

**The Deputy Presiding Officer:** I regret that, because of lack of time, I am unable to call any back benchers. We move to the winding-up speeches and I call Margaret Smith. Ms Smith, you have four minutes.

16:29

**Margaret Smith:** I have heard what committee members have said about the feeder buses. In paragraph 339 of the committee's report, on the issue of accessibility, the committee concludes that

"a tram stop on Crewe Road South would be preferable to the promoter's proposed stop on the Roseburn Railway Corridor."

Clearly, the committee's decision to move away from that has been influenced partly by the assurances that it feels are in place for the provision of the feeder bus. Initially, when objectors, NHS Lothian, the committee and I began our work, the feeder bus option was not on the table. Members must not forget that. The feeder bus is anywhere near this argument simply because of the force of arguments that were put about the lack of a stop at the Western general.

However, we now have a system whereby people will use a tram. We are talking about thousands of people going to a hospital and thousands of others going to the other places that I mentioned in my response to David Davidson. People will have to leave the tram and get on a bus to continue their journey. With a state-of-the-

art, top-notch public tram system surely we are trying to encourage as many people as possible to use that system and leave their cars at home. Adding an extra mode of transport to a journey makes that less achievable than it might have been had the tram stop been located at the front door of the Western general.

**Susan Deacon (Edinburgh East and Musselburgh) (Lab):** Does the member acknowledge that at least the Western general will be serviced by the proposed tramlines, unlike the Edinburgh royal infirmary in my constituency? The ERI is now not being offered tramline 3, not least because the Liberal Democrats, the Scottish National Party and others engaging in political opportunism in Edinburgh said that congestion charging was the wrong scheme at the wrong time, with the result that tramline 3 is not being funded. Perhaps we need to stop talking about wrong schemes and wrong times and start talking about a transport network that is right for the city.

**Margaret Smith:** I have no problem with supporting the idea of a tram network and I have had no problem with supporting the beginnings of both tramlines, which is obviously a step too far for many people in the council. We need a network, but when the Local Government and Transport Committee considered the Transport (Scotland) Bill last year, it agreed to have transport systems that fed into hospitals and other health services. That was a crucial point, which I was happy to support. That is what I am trying to carry on today, but we are spending an awful lot of taxpayers' money on a scheme that does the complete opposite.

I am sure that some members have used the great services at the Western general hospital and they will know that the hospital has a major parking and transport problem. That affects local residents and the clinical care of people who cannot find a parking space when they attend the hospital. I do not want to do anything to jeopardise the reduction in the number of people who use private vehicles to get to the hospital. We have no statutory guarantee about the feeder bus services. We have oral assurances and a letter. We are assured that the bus service will be there for five years, but that is not the lifetime of a tram. If the tram had served the front of the Western general hospital, it would also have served many people other than those who use the hospital.

The chosen route is not necessarily the best route for the environment. The promoter accepted that there would be a significant adverse impact on the Roseburn corridor because of the choice not to serve the Western general hospital directly. The National Audit Office said that it is absolutely crucial to choose the correct route for the tram systems.

The Scottish Executive must be applauded for supporting the project. I welcome the minister's comments about the Haymarket to Granton spur and the scrutiny and monitoring of the business case.

The trams represent a good opportunity for Edinburgh—an opportunity to integrate bus and tram services and to serve new and emerging parts of the city. It is a modern transport system, but this is the wrong route.

**Margo MacDonald (Lothians) (Ind):** On a point of order, Presiding Officer. As a back bencher with an interest in transport in the city of Edinburgh and a local member, I have sat here patiently with a particular point to make about what the minister said. Is it possible for the time available for the debate to be extended? If it is not possible, how can we redress the imbalance between members who have spoken three or four times today and those of us who have not been able to speak at all?

**The Deputy Presiding Officer:** I remind you that decisions about timing are made by the Parliamentary Bureau and that members agreed a timetable for the debate earlier today. I am sure that the minister will take an intervention when he makes his speech. I regret that I was not able to call back benchers; I try very hard to do so when I am in the chair.

On another issue, I remind members—especially those who are in committee room 6—to switch off their mobile phones. I know that members have been having phone conversations next door because I was there a minute ago. We cannot hear properly when you do that, so please switch off your mobile phones in committee room 6.

16:34

**Sarah Boyack (Edinburgh Central) (Lab):** I welcome the changes that the committee has made to the bill while discussing it over the past two years. I welcome the tighter timescales that will reduce uncertainty for residents and businesses along the route. I welcome the noise monitoring scheme, and the compensation scheme that is to be made available during construction. I welcome the fact that the Parliament today agreed to Margaret Smith's amendments—amendments 10 and 11—which will require grants and noise insulation work to be provided where appropriate. I welcome the new landscaping plans. Finally, I welcome the huge amount of work that has been undertaken in scrutinising the financial and business case for the project.

Attempts have been made to learn from the National Audit Office report. We have provided for

integration with buses, we have re-examined the management and procurement processes and we have ensured that the tramlines go along the correct routes. Those points will now be required to be taken on board by the promoter.

The opportunity for Edinburgh that we have in front of us today will not be available to us again for a long time. The trams represent a massive financial investment by the Scottish Executive in our capital city, which we all know faces significant transport issues. It will be a pity if we divide along party lines today, especially given our previous debates on transport in the city. One challenge for the future is to think about how on earth we can generate support for major long-term investment despite the pretty disastrous events of the past few years.

With the Scottish Executive's commitment to the project subject to the revised business case that will be published later this year, we are in the difficult position of knowing that the bill before us cannot be implemented with the amount of money currently on the table. That leaves people with many difficult choices. I have every sympathy with the council members from across the political parties who had to try to arrive at a sensible way forward and ensure that as much of the network as possible is built, but that outcome is not the best available. Other transport projects in Scotland that have received funding from the Executive and cross-party parliamentary support have gone ahead even when their costs rose by a factor of two or three. I know that the transport agency will help to grapple with such problems in future, but it will be unfortunate if the tramline scheme becomes a victim of such problems just now.

We have received representations from the business community, developers in the north of the city, Scottish Gas, Edinburgh's Telford College, and people involved in the waterfront development, telling us that the tram scheme is needed for economic prosperity. I believe that we must just go ahead with it.

I have sympathy with Margaret Smith's desire to ensure that the tram provides better access to the Western general. It is our job to ensure that the promoter delivers on the written legal agreement by providing pedestrian access to the back of the hospital and a feeder bus network around the whole hospital campus for everyone else.

Let us recognise that, at the start of the 21<sup>st</sup> century,

"the route ahead for the City of Edinburgh is a light rail network that adds to both existing and reopened lines and that complements and dovetails with other current and future modes of travel."

That is what the bill will give us.

"Better ... to take our time to get it right than progress at pace and repent at leisure. Moreover in transport like most

other things in life you get what you pay for. Do it on the cheap and you'll get the quality it merits. The vision for Edinburgh has to be to aspire to be a truly Capital City."

Those are the words of Kenny MacAskill in the submission that he made six years ago to the [trams4edinburgh](http://trams4edinburgh.com) website. I whole-heartedly agreed with him at the time.

However, it will take from today until the end of 2010 for phase 1 to be delivered and until 2015 for the Haymarket to Granton section. When will we ever get the right scheme at the right time? The time is now. We must put our money where our mouths are and vote for the tram scheme. The funding will be scrutinised by the Executive, but we must vote for the scheme today.

16:39

**David McLetchie (Edinburgh Pentlands) (Con):** It is highly unsatisfactory that, as events have turned out, the Parliament has ended up considering two separate bills for tramlines 1 and 2, especially given that the two lines will never be constructed in their entirety. Accordingly, aspects of our deliberations have had an air of unreality.

The committee's frustration with the council's phasing decision are well expressed in paragraph 25 of its consideration stage report, which Jackie Baillie echoed earlier. Jackie Baillie and the report stated the case diplomatically, but some might less generously conclude that the bill is a false prospectus and that the wool is being pulled over our eyes.

In reality, the proposed line that we are considering will run from Ocean Terminal to the airport, with a possible add-on from Haymarket to Granton. As I said in last week's debate, I am confident about the viability of the line from Leith to Haymarket, but I am highly sceptical about the viability of the tramline section that will go towards the airport as that will compete with the rail link. I am also sceptical about the funding of the section from Haymarket to Granton. However, phases 2 and 3 of the tram network are, frankly, little more than figments of a fevered imagination that have absolutely no chance of surviving the next comprehensive spending review. The minister's lukewarm remarks on funding spoke volumes about the fate of those two phases.

**Jackie Baillie:** Will the member take an intervention?

**David McLetchie:** No. I am sorry, but I have a lot to get through.

One of the key indicators in the minister's funding decision is the benefit to cost ratio of the project as a whole. That was originally estimated at 1.21 for line 1 and 1.4 for line 2. Calculations were provided on the effect of the rail link on the

benefit to cost ratio for line 2, but it appears that the figures for the benefit to cost ratios for the new phases are closely guarded secrets, not to be disclosed until after the legislation has been approved.

Last week in the Parliament, the minister told us:

"The current evidence indicates a healthy benefit to cost ratio."—[*Official Report*, 22 March 2006; c 24243.]

At a meeting of the Edinburgh Tram (Line One) Bill Committee, he said in relation to the first phase of the project:

"The initial work on the new proposal suggests that the benefit to cost ratio is healthy".—[*Official Report, Edinburgh Tram (Line One) Bill Committee*, 7 February 2006; c 1778.]

Apparently, it is so healthy and robust that it cannot be disclosed.

One of my many correspondents on the subject of trams is a lady called Alison Bourne, who gave evidence to the Edinburgh Tram (Line One) Bill Committee. Following his statement to the committee, she asked the minister what was the benefit to cost ratio of the first phase from the airport to Ocean Terminal, for the second phase from Haymarket to Granton and for the two combined. The answer that was provided to her by Transport Scotland on behalf of the minister was that all the information was commercially confidential and that it would weaken the position of TIE in a competitive environment to reveal market-sensitive information. Frankly, that is not good enough. How can the benefit to cost ratio figures be produced for the purposes of the construction of line 1 in its entirety, but suddenly become commercially confidential when someone quite properly requests an analysis by reference to the phases—a question that is particularly pertinent, given that the loop as a whole is highly unlikely to be built? It does not make sense. I believe that the refusal to disclose highly relevant information has nothing to do with procurement and everything to do with a reluctance to disclose that the ratio is positive for one section of the line—from Ocean Terminal to Haymarket—but a disaster for others.

Despite our reservations, we supported the Edinburgh Tram (Line Two) Bill last week and we will support the Edinburgh Tram (Line One) Bill this week. That support is intended only to provide a legal framework for the project. We remain highly dubious about the overall viability of the network. Our support for the bill should not be taken as support for any funding decision that the minister may make. We shall judge that in light of the business case that is presented by the promoter and what we see as the transport priorities of Scotland when such funding decisions fall to be taken.

16:43

**Mr MacAskill:** I concur fully with David McLetchie's point that, to some extent, we are not voting on tramline 1. Rather, we are voting for a void—for what may be presumed to be going to happen and for whatever spin TIE is giving us at the moment. It was kind of Sarah Boyack to quote my words, and I am happy to stand by them. Ultimately, a tram scheme probably would benefit Edinburgh.

Reference has been made to European competitors and capitals. However, the difference is that they tend to build up a pyramid structure by getting the basis right and moving forward from there. They have tram systems that are regulated and rail networks that have local provision, like the south suburban line. They have a bus network that is not increasing its fares as a result of spending going in other directions. Having delivered the other aspects of transport that are necessary, they add to those by building a tram system that can provide significant benefits. They do not seek to have an unregulated transport network. The front page of today's edition of the *Edinburgh Evening News* states:

"The wheels on the bus fall off and off".

The reference is to the poor-quality service that is being provided. As Mr Fox, who is not present today, mentioned last week, the price that Lothian Buses charges for fares is increasing.

**Sarah Boyack:** Will the member take an intervention?

**Mr MacAskill:** I do not have time to give way. The problems that I have mentioned are not acceptable in a European context and should not be acceptable here. We do not know what we are voting for.

The other matter of great concern is that we do not know the final cost of the scheme. The minister has made the final commitment that he is prepared to see made by the Scottish Executive, but those of us who have a duty to look after the interests of the capital and to consider the costs that will have to be borne by council tax payers must look at other issues. It is disingenuous of Ms Deacon to refer to congestion charging; we were told at one stage that congestion charging had nothing to do with tramline 3. Apparently, the tramline was not predicated on that.

**Susan Deacon:** Will the member give way?

**Mr MacAskill:** I do not have time, as I said to the member's colleague. The fact is that congestion charging was related and the council was seeking to introduce tramline 3 in that way. That shows how out of touch the City of Edinburgh Council is with the mood of the city. It got it wrong on congestion charging and housing stock transfer and it is getting it wrong on trams.

**Jackie Baillie:** Will the member give way?

**Mr MacAskill:** I do not have time.

The trams represent not just a significant capital cost. They will have on-going revenue implications that will have to be borne. If we cannot increase fare-box charging, we will have to find another method of funding the scheme. That will not come from congestion charging and it will have to be borne by the council tax payer. We will be left with a system that simply will not operate and we face being left with a pig in a poke.

Instead of looking at what I said six years ago, Ms Boyack should look at the words of her party colleague, the Secretary of State for Scotland who is also the Secretary of State for Transport south of the border. He decided that the tram schemes in Leeds, Portsmouth and Liverpool are not best value. He was reported in the *Yorkshire Post* as saying that

"the tram was not 'value for money' with a price tag now of £486m compared with the approved figure of £355m in 2001, and that a 'showcase' bus scheme would deliver benefits at half the cost."

We also note Mr Darling's views in the *Edinburgh Evening News* on Monday 7 November 2005:

"In September, it emerged that the cost of re-introducing trams to Edinburgh had soared by almost £340m to £714m after initial estimates did not take inflation into account."

Much as I am glad that Ms Boyack is glad to take advice from me, at some stage she should perhaps look to her colleague in the Labour Party and realise that the tram scheme is wrong, it is the wrong time for it and it is not Scotland's priority; Waverley station is.

**The Deputy Presiding Officer:** Tavish Scott has two tight minutes.

16:47

**Tavish Scott:** In that case, I will make three brief points. First, I say to members across the chamber who expressed a view on the economic and business case that, before any investment is made, strict and objective criteria are applied through the business gateway and the quarterly reviews to any investment decisions that we make on capital transport projects. That is absolutely the case for this project, as for any other.

I assure Mr McLetchie that patronage is one of the components of the business case. As I said earlier this afternoon, the outline business case must be approved before the summer recess, including those aspects that he mentioned. I am pleased that the Conservatives support the Edinburgh Tram (Line One) Bill this afternoon.

**Margo MacDonald:** If it is found after the business case has been scrutinised as it should

be that there is a shortfall on the council's part, could the Executive lend the council money to make sure that a link is established between Granton and Newhaven?

**Tavish Scott:** No.

Helen Eadie made sensible arguments about Margaret Smith's points on the Western general and I can only repeat the assurances that the promoter and the bill committee gave in relation to that undertaking. I cannot support the contention that we should enshrine bus services in statute, although I understand the seriousness of Margaret Smith's point. I hope that the Parliament will not accept her amendment this afternoon.

I finish by responding to Mr MacAskill, who made two speeches about Edinburgh politics rather than about what is an important transport investment for Scotland. We appreciate that he admitted to his flip-flop on the matter, but it always seems to be the wrong time for the SNP. That party would never make the investment decisions that we need in Scotland, nor indeed, in this case, in Edinburgh. Mr MacAskill made a couple of disingenuous remarks about both Waverley and the integrated nature of transport in Scotland. Frankly, he was a disappointment once again.

The tram scheme is a good project for Edinburgh and Scotland and I hope that the Parliament votes for it this afternoon.

16:49

**Phil Gallie (South of Scotland) (Con):** I start by saying how sorry I am that my colleague Rob Gibson has not been called to speak; he had important points to make about construction programmes and noise, although we have heard quite a lot about that today.

As I have only seven minutes in which to speak, I will start at the back end and offer some thanks. I thank Jackie Baillie, who was the committee convener, and Helen Eadie and Rob Gibson for being a joy to work with, believe it or not. Jackie said a lot earlier about noise and I reckon that she read her notes well, but she is an expert on noise and controlled the committee well. As well as thanking my colleagues, it would be right to thank the clerks and other parliamentary staff, particularly the audio staff, who kept me well equipped with earphones.

We should not forget the promoter's team, who did extremely well, nor should we forget the objectors. I was impressed all the way through the exercise by the standard of the objectors. It was not an easy task for them to deal with the technical detail that was put before them and argue with the so-called experts, but they did it magnificently. They certainly prepared a case that gave the



committee a lot to think about when we took evidence.

There was a considerable amount of technical evidence and we were reliant in the main on the promoter's expert witnesses. We took much of the technical evidence as it was stated, and although we queried, pressed and delved—and brought about change—at the end of the day we were to a large extent reliant on the experts' information.

Similarly, we were reliant on the promoter for the forecast of costs. Quite honestly, the committee dealt with costs all the way through the consideration stage. We kept asking about costs and were informed that they were on schedule as previously stated. We all know now that that was not the case, and that certainly concerned the committee. We have expressed our concern in our report.

The other aspect that was continually hammered home to the committee about tramline 1 was that the circular route was all-embracing and there could be no deviation from it—it was set in stone. As we all know now, the route was changed in the latter stage. However, it is interesting to note that the committee queried in the preliminary stage whether there would be benefit in having an all-through service with tramline 2 linking with tramline 1 right down to Leith. We raised that point, but were told that it was not an issue.

I say to Kenny MacAskill that what we have now is, effectively, an enabling bill. The pressures are now on the councillors and the minister to ensure that the project is delivered at a reasonable cost and that the costs are fully justified and in line with all the assurances that we have been given.

I turn now to the objectors, some of whom will feel that, after months of hard work, the bill has gone through in any case and that there has been nothing in it for them. I would say that they were wrong in that view. Many changes have been made to the bill. Helen Eadie described the situation with respect to the Western general hospital. I sympathise with Margaret Smith's view on that, but the committee did consider the issue. We visited the site and walked around it. We thought about the possible implications of a tram stop and the extent of the effect that would have on travel times from Haymarket down to Granton. We took account of all that and that is why Helen Eadie and I supported and accepted the bus-link option that was delivered for us.

When we consider the loop of the whole route, we can see what the objectors achieved. The change of route at Haymarket, for example, started the process. We got that change of route, other amendments were made and the evidence is there for all to see. There were objectors who pointed to traffic blockage problems that will come

about on Queen Street. We say to the councillors—this is also in our report—that they must address that at an early stage and not wait until the line is constructed. They should get stuck in now and find solutions.

The committee listened to Newhaven community council's plea for Victoria primary school's garden to be saved and the promoter went along with a change that achieved that, so that plea was worth while.

Although it may not seem that Robert Drysdale's work on the alternative route at Starbank has been worth while, the fact is that the committee walked the route on more than one occasion. On each occasion, we decided that the promoter's route was marginally more beneficial—although our view was weighted by considerations of time factors for each of the alternatives, which we had to take into account.

Much has been said about the Western general hospital and I will not say anything further.

Roseburn residents will be disappointed that the Roseburn corridor will be used for the tramline, but the committee made various improvements. For example, we secured improvements on property values, animal life and the landscape and habitat management plan. We took objectors' views into account.

Overall, the members of the committee believe that we have done a reasonable job. The bill could never have been perfect, and there were disappointments. For me, one such disappointment was that we did not set a 40mph speed limit. I did not flip-flop on that; I was consistent.

We now look to the minister, to councillors and to the promoter to ensure that, if or when this project goes ahead, it goes ahead in a properly costed way that provides value for money and meets all the criteria that we would expect it to meet.

**The Deputy Presiding Officer:** I suspend the meeting until 5 o'clock to allow members to come in to vote.

16:56

*Meeting suspended.*

17:00

*On resuming—*

## Points of Order

**Donald Gorrie (Central Scotland) (LD):** On a point of order, Presiding Officer. In the previous debate, five back benchers were not called to speak, so it is clear that the Parliamentary Bureau again failed to get the timetabling right. I ask the bureau to sort matters out so that in future we have adequate time for final stage debates and people who wish to speak can do so.

**Mark Ballard (Lothians) (Green):** On a point of order, Presiding Officer. I echo Donald Gorrie's point and the point that Margo MacDonald made during the previous debate. Is it appropriate and within the spirit of standing orders to have a debate like the one that we have just had? The fact that it was only an hour long, allied to the allocations that were made to opening and closing speakers, meant that there was no time for back-bench speakers or speakers from the smaller parties to have their say. As the Presiding Officer knows, the issue of how much time would be allocated to the smaller parties and to back-bench speakers was one that I raised at the bureau.

Given that it is within the gift of the Presiding Officers to decide how much time is allocated to opening and closing speakers—indeed, the Presiding Officers are the only people who can do that—is it in the spirit of standing orders to allocate time to opening and closing speakers such that other members do not have an opportunity to speak?

**The Presiding Officer (Mr George Reid):** It is clear that the timetabling of the previous debate was an issue; I regret it when back benchers are not called. Although the Presiding Officers have flexibility, they can exercise it only within the timescale that has already been determined by the Parliament. I suggest that the representatives of the parties that feel concerned raise the matter when it should be raised, which is at the next meeting of the Parliamentary Bureau.

## Business Motions

17:02

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of business motion S2M-4200, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a revised business programme.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Thursday 30 March 2006—

Thursday 30 March 2006

delete,

2.55 pm	Executive Review	Debate:	Curriculum
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and after,

2.15 pm	Themed Question Time— Enterprise, Transport and Lifelong Learning; Justice and Law Officers
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insert,

2.55 pm	Ministerial Statement:	Scottish Enterprise
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*followed by* Executive Debate: Curriculum Review.—[*Ms Margaret Curran.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S2M-4203, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 19 April 2006

2.30 pm	Time for Reflection
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*followed by* Parliamentary Bureau Motions

*followed by* European and External Relations Committee Debate: European Commission's Legislative and Work Programme 2006

*followed by* Procedures Committee Debate: 2nd Report 2006: Procedures relating to Crown appointments

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm	Decision Time
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*followed by* Members' Business

Thursday 20 April 2006

9.15 am	Parliamentary Bureau Motions
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*followed by* Non-Executive Business

11.40 am	General Question Time
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12 noon First Minister's Question Time

2.15 pm Themed Question Time—  
Education and Young People,  
Tourism, Culture and Sport; Finance  
and Public Services and  
Communities

2.55 pm Executive Debate: Civil Justice  
Reform

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 26 April 2006

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 Debate: Interests of  
Members of the Scottish Parliament  
Bill

*followed by* Legislative Consent Motion: Police  
and Justice Bill – UK Legislation

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 27 April 2006

9.15 am Parliamentary Bureau Motions

*followed by* Executive Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time—  
Environment and Rural  
Development; Health and  
Community Care

2.55 pm Executive Business

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business.—[*Ms Margaret Curran.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motions S2M-4192 and S2M-4193, in the name of Margaret Curran, on behalf of the Parliamentary Bureau, setting out timetables for the consideration of legislation.

*Motions moved,*

That the Parliament agrees that consideration of the St Andrew's Day Bank Holiday (Scotland) Bill at Stage 1 be completed by 30 June 2006.

That the Parliament agrees that consideration of the Tourist Boards (Scotland) Bill at Stage 1 be completed by 30 June 2006.—[*Ms Margaret Curran.*]

*Motions agreed to.*

## Parliamentary Bureau Motions

17:03

**The Presiding Officer (Mr George Reid):** The next item of business is consideration of 10 Parliamentary Bureau motions. Motion S2M-4201, in the name of Margaret Curran, on the establishment of a committee, has been withdrawn. I ask Margaret Curran to move motions S2M-4182, S2M-4183 and S2M-4184, on committee membership, motion S2M-4185, on the designation of a lead committee, and motions S2M-4186 to S2M-4191, on the approval of Scottish statutory instruments.

*Motions moved,*

That the Parliament agrees that Robin Harper be appointed to replace Chris Ballance on the Procedures Committee.

That the Parliament agrees that Mrs Nanette Milne be appointed to replace Bill Aitken as the Scottish Conservative and Unionist Party substitute on the Equal Opportunities Committee

That the Parliament agrees that Bill Aitken be appointed to replace Miss Annabel Goldie as the Scottish Conservative and Unionist Party substitute on the Justice 1 Committee.

That the Parliament agrees that the Education Committee be designated as the lead committee in consideration of the Adoption and Children (Scotland) Bill at Stage 1.

That the Parliament agrees that the draft Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Protection of Charities Assets (Exemption) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Charity Test (Specified Bodies) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Amendment) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Further and Higher Education (Scotland) Act 1992 Modification Order 2006 be approved.

That the Parliament agrees that the draft Scotland Act 1998 (Transfer of Functions to Scottish Ministers) (No 2) Order 2006 be approved.—[*Ms Margaret Curran.*]

## Decision Time

17:04

### **The Presiding Officer (Mr George Reid):**

There are six questions to be put as a result of today's business. The first question is, that motion S2M-4130, in the name of Jackie Baillie, on the first report in 2006 of the Edinburgh Tram (Line One) Bill Committee, which is called "Appropriate Assessment on Firth of Forth Special Protection Area", be agreed to.

### *Motion agreed to.*

That the Parliament notes the 1st Report 2006 (Session 2) of the Edinburgh Tram (Line One) Bill Committee, *Appropriate Assessment on the Firth of Forth Special Protection Area* (SP Paper 486), and agrees that the works proposed in the Bill will not adversely affect the integrity of the Firth of Forth Special Protection Area.

**The Presiding Officer:** The second question is, that amendment S2M-4129.1, in the name of Margaret Smith, which seeks to amend motion S2M-4129, in the name of Jackie Baillie, on the Edinburgh Tram (Line One) Bill, be agreed to. Are we agreed?

### **Members: No.**

**The Presiding Officer:** There will be a division.

### **FOR**

Adam, Brian (Aberdeen North) (SNP)  
Cunningham, Roseanna (Perth) (SNP)  
Gorrie, Donald (Central Scotland) (LD)  
Grahame, Christine (South of Scotland) (SNP)  
Hyslop, Fiona (Lothians) (SNP)  
Ingram, Mr Adam (South of Scotland) (SNP)  
MacAskill, Mr Kenny (Lothians) (SNP)  
Marwick, Tricia (Mid Scotland and Fife) (SNP)  
Mather, Jim (Highlands and Islands) (SNP)  
Matheson, Michael (Central Scotland) (SNP)  
Maxwell, Mr Stewart (West of Scotland) (SNP)  
McFee, Mr Bruce (West of Scotland) (SNP)  
Neil, Alex (Central Scotland) (SNP)  
Robison, Shona (Dundee East) (SNP)  
Smith, Margaret (Edinburgh West) (LD)  
Stevenson, Stewart (Banff and Buchan) (SNP)  
Sturgeon, Nicola (Glasgow) (SNP)  
Swinney, Mr John (North Tayside) (SNP)  
Welsh, Mr Andrew (Angus) (SNP)

### **AGAINST**

Aitken, Bill (Glasgow) (Con)  
Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
Baillie, Jackie (Dumbarton) (Lab)  
Baird, Shiona (North East Scotland) (Green)  
Baker, Richard (North East Scotland) (Lab)  
Ballard, Mark (Lothians) (Green)  
Barrie, Scott (Dunfermline West) (Lab)  
Boyack, Sarah (Edinburgh Central) (Lab)  
Brankin, Rhona (Midlothian) (Lab)  
Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
Brown, Robert (Glasgow) (LD)  
Brownlee, Derek (South of Scotland) (Con)  
Butler, Bill (Glasgow Anniesland) (Lab)  
Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
Curran, Ms Margaret (Glasgow Baillieston) (Lab)

Davidson, Mr David (North East Scotland) (Con)  
Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
Douglas-Hamilton, Lord James (Lothians) (Con)  
Eadie, Helen (Dunfermline East) (Lab)  
Ferguson, Patricia (Glasgow Maryhill) (Lab)  
Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Gallie, Phil (South of Scotland) (Con)  
Gibson, Rob (Highlands and Islands) (SNP)  
Glen, Marlyn (North East Scotland) (Lab)  
Godman, Trish (West Renfrewshire) (Lab)  
Goldie, Miss Annabel (West of Scotland) (Con)  
Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
Harper, Robin (Lothians) (Green)  
Harvie, Patrick (Glasgow) (Green)  
Henry, Hugh (Paisley South) (Lab)  
Home Robertson, John (East Lothian) (Lab)  
Hughes, Janis (Glasgow Rutherglen) (Lab)  
Jackson, Gordon (Glasgow Govan) (Lab)  
Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
Johnstone, Alex (North East Scotland) (Con)  
Kerr, Mr Andy (East Kilbride) (Lab)  
Lamont, Johann (Glasgow Pollok) (Lab)  
Livingstone, Marilyn (Kirkcaldy) (Lab)  
Lyon, George (Argyll and Bute) (LD)  
Macdonald, Lewis (Aberdeen Central) (Lab)  
Maclean, Kate (Dundee West) (Lab)  
Macmillan, Maureen (Highlands and Islands) (Lab)  
Martin, Paul (Glasgow Springburn) (Lab)  
May, Christine (Central Fife) (Lab)  
McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
McGrigor, Mr Jamie (Highlands and Islands) (Con)  
McLetchie, David (Edinburgh Pentlands) (Con)  
McMahon, Michael (Hamilton North and Bellshill) (Lab)  
McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
McNeill, Pauline (Glasgow Kelvin) (Lab)  
McNulty, Des (Clydebank and Milngavie) (Lab)  
Milne, Mrs Nanette (North East Scotland) (Con)  
Morgan, Alasdair (South of Scotland) (SNP)  
Muldoon, Bristow (Livingston) (Lab)  
Mulligan, Mrs Mary (Linlithgow) (Lab)  
Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
Murray, Dr Elaine (Dumfries) (Lab)  
Oldfather, Irene (Cunninghame South) (Lab)  
Peacock, Peter (Highlands and Islands) (Lab)  
Peattie, Cathy (Falkirk East) (Lab)  
Pringle, Mike (Edinburgh South) (LD)  
Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
Radcliffe, Nora (Gordon) (LD)  
Robson, Euan (Roxburgh and Berwickshire) (LD)  
Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
Scott, Eleanor (Highlands and Islands) (Green)  
Scott, John (Ayr) (Con)  
Scott, Tavish (Shetland) (LD)  
Smith, Elaine (Coatbridge and Chryston) (Lab)  
Smith, Iain (North East Fife) (LD)  
Stephen, Nicol (Aberdeen South) (LD)  
Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
Tosh, Murray (West of Scotland) (Con)  
Wallace, Mr Jim (Orkney) (LD)  
Whitefield, Karen (Airdrie and Shotts) (Lab)  
Wilson, Allan (Cunninghame North) (Lab)

### **ABSTENTIONS**

Byrne, Ms Rosemary (South of Scotland) (SSP)  
MacDonald, Margo (Lothians) (Ind)

**The Presiding Officer:** The result of the division is: For 19, Against 81, Abstentions 2.

*Amendment disagreed to.*

**The Presiding Officer:** The third question is, that motion S2M-4129, in the name of Jackie Baillie, on the Edinburgh Tram (Line One) Bill, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Brownlee, Derek (South of Scotland) (Con)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)

McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

#### AGAINST

Adam, Brian (Aberdeen North) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

#### ABSTENTIONS

Gorrie, Donald (Central Scotland) (LD)

**The Presiding Officer:** The result of the division is: For 84, Against 17, Abstentions 1.

*Motion agreed to.*

That the Parliament agrees that the Edinburgh Tram (Line One) Bill be passed.

**The Presiding Officer:** Unless any member objects, I propose to put a single question on motions S2M-4182 to S2M-4184, on committee membership, motion S2M-4185, on the designation of a lead committee, and motions S2M-4186 to S2M-4189, on the approval of Scottish statutory instruments. There being no objections, the fourth question is, that motions S2M-4182 to S2M-4189, in the name of Margaret Curran, be agreed to.

### *Motions agreed to.*

That the Parliament agrees that Robin Harper be appointed to replace Chris Ballance on the Procedures Committee.

That the Parliament agrees that Mrs Nanette Milne be appointed to replace Bill Aitken as the Scottish Conservative and Unionist Party substitute on the Equal Opportunities Committee.

That the Parliament agrees that Bill Aitken be appointed to replace Miss Annabel Goldie as the Scottish Conservative and Unionist Party substitute on the Justice 1 Committee.

That the Parliament agrees that the Education Committee be designated as the lead committee in consideration of the Adoption and Children (Scotland) Bill at Stage 1.

That the Parliament agrees that the draft Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Protection of Charities Assets (Exemption) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Charity Test (Specified Bodies) (Scotland) Order 2006 be approved.

That the Parliament agrees that the draft Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Amendment) (Scotland) Order 2006 be approved.

**The Presiding Officer:** The fifth question is, that motion S2M-4190, in the name of Margaret Curran, on approval of an SSI, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### **FOR**

Aitken, Bill (Glasgow) (Con)  
 Arbuckle, Mr Andrew (Mid Scotland and Fife) (LD)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baird, Shiona (North East Scotland) (Green)  
 Baker, Richard (North East Scotland) (Lab)  
 Ballard, Mark (Lothians) (Green)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brocklebank, Mr Ted (Mid Scotland and Fife) (Con)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Byrne, Ms Rosemary (South of Scotland) (SSP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (Galloway and Upper Nithsdale) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gordon, Mr Charlie (Glasgow Cathcart) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)

Harper, Robin (Lothians) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lyon, George (Argyll and Bute) (LD)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 MacDonald, Margo (Lothians) (Ind)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 May, Christine (Central Fife) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)  
 McGregor, Mr Jamie (Highlands and Islands) (Con)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Milne, Mrs Nanette (North East Scotland) (Con)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Radcliffe, Nora (Gordon) (LD)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Ruskell, Mr Mark (Mid Scotland and Fife) (Green)  
 Scott, Eleanor (Highlands and Islands) (Green)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tosh, Murray (West of Scotland) (Con)  
 Wallace, Mr Jim (Orkney) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)

### **ABSTENTIONS**

Adam, Brian (Aberdeen North) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Mather, Jim (Highlands and Islands) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 Maxwell, Mr Stewart (West of Scotland) (SNP)  
 McFee, Mr Bruce (West of Scotland) (SNP)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)

Robison, Shona (Dundee East) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Welsh, Mr Andrew (Angus) (SNP)

**The Presiding Officer:** The result of the division is: For 82, Against 0, Abstentions 19.

*Motion agreed to.*

That the Parliament agrees that the draft Further and Higher Education (Scotland) Act 1992 Modification Order 2006 be approved.

**The Presiding Officer:** The sixth and final question is, that motion S2M-4191, in the name of Margaret Curran, on approval of an SSI, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the draft Scotland Act 1998 (Transfer of Functions to Scottish Ministers) (No.2) Order 2006 be approved.

**The Presiding Officer:** That concludes decision time. I will allow a pause of two or three minutes while members clear the chamber.

## Duke of Edinburgh's Award (50<sup>th</sup> Anniversary)

**The Deputy Presiding Officer (Murray Tosh):**

The final item of business is a members' business debate on motion S2M-4068, in the name of Karen Whitefield, on the 50<sup>th</sup> anniversary of the Duke of Edinburgh's award. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament congratulates the Duke of Edinburgh's Award in its 50th anniversary year; recognises the contribution made by the organisations that operate the award and the exceptional number of hours of volunteering undertaken by leaders in supporting over 20,000 young people each year in Scotland; further recognises the efforts of participants in the volunteering section of the award and its wider benefits to communities across Scotland and across the world; acknowledges the contribution the award makes to promoting a healthy lifestyle to young people; recognises the benefits in terms of skills development, enterprise, teamwork and personal and social development; acknowledges the findings of recent research which indicated the tremendous value placed by employers on the award programme, and looks forward to welcoming the International Forum and UK General Council to Edinburgh in November 2006.

17:11

**Karen Whitefield (Airdrie and Shotts) (Lab):** I am delighted to take the opportunity that the debate presents to celebrate the 50<sup>th</sup> anniversary of the Duke of Edinburgh's award and I welcome the members who have stayed on to hear the debate and to highlight the good work that is carried out through the award. I am sure that I will not be the only member who has participated in the award programme or the only person who has a tall tale to tell of the time when they undertook the award—but more of that a little later.

I welcome the people who are watching the debate in the Parliament's education centre, in particular the young people who joined us for the reception that was held this afternoon and who have stayed on for the debate.

In case members are wondering about this, I do not normally dress so formally for debates, but I have to get to a constituency engagement by 7.30 pm.

I was very impressed by all the young people who spoke so movingly this afternoon about their experiences. Sahir, Sarah, David, Jennifer and Cinzia all spoke eloquently about how participating in the Duke of Edinburgh's award programme enriched their lives. I was particularly impressed by the achievements of John, who hails from Drumchapel and has just completed his bronze award. John told us about his rainy adventures during his expedition and about the voluntary work that he undertook. He also told us that later this

summer he will go to university to study accountancy—I am sure that members agree that that is very impressive. John concluded by telling us that he began taking part in the award programme when he was in Polmont young offenders institution. His short speech was truly inspirational.

The Duke of Edinburgh's award brings wide benefits for adults and communities, but the main beneficiaries are the young people who take part in the programme every year, who gain a broad range of valuable skills and experiences that stand them in good stead throughout their lives. Members do not have to take my word for that; research by the United Learning Trust and Ratcliffe Hall Ltd clearly demonstrates the importance that employers place on the award. When a sample of major United Kingdom employers was asked to rate what they considered to be the most important activities that are undertaken at school, the activity that the employers rated most highly was the Duke of Edinburgh's award, because they thought that participation in the programme helps young people to develop the important skills and personal attributes such as leadership, teamwork, self-motivation and communication that modern employers demand.

No doubt, that is why more than 20,000 young people in Scotland will participate in the awards scheme this year and why more than 3.5 million people have participated in it since its inception in 1956. Young people know and appreciate the value of the award. They also know that participating in the scheme can be great fun and an excellent opportunity to make new friends.

As most members will be aware, the award has four sections: volunteering, healthy lifestyle, developing knowledge and skills and teamwork. I will not go into detail on each component but will instead focus on volunteering. As I have said in several recent debates, there is clear evidence of the benefits to society of volunteering. Research from the United States shows that strong, active and interconnected communities benefit from improved health and well-being and lower crime rates. In short, communities in which people volunteer are better places in which to live. That is why it is important that the Duke of Edinburgh's award emphasises volunteering and gets young people into the habit of volunteering at an early age. That is good for their personal development and better for society.

For those who volunteer abroad, the clear signal is that everyone on the planet is interconnected and that we have a duty and a desire to care for others. I mentioned John, one of the young people who spoke at the event earlier today. John came to the Duke of Edinburgh's award scheme through

the new start project. While there may be a misconception that the scheme is for middle-class children, the new start project demonstrates clearly that it is for all Scottish young people, regardless of their class or wealth. The various elements of the award, such as volunteering and teamwork, can play an important part in challenging and changing the behaviour of some of our most troubled young people.

I promised to tell members my Duke of Edinburgh's award tale. I am proud to say that I gained my gold award and then went on, as a leader in the Girls Brigade, to work with other young women to help them to gain theirs. However, the journey to leadership was not all plain sailing, as one of my expeditions lasted a little longer than intended—quite a bit longer, in fact. One trek into the southern uplands started early one morning and was supposed to finish at about 3 in the afternoon. Unfortunately, it seems that the Forestry Commission plants trees slightly faster than the Ordnance Survey prints maps. I am sure that members know what is coming. By midday, my group was entirely lost and by nightfall we were starting to panic, which is when we decided to retrace our steps. We probably should have done that a lot earlier, but it was better late than never. At around 3 in the morning, we finally bumped into the mountain rescue unit that was hunting us down. It is just as well that we were on a practice expedition. I suppose that the map reading and compass skills that we learned ensured that, on our gold award expedition, we were up to the task.

I wish the Duke of Edinburgh's award scheme many happy returns. I know that its next 50 years will be as successful as the first 50 were. I am grateful to members for participating in the debate.

17:18

**Christine Grahame (South of Scotland) (SNP):** We seem to be running a confessional tonight, so I will make a confession that will not surprise members: I never took part in the Duke of Edinburgh's award scheme, although it was available in my youth as it started in the 1950s. I think it was the physical activity aspect that put me off. However, I must also confess—although nobody will believe this and I have lost the evidence—that when I was in the girl guides I got a badge for athletics, despite my genetic antipathy to sport.

To be serious, I congratulate Karen Whitefield on securing the debate. I also congratulate the Duke of Edinburgh's award scheme for its success and for standing the test of time, which cannot be said of many things. The important aspects are that the scheme is voluntary and fun and—as I was delighted to hear Karen Whitefield say—it



reaches parts that other voluntary projects do not reach, where there are more disadvantaged children.

The award has something of an image as an award that exists so that middle-class children at posh schools can get badges, so I am delighted to hear that it has moved beyond that. The operating authorities, which must engage with the award for it to succeed, cover a wide range, including national youth organisations, local and national government authorities, industrial and commercial firms, independent schools and, most important, special schools. As Karen Whitefield said, about 20,000 children in Scotland have benefited from the award. As we also heard from her, it creates self-confidence that is earned rather than just given, so it is the best kind of self-confidence.

The award is practical. So many activities disfranchise children, who feel that they must have academic skills to take part in them. The award is adventurous, as we can tell from Karen Whitefield's little adventure. She is no worse at orienteering than I am—I can get lost finding Kelso. Although I have been to Kelso many times, I always come out of the town a different way from the way I came in. I do not know why—Kelso is not special. I had better not say that or I will be sued by the people of Kelso.

In gaining awards, it is important that young people learn the importance of commitment. One of the important lines on the award's website says that the award is a "Marathon, not a sprint". In this age of instant rewards—instant rewards for what one eats or for what one buys—a reward for a slow-burning achievement has greater depth. I know that that is not why people strive for the award, but I hope that, at the end of the day, it helps people not just in their personal lives but in their careers thereafter. I congratulate Karen Whitefield on securing the debate and trust that the scheme will continue to thrive.

17:21

**Donald Gorrie (Central Scotland) (LD):** This is an excellent subject for debate and I congratulate Karen Whitefield on her choice. I cannot confess to having done the Duke of Edinburgh's award, but I have been a great supporter of it for a long time.

One of the award's great merits is its four sections, which catch all sorts of people. The bookworm is made to shiver in a tent halfway up a hill while the person who smokes and drinks has to adopt a healthy lifestyle. People on the award have to take education seriously and are introduced to voluntary work. Few things have changed so little since they started, so the award must have got it right at the beginning.

I agree with Christine Grahame that one of the great benefits of the award is that it teaches

people tenacity—it teaches them to keep going. Perhaps other members are not as boring as me and do not make speeches about politics to organisations, but my standard response to the question, "What is it like to be in politics?", is to say, "You don't need to be clever and you don't even need to be honest, but you must have tenacity. Otherwise you're no good at all." I hope that the Duke of Edinburgh's award is training many good future politicians. Perhaps we could form a parliamentary version of the Duke of Edinburgh's award, so that in the future we could all confess to the silly things that we have done. I am sure that not being able to confess is bad for the soul.

Seriously, as Karen Whitefield said, the contributions at the lunchtime event, from young people from Britain and the Gambia, were very moving. The award clearly does a great deal of good. One of the merits of the Duke of Edinburgh's award is that it is not an organisation like the scouts or youth clubs. One can take the award as a member of an organisation, one can do it from school or, if one wishes, one can take it privately.

As other members have said, the award now works on a wide and classless basis. In the past, when I was a councillor, some councils were prejudiced against it, but the attitude of local authorities, schools and so on to the award has improved. It is an excellent thing and I hope that we will continue to support it. As the minister knows, I always put in a plug for proper funding for youth work. The award is one of the good things that could be funded and supported, especially by introducing it to areas where people perhaps do not have enough money to pay for expeditions and so on. I hope that we will continue to support the award and that the minister will do his stuff.

17:25

**Lord James Douglas-Hamilton (Lothians) (Con):** I warmly congratulate Karen Whitefield on securing the debate. Today's lunchtime reception in Parliament for the Duke of Edinburgh's award scheme was fascinating. I was interested to learn that Dr Kurt Hahn, whom I had the privilege of knowing, was the inspiration behind the scheme. Members will probably know that, in the 1930s, he was head teacher of Schloss Salem school in Germany and advised all the boys to break with Hitler or break with the school. He was imprisoned and—to the great credit of Ramsay MacDonald, the first Labour Prime Minister—was released and came to Scotland. Apparently, he argued that there was a decline of compassion, skills, physical fitness and initiative, and his ideas were widened out into the Duke of Edinburgh's award sections

on rescue and public service, pursuits and projects, physical fitness and expeditions.

In today's reception, what came across from the young participants who had benefited from the scheme was that they had been given confidence, recognition and opportunity and had made great contributions to their communities. The Friends of the Award, from Edinburgh and the Lothians, made it clear that the award scheme is involved in a huge range of projects that benefit communities. I will mention one: a group of young mums formed PACT—Parents and Children Together—and five of them completed a first aid course to achieve the service section of the award. Their steering group is now supporting the mums, who will have the opportunity to complete the awards.

Any system of awards that results in some 6 million people benefiting worldwide is worthy of congratulation. In Scotland, more than 20,000 young people are involved. There has been a huge amount of teamwork and a great many life skills have been learned. The scheme is highly regarded by employers, who see it on the CVs of young people who have completed the award. I would not go so far as to say that it played a part in Karen Whitefield's getting into Parliament, but it cannot have done her any harm in obtaining employment abroad and at home.

It makes a difference to young people when they give up free time to do the award, and the volunteers who help in instructing, supervising, mentoring and assessing them in a variety of sections of the award have done a great service to our communities. The scheme has benefited our country greatly.

I will end with an apocryphal story—I have no idea whether it is true. His Royal Highness the Duke of Edinburgh was on a remote part of the Balmoral estate when some young people came over the horizon. He asked whether he could help them and was informed that they were on a Duke of Edinburgh's award activity.

The debate underlines the fact that the award has been of tremendous benefit to Scotland's communities.

17:28

**Robin Harper (Lothians) (Green):** I, too, congratulate Karen Whitefield warmly on securing the debate. I will speak about four things: my own relationship with the Duke of Edinburgh's award scheme; the Edinburgh and Lothians contribution to the scheme; volunteering; and outdoor education. The Deputy Minister for Education and Young People knows that I am extremely passionate about the last two.

I went to the Outward Bound school in Morayshire for a month and helped to teach cadets at Gordonstoun school. As Lord James Douglas-Hamilton knows, both those institutions were inspired by the thinking of Kurt Hahn, and it is appropriate to mention his tremendous contribution to educational thought.

Under the enthusiastic and extremely hard-working Peter Wright MBE, Edinburgh and the Lothians have taken the Duke of Edinburgh's award scheme forward. In Edinburgh, 1,400 young people are now engaged in it.

There are 300 volunteers, 100 of whom are trained in outdoor education in one way or another and 44 of whom are fully trained. That is a considerable achievement. They have used their skills to help the worst-off young people in our community—those who are likely to get into trouble or are already in trouble. The volunteers have been extraordinarily successful. A strategy to help young people at Castlebrae, Balerno and St Augustine's high schools who are at risk of skiving school has a 90 per cent success rate.

Karen Whitefield mentioned the sure start scheme, which has reduced young people's offending behaviour by 75 per cent and cut their drugs use by 50 per cent. Those are superb success rates with young people who are already young offenders. The Executive can learn lessons from the Duke of Edinburgh's award and other outdoor education projects. I will not go on about the Airborne Initiative. I think that it should have been allowed to continue developing in the direction that it had taken, but, given the success of the sure start scheme, there can be no doubt that the use of the Duke of Edinburgh's award's approach to helping young people is extremely successful, not just with young offenders but with all offenders.

I draw members' attention to the partnership with the young people's unit at the Royal Edinburgh hospital, which uses outdoor education to help young people who have mental health problems. Those young people, too, have benefited enormously from the Duke of Edinburgh's award.

Whenever I get an opportunity to speak on outdoor education, I argue that it is unique because it develops skills in risk taking, risk assessment, leadership, self-confidence, self-worth and other social skills. There is a lesson for the Executive in that. We could do so much more for outdoor education. If voluntary services in Edinburgh can train 300 leaders, 100 of whom have outdoor education qualifications, what could the Executive do throughout the country? At the moment, sadly, there are only two full-time outdoor education teachers in schools in Scotland.

I commend Karen Whitefield for bringing this debate to the Parliament and I commend the Duke of Edinburgh's award for the fantastic work that it does throughout the country to help young people of all kinds.

17:33

**Stewart Stevenson (Banff and Buchan) (SNP):** It was interesting to hear Robin Harper's comments on the immense value of outdoor education. Some years ago, I calculated that I have spent more than two years of my life under canvas, so I must be due to reach perfection shortly.

Donald Gorrie talked about the value of confession. I am sure that he will remember the old phrase, "Be sure your sins will find you out." I have never heard a bad word spoken about Donald, which must speak volumes about his purity of thought, his integrity of action and the certainty of his aim.

Like Karen Whitefield, whom I congratulate on bringing this debate to the Parliament, I have had an encounter with the mountain rescue services. I think that it was in 1967, at about Easter, at the bottom of Sgurr nan Gilleon on Skye. I was there on a geological expedition. The Inverness police mountain rescue team was on the hill, but it got lost and we were invited to go and look for it.

Fortunately, we were not required to deliver, as the team appeared within two minutes of the request—or perhaps I should say suggestion—being made, but we were ready to volunteer. The whole point of the debate is the value of volunteering not only to the person or persons who volunteer but to the wider community. Indeed, that is why I broadly support the Executive's volunteering strategy—in which context it is appropriate to speak about the Duke of Edinburgh's award—and absolutely agree with its statement that

"Volunteering is a fundamental building block of civil society."

As members have said, some might not be aware that a wider social mix is now participating in the Duke of Edinburgh's award scheme. Dr Andrew McLellan, the chief inspector of prisons, presented a report that showed that it can play a significant role in reducing offending rates among young people. The scheme is an excellent opportunity for integrating people who have become disconnected from mainstream society with those who remain within it.

The scheme also allows companies to make their contribution. I note that, for example, the list of charter members of the Duke of Edinburgh's award scheme includes the Bank of Scotland, Scottish Airports Ltd and Slater Menswear. That

said, I should point out that the scheme is slightly different from the uniformed activities that I took part in when I was in the boy scouts. Activities in the Duke of Edinburgh's award do not require a uniform, although, interestingly, most of the uniformed youth organisations have integrated the scheme's work into what they do and help their members to participate in it and to gain the award. That shows the high regard in which this non-partisan scheme is held by many youth organisations.

One organisation that participates in the scheme is the Sea Cadets. I note that, in a press release put out on 6 March, three Peterhead sea cadets, one of whom is participating in the Duke of Edinburgh's award scheme, managed to help someone who was injured and to ensure that they received support. That kind of activity will be repeated across much of Scotland.

I want to close by highlighting a point that arose at the Justice 1 Committee meeting today. As we know, Disclosure Scotland is becoming more important in ensuring the safety of the supervision and support that adults provide to youth organisations. However, I was slightly alarmed to discover that on Friday—and with comparatively little notice—the fee for Disclosure Scotland applications will increase 50 per cent from £13.60 to £20. I hope that, among the many issues that the minister will address in his closing remarks, he will touch on the support that we can give voluntary organisations, especially youth organisations, to offset the not unreasonable impositions that Government and Parliament place on them to meet high standards, not least through Disclosure Scotland.

17:38

**The Deputy Minister for Education and Young People (Robert Brown):** I congratulate Karen Whitefield on securing this truly excellent debate—which has been the model of what a members' business debate should be—and for hosting the lunchtime reception that some of us were able to attend and which gave us the opportunity to meet very impressive young people who, as members have said, have benefited from the Duke of Edinburgh's award.

Like Stewart Stevenson, I was in the boy scouts, but I will spare people talk of my antipathy to physical exercise—which I share with Christine Grahame—and will leave for another occasion my unfortunate experiences of being flooded out at scout camp.

When it was introduced 50 years ago, the award was truly ahead of its time, and has gone on to serve as a model for much of today's high-quality youth work. The award is one of the relatively few

achievements that is instantly recognisable to most people; they may not know precisely what young people have done to get it, but they have a general image of personal achievement, leadership, tenacity—as was mentioned earlier—team building, citizenship and community service.

Perhaps the scheme has a faint whiff of Gordonstoun about it. That is understandable because, as Lord James Douglas-Hamilton said, the impetus for the award came from the founder of Gordonstoun, Kurt Hahn. He suggested it to the Duke of Edinburgh who, in turn, developed it with enthusiasm and remains strongly committed to it to this day. Because of the number of historical events that he has been present at or has been touched by, Lord James Douglas-Hamilton always trumps us on such matters with his personal involvement and his recollections.

As many members have said, the award has a wide provenance today. In its anniversary year, the Duke of Edinburgh's award has much to celebrate and much to be proud of. We look forward to sharing in the Duke of Edinburgh's award team's celebrations throughout the year, in particular in November when it will welcome to Edinburgh many people who have been involved in the scheme over the years. Scottish Executive ministers, including the First Minister, have committed to supporting the event.

We look forward to working with the Duke of Edinburgh's award team in the future as it adapts and expands the scheme and continues to work with young people in Scotland.

Robin Harper mentioned the importance of outdoor education. That is not just traditional outdoor education: outdoor education facilities are now offered by many organisations. One of our challenges is to make the best use of such facilities across the board, as the scouts have done at Fordell Firs.

Nowadays, the Duke of Edinburgh's award is offered by half of state schools but, as Robin Harper rightly said, it could be offered by more. If I understood his comments correctly, some of the experiences in Edinburgh could be built on. All 32 Scottish local authorities are licensed to operate the award. As has been said, over the past 50 years more than 3.5 million people have participated in the award within the United Kingdom and nearly 5,000 awards were gained in Scotland last year alone. Annually, an average of 600 young people are awarded their gold-level award by the Duke of Edinburgh at the Palace of Holyroodhouse.

I first met the Scottish Duke of Edinburgh's award team—as opposed to the Duke of Edinburgh—about six months ago to find out more about the award, its methods and its funding. It

was an interesting meeting, not least because I discovered the sheer breadth of the work that the scheme does, which has featured in the debate. The scheme covers a wide age group flexibly, but the award programmes are individually tailored and accommodate on an equal footing the specific needs of young people who have disabilities or who have additional support needs. That is extremely important.

It is also important that the Duke of Edinburgh's award team is considering the potential of the award in building capacity within the Executive's curriculum for success initiative. The team knows what we sometimes forget, which is that education does not take place only in the classroom between 9 am and 4 pm and that learning capacity and experience for life are also developed in informal settings.

We have heard about the young gentleman called John who started his journey in Polmont young offenders institution and ended up going to university after his Duke of Edinburgh's award experience. Polmont young offenders institution is perhaps a far cry from Buckingham Palace, but his journey is very much within the spirit of the Duke of Edinburgh's award. John is not the only example and the potential of the award to build confidence and turn lives around is substantial.

Confidence, recognition and opportunity—to use the buzz words—are the outcomes that we see from the Duke of Edinburgh's award.

Since 1998, the Duke of Edinburgh's award's new start programme, which receives funding from the Scottish Executive youth crime prevention fund, has been offering the opportunity to take part in the awards to people who are in prison or in detention, or who are considered to be at risk of offending. Independent evaluation work confirms the impressive success of the award programme in motivating young people and turning them away from harmful addictions and trouble. Stewart Stevenson mentioned that.

The Scottish Executive is soon to launch a wider consultation on youth-work strategy. I hope that the Duke of Edinburgh's award team will, with other organisations, give us the benefit of their experience and contribute to that debate. I have no doubt that their funding will be discussed as part of that consultation.

Members will be aware that disclosure checks for the voluntary sector are supported by the Scottish Executive.

I will finish by mentioning the views of young people. They overwhelmingly believe that the award is challenging and fun. Fun is a much underrated commodity and, as Donald Gorrie might say, we must have more of it. Five million young people in 110 countries throughout the

world have had fun and have been challenged by the Duke of Edinburgh's award. More than 550,000 people are taking part in it now across the world, not only in Commonwealth countries but beyond. Volunteering, physical recreation—despite the attitude of Christine Grahame and me towards it—knowledge and skills, and the expedition are the four pillars of its success. I am sure that the whole Parliament wishes the Duke of Edinburgh's award increasing success in providing life-changing opportunities for young people in the next 50 years.

I again congratulate Karen Whitefield on bringing an excellent motion to the chamber.

*Meeting closed at 17:45.*



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