

AIRDRIE-BATHGATE RAILWAY AND LINKED IMPROVEMENTS BILL COMMITTEE

Monday 12 February 2007

Session 2

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AIRDRIE-BATHGATE RAILWAY AND LINKED IMPROVEMENTS BILL COMMITTEE **1st Meeting 2007, Session 2**

CONVENER

*Phil Gallie (South of Scotland) (Con)

DEPUTY CONVENER

*Alasdair Morgan (South of Scotland) (SNP)

COMMITTEE MEMBERS

*Janis Hughes (Glasgow Rutherglen) (Lab)

*Cathy Peattie (Falkirk East) (Lab)

*Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Drew Aitken (Scottish Environment Protection Agency)
David Baxter (North Lanarkshire Council)
Marc Becker (Scottish Environment Protection Agency)
David Bell (ECOS Countryside Services)
Andrew Blake (West Lothian Council)
Stuart Borrowman (Platform Blackridge)
Ian Bray (Scottish Natural Heritage)
Angela Burke (Scottish Environment Protection Agency)
Jim Dickson (West Lothian Council)
Michael Greig (MacRoberts)
Karen Gribben (Network Rail)
John Halliday (Strathclyde Partnership for Transport)
Peter Hawkins (CTC Scotland/Spokes)
Graeme Hedger (West Lothian Council)
Erica Knott (Scottish Natural Heritage)
John Lauder (Sustrans)
Alan Leslie (North Lanarkshire Council)
Graeme Malcolm (West Lothian Council)
Ron McAulay (Network Rail)
Craig McCorriston (West Lothian Council)
David McDove (North Lanarkshire Council)
David Miller (North Lanarkshire Council)
Roy Mitchell (West Lothian Council)
Dr John Riddell (Civil Engineering Consultant)
E Clark Steele (Blackridge Community Council)
Jeff Toner (North Lanarkshire Council)
Hugh Wark (Network Rail)
Stephen Webster (Greenrigg Community Council)

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 2

Scottish Parliament

Airdrie-Bathgate Railway and Linked Improvements Bill Committee

Monday 12 February 2007

[The CONVENER *opened the meeting at 13:57*]

Airdrie-Bathgate Railway and Linked Improvements Bill: Consideration Stage

The Convener (Phil Gallie): Good afternoon, everyone. We have 100 per cent attendance by members of the committee, so there are no apologies to record. I ask everyone in the room to check that their phones and so on are switched off.

I welcome everyone to the first meeting in 2007 of the Airdrie-Bathgate Railway and Linked Improvements Bill Committee. We have one paper before us today, which relates to our continuing consideration of the bill. Our agenda is full and covers a number of outstanding issues. We will ask succinct questions, so we expect succinct answers. If “yes” or “no” is all that is required in an answer, please just say that. Opening or closing statements will not be made, other than in relation to objector group 37, on the provision of a station at Blackridge.

It is to that issue that we now come, as we consider the outstanding objection of Platform Blackridge. We will start today’s proceedings with oral evidence from objector group 37, on the provision of a station at Blackridge. I welcome Michael Greig, who will ask questions for the promoter, and Stuart Borrowman, Clark Steele and Stephen Webster, who represent objector group 37. I also welcome Ron McAulay, Karen Gribben, Hugh Wark and Alastair Camelford, who are witnesses for Network Rail.

Perhaps one of the witnesses could provide a brief outline of where matters currently stand. That invitation is aimed at Ron McAulay.

Ron McAulay (Network Rail): I would be happy to do so, convener. There has been no change to our position on the matter. In the light of the minister’s letter to the convener of 30 October, we were of the view that the issue was being addressed outwith the powers in the bill. We have kept in contact with Councillor Borrowman, in particular, and have given a commitment that we will keep Platform Blackridge informed of any further involvement that we have.

The Convener: Thank you very much, Mr McAulay. Over to you, Mr Greig.

14:00

Michael Greig (MacRoberts): I am happy to rest on the evidence that was submitted by the promoter, and I have no questions for the witnesses.

The Convener: Thank you very much. Does anyone from the objector group have questions?

Stuart Borrowman (Platform Blackridge): We have four questions that I hope are brief and simple.

First, comparing the benefit cost ratios for the line with and without a Blackridge station, what is the percentage difference in the outcome?

Ron McAulay: I must be honest and say that I do not have the numbers immediately to hand. They are in the promoter’s memorandum, which one of my colleagues has to hand.

The benefit cost ratio for the line without a Blackridge station—the solution that is proposed in the bill—is 1.81. We believe that that ratio drops to 1.71 when a Blackridge station is introduced into the equation.

Stuart Borrowman: Do you anticipate that, with the use of the revised population projection figures for Blackridge that have been provided by West Lothian Council, the benefit cost ratio for the line including a Blackridge station is likely to rise?

Ron McAulay: When we ran the model again using the revised housing forecasts, the figure that came out was 1.92, but that was based on there being no Blackridge station. I would imagine that the gap between Blackridge being in and not being in will be similar to the one that I just described.

Stuart Borrowman: Is there any technical reason why a Blackridge station would be unduly complex or difficult to build?

Ron McAulay: In terms of technical construction issues, the answer is no. However, there are issues to do with timetabling, particularly at the Waverley end, and patronage numbers.

Stuart Borrowman: Is it possible to recast the timetable for the whole line to accommodate a service for Blackridge and retain a comprehensive service for the other stations along the line?

Ron McAulay: It is possible. As we have suggested elsewhere, the timetable will have to be recast to accommodate the new Airdrie to Bathgate railway. Anything is possible, but—I am in danger of going beyond your question—our modelling suggests that as soon as we started to add additional stations the number of people using the service would drop, because of the extension to journey times.

Stuart Borrowman: Thank you.

The Convener: Do any other objectors want to ask questions?

Stephen Webster (Greenrigg Community Council): During the preliminary stage, there was a lot of discussion about computer modelling and patronage figures, and I think that the promoter was going to rerun the models. Has that been done, and was the figure that we had for the potential annual patronage of a Blackridge station—80,300 boardings—substantially correct?

Ron McAulay: We reran the model based on the new housing forecasts that were provided by North Lanarkshire Council and West Lothian Council. However, that was based on the option that is in the bill—in other words, no stations at Plains or Blackridge.

Stephen Webster: But you ran the model based on a station at Blackridge as well. We had a figure of 80,300 boardings, although there was some debate over that. Would that figure still broadly stand if a station was built at Blackridge? There was some discussion about different computer models.

Ron McAulay: The only modelling that includes a station at Blackridge was carried out before the revised housing forecast—that is what I was trying to say in answer to Councillor Borrowman's question.

On the basis of the old housing forecasts, the benefit cost ratio was 1.71 with a station at Blackridge, compared with 1.82 without a Blackridge station. We reran the model with the new housing forecast, on the basis of no station at Blackridge. I assume that the difference would be similar.

Stephen Webster: The figures of 1.71 and 1.82 are to do with making the business case.

Ron McAulay: That is correct.

Stephen Webster: But the number of people who would use Blackridge station is reached by using a different algorithm. As I said, during the preliminary stage, you gave the figure of 80,000 boardings annually. Is that figure still broadly what you would predict for usage if a station were built at Blackridge?

Ron McAulay: I would need to come back to you with the numbers; I am afraid that I do not have those numbers with me.

Stephen Webster: You gave those figures and we talked about computer modelling when you provided them. The usage figure is relevant to us because it is greater than the figures for patronage at Shotts and West Calder. Your modelling suggests that a station at Blackridge would be economically viable. Regardless of whether the

ratio is 1.71 or 1.81, if the station paid for itself through public usage, that would show the need for the platform and the benefit that we would receive if it were built, for the modest sum of £2 million. That is our whole case.

Ron McAulay: The results, and our concerns, related not so much to whether the number of boardings at Blackridge station would be more than those at other stations on the network as to the project as a whole. Our modelling suggested that adding a station at Blackridge would reduce the number of boardings throughout the line, which would weaken the business case, as the revenue from passengers joining the service and travelling end to end would drop.

Stephen Webster: Yes, but if the ratio dropped only from 1.81 to 1.71 and the station was economically viable, the benefits that would accrue to our area would be worth the small drop.

We recently read a report that Network Rail has a proposal before the Scottish ministers to make the Shotts line an express route.

The Convener: Will you stick to asking questions rather than making statements?

Stephen Webster: I am sorry; I beg your pardon, convener.

Does the proposed 67-minute journey time from end to end between Glasgow and Edinburgh on the Airdrie to Bathgate line still stand?

Ron McAulay: My recollection is that the journey time is 74 minutes.

Stephen Webster: Network Rail proposes to make the Shotts line an express route, on which the journey time would be 67 minutes.

Ron McAulay: I do not remember off the top of my head the figure for the express service on the Shotts line.

Stephen Webster: Okay. I understand that to be the figure, but I read it in the press, so it might not be accurate. If that is the figure, will people tend to use the Shotts line as an express route to Edinburgh or Glasgow? I am trying to say that flexible timetabling options would be available with a station at Blackridge, which would be only one station among many. Network Rail would also have options to vary the timetable on the Shotts line. Some material balancing of patronage between Edinburgh and Glasgow must be available. We do not see why a station at Blackridge, which would be economically viable, should become a show-stopper for investment in our area's transport infrastructure, the benefit of which we will not really feel if we do not have a station.

Ron McAulay: In all the evidence that we have given, we have said strongly that the better the

benefit cost ratio that we achieve on the Airdrie to Bathgate line, the faster the end-to-end journey is. If the journey time became longer, the service would become less attractive to people, so the number of people who were likely to use it would drop. That is the argument that we have made. Our job as promoter of the bill is to present what we believe to be the best case for delivering the railway and we have based our case on that argument. All the modelling has shown that the best benefit cost ratio comes with fewer stops and a better end-to-end journey time, because that will attract more people to the railway.

Alasdair Morgan (South of Scotland) (SNP): If we follow the logic of what you said, we could get into the *reductio ad absurdum* position that we should cut out all the intermediary stations and just go straight from Glasgow to Waverley, which is clearly not what you propose. Therefore, the question arises of which stations are in and which are not. Why should Blackridge be the one that is out?

Ron McAulay: If I recall correctly, the initial technical feasibility study for the project involved no new stations. From the first consultation exercise that we carried out, it was obvious that there was a strong desire for more stations to be included, which is why we carried out an analysis to discover whether we could strike a balance and include some stations to try to increase the number of stops, although without increasing the journey time to the point at which we would start to lose end-to-end journeys. That is why we came up with the stations at Caldercruix and Armadale. The analysis and the steps that we took to get to that point are listed in the promoter's memorandum. We used the places where we believed the biggest patronages would be generated.

Alasdair Morgan: I presume that there is a political judgment to be made. In the ins and outs of the analysis that you carried out, I presume that you did not suggest taking out any existing stations. Is that correct?

Ron McAulay: That is correct. We worked on the premise that there would be no deterioration in service to existing stations. I should point out that we cannot unilaterally consider taking out existing stations, but instead must take on board the views of all industry players. The train operating company, Transport Scotland and the regulator all have a say in such matters.

Alasdair Morgan: But we might well end up in the curious situation in which the advantage of or public benefit from including a station at Blackridge could have been much higher than the benefit from including some of the other stations, even though we are not even discussing whether they will be included.

Ron McAulay: You would have to take up that matter with the people who use those stations. I am sure that you would find strongly held views.

Alasdair Morgan: I am sure that I would.

The Convener: The issue is the number of people who use some of those stations compared with the number of people who would use a station at Blackridge. Some of the stations are pretty infrequently used, as far as I am aware.

Ron McAulay: Some of them have relatively low take-up or boarding numbers but, nevertheless, they are important to those communities.

The Convener: Yes, but I am sure that a station at Blackridge would be important to the community in Blackridge.

Ron McAulay: I do not doubt that for one second. We have tried to strike a balance or reach a compromise. I could go back over the arguments that we have made about what rail is good at and not good at. We have said already that rail is very good at moving large numbers of people into city centres, but it is not good at stopping to pick up small numbers of people. I accept readily that many of the stations have small boarding numbers.

The Convener: Have you considered how many potential passengers you might lose if you do not provide a station at Blackridge, as a result of people feeling that it is too difficult to access stations further along the line?

Ron McAulay: All the modelling that we have carried out suggests that we will not lose people by not having a station at Blackridge. In fact, the modelling suggests that we will lose people if we have a station at Blackridge, as the overall number of people using the service daily would drop considerably—if I remember correctly, the figure is 513.

The Convener: Mr Greig, do you have any further questions?

Michael Greig: I would like to raise just one matter.

Mr McAulay, you explained the reasons for not proposing a station at Blackridge in the bill. However, have matters moved on as a result of the Minister for Transport's letter of 30 October 2006?

Ron McAulay: Transport Scotland has been in what I would describe as early discussion with us about how we might provide it with information that we hold on a Blackridge station. There has been discussion on the issue.

14:15

Michael Greig: I do not know whether you have a copy of the minister's letter to hand.

Ron McAulay: I do not, but I recall the letter.

Michael Greig: In it, is the Minister for Transport acknowledging the case for constructing a station at Blackridge, but then saying that it would require "further detailed work and would be best achieved outwith the current Bill process"?

Ron McAulay: That is my recollection.

Michael Greig: Does the letter also say, in relation to Blackridge, that

"the Executive will ensure that the necessary process of consultation and STAG analysis will start as soon as possible in the new Parliament"?

Ron McAulay: That is correct.

Michael Greig: Does it also say that all that will be

"with a view to putting forward an order under the Transport and Works Bill"—

that is, the Transport and Works (Scotland) Act 2007, as the bill has since been passed—

"or using ... local authority powers if that is more practicable?"

Ron McAulay: That is correct.

Michael Greig: Is that for the purpose of ensuring that it would be possible for

"the construction of the station to take place"

at the same time as

"the main route is being built"?

Ron McAulay: That is the proposal; you are correct.

Michael Greig: Should the objectors take some comfort from that?

Ron McAulay: I would say so, yes.

Michael Greig: Thank you.

The Convener: Thank you, Mr Greig.

I thank the Network Rail witnesses and ask the objectors to swap places with the witnesses.

Does one of the objectors wish to make a statement?

Stuart Borrowman: I will, convener. The—

The Convener: I am sorry, Mr Borrowman—it has to be Mr Webster or Mr Steele. You can come in afterwards, to ask questions.

Stephen Webster: The thrust behind our maintaining our objection comes from the apparently wide consensus that a station at Blackridge would bring benefits to our area. It

would be an economic incubator for housing developments that are already taking place or are already planned. Because of the modest sums of money involved, we feel that it would be a dereliction of our duties if we did not argue for a station at Blackridge.

The only argument against the station seems to be a three-minute timetabling issue, because there is no doubt that a station would be used. If that three-minute timetabling issue is the fundamental objection, I cannot see why the station cannot be built and why Network Rail cannot use the flexibility within its timetabling powers to overcome the objection.

The economic wave that has come out from both Glasgow and Edinburgh and into the central belt is finally hitting areas such as Whitburn, Harthill and Blackridge. Committee members have been to Blackridge. We feel that now is the time to build the station. We should not wait until after the line is open or until some future date; we should build it right now so that we can get it for the best price.

Jacobs Babbie has already done the plans, or has at least made initial considerations of where the station would be in relation to the village. We think that the patronage figures would be as high as we have said because people who live on the west side of Armadale would use the Blackridge station. We do not have printouts of the figures, but we feel that the station would benefit Armadale residents as well as our own communities. That is why we have maintained our position.

Funding for the station is not in place at the moment, but there have been commitments from various quarters to fund it in future. We feel that we should go that extra mile and put the funding in place for the station. The investment would be modest but it would help our area.

The Convener: Thank you. Stuart Borrowman may want to ask questions.

Stuart Borrowman: Thank you for keeping me right, convener.

My first question is for Mr Webster. Mr McAulay said, interpolating the various numbers that he gave us, that the revised benefit cost ratio for a Blackridge station is likely to be at or around the benefits cost ratio for the line that was in the original Network Rail proposal. Does that give you encouragement that the case for Blackridge has been strengthened by that?

Stephen Webster: Broadly speaking, the figures sound very similar to me. We seem to be splitting hairs.

Stuart Borrowman: Can you say a little bit about what has happened in the community since the committee concluded its preliminary stage

work? There has been a lot of correspondence from members of the Scottish Parliament, there has been a ministerial statement and so on. How has that been received?

Stephen Webster: There is still confusion in the communities surrounding the proposed station about whether it is going to be built. Many people think that it is going to be built—various statements have been made that seem to indicate that it will be. However, the reality is that the funding is not in place. There is confusion about whether the station is going to be built, so the reality of the situation is that there are mixed messages in the area.

You must understand that when the rail line went through Blackridge, it used to have a station. Locally, people know that the line is going to be reopened—as with the Waverley line, people know that it is going to go through again—and some people are of the opinion that Blackridge is going to get its station back. That is the rumour that has been in circulation, but the reality is that that is not the case. The reality is that, if the money is not found, the station might not be built. If it is incorporated into the Transport and Works (Scotland) Act 2007 process, the outcome may be that there is no funding or that someone takes a different opinion.

There are mixed messages, and that is the reality of what people in the area think. That is why our objection stands.

Stuart Borrowman: I have further questions for Mr Steele. We were asked to consider withdrawing our objection to the bill. Can you say how we went about gauging opinion in the village on that issue and what the response was?

E Clark Steele (Blackridge Community Council): After Mr Webster and I visited the Parliament, when the bill was proposed, we went back to the community and prepared a leaflet asking people whether the objection to the bill should be withdrawn or should stay in place. We held a public meeting on 9 January, to which our two local MSPs came along. On the basis of the replies that we received from those who could attend the meeting, the unanimous decision was reached that the objection should stay in place.

Stuart Borrowman: There is a feeling among those of us who have been active on the front line of the process that the committee has served Blackridge well in ensuring that the case for a station at Blackridge is given a proper hearing. However, we are aware that there are limits to what the committee can do. Platform Blackridge does not wish to imperil the bill. In the circumstances, what would satisfy people in Blackridge that they were not letting slip this major opportunity for the village?

E Clark Steele: The people of Blackridge would like a commitment to fund the station. We have heard about works through the Transport and Works (Scotland) Act 2007. Like you, we do not wish the Airdrie to Bathgate line to be delayed, but we will have more than 120 trains going through our village each day without there being any benefit to the village.

Our village is 4 miles from the centre of Scotland, yet it has the lowest level of economic activity—the Scottish average is 64.9 per cent and the level in Blackridge is 53.4 per cent. Blackridge has an unemployment rate of 6.45 per cent; the unemployment rate for Scotland is 3.97 per cent. Some 1.83 per cent of Blackridge's population are students; 4.28 per cent of Scotland's population are students. Some 39.8 per cent of households in Blackridge do not have a car; the figure for Scotland is 34.2 per cent. Contrary to what we have heard, we think that a station at Blackridge would benefit Blackridge socially and economically. There are 750 houses in Blackridge, but another 750 houses are in the planning process. That is only the start. A station would be well patronised.

Stuart Borrowman: Thank you, convener.

The Convener: Mr Greig, do you want to question the witnesses?

Michael Greig: I have a question for Mr Webster. You have said that it is important that the station should be built now and that building it should not be held up until the line is built. However, did the minister not say in his letter that the plan would be to ensure that a station at Blackridge is constructed when the railway is constructed?

Stephen Webster: That is correct. That timetable has been given, but it should be remembered that the year that has been set for opening the line is 2010. If there are any planning delays with respect to Blackridge, the timetable could be pushed much further out. If the majority of people think that a station at Blackridge would be a good thing, that it would be economically viable and that it would bring economic development opportunities to an area that needs such opportunities, why is funding not available now so that construction of the station can go ahead and it will be guaranteed that the timetable will be met? That is our problem.

Michael Greig: With good faith on the part of all the parties involved, should it not be possible to bring forward the station in line with the railway as per the minister's letter?

Stephen Webster: We would love that to be the case.

Michael Greig: Thank you. I have no further questions.

The Convener: Thank you, Mr Greig. I invite members of the committee to ask questions.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I acknowledge what Councillor Borrowman has said about the interest that the committee has taken in the matter, but I am sure that the witnesses are aware of what the committee has said about potential developer contributions given the number of houses that are being built around Blackridge. We have received further evidence from the local authority on housing prospects in the area. As far as I could see from the final letter that we received from West Lothian Council, there will be no developer contributions, even from forecast housing, for the capital costs of the stations. I think that Mr Webster said that we are talking about a relatively small amount of money in the overall scheme. Are you slightly disappointed, as I am, that three months after the publication of our report, the local authority still takes the view that there will be no developer contributions towards the capital costs of the stations, which could make their construction, even under a new procedure in a new parliamentary session, considerably swifter, as the capital costs would be catered for? I have seen only potential contributions to capital costs for access roads to the stations.

E Clark Steele: Yes, I am slightly disappointed.

Stephen Webster: We understand that the developer has offered to pay for access roads, which I hope will include access to the car park, which will make it a park-and-ride facility. I do not live in Blackridge, but I understand that there is pressure in and around the area on the local plan development boundaries as a result of what has been proposed. It is unfortunate that the committee is not in receipt of a letter with a definitive figure for the contribution from the developer, who is willing and who wants to see the line built, obviously for his own benefit. However, we do not have a figure to give the committee.

14:30

Jeremy Purvis: Would that be a letter to West Lothian Council?

Stephen Webster: That is what I understand it to be. I am sorry but, from what you said, I thought that you would be looking for a letter from the developer with a figure that he would be willing to contribute towards the costs.

Jeremy Purvis: West Lothian Council will no doubt have comments on this point, but there is a headline figure of £2.4 million for planning gain, which will assist in the reopening of the railway. The point that the committee has been making quite consistently—indeed it is in our report—is about the developer contributions that could be

secured for the capital costs of the construction of the stations, not just the associated roads and access to the stations. However, no work has been done on that. In fact, West Lothian Council considered our report to be “harsh”. If no work has been done, and you are hoping for a guarantee that the money will be found for the development of the railway, what is your view of the lack of activity to identify other sources of revenue that could fund the stations?

Stephen Webster: Maybe we should have been more proactive in that area and got a much better and firmer indication of what that contribution to the project would be. However, that contribution should not necessarily be a prerequisite for a station to be built. I do not know whether there are other examples along the line where such a contribution has been a prerequisite for a station to be built. Generally, a decision will be made on the benefits and economic viability of the case. Personally, I do not think that we should always rely on developers to fund public investments.

The Convener: Thanks, Jeremy. I think that we might have drifted a little bit there.

Mr Steele, you referred to the difficulties of living in Blackridge and the current social situation. We have also heard that the number of houses there is going to double within a very short time and might grow even further. If Blackridge is so difficult to live in and its social circumstances are so bad, why are houses being built there and why are people moving there to live?

E Clark Steele: It is simple economics. As Mr Webster said, most people are coming from the large cities. Housing costs are considerably cheaper in Blackridge than they are in the larger towns and cities. The committee has visited Blackridge and has seen that we have only one shop. With the influx of new houses, we hope that more commercial premises will be opened.

The Convener: Thank you. Councillor Borrowman, do you have any questions for the panel?

Stuart Borrowman: I have a final question on developer contributions. Given that the Scottish Executive has committed to funding all the other stations on the line, might people in Blackridge not feel that it would be fair if developer contributions went towards school expansion and an increase in social and leisure facilities in the village rather than towards paying for Blackridge railway station?

E Clark Steele: Exactly. The bill is being promoted by the Scottish Executive and we do not expect to have to find money for it from developers because that money might be earmarked or ring fenced for other areas—even though I gripe that it might not necessarily be spent in Blackridge.

Stuart Borrowman: Thank you.

The Convener: Thank you very much indeed. Mr Greig, you have a maximum of five minutes to say anything that you would like to say about the situation.

Michael Greig: I hope that I will not take five minutes.

Detailed evidence was given at the preliminary stage on the case for a station at Blackridge. Following that, on 30 October 2006, the Minister for Transport wrote to acknowledge the potential case for the construction of a station at Blackridge. However, that requires further detailed work, which the minister considers would best be achieved outwith the current bill process.

The Executive has given a commitment to ensuring that the necessary Scottish transport appraisal guidance analysis will start as soon as possible in the new parliamentary session, with a view to putting forward an order under the Transport and Works (Scotland) Act 2007, or using the relevant local authority powers, if that is more practicable. Those proposals should give sufficient comfort to the objectors that the inclusion of Blackridge station will take place while the main Airdrie to Bathgate railway is being built.

From the objectors' evidence this afternoon, it is clear that the amendment that is sought by the objectors regards the funding of the station. However, funding is not something that can be secured by amendment of the bill. In light of the commitment that was given by the Minister for Transport in his letter of 30 October, my submission is that there is no basis for the bill to be amended.

The Convener: I ask Councillor Borrowman to sum up for the objectors.

Stuart Borrowman: We understand the procedural limitations. However, the political reality is that the community that we represent is isolated in terms of transport and has limited public transport services. It has more challenging social conditions even than other communities in West Lothian have. There is a strong business case for a station at Blackridge.

One of the party leaders in the Parliament said that we should not trust what political parties say in the run-up to an election. Although we do not doubt the people who have made positive statements about Blackridge, the view in the village is that there is a danger of the village being overlooked again. Although we understand the limitations of procedure and time that the committee must deal with, we think that all political parties, the Scottish Executive and Network Rail should be encouraged to make the strongest possible statement that they agree that there will be a station at Blackridge.

The Convener: That ends the session on Blackridge.

In our next question-and-answer session, we will talk about housing forecasts, new developments, access to stations and section 75 agreements.

With us, we have David McDove, Alan Leslie and David Baxter from North Lanarkshire Council and Jim Dickson, Craig McCorriston and Graeme Malcolm from West Lothian Council.

Jeremy Purvis: Good afternoon, and thank you for the further information on housing. The panel will be aware of the concerns expressed by the committee in its preliminary stage report on the impact of the railway on the volume of housing development, both before and after the railway has been built. How likely is it that the railway will be a catalyst for even more housing development in North Lanarkshire and West Lothian?

Craig McCorriston (West Lothian Council): From the West Lothian perspective, we are in many respects pre-empting the benefit of the railway station. The development strategy that is being promoted through the West Lothian local plan, which has just finished the public inquiry stage, has been predicated on delivery of the railway line, particularly in the western part of West Lothian. Much of the housing land supply in the western part of West Lothian has been specifically allocated to benefit from the railway line. We are giving particular consideration to the core development area at Armadale, but we are also considering areas slightly further afield, such as in and around Whitburn, where a significant amount of land is allocated for housing development. That land supply should take us to about 2020. It is clear, however, that with the delivery of the Planning etc (Scotland) Bill, we will shortly have to start considering the city region plan in West Lothian. Through that process, we would anticipate building on the land supply, particularly in the western part of West Lothian.

I will give you a couple of examples. We have spoken previously about the regeneration scheme that is taking place at the former Polkemmet colliery in Whitburn—well within the catchment area for Armadale station—where 2,000 houses have been approved. The developer there is talking very bullishly with the council, in the first instance about a further 1,000 houses, but we understand that in the longer term he may have aspirations for up to 5,000 houses. We want to make it clear that there is no local authority support for development of that sort of level.

We also have a development plan proposal for 2,000 houses in Armadale. Without committing the council to delivering anything, I would anticipate that if we get success at the next stage of the development plan process, we would be looking to

build on that success in the western part of West Lothian, where smaller areas of development are likely to come forward, not least around Blackridge.

Alan Leslie (North Lanarkshire Council): The housing situation in North Lanarkshire is not substantially different from that of which I advised the committee when it met in Airdrie in September. The local plan that we have been working on was presented to the planning and environment committee on 31 January, and included the nascent developer contribution policy, which is our interpretation of planning contributions. It also included some limited housing release, primarily in line with the council's stated agenda for regeneration—primarily urban regeneration. However, on the day, the councillors decided to defer making a decision until some future date. At the moment, we are still in a state of flux in which we do not have an approved local plan to act as the main catalyst for seeking developer contributions or any kind of further information from likely developers.

In the evidence that I gave to the committee in September, I said that one of the reasons why we were considering the whole rail corridor—not just Plains but Caldercruix and east Airdrie—is that two transport corridors converge in that area. We have Airdrie to Bathgate, which is why we are here, but we also have a certain amount of development pressure along the line of the A73. Back in 2005, the council decided to designate a local expansion area in eastern Airdrie with those twin projects in mind. However, we have to wait until the council approves the local plan and we have the authority to get started.

14:45

Pending the council's decision, we have taken early steps towards doing some sort of study exercise to determine the likely level of housing that might be needed. It is too early at this stage to put any numbers on that. However, the difference between the local expansion area that we have designated—to use planner-speak—and the community growth areas that some members might be familiar with through the Glasgow and Clyde valley structure plan, is that although a target unit figure is attached to the latter, none is attached to the former.

We are interested in establishing long-term settlement boundaries, which includes looking at infrastructure capacities—a combination of social infrastructure, primarily education and community centres, and physical infrastructure such as roads, sewerage and lighting. One of the things in which we are predominantly interested is the level of services that would normally be provided by the local authority.

Concern has been expressed about the small gap between each of the settlements as one travels eastwards from Airdrie, particularly along the railway line—the gaps between Airdrie and Plains, Plains and Low Caldercruix and Low Caldercruix and Caldercruix. Councillors and community groups have told us that it is very important to maintain the gaps between those settlements.

At this stage, we remain in the same position. The number of local plan submissions is mounting to somewhere in the region of 640 units for Plains and about 850 or 860 for Caldercruix. We still have no idea how many, if any, of those housing units will be brought forward.

Jeremy Purvis: The North Lanarkshire witnesses will be aware of our conclusion in paragraph 132 of our preliminary stage report, in which we stressed that in order to have robust forecasts for patronage it is important to have robust forecasts for housing. We are pretty close to having those forecasts for West Lothian. However, in your letter to us on 25 January, you said:

“we can't clarify rough housing numbers”

because there is no council position. Therefore, you could not give forecasts to the promoter or the committee. We are in a quandary about whether we are satisfied with the robustness of the patronage levels because you are nowhere near giving us clear information about the housing forecasts. If the project goes ahead, will you have completed those studies before the railway starts?

Alan Leslie: The timetabling intention is that the study will inform the process in the next 12 to 18 months between the period of the initial consultation draft, which we have not yet managed to get out the door, and the finalised draft, which is the stage at which people can make a formal objection that could result in a hearing at a public inquiry. The finalised draft will contain much more certainty about the council's position.

We have to bear in mind that the structure plan will determine the level of required housing across the whole structure plan area. It is clear that there is no requirement for any additional housing supply release until 2011 in the Airdrie and Coatbridge housing market area, which fully encompasses the project area.

Jeremy Purvis: You are aware of the significance of this committee and of the fact that we asked for specific information before we can recommend to Parliament whether the project has robust patronage forecasts.

Alan Leslie: Yes.

Jeremy Purvis: Housing is the key element. You have not even got the first stage of your work through the door.

Alan Leslie: All I can say is that the council's position is as I have described it. Until we have an approved report, I am afraid that I cannot be any more specific.

Jeremy Purvis: The letter from West Lothian Council was helpful with regard to developer contributions. I appreciate that the figures can only be rough at this stage, but they are indicative. The first element comes to £2.4 million. How closely will the proposed work be directly associated with the stations?

My next question is for both councils. What is the position of the local authorities with regard to the forecast housing and developments that will be directly connected with the coming of the railway? What is the formal position with regard to attracting developer contributions, which could assist with further construction? I refer in particular to the two stations that we have just been discussing.

Jim Dickson (West Lothian Council): We tried to set out the position when we met the committee before, and we have also done so on pages 3 and 4 of the letter that we sent you. We hope to get about £2.4 million of planning gain in Armadale. If we were to go ahead with Blackridge station, the planning gain would be in a range up to £1.4 million. We have taken those initiatives into account when we have been able to do so. As we have explained to the committee before, councils are bound by a whole set of national legislation on the structure plan and local plan. We have been in consultation for about five years—that is the process.

When we submitted the structure plan, we made it clear that we had to get a massive amount of developer contributions. As you will note, we thought at that stage that we would have to get facilities for education, affordable housing, community facilities, road infrastructure and transport subsidies. That comes to about £230 million. That is a massive amount, and no one else has achieved anything like that. Our council recently secured and built a primary school costing about £7 million—that might be one of the biggest planning gains that we have secured. We are now talking about getting two or three secondary schools and 15 primary schools. We are doing a massive amount to try to get planning gain.

When the rail project came up, we were well through the process. All the detailed policies had to be tested through a local plan inquiry to check that they were legal. Obviously, developers are not terribly enthusiastic about paying for such things. We have faced a challenge over the past six months. When we started the process, we were not aware that we would need to make developer contributions. I understand that, to begin with, the project was fully funded. In a sense, the need for

developer contributions did not come in at the right time. However, we are desperately keen to meet that need and, since we have known that developer contributions are important, we have done everything that we can.

We met representatives of Transport Scotland in 2005, when the project was kicked off, specifically to go through such details. At one level, if the Executive can fund some of the other aspects, we can transfer resources around. However, we cannot add in extra developer contributions relatively late in the game. As we said previously, developers could always give their sites away. The contribution levels are so high that it might not be viable to proceed. The danger is that development could crash.

Two thirds of the development in West Lothian is at the direction of the Executive. West Lothian is having to cope with national pressures. About a third of our growth is indigenous. We are far exceeding our thresholds on almost everything. I do not think that there are many other areas of Scotland where every school is full. In other areas where there is such a large amount of development, it is good news for the council—the schools become full. In our case, it is bad news for us, as developers must build secondary schools at a cost of £30 million to get almost any development done.

What we tried to explain the last time—probably not effectively—is that there is a hell of a big challenge for us, but we have genuinely tried to meet it. As we knew the state that we were in, we prioritised things in such a way as to get the developers to pay for a lot of the costs. They are very real costs—they are not inflated costs—which we need to ensure access to the stations. We are being opportunistic in doing that, and it is allowing us to make savings on the overall project costs. The contributions of £2.4 million and, if we go ahead with Blackridge station, £1.4 million, are for real costs, which would have to be funded in some other way if we were not securing the funding in the way that we are.

Since 2005, we have genuinely taken on board the points that have been made. We listened and tried to give you evidence last time we met the committee. We are genuinely doing everything in our power to secure developer contributions. We do not have a problem with doing that. As I said, we have the biggest list of developer contributions in Scotland.

Jeremy Purvis: I am not sure whether there is any point in asking North Lanarkshire Council to comment.

Alan Leslie: I simply emphasise the importance of the matter and express our support for our colleagues in West Lothian. As you probably

gather, they are a considerable way further down the line—no pun intended—with the local plan.

A fundamental aspect of developer contributions is that the legislation states that they must be set against the impact of the development. Also, councils have to have some power of compulsion rather than simply asking for voluntary contributions. In North Lanarkshire, developers have tended to make ad hoc contributions to education provision, which they have been prepared to pay. A key aspect of the local plan is the introduction of a developer contribution policy that seeks to offset the impact of development. As in the case of West Lothian Council, the initial focus of that policy is envisaged to be schools and roads, with perhaps some focus on water and sewerage. However, we are yet to test that approach on the market. We are perhaps two years away from a local plan inquiry where the approach will be tested; the one pure test will be how it survives a local plan inquiry.

We are keen to investigate the avenues for developer contributions. I echo a comment that West Lothian Council made. When we started work on the local plan, there was an assumption that, because the project was nationally funded, we could concentrate on the things that councils tend to concentrate on. However, we might need to reassess that as we move towards the final adoption. It is important for us to have a councilwide commitment to the principle of being empowered to insist on developer contributions. At present, we can only ask for developer contributions and hope that people say yes.

The Convener: I have a brief question for Mr McCorrison. You mentioned the tremendous amount of building that is planned around Armadale and its link with the station. What consideration is being given to that building and its effect on road traffic, particularly with respect to the access to Armadale station and the west-east approach?

Craig McCorrison: If I may take a liberty with the committee, I will first answer the second part of Mr Purvis's question, which was about developer contributions and forecast housing demand. Mr Dickson described West Lothian Council's position on the allocations in the development plan and made the point that, when we put the plan together, we pursued that in terms of the position as we understood it at that time. However, that does not mean that we will never seek to secure developer contributions.

In planning, we often refer to windfall developments, which are those that come forward outwith the development plan process. In relation to contributions to components of transport infrastructure, such sites are, in my opinion, fair game. I have in mind a specific site in Blackridge,

which we have spoken about previously. The development plan position is that that site is capable of delivering 209 houses. We are in negotiations with the developer on the building of more than 450 houses. In highly simplistic mathematical terms, I consider the number of houses that are built on that site over and above the 209 units that are identified in the plan as being fair game. We are in active dialogue with the developer to secure contributions in the form of the provision of the access road to the railway station, which would include a bridge across the river on the site, and the station car park, which would be fully complete—in other words, it would be surfaced, drained and serviced. As opportunities arise, we as a local authority will continue to pursue contributions.

15:00

The Convener: Perhaps I am missing something, but are you referring to the station that might be built at Blackridge? If that station does not go ahead, will any developer contribution fall?

Craig McCorrison: You are right that I was referring to the Blackridge situation. The contribution to the development of the railway station—the provision of the car park and the access road—is part of a much larger package that we are negotiating with the developer. We would continue to pursue that because, clearly, the council's aspiration is for Blackridge to have a railway station at some stage—sooner rather than later, preferably. We would seek to ensure that the land for the access road and the station car park, for example, was reserved as part of the development on that site.

The Convener: Thank you very much.

Craig McCorrison: If I may, I will pass over the question about the Armadale situation to my colleague.

Graeme Malcolm (West Lothian Council): The question was on the traffic volumes that will be associated with the station.

The Convener: And the effect of the expansion and development.

Graeme Malcolm: I am not too concerned about the scale of development in the Armadale area and its effect on the station, because we did traffic modelling work as part of the evidence giving on the finalised West Lothian local plan. As regards the selection of sites, we have a transportation framework that we are working to, which we are developing with each of the developers, so we will have a master plan for the layout.

To that end, the thinking is that the access to Armadale station, which the committee will be

familiar with, will form the starting point of an east-west distributor road, which will eventually connect with the A801. In other words, it will be a staged development. The council is mindful of the need to test the details of the scheme as the developer produces them at each stage. At this stage, we are comfortable with the plans.

Such an unprecedented amount of development would have an impact on any community and there are local issues within Armadale. That is a concern, so the council must work with the developers and with its communities to achieve the proposed expansion.

The Convener: As there are no more questions, I thank the witnesses for coming along.

We will now deal with local bus provision. Mr McDove, Mr Baxter and Mr Malcolm will remain with us and Mr Mitchell from West Lothian Council will join us, along with Mr Halliday and Mr Heyes from Strathclyde partnership for transport.

Cathy Peattie (Falkirk East) (Lab): What practical steps, other than dialogue, can and will you take after the bill has been passed to improve bus provision to the stations for local communities?

John Halliday (Strathclyde Partnership for Transport): We recognise that it will be some time before the trains are operational; I understand that the committee has received evidence to that effect. However, we are committed at the appropriate time to working with bus operators, the promoter and Transport Scotland to see what interest we can generate in bus feeder services to stations.

Roy Mitchell (West Lothian Council): West Lothian Council will do exactly the same. We will be in close liaison with all our bus operators to see what we can offer.

David McDove (North Lanarkshire Council): In the former Strathclyde area we work through SPT, which has primary responsibility for many bus issues. We will examine those issues in conjunction with SPT.

Cathy Peattie: I would like you to convince me that you are enthusiastic about ensuring that the new services will exist. Concern has been expressed to us that they will not be set up. If that does not happen, many people will not have access to trains. More forward thinking and planning could go into ensuring that new bus services are created.

John Halliday: I trumpet the credentials of SPT in promoting public transport. SPT is the new Strathclyde partnership for transport, but it also embraces all the public transport interests in the Strathclyde area. We have a long history of promoting public transport and of working not only

in the subsidised bus market but with bus operators to apply for bus route development grants—in other words, assisting operators to develop routes so that they can become commercial.

The question is quite difficult. We are some time off having an operational timetable to work to. The evidence that the promoter has submitted highlights the nature of the bus industry and of the legislation under which we work. All that we can say today is that SPT is committed as an organisation to the cause of developing bus services. We recognise that in the SPT area there are communities that rely on bus services and rely heavily on public transport. SPT is committed to the policy of promoting public transport in the area.

Cathy Peattie: Our concern is based on our experience of the bus industry. We want to ensure that people are able to access stations; that is why the committee is keen to hear what plans exist. Clearly, local authorities have a role. You say that there are plans, but I would like to be given a timetable for them and to hear about the discussions that are taking place.

Roy Mitchell: West Lothian Council has worked strenuously with the bus companies. We have formed quality partnership arrangements, including a particularly successful partnership with First Bus between Bathgate, Livingston and Edinburgh. We have also bid for route development grant funding. We have a service from Blackridge to Livingston that is paid for by route development grant, and in May we will start another service that will link Edinburgh airport with West Lothian. We are keen to follow the approach that is outlined in the action plan for buses, which was produced late last year. Whenever we talk to bus operators, there are funding implications in respect of services at certain times of the day, but I assure members that our plans are robust. We want to work with the bus operators to serve all the stations.

David McDove: From the consultations and other local communications that have taken place, we are aware that there is a definite need for bus services. We will push to ensure that there are services in the Airdrie area and further west, in the Coatbridge area. It was mentioned that in the east Airdrie area there are a lot of small operators—at this time, there is no big operator to which we can talk effectively about quality contracts, quality partnerships and bus route development grants, which are the best mechanism but which may be subject to change. Because of the legislation that governs them, it is too early for us to enter into definitive agreements. At the moment, it is more a matter of working towards what we might be able to achieve, with a view to reaching full agreement 12 or 18 months before the station opens.

Cathy Peattie: But given how much money is being spent on the railway line, we are seeking a strong commitment from you with regard to bus services, instead of comments about what you are trying to do or what you might be able to achieve.

John Halliday: The issue is difficult, but the point is that we all operate in a deregulated market. Indeed, under current legislation, we are duty bound to allow the free market to operate. Of course, the free market will operate if there is a good market for serving the stations. I also point out that we can step in and offer subsidies only if a commercial service is not identified. I realise that the issue affects all our communities, but, as I have said, that is the legislative arrangement under which we have to operate.

The Convener: This is a £350 million transport project, after all, and we want it to have maximum benefit.

Mr Halliday, you said that you were not in total control of the situation. I imagine that, at certain peak times, bus companies will be fighting over activity. However, I hope that SPT will take note of the fact that one purpose of the railway line is to help people extend their social hours and expand their social commitments. Rather than cover the whole bus route, would you be able to cover certain areas outwith peak times?

John Halliday: I cannot give such a commitment for the reasons that I have already given, but the intent is certainly there. For example, a number of subsidies already support out-of-hours and off-peak services. My colleague Mike Heyes might be able to elaborate on that.

Services are commercially viable for some of the day, after which, as you point out, subsidies are available. The situation is not uniform across all services—for example, some services are commercially successful for longer periods—but that is the framework within which we operate. We identify commercially successful services and then look to subsidies to extend them to ensure that communities receive a consistent service throughout the day.

Roy Mitchell: Every year, West Lothian Council makes available £1.439 million in bus subsidies and very carefully considers where that money is spent. For example, as far as the proposed railway line is concerned, we fund the evening service linking Bathgate, Armadale and Whitburn. Because of the contract, I can tell the committee that the council is committed to that service for five years. The balance of the rest of the services is either commercially operated or—as far as the early morning services are concerned—paid for by the council. Those services are subject to variation. Twelve or 18 months before the line opens, we will look closely at the current operation

and find out what we can do to fund services that might serve the railway line.

The Convener: I understand that that is as positive as you can get on this matter, and we will certainly take a positive slant on it. I thank the witnesses for giving evidence.

I welcome John Lauder from Sustrans and Peter Hawkins from CTC Scotland/Spokes.

15:15

Jeremy Purvis: Has the engagement process that we have facilitated with the promoter and others proved beneficial? Has the promoter's latest position on cycle path alignment and access changed in a good way from its original proposal when the bill was introduced in Parliament?

John Lauder (Sustrans): The process has been beneficial. A series of meetings has been held with the promoter and we have gone some way towards resolving some of the issues that we raised when we met the committee previously. Two issues are still outstanding, but if we continue to work as we have done, we can resolve them.

Jeremy Purvis: For the record, what are those two issues?

John Lauder: Sustrans remains concerned about cycle access and pedestrian access to Armadale station and to Bathgate station from the national cycle network realignment and from the communities and the communities-to-be—if I can use that expression—in Armadale.

Peter Hawkins (CTC Scotland/Spokes): The committee's intervention has certainly been partially beneficial. We have managed to resolve some of the east-to-west issues of the cycle path's alignment, but we have not made much progress on what I call the north-to-south issue of access to stations—not just to Armadale and Bathgate stations, but more generally from the surrounding communities to all the stations along the line. We believe that more than half West Lothian's population lives within comfortable cycling distance of the stations that exist and will exist. More should be done to encourage people to cycle rather than drive to those stations.

Jeremy Purvis: Given the mechanism that has been established for negotiating, how optimistic are you that a satisfactory conclusion will be reached within the limits of funding and the terms of the bill?

John Lauder: The crucial problem is that we remain in the position that we were in when we saw the committee in Airdrie, whereby responsibility for creating the infrastructure to allow people to walk and cycle to stations seems to fall into a gap between the promoter and local

authorities. That remains a concern of mine. I am a little worried by the length of time that the process is taking—we have talked about the issues for about 18 months and movement has been slow. With good will on everyone's part, the issues may be resolved, but I feel that time is ticking on and that movement could be a little speedier.

Peter Hawkins: I was interested in what was said about bus provision to stations, because we are in the same situation. We want to get people to stations in the most sustainable way. Some organisations are prepared to provide buses. Cycling offers a door-to-door transport solution—people do not have to sit around waiting for a bus; they just get on their bike and go. We must have some infrastructure in place on the roads to encourage people to cycle. That must be provided for in the bill or given reliable support by organisations such as SPT or the south-east of Scotland transport partnership—in other words, the regional transport partnerships. We have seen no evidence that any provision will be made for cycling. We regard cycling as a unique form of transport that is different from walking, because it is three or four times faster. Cycling does not have the organisational support that bus provision has.

The Convener: As we proceed, others may answer the points that you have raised, Mr Lauder and Mr Hawkins. Thank you very much for coming. Next, we will listen to what the councils have to say—it is changeover time again.

Welcome back to Mr Malcolm, Mr McDove and Mr Baxter, and welcome to Mr Duffy.

Jeremy Purvis: Do the local authorities have any comments on what we have just heard from the previous panel on access to the stations, the potential gap in ability to deliver between the promoter and local authorities, and the mechanisms that are in place to resolve the two outstanding major issues?

David McDove: To pick up on access, I can confirm that North Lanarkshire Council produced a cycling and walking strategy document a couple of years ago, and we have spent a considerable amount of money on cycling and walking projects. A considerable portion of the cycling, walking and safer streets ring-fenced budget from the Executive goes towards cycling schemes, and we have been quite successful in obtaining money from SPT to provide walking and cycling access to stations. That work is on-going.

We are confident that we can tackle the issue, and we would be keen to ensure access to the stations. I appreciate that, as that is outwith the limits of the bill, it will primarily fall to the council to provide access—with funding through SPT and others, I hope. However, we will work towards it.

Some cycling meetings with the promoter are planned as part of the on-going process, which is primarily considering the parallel route. Through those meetings, we should start to identify where the north-south links are, and I am confident that, once they have been identified, we can start to deliver them through the budgets that I mentioned.

Graeme Malcolm: There is a similar situation in West Lothian. The difficulty that everyone has is in judging the bounds of the bill. It started as a rail scheme, and the cycle path was a relocation. In previous evidence, I said that the promoter has done a fairly good job in relocating the path—that work is not without difficulty. Mr McDove's point is well made, in that there is still a job to be done outwith the bill; what is important is how quickly the job can be done.

Like North Lanarkshire Council, West Lothian Council has spent a considerable amount of its Scottish Executive grant allocations in the past couple of years on cycling schemes and trying to improve cycle provision. We have done that where there has been a need. I can see that, as—I hope—two new stations are built in West Lothian, there will be greater need for cycle access to them. We are fortunate in having an opportunity in Armadale, and in our evidence on section 75 we highlight the fact that cycle provision and footways to access the station form part of that opportunity. Where there are opportunities, we will try to seize them.

As Peter Hawkins mentioned, SESTRAN has set up in the east, and this year it has allocated close to £1 million to cycling in south-east Scotland. The local authorities in that area are targeting the resources into their main priorities, and if we continue to receive that level of investment for cycling, we will be able to achieve more.

The Convener: Thank you very much. That was a brief appearance. We will move on to the next subject.

We come to flood risk assessment, which will be followed by European protected species and the construction procedures. I welcome witnesses from the Scottish Environment Protection Agency and Scottish Natural Heritage.

Alasdair Morgan: SEPA has said that a thorough flood risk assessment is required. Do you have that? If not, what is missing?

Marc Becker (Scottish Environment Protection Agency): SEPA has received and considered further information, subsequent to our receiving the original flood risk assessment, but we still feel that further information is required. Many of the issues can be dealt with through conditions in the bill. For example, the flooding issues that relate to the design level of the

formation of the railway can be dealt with through conditions or similar measures. SEPA's main concern relates to the upsizing of culverts underneath the railway. If a culvert is upsized, more water will pass downstream, which could increase the flood risk downstream. SEPA's view is that that matter has not been dealt with adequately.

Alasdair Morgan: How long will it take you and the promoter to agree on something on which you will be satisfied?

Marc Becker: We will have further meetings with the promoter. SEPA does not yet have certain information that we require from the promoter. Our concern is that if culverts are upsized, mitigation measures may be needed, but we do not know what the scale of those mitigation measures may be.

Alasdair Morgan: Can you give the committee a feel for how long the process might take? If you started talking to the promoter about the issue tomorrow, how long would the process of interaction be likely to take before you—and, I presume, the promoter—could be satisfied?

Marc Becker: You will have to ask the promoter that, as it has to do the work. Obviously, we will work with the promoter to come to a solution. I hope that that will happen within a couple of months.

Alasdair Morgan: Is the work complex, expensive or time consuming? Give us a feel for it.

Marc Becker: It is complex, but SEPA expects that the promoter could do it in a reasonably short period. Again, the question is for the promoter, because we are in its hands.

Alasdair Morgan: I am sure that we will ask the promoter about that. We aim to report on the bill in early March. Is it safe for us to pass the bill?

Marc Becker: Until the promoter provides us with the additional information, we will have serious concerns about the flood risk. As I said, the promoter must identify the risks that are associated with upgrading the culverts.

Alasdair Morgan: In the great scheme of things, are the concerns serious enough to say that if you do not have the questions answered by early March, it will not be safe for us to proceed with the bill?

Marc Becker: We are following the Scottish Executive's guidance in Scottish planning policy 7, which is on planning and flooding, to ensure that the development does not exacerbate flood risk elsewhere.

Alasdair Morgan: As with all things, guidance can be followed in different ways and to a greater or lesser degree. The issue that I want to get at is

whether you are trying to get a gold-plated provision from the promoter.

Marc Becker: We are not seeking a gold-plated provision. In essence, all we seek to do is ensure that a flood risk to others is not exacerbated or created as a result of the upsizing of the culverts. The promoter could assess each culvert and say that there is no increase in flood risk. If the information is appropriate, SEPA will accept it, but we need that information to determine our full response.

Alasdair Morgan: This point might be a bit unfair. On page 3 of your letter of 19 January you talk about Hillend reservoir and a potential

"loss of stability of the reservoir retaining walls under normal operations".

How on earth would the promoter be responsible for that? You seem to be talking about the reservoir giving way. I should imagine that a lot more people would be worried about that than would be worried about the running of the railway.

Marc Becker: I did not provide the response on that aspect of the flood risk assessment, so it is difficult for me to comment. Clearly a stability issue arises, and the bill should deal with that, but at this stage I cannot comment on that aspect of SEPA's response.

The Convener: We are talking about part of your submission. If you cannot answer Mr Morgan's question, it brings the whole railway line into question.

15:30

Angela Burke (Scottish Environment Protection Agency): Did you say page 3 of our letter of 19 January?

Alasdair Morgan: Yes. This might be a red herring, but that letter—from Dr Chris Spray—raised an awful lot of issues, whereas today you have talked only about culverts. I want to get a feel for how serious your objections are. The reservoir collapsing seems to have nothing to do with building the railway, but I am concerned that you seem to be suggesting that we should take that sort of thing into consideration.

Angela Burke: We drafted the letter of 19 January without having some of the details. We had received only the draft version of the flood risk assessment, and admitted the figures. On 23 January, we received the figures from the promoter, and we provided the committee with our revised position last Friday. There was a lack of information in the original flood risk assessment, but the issues we raised have been covered in the revision.

Alasdair Morgan: So the only substantive issue that remains is the culverts. Is that correct?

Marc Becker: Yes.

Drew Aitken (Scottish Environment Protection Agency): There is also a concern about the Barbauchlaw burn crossing, just upstream of Blackridge. The promoter's consultant acknowledged that more detailed flood modelling would be required for that, and we agree.

In its draft response to our latest position, the promoter concludes by saying that although all flood risks have been identified, the risks still have to be quantified to the level of detail that we at SEPA require. The promoter says that that quantification will be done following detailed design of the project. We would maintain that such work will have to be done before the detailed design, because the level of risk will inform the mitigation work required.

Alasdair Morgan: Will that be a substantial piece of work?

Drew Aitken: No, I would not say so—it is an assessment of risk at a single site. We have to be consistent in our approach and treat this major infrastructure development like any major housing development near a watercourse. We require a level of detail on the risks.

We first asked for detail on flood risks in February last year. We asked again in June and again in December, because we still had not received the information we require.

Alasdair Morgan: We will take that up with the promoter later this afternoon.

The Convener: Thanks very much. That was disappointing, to some degree.

Turning to Scottish Natural Heritage, let us discuss European protected species. Are you content that the third test under regulation 44(3)(b) of the Conservation (Natural Habitats, &c) Regulations 1994 has been satisfied? Can you elaborate on how you reached the conclusion of contentment?

Ian Bray (Scottish Natural Heritage): We are content that the third test can be met provided that the promoter provides us with further information or provides the information in the code of construction practice. We would like further information on the location of European protected species, the precise mitigation that will be required and how that mitigation will be enforced.

The Convener: Is not SNH aware of where those species are along the line? Do you not have an involvement there, somewhere?

Ian Bray: We are aware of that. The promoter has undertaken surveys, as part of the environmental impact assessment, that demonstrate the precise location of those species. We would like that information to be taken forward

as part of the design and build. The design has to allow for those species, where they are present.

Erica Knott (Scottish Natural Heritage): We believe that the test can be met. We have sufficient information on which to base that conclusion. The issue with European protected species is that they are mobile, so the survey that was undertaken for the environmental impact assessment will need to be updated prior to the application for the licence that the Scottish Executive will provide.

We are talking, primarily, about otters—they are the main European protected species that will be affected. We have looked at the population level of otters in and around Hillend reservoir, on the North Lanarkshire side of the line, which will be impacted on. There are otters present in every 10km square in Scotland. The impacts from the railway will be quite short term, and some mitigation is proposed. As long as that mitigation is put in place, we are content that the favourable conservation status for otters will not be reduced.

The Convener: I am not sure whether otters are involved in the Edinburgh Airport Rail Link Bill, but I have received a note on the issue. Would you be happy with the conditions that are provided in that bill?

Erica Knott: Yes.

Ian Bray: Yes.

The Convener: Thanks.

In your letter of 24 January to the clerk, you said that you wish to see the bill amended. You will be aware of the committee's intention to amend the bill with regard to environmental mitigation. Are you content with that, or are there further matters that you regard as essential for monitoring compliance and enforceability?

Erica Knott: We are aware of the committee's intention to amend the bill, but we have not seen any details of the amendments. If what is proposed is similar to what is in the other private bills that have gone ahead—the Waverley Railway (Scotland) Bill and especially the Edinburgh Airport Rail Link Bill, which has also had to deal with otters—we would be happy for the code of construction practice to be integral to the bill, so that the commitments of mitigation that are incorporated into the code of construction practice will be stated in the bill. However, without seeing the amendments we cannot say for definite.

The Convener: I think that that is clear enough for committee members. We will move on to the code of construction practice and vibration aspects.

Cathy Peattie: I want to ask some wider questions about the COCP. You will have seen

previous drafts of it, including that which was received by the committee on 6 February. Is there anything in, or not in, the report that causes you concern?

Erica Knott: We have some comments to make on it. One of the main issues is what we have just discussed—European protected species. We think that the code of construction practice should be tightened to ensure that there is mention of the requirement for the code of construction practice to take account of any disturbance licence that is granted by the Scottish Executive. If that is not done, it will not be clear what level of mitigation the promoter is adhering to.

There are a few other issues that we would like to discuss. One relates to the code of construction practice and its incorporation into the bill. The intention to develop a landscape and habitat management plan and an environmental management plan has been discussed at previous committee meetings and in our dialogue with the promoter. In the most recent version of the code of construction practice, which we saw last week, there is a commitment to liaise with the mandatory consultees about the development of both of those plans. We are not quite sure what sort of liaison is envisaged. With regard to the other private bills, we have suggested that we and the Scottish Environment Protection Agency, which would presumably want to be involved, should be consulted and, if possible, be allowed to approve the plans.

Cathy Peattie: So you want a more formal commitment to dialogue?

Erica Knott: There is an intention to have a meeting with the mandatory consultees on 12 March. We welcome that sort of on-going dialogue. However, prior to the design and build aspect, we would want the landscape habitat management plan and the environmental management plan to be approved by the mandatory consultees.

Cathy Peattie: So liaison is not enough; you need more?

Erica Knott: Yes.

Cathy Peattie: We note the points that SEPA made in its letter of 29 January to the clerk about waste ground and ground water. Would incorporating those into the next draft cause any difficulty for the promoter?

Angela Burke: I do not imagine so. We are being asked to review the waste management plan to ensure that waste is being handled and disposed of appropriately. There might be situations in which the waste management plan could comply with a section of the code of construction practice and, therefore, be acceptable

to the promoter. However, there might be separate issues that SEPA is privy to but the promoter is not aware of, which might cause problems. We want to review those and have an opportunity to comment.

Cathy Peattie: The committee assumes that that is standard in any construction project.

Angela Burke: Yes, it is standard.

Cathy Peattie: We note the points that SEPA made in its letter of 26 January to the clerk under the headings of “Implementation”, “Badgers”, “Biodiversity, Landscape and Visual Impacts” and “Engineering Drawings and Hours of Work”. Would incorporating those into the next draft cause any difficulty for the promoter?

Ian Bray: We do not think that that should cause any difficulty for the promoter.

On your previous question, we would like the promoter to ensure that the code of construction practice is implemented. We believe that an independent body—an environmental clerk of works or some other suitable person—should be responsible for that, rather than the promoter itself.

Cathy Peattie: That seems sensible. Would it be standard practice to ask for that in this context?

Ian Bray: It is the approach that has been taken in all other private bills.

Erica Knott: It is also the approach that is increasingly being taken in relation to a lot of large infrastructure projects, not only those that relate to the private bill process.

Cathy Peattie: It allows continuing monitoring?

Erica Knott: Yes.

The Convener: Are there any particular areas of construction practice or vibration policy that you feel you need to be more involved in over the next few weeks, or are you fairly satisfied with the level of communication and contact between you and the promoter on them?

Angela Burke: We are more than happy, so far. The promoter has addressed all our comments and incorporated them into the bill. At this stage, we are happy to progress with the proposed liaison meeting in March and be part of the monitoring group for the code of construction practice.

Erica Knott: We are reasonably content with the dialogue that has taken place. At our liaison meeting in March, we will highlight the fact that aspects of section 2.8 of the revised code of construction practice—we are now on to version 6—which relates to liaison with the mandatory consultees, are quite woolly. We will look to have the code tightened up, especially the provisions

that relate to the landscape and habitat management plan and to the environmental management plan.

15:45

The Convener: I am aware that the clerk has taken up the issues with the promoter in a constructive manner. I hope that they will be picked up between now and our final consideration of the bill.

Thank you for your evidence. There will now be another witness changeover. The new panel will consist of familiar faces: Mr McDove, Mr Miller and Mr Hedger, who are representatives of North Lanarkshire Council and West Lothian Council. We will start with flood risk assessment.

Alasdair Morgan: What is your assessment of the risk of flooding?

David Miller (North Lanarkshire Council): Are you asking about Hillend reservoir specifically or about the scheme as a whole?

Alasdair Morgan: The whole scheme.

David Miller: I have looked at the preliminary flood risk assessment that Dr Riddell has prepared. It is helpful, because it identifies the various flood risks along the length of the route. It is important to recognise that much of the infrastructure is already in place, because the new rail line will be constructed on an existing rail line. In his report, Dr Riddell indicates that the crossings of the North Calder water in North Lanarkshire do not pose a significant flood risk to the railway. North Lanarkshire Council is quite comfortable with the assessment that Dr Riddell has carried out.

Hillend reservoir is covered by the Reservoirs Act 1975, so the undertaker for the reservoir is British Waterways, which is responsible for the integrity of the dam. As far as I am aware, the railway will not affect the dam; it is on the periphery. The dam must contend with flood flows into the reservoir that will be well in excess of the one-in-200-year envelope that is shown on SEPA flood maps. We are content with the stability of Hillend reservoir and do not think that the one-in-200-year event will pose a threat to it.

We agree with SEPA that upsizing culverts could lead to an increase in flood risk downstream. However, the important issue for the council is whether that flood risk will have an impact on residential properties or commercial developments—non-agricultural land. We are much more concerned about the impact that it might have on residential properties than about its impact on agricultural land.

In our written evidence to the committee, we expressed concerns about the proposed railway

station at Drumgelloch, as we are aware of some localised sewer flooding problems. The promoter should speak to Scottish Water about any additional surface water drainage that might be passed to the sewer network, as we think that the area concerned was not covered by the preliminary flood risk assessment. We raised that issue because there are no suitable water courses to which the surface water can be discharged.

I presume that the promoter will propose to incorporate SUDS—

Alasdair Morgan: What does SUDS stand for?

David Miller: Sustainable urban drainage systems, which are constructions that can alleviate potential flood risks. SUDS are not flood defences; rather, they control discharges to watercourses or sewers.

Alasdair Morgan: Do you agree with our conclusion that the culverts and the bridge over Barbauchlaw burn are the main areas of concern?

David Miller: The bridge is a matter for West Lothian Council; it is not in North Lanarkshire. The culverts are a main concern, and we are looking for clarification on what will happen when new developments put additional demands on the existing drainage infrastructure. From our perspective, the culverts and the new infrastructure, which perhaps needs to be attenuated, can be managed. Those things will be picked up during the construction phase.

Alasdair Morgan: Does the witness from West Lothian Council want to add anything?

Graeme Hedger (West Lothian Council): I understand from the promoter's consultant that the flood risk at Barbauchlaw has now been assessed and that it is not considered to be significant.

Alasdair Morgan: In a letter to the committee, West Lothian Council urged Network Rail

"to step up its inspection and culvert maintenance regimes".

I take it that that is based on the council's experience of existing railways in West Lothian. Has West Lothian Council found Network Rail to be a bit remiss in its regime?

Graeme Hedger: Culverts are, as a result of their incapacity or, more frequently, their obstruction, the biggest cause of flooding in West Lothian. The Scottish Environment Protection Agency has pointed the promoter in the direction of Construction Industry Research and Information Association—CIRIA—report 168 and recommended the fitting of trash screens, but I am concerned about the fitting of trash screens. They have a place, particularly in an urban environment, but only if they are inspected and cleaned. They must be cleaned more often than a culvert that has no trash screen. I therefore urge caution in that respect.

Alasdair Morgan: Okay. Do you know of any significant issue that is not be resolvable by the time the committee must reach a conclusion on the bill, which is some time in early to mid-March?

David Miller: I think that all the flood risk issues can be addressed.

Graeme Hedger: I agree. However, it is important that the promoter looks urgently at the culverts that must be upsized and that modelling or anything else that must be done to assess downstream flood risks is done quickly.

The Convener: Thank you very much. I am sure that the hearts of the promoter's representatives are fluttering. We will see where we go.

There will now be another changeover of witnesses. The next panel of gentlemen, whom I welcome, also represents the local authorities. The panel will deal with the code of construction practice and the noise and vibration policy.

Cathy Peattie: Is anything missing from the draft code of construction practice or the noise vibration policy that you believe should be included?

Jeff Toner (North Lanarkshire Council): There is nothing missing; it is just that we would like some adjustments to be made. Initially, North Lanarkshire Council suggested that noise from the work on the upgrading of the existing line from Airdrie to Drumgelloch and on the new line from Drumgelloch to Bathgate be restricted to working hours—in other words, daylight hours. We suggested that work could be carried out between 8 am and 7 pm Monday to Friday and between 8 am and 1 pm on Saturdays, and that no noise-producing works should be carried out on Sundays or public holidays.

Network Rail agreed to control the noise by working hours, but it has changed those hours. Basically, it has added an hour at each end of the day. It has suggested that the work between Drumgelloch and Bathgate could go on from 7 o'clock in the morning until 7 o'clock at night during the week and from 8 o'clock in the morning until 6 o'clock at night on Saturdays. I presume that the intention is that no work will be carried out on Sundays. We suggest that Network Rail should go back to the hours that we proposed. Every other developer can keep their work to between the hours of 8 in the morning and 7 at night Monday to Friday and between 8 am and 1 pm on Saturdays. That would ensure that the people who live in proximity to the railway line would have half a day off on Saturday and a break on Sunday and would not have to put up with noise very early in the morning or late at night. We would like Network Rail to adopt the hours that we proposed.

Network Rail has stated that contractors will be allowed to work outwith the working hours,

provided that they have the prior agreement of the project manager. We suggested that contractors should be allowed to work outwith those hours only if they have the prior agreement of the relevant local authority. That would be more acceptable to the local authorities involved. An exception could be made if an emergency came up, when the project manager could decide to allow work to be carried out.

Network Rail is saying that when work is being done out in the country, away from habitable dwellings, it should be able to work outwith the stipulated hours, as long as the project manager agrees. It has specified the agreement of the project manager rather than that of the local authority just in case the local authority does not want the work to go ahead. However, we are quite reasonable and would agree to work being done when it would not cause any inconvenience. In such circumstances, if Network Rail consulted us, we would give it permission to carry out work. Instead of the decision being left to the project manager, we would like to have the option of not giving permission for works to be carried out near residential areas.

Andrew Blake (West Lothian Council): We have been in touch with our environmental health colleagues from North Lanarkshire Council and we agree with those points.

David Baxter (North Lanarkshire Council): In general, we are pleased with progress on the code of construction practice and the noise and vibration policy. Although there are a few outstanding issues, we think that they will probably be addressed as the design stages progress. However, as SNH and SEPA proposed, we would favour the involvement of an independent monitor in the process, as was set out in the code of construction practice for the Edinburgh airport rail link project.

Cathy Peattie: You think that an independent monitor would be helpful in overseeing the work.

David Baxter: That is quite common practice. At a previous meeting, we mentioned how the Black Law wind farm project—which has recently received awards—went through a similar process.

Cathy Peattie: The involvement of an independent monitor is common practice and would provide you with greater reassurance.

Andrew Blake: I should add that enforcement, complaint investigation and ensuring compliance with the code of construction practice will represent a cost to the local authority, which should be met by the promoter. That applies both during construction and during the initial period of operation. Once the trains start running, complaints will be made, which will need to be investigated. That will be a cost on the local authority, which should be met by the promoter.

Cathy Peattie: Does the approach being taken, whereby the code of construction practice and the noise vibration policy will be enforced as if they were planning conditions, cause you any difficulty?

David Baxter: If an independent monitor was involved, I do not think that we would have any difficulty with that approach.

David McDove: However, the witnesses from SNH said that the statutory consultees should be required to give their approval, rather than simply being consulted.

Cathy Peattie: Do you agree that the position should be strengthened?

David McDove: Yes. That would help SNH, SEPA and the other consultees that were mentioned earlier.

16:00

Cathy Peattie: So you agree with SNH that it is not enough to keep people up to date.

David McDove: Yes.

Janis Hughes (Glasgow Rutherglen) (Lab): Mr Toner, you said that your council would prefer to make the decision if the promoter proposed working outwith the agreed hours. Would your fear about noise be alleviated if the decision was made by an independent clerk of works, rather than by a person who worked for the promoter?

Jeff Toner: Yes. Either the person should consult and get approval from the local authority or there should be an independent clerk of works.

The Convener: I have a question for Mr Toner on the same topic. Efficient working is important in any construction project, particularly with respect to the overall cost. Is it fair to say that you could identify parts of the line where out-of-hours working could happily take place rather than working hours being constrained?

Jeff Toner: Yes. That happened with the work on the Auchenkilns roundabout near Cumbernauld. In such cases, the developer comes to us and says, "We've identified that there are no problems here." We check their figures and the proximity of local dwellings and we say yes or no. Sometimes we do not agree, but usually we give approval.

The Convener: Is it in the interests of the people whom you represent and of the project that the greatest flexibility is allowed? Will that allow the railway to be constructed on time and to be up and running as soon as possible?

Jeff Toner: Yes. We are not trying to add cost to the development for no reason. We want the project to be completed as quickly as possible, with the maximum flexibility. We are not trying to stand in the way of the development or add cost to

it. We just want to safeguard the residents' interests.

The Convener: I thank the panel for their evidence.

Next, we will take evidence from the promoter.

16:04

Meeting suspended.

16:07

On resuming—

The Convener: I welcome the witnesses. We will start off on the housing forecasts, although I realise that not everyone on the panel can address that issue. We will move through a range of matters and hear from various individuals as we go.

Jeremy Purvis: With regard to the evidence that we heard earlier from local authorities, what does the promoter see as its future role, if any, in relation to housing, housing projections and housing growth along and associated with the line?

Ron McAulay: I am not sure that I understand your question fully. Do you mean our role in developing housing?

Jeremy Purvis: You have stated frequently that the patronage forecasts and economic impact are linked with housing along the route. The committee has received updated figures from West Lothian Council and we have evidence from North Lanarkshire Council. Does the promoter have a continuing role in forecasting the number of houses, the economic impact and the patronage levels?

Ron McAulay: For our initial submission, we used the housing forecast numbers with which the two councils provided us in the lead-up to the lodging of the bill. We ran the model using those housing forecasts and came up with the benefit cost ratios that we included in the submission. At the time, we also ran a sensitivity analysis, which was included in our promoter's memorandum. It included a number of tests that used different scenarios, such as no population growth in Armadale, Blackridge, Caldercruix and Plains and other bits and pieces, and the analysis confirmed that the business case was still robust.

Since receiving the housing forecast information from West Lothian Council and North Lanarkshire Council after the preliminary stage of the bill, we have run the analysis again, recognising that the figures from North Lanarkshire Council are aspirational. The business case has come out with a slight improvement—the benefit cost ratio has

increased to 1.91—so we are confident that it is robust. Obviously, there are concerns about the accuracy of housing forecasts, but that issue has been well aired in the committee.

Jeremy Purvis: Therefore, you think that the committee, in its recommendations to Parliament, can have no reservations about the housing forecasts and their association with the economic case for the railway.

Ron McAulay: I would have no reservations about the business case being strong; I could not say, with my hand on my heart, that the housing figures provided by my colleagues in North Lanarkshire Council are sufficiently robust. However, the numbers that we received before, which are lower, suggest that the business case is robust.

Jeremy Purvis: Am I right that, notwithstanding the lack of robust information, even the worst-case scenario from North Lanarkshire does not undermine the case?

Ron McAulay: That is correct.

Jeremy Purvis: Thank you.

The Convener: Let us move on to local bus provision.

Cathy Peattie: Other than dialogue, what practical measures can and will you take to work towards improved bus provision to bring the stations a step closer to local communities?

Ron McAulay: It is worth saying from the outset that, following the preliminary stage report, we convened an extremely productive meeting with SPT, West Lothian Council and North Lanarkshire Council. There was a meeting of minds on what could and could not be done.

In the report that we provided to the committee, a clear commitment was given by all concerned—including Transport Scotland—that we would revisit the analysis of existing services to assess what might be required, conduct a survey of potential patronage and partnership with bus operators, and enter into discussions and negotiations with bus operators with a view to securing a suitable agreement to determine the level of services required. Given all the other factors that have already been explained by other witnesses, that is as much of a commitment as can be given by all the organisations that are working on the project.

Cathy Peattie: The committee wants some firm commitments that people who live in villages in the areas surrounding the railway line and who do not have cars will have access to stations. We are looking for a strong commitment to partnership working towards ensuring that there is a bus service for people who use the trains.

Ron McAulay: I believe that the report gives the firm commitment that you are looking for. All the parties who were co-authors of the report have committed to doing just what you asked for, which is to work together, find solutions and enter into negotiations and discussions with bus companies at the right time. We believe that that is in the lead-up—18 months before the railway comes into service.

Cathy Peattie: So you think that the committee could confidently recommend spending £350 million based on assurances that local people who do not have access to cars will be able to get a bus to and from the stations.

Ron McAulay: I believe that you can be as confident as you can be with a deregulated bus market and the issues that surround that. We are giving a firm commitment to do what is possible to get the services up and running in time for the start of the railway.

Cathy Peattie: Convener, the committee should make strong recommendations to ensure that people have access to public transport and can get to and from stations. We should seek assurances on that.

16:15

The Convener: Thanks, Cathy. I am sure that we will discuss that in due course. However, not everybody will want to go by bus; some people will want to go by bike. At this point we come to Jeremy Purvis and issues on cycle path alignment. There will be a change of witnesses. [*Interruption.*]

I am sorry that the transition from bus to bike was not as smooth as we would have liked it to be. We have one or two new faces.

Jeremy Purvis: Mr Lauder of Sustrans believes that, as we move forward with regard to cycle path alignment and access, there are gaps between the promoter and the local authorities in what could be delivered within and outwith the bill. How could that issue be resolved, given the mechanism that has been set up and the fact that the first meeting took place in December? What can the promoter do both before the bill goes before the Parliament and subsequently, as the provider of the service?

Ron McAulay: First and foremost, we had an extremely productive and positive meeting with the members of the cycling lobby back in December, and we have another meeting planned for March. We have given a commitment to continue those meetings throughout the detailed design process, so that we can get the best out of the cycle run. In the meeting that we had in December, we went through each of the plans individually and agreed whether the cycle route was fine as it was or whether there were opportunities for minor

improvements here and there. We identified a number of improvements, and we have given a commitment that we will include them if it is reasonably practicable to do so.

The issues that were raised this morning by the representative of CTC Scotland and Spokes, Peter Hawkins, related to what he described as north-south access, as opposed to the east-west run of the cycle path. He commented on there being a gap between us and the council as to what was within or outwith the bill's remit. I think that answers were given to that by David McDove, of North Lanarkshire Council, and Graeme Malcolm, who both confirmed that the issue is about providing links to the cycle path from other communities. David McDove said that it falls to the councils to fund those links. Graeme Malcolm referred to the limits of the bill and said that the issues were still to be addressed.

Within the forum that we have set up, we intend to discuss and encourage the provision of such links; however, they would be provided using existing legislation that the councils have to hand and would be funded by the councils. There is every intention, throughout the detailed design process, to see what else can be done to improve the links to communities. Nevertheless, those links would be provided outwith the bill and by the councils.

Jeremy Purvis: For the record, I ask what definitions you are using. We have heard that reasonably practicable changes could be made, and in your written submission you say that the group is looking at innovative thinking for providing new routes. Can you give an example of what would be reasonably practicable and what would be innovative thinking in providing some of the new routes? What you suggest sounds nice, but illustrations would be helpful.

Ron McAulay: I will answer the second question first. My experience of innovative thinking often means going back to basics and looking at simple means of design. An example came out of the discussions that we had with the cycling lobby. There are sections of the route where the cycle path will meet a footbridge or cycle-path bridge that will take the cycle path across the railway, but the path might continue on the same side of the railway as well as go across. To get the gradients right, you have to go round to get up the ramp and on to the bridge. The suggestion was, "Why don't we put a set of steps up the side so that people who come across can decide to take a shortcut down the embankment?" That is hardly what one would describe as innovative, but it is more sensible thinking outside the box. Another example of such thinking might be to put in an underpass so that instead of having to go up the ramp and on to the bridge, you could just carry

straight on through. We are looking for simple ideas such as those.

I am inclined to ask one of my legal advisers to give you the definition of "reasonably practicable". There are good legal meanings behind that term and I will not attempt to explain them here and now.

Jeremy Purvis: Perhaps I can help. "Innovative" might mean cheap and "reasonably practicable" might mean that impracticable measures are expensive.

Ron McAulay: Cost comes within the terms of the definition of "reasonably practicable"—there is no question about that.

Jeremy Purvis: Perhaps the legal team wants to add to that.

Ron McAulay: The legal team is not at the table at the moment. Karen Gribben, who was sitting beside me, will return as part of a different panel so you can ask her about that then.

Jeremy Purvis: I will see how I feel.

Ron McAulay: That gives her time to think of the answer.

Jeremy Purvis: Exactly. I have a further question. The intention is for the group to carry on after completion of the bill in Parliament. Is the plan for it to keep going until the issues have been resolved and then it will cease, or will it carry on to make proper analysis of uptake and to promote the cycle route?

Ron McAulay: The frequency of meetings will increase during certain parts of the detailed design stage so that we can get feedback and bounce ideas off the group to make sure that we are taking on board their views. As we go into the construction stage, the frequency might continue at a slightly lower rate and the group might tackle issues around the inconvenience to cyclists during the time in which the cycle path or railway are being constructed.

Ultimately, we hope to discuss any problems with those additional links throughout the process. In our report, we touched on an additional cycle path that the North Lanarkshire access forum is keen to develop and we will be happy to discuss such matters.

I would hate to put an end date on the group. The frequency and duration of meetings will depend very much on the stage of the project.

Jeremy Purvis: I seek advice from the convener about whether there will be an opportunity during our consideration of the bill to get an update on outstanding issues. I am not sure whether we can accept further written submissions, but there are specific—

The Convener: To be honest, we have a lot of questions to ask and several outstanding issues. I hope that Mr McAulay is content for the clerk to write to him with three or four further questions. Mr Lauder and Mr Hawkins may rest assured that although we will not pursue the matter in the public glare, they will get copies of those questions and responses. If Mr McAulay does not mind, I will give him a deadline for his responses of Wednesday at noon. I know that he is very good at reading papers. Is that acceptable?

Ron McAulay: This coming Wednesday?

The Convener: Yes.

Ron McAulay: If you can give us the questions as soon as possible, it will help.

The Convener: You will have them immediately after the meeting.

Ron McAulay: That will be fine. We are committed to working with the group to make the best of the cycle path.

The Convener: We recognise that, but there have been concerns throughout the process.

Jeremy Purvis: Convener, if Mr McAulay could include in his response what it is that is reasonably practicable and impracticable, and other examples of innovation, that would be welcome.

Ron McAulay: Can the deadline be extended to Thursday?

Jeremy Purvis: I am sure that you can be innovative in how you reply.

Ron McAulay: I was just thinking of the legal information.

The Convener: I will be kicked by the clerk, but I will say three o'clock on Wednesday.

Ron McAulay: That is very generous.

The Convener: No problem.

We come back to the serious issue of flood risk assessment. I have to make a personal comment, because I worked with Dr Riddell in the past doing council work. It is good to see you here, John.

We will move straight to questions.

Alasdair Morgan: First, I would like to get the reaction to what was said earlier, particularly by SEPA.

Ron McAulay: The convener said that the committee was somewhat disappointed; I have to say that I was disappointed. I spoke to two SEPA representatives before they left, and Angela Burke agreed that I could quote from her e-mail to the clerk of 6 February, in which she stated:

"SEPA has been in regular dialogue with the promoter throughout the development and assessment of the FRA ...

The promoters commitment to engaging SEPA throughout the FRA process is to be commended."

We have had good dialogue with SEPA, and it has raised two concerns, one of which is about the Barbauchlaw burn bridge—I am sure that I have pronounced it wrongly. I will ask Dr Riddell to confirm this, but I understand that the issue has been addressed and signed off.

Dr John Riddell (Civil Engineering Consultant): Yes. We received further information about the cross-section at the bridge, and some calculations were made of the one-in-200-year flow to the bridge to determine whether it would pass through the existing structure without touching the underside of the bridge deck. I am happy to advise that that is the case, and therefore there is no significant flood risk to the line at that crossing.

Ron McAulay: Another issue that was raised was the culverts and their potential for causing flooding downstream if they were increased in size to allow for more capacity. We will be inspecting the culverts and checking their structural integrity and hydraulic capacity. However, I make it clear that the majority of the culverts have been in place for about 100 years.

Dr Riddell: It is nearly 150 years.

Ron McAulay: We do not intend to upsize them if we do not need to. I am a wee bit concerned that the issue is a bit of a red herring. *[Interruption.]* I am sorry, should I wait until the blinds stop moving?

Alasdair Morgan: You might have to pause; it sounds as if a train is going past.

Ron McAulay: I am sure that we have a maintenance squad that we could send out to look at them for you.

The Convener: The blinds are going up. They were originally lowered for the witnesses' convenience.

Ron McAulay: I fear that the sun has gone away.

The Convener: That is right.

Ron McAulay: As I was saying, if any of the culverts need to be upsized, we will work with SEPA to address its concerns. There is no need to amend the bill to address those issues. We are committed to working with SEPA and, as Angela Burke's e-mail shows, we are talking to SEPA regularly. Our commitment to engagement should be commended, if nothing else.

Hugh Wark (Network Rail): To add to what Mr McAulay said, we welcome our involvement with SEPA. It has helped us in a lot of ways in preparing the documentation on the new railway.

However, we are slightly puzzled by what the SEPA representatives said earlier. The answers to most of the questions that they raised are contained in a letter to the committee clerk dated 9 February. On minor watercourses, the letter states:

"SEPA is satisfied that the Promoter is taking the appropriate steps to mitigate potential flood risk from the minor watercourses."

On the issue of the reservoir, SEPA acknowledged the additional information supplied, which, it said

"supports the finding of the earlier FRA which suggests that the existing railway track is above the maximum water level of the Reservoir. SEPA accepts the findings of the revised FRA".

Those and many other issues are addressed in the letter. I suggest that the committee may have caught SEPA on the hop a little bit today. We are confident that we have addressed most of the issues that it has raised.

16:30

Alasdair Morgan: I suppose that one of the functions of this committee is to catch people on the hop.

Will you address the issue of culvert maintenance, which West Lothian Council seemed to think was a problem on some of the other railway lines going through West Lothian?

Ron McAulay: I am turning to my colleague to see whether he can remember how frequently we inspect culverts and clear them out.

Hugh Wark: Culverts are inspected once a year. As part of our maintenance process we have a robust cleaning regime to ensure that they are kept clean. We have an interest in doing that ourselves, because if we do not do it it can result in flooding of the railway, which can interrupt services.

Alasdair Morgan: West Lothian Council does not seem to share that perception.

Ron McAulay: As far as I am aware, the council has not shared that concern with us. I am happy to look into it.

Alasdair Morgan: Are you happy that there will be no outstanding issues of significance between you and SEPA by the time we come to sign off—or not—the bill in early March?

Ron McAulay: Correct.

The Convener: That was one of the more serious points that arose earlier.

We return to the issue of wildlife. For some reason, my colleagues want me to ask all the European questions. How will you ensure that all contractors are fully trained and aware of their

responsibilities in relation to European protected species?

David Bell (ECOS Countryside Services): It is a question of ensuring that there is efficient project management from the top to the bottom, which includes disseminating information as and where it is required. Sometimes, projects are not well enough managed in terms of ensuring that the person who is on the end of the machine or the shovel is involved. We will ensure that there is full training in every aspect of the project, especially where legal compliance is required with regard to protected species. Information will be available right down to the level of giving toolbox talks to people working on the site.

The Convener: What level of expertise do you have in Network Rail on that?

David Bell: Network Rail has a huge body of expertise. It is responsible for line-side management of 330 sites of special scientific interest in the UK. There are many rare species on those sites, many of which are European protected species, or nationally and internationally threatened species, such as sand lizards. The sites are managed for those species on a daily and week-to-week basis, in co-operation with the relevant statutory authority, for example Scottish Natural Heritage or English Nature.

There is a huge body of supportive documentation to ensure full compliance. I am referring to the Network Rail biodiversity action plan, which contains a Scottish zone plan. There is a special plan for the west of Scotland, within which there are species action plans and habitat action plans. There are also activity guidance sheets, so that if someone is involved in a particular type of activity—such as tree felling or clearing culverts—a set of guidelines is available. Network Rail is a large and efficient organisation that takes its commitments seriously. With respect to European protected species and sensitive habitats, it has huge credibility in terms of managing sites and species on a day-to-day basis.

The Convener: I presume that Network Rail is happy with the conditions in the Edinburgh Airport Rail Link Bill being applied to this bill.

David Bell: Yes. Network Rail is keen to ensure that its body of expertise is applied to this project. There is a slight difference with regard to the independent clerk of works. Network Rail has the competence and expertise that are necessary to ensure compliance on its own behalf. The local authorities and SNH have mentioned the independent clerk of works, but that is perhaps not fully justified, because Network Rail rightly feels that it can deal with the matter on its own behalf.

The Convener: The arguments on the independent clerk of works extend beyond

protected species issues. The committee will consider the matter in the not-too-distant future.

If no one has anything to add about badgers, otters or any other species, we will change the panel again and move on to the code of construction practice. I think that Cathy Peattie is the code of construction expert.

Cathy Peattie: I do not know about being an expert.

Compared with the codes of construction practice and noise vibration policies for other transport schemes that have been considered by the Parliament, how do you rate the ones for this scheme?

Ron McAulay: In many ways, this code of construction practice is better, but I am slightly biased. I ask my colleague Hugh Wark to comment.

Cathy Peattie: He will tell us how much better it is.

Hugh Wark: Absolutely. It is one of the best. Seriously, we have tried to take on board everything that has been done in previous codes of construction practice. However, we are different from any of the other promoters, and we believe that the code of construction practice must be tailored to suit the needs of the promoter and of the individual project. It is therefore wrong to expect all the codes to be exactly the same.

Cathy Peattie: It makes sense to design the code of construction practice in line with the work that you are doing.

When will you make the additions that have been identified by West Lothian Council, North Lanarkshire Council, SEPA and SNH in their letters to the committee clerk on the code of construction practice? I am particularly interested in evidence that we heard earlier from those organisations. They are concerned about the word "liaison", as they feel that they need better co-operation and consultation. I am interested in how you will take the views of all those organisations on board.

Hugh Wark: Once again, I thank all those organisations for their contributions to the code of construction practice. We have had active discussions with all of them and we have taken on board almost everything that they have asked us to do. Some new issues are still coming up and we are happy to take them on board.

On the specific issue of liaison, section 2.8 of the code of construction practice was mentioned earlier. It is slightly ironic, because we added section 2.8 recently. As you know, we have had a requirement in our code of construction practice to liaise with the local community. Now we have built into the code

"regular liaison ... with mandatory consultees".

We used the word "liaison" and that has now been picked up. We are happy to make that more meaningful and perhaps use the word "consultation".

However, we do not want to build into the code a requirement for all the mandatory consultees to approve everything that we do, because that would not be sensible or workable—it would make it impractical to deliver the project, given that we have six mandatory consultees. It would be difficult if we had to go to all six of them to get a plan approved, and the management of the project would be slowed down. We are happy to commit ourselves to meaningful, deep consultation but, at the end of the day, we are responsible and it is right and proper that we should decide when it is suitable for a plan to be approved.

Cathy Peattie: Local authorities are looking to be part of and to develop the partnership about which we spoke earlier in relation to transport and buses. It does not matter whether we use the terms "consultation" or "liaison", but it is realistic for local authorities to have their views taken on board—I am not saying that a box needs to be ticked—when issues come up.

Ron McAulay: We intend to engage meaningfully with them. I am not talking about token engagement. We are working closely with local authorities on buses, the cycle path, the code of construction practice and the noise and vibration policy.

Cathy Peattie: That is fine.

Jeremy Purvis: I want to pursue the point. A meaningful relationship with local residents is key to any code of construction practice. If this code is an example of best practice, why does it include no mention of consultation and no indication of enthusiasm to respond to the views of local residents? Section 2.9 is concerned with notification procedures, but it merely sets out the complaints procedures and encourages people to contact you about the effect on their circumstances of the work that is likely to be done. You stop short of saying that you will consider complaints and respond to them in good time. Mr McAulay may tell me that I am wrong.

Ron McAulay: I am about to.

Jeremy Purvis: I would be grateful if you would highlight the section that indicates that you will consider and respond to complaints.

Ron McAulay: In section 2.5 we talk about our community forums. We also talk about information centres, websites, project newsletters and community relations. We say that we are willing to work to the national standards for community engagement. As a package, those measures

represent good practice in respect of engaging with the community and taking comments on board.

Jeremy Purvis: Where do you say that when you notify local residents about the work you will—

Ron McAulay: Sprinkled throughout the document there are references to '14 days' advance notice of works. You referred to section 2.9. The document states that the intention is to set up community forums that will allow us to bring people up to speed on exactly what is happening and to take on board concerns and comments. In some cases there is to be advance notice of as much as 21 days.

Jeremy Purvis: Let me phrase the question in another way. The second-last sentence of section 2.9 states that local residents will be encouraged

"to contact the telephone helpline if they consider that they have special circumstances that the project should take account of".

Is there any requirement for you to respond to those local residents and to indicate that you have considered the specific circumstances of the notification that they have received about intended works?

Ron McAulay: In the process to date we have responded to inquiries to our website and phone lines within, I think, 24 hours. We will do the same in future. We will get back to people and keep them informed of what we are doing in relation to their concerns. Somewhere in the code—I cannot remember the exact reference—we indicate that there will be a community or contact office that will be manned while work is under way, so that people can speak to someone who has knowledge of the job, is on site and can respond to issues.

16:45

Janis Hughes: To take that a step further, I assume that you envisage the appointment of a project manager who will be responsible for liaison and consultation—as you put it—with communities and other interested parties. We have heard many times today, and at other times, that there are concerns about the fact that the person who is to be responsible for that will be appointed by the promoter. Bills for similar transport schemes, including railway schemes, have included provision for an environmental clerk of works, to be funded by the promoter but employed and appointed by the local authorities that are involved. Both the local authorities that are involved, from which we have heard today and at other times during the bill's process, favour that route. Representatives of SNH spoke earlier about its concerns on the matter and we have previously expressed our concerns to the promoter.

Resolution of out-of-hours working issues has come up today: the local authorities said that they would be happy if a person who was independent of the promoter was to make decisions on such issues. What is your view on that? My particular concerns are about the proposal that the project manager is to be responsible only to the promoter.

Ron McAulay: I will start to answer that question, but I will turn to my colleague Hugh Wark to finish off the answer. The first and foremost point to make is that the project manager for the scheme is Hugh Wark, the gentleman who is sitting on my left, so you are seeing the whites of his eyes. He has considerable experience of delivering projects throughout Great Britain's rail network and he understands the issues that can arise when working on the railway or delivering major rail projects.

Network Rail is a different beast from the promoters of the bills for other recent railway projects because we have legal requirements in the form of a railway safety case. The safety case places all sorts of onerous requirements on us to audit our performance and to report openly on the outcome. The process is well established and can be extremely onerous—I suggest that it could be more onerous than having an independent person consider what we do. We can be very critical of ourselves and we ensure that we address any issues that arise. That applies to all manner of work in the industry.

I will hand over to Hugh Wark, although I have maybe said some of what he was going to say.

Hugh Wark: We have thought carefully about the role of the environmental clerk of works and have three reasons why we think that such a position would be inappropriate in this case. First, the idea is a bad one in principle, because such a role would split responsibility between two organisations—Network Rail and the local authority—which is not a good idea. Secondly, the role is unnecessary because, as Ron McAulay said, we deliver billions of pounds-worth of project work throughout the railway network; we have a myriad of processes and procedures in place and we are checked independently to ensure that we adhere to all our project management processes, which include properly managing environmental issues. Thirdly, the measure would not work. As Ron McAulay said, we have a railway safety case that is approved by Her Majesty's railway inspectorate and by the Office of Rail Regulation, which would make it difficult for someone to come in from outside and be part of the daily management process for our project.

That said, we are absolutely committed to engaging with the local authorities at a higher level, to involving them in the monitoring and to feeding them information and the results of the

monitoring. Adherence to the code of construction practice will be a mandatory planning requirement, so authorities will still have the right to stop us if they feel that we are behaving inappropriately or not adhering to the requirements of the COCP. For all those reasons, we do not think that an environmental clerk of works is appropriate or necessary.

Janis Hughes: I hear what you are saying about your legal responsibilities and about your being different from the promoters of other bills, although I cannot comment on that because I cannot remember who they all were. However, only one of your three arguments stacks up. The argument about splitting the role and the last of the arguments that you have made do not come into the fact—in your opinion—that you are legally responsible and audited closely. I have concerns about why, if there being an independent environmental clerk of works works in other situations, it will apparently not work in this situation.

Karen Gribben (Network Rail): The point that we were making before was that a mechanism of enforcement and policing exists, which is why we think that an environmental clerk of works is an unnecessary layer on the top. Enforceability, which comes through the planning process, is sufficient to address the operational issues.

Janis Hughes: Yes—but do not you agree that there is a perception that, if someone is working outwith the organisation promoting the bill, that is a better way to allow people to think that their views are being considered and that they are being given a fair hearing?

Ron McAulay: I can understand that perception. Our response is that the way in which we will deal with people in community fora will be evidence enough that we are listening to what they are saying and that we are taking on board their concerns. Through the enforceability side, councils will be able to say that they are not satisfied and that we need to do more. They have that fallback position.

Cathy Peattie: Is there precedent of an independent clerk of works overseeing other projects that have been dealt with by Parliament?

The Convener: This is a fairly contentious issue, and the committee will deliberate on it. I will comment on the matter in my winding-up remarks: as members have no further questions, we now come to those.

I remind the promoter that we will require the final editions of the code of construction practice and of the vibration policy by noon on 12 March—those versions will be attached to the bill at our phase 2 meeting shortly thereafter. They must be final presentations, for us to consider as such at

that time. The comments that have been made by North Lanarkshire Council, West Lothian Council, SEPA and SNH, both in writing and orally today, will assist in improving the overall effectiveness of both those documents in some respects. That is what we desire. We expect the promoter to incorporate a number of the points that have been made. I am aware that the promoter plans to meet the mandatory consultees on 12 March. It will perhaps wish to consider bringing that date forward, should there be anything among the comments by the four bodies that I have mentioned that the promoter needs to discuss.

I would say to the promoter that a number of matters arise from today's evidence. One of those is the issue around the independent assessor, which we have just discussed. There is also the matter of hours of working. We will deliberate on that, noting the flexible attitude of West Lothian Council on the matter. Given that we will not be reporting on the matter and that, shortly before 12 March, the promoter will have little time to act on those comments, there is no room for flexibility, so I ask that the promoter plan accordingly.

At this point, I turn to objections. I have a statement to make with regard to the angling club. *[Interruption.]* In fact, I will ask questions on the objections first. Seventy-nine objections were lodged. At the commencement of the assessor's hearing, 62 were outstanding. Since then, only seven appear to have been withdrawn. What is preventing further withdrawals?

Karen Gribben: Nothing is actively preventing withdrawal of those objections. Some agreements are particularly complex and require detailed discussions. I am not sure whether we necessarily agree with the figure that you gave—by my reckoning, 29 objections have been withdrawn. We have had difficulties in obtaining final letters from some people, although they have confirmed that they are happy with the settlement. That does not include people such as the advance purchase scheme candidates, who have said as a whole that they are happy to accept the offer but will not withdraw their objections until missives have been exchanged on their properties. I am sure that the committee understands why they wish to wait until missives have been concluded.

We are working hard to deal with the matter. I believe that we will be able, in the next week or so, to conclude in respect of another 18 objections, on which negotiations are down to the fine detail. The promoter is making every effort to address the issue. Some objections will be left and it is fair to say that we might have expected them to remain because they are from people who wish their objections to be carried through until the conclusion of the parliamentary process.

The Convener: It is good to hear that you are ahead of the game on the figures that we have, but we stress the importance of clearing the objections. Perhaps you recognise that already. What do you advise us to do in seeking to progress the bill through Parliament if several objections remain outstanding? In what position would that put the committee?

Karen Gribben: With the exception of Airdrie and District Angling Club's objection, to which we will come in a few moments, the vast majority of objections are resolvable; reaching an accommodation with the objectors is a question of detail. I do not consider that there are any fundamental issues outstanding that will affect Parliament's decision on whether to pass the bill. No issues of substance or impediment exist.

Some of the objections that are left have been lodged for the understandable reason that people simply do not like the idea of the reopening of a railway in their immediate vicinity. We acknowledge that, which is one reason why we are taking pains to work with such objectors through the community liaison groups and forum to try to address their perception concerns. We believe that the railway will not, once it is operational, be as bad as they fear. That is a process of continuing dialogue with and reassurance of the objectors and involves our listening to them and taking on board and addressing their concerns as they raise them.

The Convener: Determination of the validity and merits of objections is ultimately a task for the committee. We will certainly face up to that when the time comes.

If we do not feel that objections have been dealt with and the bill is not passed before dissolution, what impact would that have on the project's costs for Network Rail and its timetabling, if the project were ultimately to proceed?

Ron McAulay: We estimate that if the bill is not passed before Parliament is dissolved, the project will probably be put back about a year. We have explained our reasoning for that in previous evidence. That ties in with matters such as the timetabling process in the industry—new timetables are introduced every December. The big issue would be not so much the impact on Network Rail as the fact that the benefits that the railway can bring would not be realised for probably another year and the costs would rise because of inflation. I am not sure how much of the bill process would have to be followed again if the bill were not passed before Parliament dissolved—perhaps you can enlighten me on that.

The Convener: I understand that we would return almost to square 1. Nobody—particularly the committee—would want that, but the

committee has a duty to ensure that objections are dealt with properly and that all aspects of the bill, including costs, meet the original intent.

17:00

Ron McAulay: That is correct. If the process went back to square 1, I would revise my estimate and say that that would probably put benefits back two years.

The Convener: Okay. Thank you very much, Mr McAulay. The committee has been conscious of time limitations throughout the procedure. We will do all that we can to ensure that progress is made, although whether it will be remains in your hands.

I have a statement to make on the Airdrie and District Angling Club. I have considered the written and oral evidence that has been received on the club's objection. It would be helpful to receive from the promoter a note that sets out its proposed solution to the adverse effects that the bill will have on the objector. The note should specify how that solution would place the club in a similar position to that which it currently enjoys. The objector's comments on the note should accompany it.

It is the responsibility of the promoter of a private bill in the first instance to suggest solutions to the effects that the bill will have. Our remembering that might assist in preparing the note. In this case, a solution must take account of the long term—that is, the life of the railway—and should seek to ensure that disabled people or people with mobility impairments in particular are no worse off than they currently are in accessing the angling club and its facilities. The committee is considering scheduling a date on which to visit the site and a date on which to take further oral evidence if the matter cannot amicably be resolved. That work will be progressed once we have received the assessor's report. We would like the promoter's note to be with the committee's clerk by Friday this week. To ease the process, I will provide the promoter with a copy of what I have said so that what has been requested is clear.

Under the next agenda item, I suggest that we—*[Interruption.]* I am sorry; Mr McAulay has something to add.

Ron McAulay: We do not have a problem with providing information in a note by the Friday deadline, but I want to be clear about something. Must the objector's comments on the note be submitted by Friday, too?

The Convener: Yes.

Karen Gribben: I will have to speak to the club's agents about that. Obviously, we are talking about a private members' club, which must convene special meetings to obtain comments

from members. I am not sure how soon the club can convene such a meeting, but I will speak to the agent about the matter.

The Convener: It is in the club's interests to do so.

Karen Gribben: I realise that.

The Convener: I would appreciate your discussing any problems with the clerk, who will, if necessary, be able to adjust the deadline to meet our requirements. Thank you for your positive comment.

Do members agree to consider the evidence that we have heard today?

Members *indicated agreement.*

Meeting closed at 17:03.

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