

**STIRLING-ALLOA-KINCARDINE RAILWAY  
AND LINKED IMPROVEMENTS BILL  
COMMITTEE**

Monday 15 March 2004

Session 2

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## STIRLING-ALLOA-KINCARDINE RAILWAY AND LINKED IMPROVEMENTS BILL COMMITTEE

### 4<sup>th</sup> Meeting 2004, Session 2

#### CONVENER

\*Bill Butler (Glasgow Anniesland) (Lab)

#### DEPUTY CONVENER

\*Rob Gibson (Highlands and Islands) (SNP)

#### COMMITTEE MEMBERS

\*Richard Baker (North East Scotland) (Lab)

\*David Mundell (South of Scotland) (Con)

\*Nora Radcliffe (Gordon) (LD)

\*attended

#### THE FOLLOWING ALSO ATTENDED:

Alastair McKie (Counsel for the Promoter)

#### THE FOLLOWING GAVE EVIDENCE:

Scott Barrie (Dunfermline West) (Lab)

Graham Bisset

Stuart Coventry (Scott Wilson Ltd)

John Dick (Kincardine Railway Concern Group)

Councillor William Ferguson (Fife Council)

Mrs Alison Gorlov (John Kennedy & Co)

Joan Herdman (Kincardine Railway Concern Group)

Henry Lattka (Kincardine Railway Concern Group)

Alf Maneylaw s (Scott Wilson Ltd)

Charles Oliver

David Reid (Babtie Group Ltd)

Jim Thomson (Causewayhead Community Council)

#### CLERK TO THE COMMITTEE

Callum Thomson

#### SENIOR ASSISTANT CLERK

Fergus Cochrane

#### LOCATION

Alloa Town Hall



**Scottish Parliament  
Stirling-Alloa-Kincardine  
Railway and Linked  
Improvements Bill Committee**

*Monday 15 March 2004*

[THE CONVENER *opened the meeting at 11:16*]

**One Minute's Silence**

**The Convener (Bill Butler):** Good morning, ladies and gentlemen. I formally open the fourth meeting in 2004 of the Stirling-Alloa-Kincardine Railway and Linked Improvements Bill Committee.

I have something to say before we proceed with today's ordinary business. All over Europe, people are paying their respects to those who lost their lives in Madrid last Thursday as a result of the terrorist atrocity there and it is fitting that the Scottish Parliament should also pay tribute. Therefore, I ask everyone to stand and observe a minute's silence.

**Stirling-Alloa-Kincardine Railway  
and Linked Improvements Bill:  
Consideration Stage**

11:18

**The Convener:** We will now proceed with today's ordinary business. I welcome witnesses, their representatives and members of the public. I do not intend to repeat all the introductory comments that I made last week, but I thank all parties, in particular the objectors and especially those objectors who have no professional support services, for all their assistance in accommodating the timetable and for complying with the deadlines for the submission of written evidence. The committee is conscious of the demands that are placed on people and all of us appreciate their efforts.

The committee will hear first from the witnesses for the promoter in each group and then from the witnesses for the objector in each group. Following the completion of evidence taking, the committee will give a representative of the group a maximum of five minutes to make any closing comments that he or she may want to make. The promoter will be given a maximum of 30 minutes to make any closing comments that it has on all the groups following the conclusion of evidence taking on the last group, either on 22 March or 29 March.

The committee intends to complete its evidence taking from five groups today. They are group 2, which we were unable to deal with last Monday, and groups 9, 18, 8 and 10. We have the written evidence before us and I ask all witnesses to refrain from simply repeating points that have been made in written evidence. The committee wants to ensure that fairness is shown both to the promoter and to the objectors. Of course, this is not a court of law and the committee will carry out its proceedings in a more informal manner than would be the case if it were. The procedures that we will follow contain a degree of flexibility to take account of the backgrounds of the witnesses and their representatives. The committee expects all parties to act respectfully towards one another and to the committee.

Members of the public are welcome to watch our proceedings. They may leave at any time during the meeting, but I ask them to do so quietly. I should also mention that, although the meeting is being held in public, it is not a public meeting; it is the formal work of the Parliament. Therefore, I would appreciate the co-operation of members of the public in ensuring the proper conduct of business today. I ask everyone, including committee members, to ensure that all mobile phones and pagers are switched off.

## Proposed Amendment

11:21

**The Convener:** Prior to the main business of the day, the committee will consider a paper from the promoter on the Balfour Street level-crossing and a proposed amendment to the bill. The committee will hear from Alison Gorlov from John Kennedy & Co, the promoter's parliamentary agent.

Mrs Gorlov, you are still under oath. On behalf of the committee, I thank you for appearing before us today. The committee has some questions for you, and I will kick off with the first couple.

When you appeared before the committee on 5 February, you indicated that you could not be certain about the persons whose rights might be affected by the proposed amendment. However, in paragraph 1 of your further memorandum, SAK/S2/04/4/32, you state:

"It is clear from all the evidence that the only rights to use the level crossing are vested in Mr Ian Brydie and Mr Ronald Anderson".

To aid the committee's understanding, will you confirm that you are fully satisfied that those two people are the only persons whose interests could be adversely affected by the proposed amendment?

**Mrs Alison Gorlov (John Kennedy & Co):** Yes, I can confirm that. When I first appeared before the committee, I explained that one could not be certain about the extent of that right without undertaking considerable investigations of the surrounding properties. We have now done that. We have investigated the Registers of Scotland and have found all sorts of rights registered in relation to properties adjoining and quite some distance away from the level-crossing. However, none of those rights bears on the crossing at all. I do not profess to be an expert in Scots property law, but the way in which the various building plots were sold off when the land ceased to be agricultural land indicates to those who know more about this than I do that the rights were considered to be redundant and were not passed on.

**The Convener:** Are you 100 per cent satisfied that those two people are the only persons whose interests could be adversely affected?

**Mrs Gorlov:** Yes, I am. I should add that the clerk, Mr Thomson, will find on his table a schedule, containing the report of some further searches. The searches that are referred to in the further memorandum relate to properties to the south of the railway line. I commissioned some further searches, just in case the one or two properties adjoining Whins Road enjoyed some rights. The searches revealed that they do not.

**The Convener:** The committee is grateful for that. You are saying that none of the further information that arose from those searches alters your evidence in any way.

**Mrs Gorlov:** It does not alter it at all.

**The Convener:** You are 100 per cent satisfied about that.

**Mrs Gorlov:** Yes, I am.

**The Convener:** That is a good level of satisfaction, if I may say so.

**Rob Gibson (Highlands and Islands) (SNP):** In appendix 1 to paper SAK/S2/04/4/32, you detail the results of the searches of the registers that you had carried out. In relation to 5 (East) Clackmannan Road, Alloa, page 1 of the appendix states:

"No Information supplied by Registers of Scotland".

Will you explain to the committee what that means? A similar entry is made on the last page of appendix 1 in relation to Clackmannan Road sports centre and Alloa Trading Centre.

**Mrs Gorlov:** I can explain that. I did not undertake those searches; they were undertaken by the land referencers—the people who ascertained the property ownership details all the way along the route. I do not know why there was no return from the registers, although that occasionally happens. I do not think that it indicates that no rights were registered in respect of those properties.

I anticipate that your next question will be, "How does that affect the 100 per cent?" The answer is, not at all, given the situation of the properties. It is clear from the fact that all the other titles do not have rights against them that, when it sold off the plots, the Mar estate simply did not pass on the relevant rights.

**Rob Gibson:** Okay. That was not going to be my next question, but thank you for that anyway.

Of 23 Clackmannan Road, the second page of the appendix states: "Not listed". Again, can you explain what that means?

**Mrs Gorlov:** It means that it is not registered, sir. Not everywhere is.

**Rob Gibson:** Of 3 Bruce Street, on page 6, the appendix says:

"Not registered on Land Register or Register of Sasines".

Can you explain that and what the effect of it is?

**Mrs Gorlov:** Mr McKie will correct me if I get this wrong—he is a Scottish solicitor and I am not. The Register of Sasines is an ancient document that contains records of deeds affecting land. I think that I am correct in saying that it is not obligatory to register in that register. It is a difficult register to search. The properties in Bruce Street are

relatively new, so there might not be much to register or that anybody bothered to register. Mr McKie will tell me whether that is normal practice. I understand that the land register is a relatively new document that has very little in it because it was established only recently.

**Rob Gibson:** I understand the difference between the two. I am just interested to know when the land register became effective for this area. Perhaps somebody can tell us that.

**Mrs Gorlov:** I think that Mr McKie is the person to answer that question.

**Alastair McKie (Counsel for the Promoter):** Regrettably, I am not in a position to answer that at the moment, but I can come back to you in a fairly short timescale, if that is okay.

**The Convener:** The committee would be appreciative of that.

**Nora Radcliffe (Gordon) (LD):** Why might some properties not be registered?

**The Convener:** Perhaps we could return to that at another time.

**Alastair McKie:** I would prefer that. I was not personally responsible for compiling appendix 1. Although I have looked at it, I am not in a position to answer specific points in detail. However, I shall get back to you on that.

**The Convener:** Thank you, Mr McKie.

**Richard Baker (North East Scotland) (Lab):** Paragraph 7 of the memorandum states that both Mr Brydie and Mr Anderson

“are aware of the existence of the rights over the crossing, Mr Brydie having alerted the Promoter to their existence.”

You have been in correspondence with Mr Brydie’s solicitors. What steps have been taken to make Mr Anderson aware of the situation? Is he also aware of the proposed amendment?

**Mrs Gorlov:** The proposed amendment has not been notified to anybody specifically. The solicitors, Caesar & Howie Ltd, wrote on behalf of Mr Brydie. Perhaps I overstated my understanding of the position. We understand that Mr Anderson and Mr Brydie are business partners. Therefore, we take it that Mr Anderson knows what Mr Brydie knows.

**Richard Baker:** One option that is open to the committee—to which you allude in paragraph 14 of the memorandum—is to agree that the normal 60-day objection period will apply in the first instance but will be reduced if Mr Brydie and Mr Anderson either submit an objection or indicate to the committee that they do not wish to object. I am unclear about your reasoning for not taking that approach. Perhaps you can explain why you do not think that that procedure would be appropriate in the circumstances.

11:30

**Mrs Gorlov:** I am not saying that it would not be appropriate to adopt that procedure; I am distinguishing between that and the length of the initial period, which are two distinct issues. Whatever the length of the objection period, it makes sense that, should those two object, the period should stop as soon as they have objected, but that is not the same thing as asking what the length of the objection period should be.

The thinking about the matter in the further memorandum is that the period must fairly allow Messrs Brydie and Anderson to decide what action, if any, they wish to take, and to take it. We submit that 21 days allows for that and that 60 days is far more than the two gentlemen need, given their state of knowledge and their apparent access to legal advice, should they need it. That is one side of the issue. The other side is the convenience of these proceedings and the means of conducting them as expeditiously as possible, which I know the committee is concerned to do.

**Richard Baker:** Also in paragraph 14, you appear to suggest that if the landowners were going to object, you would have had a reply to your letter of 12 January to say so. However, is it not fair to say that the objectors might have their own reasons for not responding—to preserve their position, for example—and that that does not necessarily imply that they will not object to the proposed amendment?

**Mrs Gorlov:** I accept that it is not definitive proof that they will not object. This is no criticism of Caesar & Howie, it is simply an observation, but I wrote a letter to Messrs Caesar and Howie and I have had no acknowledgement of it. I know that they got the letter—I believe that it was sent by fax.

There can be no question of prejudicing one’s position if one says at the outset, “I object.” If there had been an immediate objection to the proposal, I confess that I would have expected the solicitors to say so when acknowledging the letter without any fear of prejudice at all, because it could not make any difference to them. If their clients object and say so, they should say so at the outset.

Could I go back to one point, in connection with the earlier question about the length of the objection period versus calling a halt if there were an objection? It is in the nature of many people that if one is given a period within which to do something, one tends to run up against the deadline. For most of us, that is just human nature. One of the reasons for considering the initial length of the period, rather than relying on calling a halt if somebody makes an objection, is just that—the fact that, given 60 days, one would tend to make it 58 to 60 days before one put in

one's objection. If one had 40 days, one would make it 39. If one had 21 days, it would be 20. Because of that, it is relevant for the committee to consider the overall objection period as a discrete issue.

**The Convener:** Thank you for that reflection.

**David Mundell (South of Scotland) (Con):** Should the committee agree to your request to reduce the period to 21 days, my understanding is that the promoter will be required to provide a supplementary memorandum for the Parliament and Alloa library, serve an affected persons notification letter on both Mr Anderson and Mr Brydie, and advertise in the *Alloa and Hillfoots Wee County News*. Following the second week of the advertisement, the objection period will begin. Is that your understanding of the procedure? If so, can you advise the committee when you would propose to start that procedure—that is, when do you plan to advertise and when do you expect the objection period to commence?

**Mrs Gorlov:** We are in the hands of the committee, but that is the procedure that the committee has indicated it wants. It replicates what was done for the bill. It makes the issue a mini bill, as it were—a bill within a bill. We will publish our notice at the first available date, which depends, I am afraid, on the *Alloa and Hillfoots Wee County News* rather than ourselves. As I understand it, its copy date is a Monday, so we will have missed it today, and it will have to be next Monday for next Thursday's paper, which will be the start date. That will be the first week. We are looking at 21 days starting the following week.

**David Mundell:** What impact do you envisage that will have on the overall timetable for the bill?

**Mrs Gorlov:** I do not think that it should prejudice the overall timetable.

**David Mundell:** Is there anything further that you want to say in relation to this matter?

**Mrs Gorlov:** No, apart from the observation, apropos of your last question, that a period of 21 days might alter the committee's timetable, but not the overall timetable for the bill. I hazard a guess that that would not be the case if we considered a period of 60 days, which would represent a very lengthy delay. If the period of objection ran until the deadline, that would cause an overall delay.

**The Convener:** On behalf of the committee, I thank you for appearing before us today and for answering our questions. The committee will consider your paper and the answers that you have given before reaching a decision. If possible, the committee will report its decision this afternoon.

## Stirling-Alloa-Kincardine Railway and Linked Improvements Bill: Consideration Stage

**The Convener:** Agenda item 2 is consideration of evidence in respect of the group 2 objection. We will have a short break while the witnesses change over.

11:36

*Meeting suspended.*

11:37

*On resuming—*

**The Convener:** Ladies and gentlemen, the witnesses for the promoter for group 2 are Stuart Coventry and Alf Maneylaws, who will give evidence on environmental matters; Alison Gorlov, who will give evidence on compensation; and David Reid, who will give evidence on existing railway processes. Mr Reid will also give evidence on engineering and other matters, as Tara Whitworth cannot be with us today.

I think that everyone from the promoter's side who is before us today either made a solemn affirmation or took the oath at our meeting on 8 March. On that basis, I remind them that they are still under oath.

Mr McKie, do you have any questions for Mr Coventry or Mr Maneylaws?

**Alastair McKie:** Yes, I do. First, I apologise for Miss Whitworth's unavailability this morning. She was taken ill yesterday and is simply not able to attend.

Are we dealing with Mr Coventry and Mr Maneylaws first and with Mr Reid afterwards?

**The Convener:** Yes.

**Alastair McKie:** I have one question for Mr Coventry. One of the understandable concerns of the objectors, Mr and Mrs Oliver and Mr and Mrs Banks, is noise and vibration. With reference to the paper entitled "Further Noise Information"—SAK/S2/04/3/94—and the noise contour plans, which I am sure that you have, will you explain the noise and vibration impacts that will be experienced by those objectors? I ask you to focus on whether the impacts will meet the required standard.

**Stuart Coventry (Scott Wilson Ltd):** First, I ought to clarify the position on noise and vibration standards. With infrastructure projects, there is no standard within which noise and vibration need to be restrained; no absolute limits are laid down. In the absence of such a standard, we have



developed criteria to determine when noise mitigation measures, in the form of noise barriers or vibration control, are considered to be appropriate in the current project.

I will take you through the process by which we determine the noise and vibration levels. We start from the standards that are generally applicable, in planning terms, to noise and vibration in the United Kingdom. Planning advice note 56, on planning and noise, lays down the noise levels for the consideration of planning conditions that are associated with new development, such as new housing, in the vicinity of noisy sources. The note sets out four bands within which noise levels for new properties should be considered—they are called bands A to D—and sets the thresholds between those bands. We use those thresholds in paper SAK/S2/04/3/94; I will briefly take the committee through them.

Band A covers noise levels of up to 55dB  $L_{Aeq}$ ; at that level, noise should not be a determining factor in granting planning permission. Band B covers noise levels of up to 66dB  $L_{Aeq}$ ; within that band, planning consent is deemed to be appropriate, but conditions would be appropriate in certain circumstances. At the level at the top of band B, 66dB, noise insulation grants are applicable in respect of noise from road schemes. That level also equates broadly to the noise level at which noise insulation grants are applicable in railway schemes in England, which is 68dB. For the current project, we therefore considered the 55dB boundary at the top of band A, at which planning conditions are not necessarily applied, as the onset of the consideration of the use of noise barriers.

In addition to PAN 56, the 55dB boundary is taken from a number of other sources. The World Health Organisation suggests 55dB as the level below which community annoyance is not considered to be a factor. A second factor that we took into account is the change in noise levels from the ambient level. In taking precedent from similar projects, we considered that an increase of at least 5dB would be needed before a change in noise level could be considered significant.

Having set those guidelines, which are laid out in the environmental statement, we considered the noise mitigation that would be appropriate; by noise mitigation, I mean barriers to control the noise from source. As I said, there is a standard in the UK for the applicability of noise insulation to properties that are alongside new railways or considerable modifications to railways. I believe that that standard is applicable to this scheme, but it is brought in only at the fairly high level of 68dB, and there are other applicable tests.

I turn to the noise levels that would be experienced at the properties to which we are

referring. If the noise barrier that the environmental statement assumes were in place—I think that the barrier would be 2m high—the noise level at ground-floor level, outside those properties, would be in the region of 55 to 57dB, which is slightly higher than band A. At first-floor level, because those properties are very close to the railway and would have a line of sight over the barrier, the façade noise level would be considerably higher, in the range of 65 to 68dB. The noise insulation standard might be triggered, in particular at the Banks's property at number 22 Park Place.

We made a number of what we considered to be reasonable worst-case assumptions when we calculated those noise levels, so it is quite possible that the noise levels would be lower.

Shall I go on to consider vibration?

**Alastair McKie:** Certainly.

11:45

**Stuart Coventry:** Vibration is, unfortunately, not quite as simple an issue as noise. Again, there are no absolute standards; one turns not to a planning advice note, but to a British standard that sets out—

**The Convener:** It would be helpful if you could summarise the salient points for the committee.

**Stuart Coventry:** British standard BS6472 identifies levels of vibration at which there are a low probability, a possibility and a probability of adverse comments. Those levels are set out in table 11.5, in volume 2 of the environmental statement. We have assessed the vibration at trackside properties in relation to the British standard and we have determined the likely level of vibration at those properties in the absence of mitigation, based on measurements that have been made elsewhere. That has been established in terms of the distance from the railway of the properties in general, rather than any specific property.

Without vibration mitigation, the properties to which we refer in group 2 would be likely to experience a level of vibration at which adverse comment is possible or probable. For that reason, we propose that vibration mitigation should be applied.

**The Convener:** What would be the levels of vibration and noise at Mr Oliver's property?

**Stuart Coventry:** That would depend on the distance from the property to the nearest rail and I do not have that figure.

**Charles Oliver:** The distance is 9m.

**The Convener:** Could the information be

supplied to the committee?

**Stuart Coventry:** Do you mean the distance and the relevant level of vibration?

**The Convener:** I mean the effects of noise and vibration on Mr Oliver's property.

**Stuart Coventry:** I can supply that information, on the assumption that the distance would be 11m. I refer you to table 11.5 in the environmental statement. The figures would depend on the speed and frequency of the trains, but if we assume that the trains would run at 60mph, then at 11m from the nearest running rail adverse comment would be possible at ground-floor level, with a figure of 0.48. At first-floor level, vibration is amplified, so adverse comment would be probable, with a figure of 0.95. Those figures apply at a distance of 11m, which is broadly appropriate for a property that is 9m from the rail.

**The Convener:** I am obliged to you. Do you have any further questions, Mr McKie?

**Alastair McKie:** I have no further questions for the witness.

**The Convener:** Good morning, Mr Oliver, and welcome to the committee. Do you have any questions for Mr Coventry or for Mr Maneylaws?

**Charles Oliver:** Our concern is really the unknown; we do not know what the vibration will be like and that is a really big concern. We think that it will be quite bad upstairs. The main road from Cambus to Stirling is three times as far from our house as the line is, but we can feel the vibration from the traffic on that road at night when we are upstairs.

**The Convener:** I know that you are outlining your serious concerns, but do you have questions for Mr Coventry or Mr Maneylaws in relation to those concerns?

**Charles Oliver:** We wondered whether mitigation measures would be put on that part of the line. We have heard that contractors sometimes scrimp on mitigation measures because they are expensive.

**Stuart Coventry:** I am not in a position to answer questions on the mechanism for mitigation being applied. Mr Reid will be able to take those questions.

**Alastair McKie:** That is one of the questions that I will put to Mr Reid when he gives evidence. He will be in a position to offer information on that for Mr Oliver.

**The Convener:** We will come to that in due course. Do you have any more questions at this stage, Mr Oliver?

**Charles Oliver:** Our two main concerns are

vibration and devaluation of property.

**The Convener:** The committee understands that.

Mr Mundell, do you have any questions before we go back to Mr McKie?

**David Mundell:** I do, but in light of what has been said, at least the first of my questions might be better directed to Mr Reid. I will ask it anyway.

In relation to Mr and Mrs Oliver's evidence, have any noise fences, bunds or other barriers been designed? If so, what will they look like and of what material will they be constructed?

**Stuart Coventry:** As far as I know, no decision has been made on what would be provided. For the purposes of calculating the residual noise levels in that situation, the environmental statement assumes that it would be a 2m high barrier. Mr Reid will be able to give evidence on the process by which the level of mitigation is determined.

As long as a barrier is solid and impermeable, it serves as a noise barrier. The barrier could take a number of forms, the most likely of which would be a close-boarded timber fence; that is the most common form of noise fencing that can be seen, typically alongside roads.

**David Mundell:** Given that all three bedrooms face the railway, and if we accept that it might be reasonable to expect the Olivers to sleep at night with their bedroom windows open, what sort of measures might be taken to mitigate noise emissions, if we accept for the moment that such measures might be required?

**Stuart Coventry:** You use the term "at night". Strictly speaking, in planning terms, night runs from 11 o'clock in the evening to 7 o'clock in the morning. That is how it is defined in PAN 56. I am not aware that any services would run in that period.

**David Mundell:** If we take "night" to mean—

**Stuart Coventry:** Slightly earlier?

**David Mundell:** Yes. Let us begin at the watershed of 9 o'clock.

**The Convener:** That is a very good place to start.

**Stuart Coventry:** If the residents choose to sleep with their windows open, there would be no noise mitigation in addition to the barriers that are proposed for that area. As the evidence shows, the opening of a window causes a considerable increase in the noise levels that are experienced inside property. As far as I am aware, no mitigation is proposed in addition to the provision of noise barriers, unless the property is eligible

under the noise insulation scheme, which kicks in at a noise level of 68dB. In that situation, double glazing is provided as well as acoustic ventilation to the affected façade of the property. It is for the promoter to answer on the circumstances in which that would be provided and whether it would be extended beyond the provision of the noise insulation regulations.

**David Mundell:** In document SAK/S2/04/3/95, which Mr Oliver provided, he refers to the fact that his son has asthma. Does your environmental statement address the problem of local residents who might have a special sensitivity to any dust that might be emitted from wagons in movement?

**Stuart Coventry:** The environmental statement does not address the issue of whether asthma would be exacerbated. Our position is that trains passing by the properties are not going to cause a noticeable increase, if any, in dust levels. In our evidence, we have provided reasons for taking that point of view. We have reviewed our position and examined the potential for complaints with reference to other railways that carry the type of wagons that it is proposed will run on this railway.

The relationship between asthma and particulate matter is unclear. Health professionals hold the view, generally, that such matter does not cause asthma, but that it can in certain circumstances exacerbate the condition. Our research has led us to believe that the level of particulate matter would not increase notably as a result of the passage of coal trains.

**David Mundell:** At various points in his evidence and, indeed, during his contribution this morning, Mr Oliver refers to vibration. In that respect, we must take into account the fact that the side of the Olivers' house is 29ft from the railway. The issue of vibration is covered in paragraphs 8 to 10 of SAK/S2/04/3/92. Although the offer of a pre-construction survey is noted, and no doubt welcomed, are the views that are outlined in paragraphs 8 to 10 valid for a building that is only 29ft from a railway?

**Stuart Coventry:** In paragraph 8, we take the view that, to our knowledge, there are no known cases of buildings that have been damaged by vibration from infrastructure projects. As a result, we say in paragraph 9 that the view that there would be no risk of damage to property remains valid.

As one travels on the UK's railways, it becomes clear that there are many examples of properties that are as close to railway lines as Mr Oliver's property would be. Although it is not a common situation, it is not unusual either. We have been in touch with Network Rail, which holds a register of complaints that details all their sources and stimuli. Vibration—certainly property damage as a

result of vibration—does not appear to be a significant complaint. In fact, there is no evidence that any property has been damaged by vibration. The promoter has proposed to demonstrate that and to set neighbours' minds at rest by carrying out a pre-construction survey against which future property conditions can be assessed.

**Nora Radcliffe:** What did you mean by the phrase "acoustic ventilation"?

**Stuart Coventry:** I ask Mr Maneylaws to answer that question.

**Alf Maneylaws (Scott Wilson Ltd):** In addition to any double glazing or secondary glazing that might be installed, a ventilation device is fitted to provide ventilation to a property or to a room in a property. Such a device not only provides ventilation, but contains absorbent for attenuating noise outwith the property. In other words, it is a ventilation device that also blocks noise from getting into a property.

**Nora Radcliffe:** Is the device noisy?

**Alf Maneylaws:** No.

**The Convener:** There being no further questions, I thank Mr Coventry and Mr Maneylaws for giving evidence.

Mr McKie, please continue with questions for Mr Reid.

**Alastair McKie:** Will you confirm for the committee's benefit the promoter's policy on assessing and undertaking mitigation measures?

12:00

**David Reid (Babtie Group Ltd):** The answer to that question applies not only to Mr Oliver, but to all objectors as far as environmental measures are concerned.

As a promoter, we take seriously the issue of noise and vibration and our commitment to undertake mitigation measures. As a responsible public body, we have undertaken in our environmental statement and during the preliminary stage to put in place noise and vibration mitigation measures in accordance with current standards.

The exact detail of the mitigation measures is yet to be finalised; that is a detailed design issue. If the Parliament were to pass the bill, we would envisage that work being undertaken in the summer of this year. While the detailed design was being drawn up, it would be our intention, as a promoter and contractor, to liaise with and seek the direct input of the people affected, whose property adjoins the line, to establish what form of mitigation was required.

We have set out in the environmental statement

the current view on what mitigation is required, but that might change to include earth bunds or other forms. The detailed design will cover that and consultation with individual parties will assist us. Once the necessary mitigation has been identified and approved, it will be the responsibility of the contractor under our control to put in place the measures and carry out their construction.

To allay Mr Oliver's fears, I point out that, as the committee is aware, a contract has already been drawn up for the potential tenderers, should the Parliament see fit to pass the bill. In the contract, there is a serious commitment to putting in place environmental measures and it is not the promoter's intention to allow the contractor not to adhere to the conditions that are set out. In addition, we intend to undertake monitoring of both noise and vibration at the properties along the line for up to a year after its opening, to identify whether the mitigation measures have been successful and whether the effects have been as we envisaged they would be. There is a clear commitment from the promoter to undertake the works in accordance with the standards.

**Alastair McKie:** Thank you, Mr Reid. Those are all my questions for the witness.

**The Convener:** Given that Ms Whitworth is unable to be with us, do you have any questions on engineering and other matters that you wish to ask Mr Reid specifically at this stage?

**Alastair McKie:** No. I have none.

**The Convener:** Mr Oliver, do you have any questions to ask Mr Reid?

**Charles Oliver:** Mr Reid mentioned noise mitigation measures, such as double glazing and acoustic insulation. We feel that our property must come into the category of entitlement to those measures, given that it is so close to the line. Our house has timber construction on the first floor; it is lightly constructed. We feel that we must be entitled to have work done. I just wondered what the situation is.

**The Convener:** Does Mr Oliver have any entitlement to the specific measures that he has just mentioned?

**David Reid:** Mr Coventry would be happy to issue a statement on our work to date. The detailed design issues that I mentioned earlier will come into play in relation to the specific nature of Mr Oliver's, or anyone else's, property. I hope that that is of assistance.

**Stuart Coventry:** I shall answer Mr Oliver's question as directly as we are able to do at the moment, to provide him with further understanding of the position. The calculations that have been made so far to determine the noise levels at the property have taken into account a number of

assumptions, such as the number, speed and duration of the trains using the scheme. On the basis of those assumptions, our initial assessment is that at the first floor of Mr Oliver's property, the noise level would be lower than the noise level that would trigger the grant for noise insulation.

The calculations require us to take account of the predicted use of the line 15 years after opening. It appears that the numbers of trains that we have included in our calculation are a considerable overestimate. As Mr Reid said, there is an obligation, at the detailed design stage, to examine more closely and in more detail a number of those properties that are close to the limit to determine what eligibility they might have and what insulation to the property the promoter might offer.

**Charles Oliver:** I am surprised by the findings that we have heard, and I do not understand how the figures have been arrived at. I find it quite hard to believe that the noise level will be as low as Mr Coventry says it will be, because the property is close to the rail line and is lightly built.

**The Convener:** Mr Coventry, are you sure of the noise levels to which you are referring and which form the basis for your position that, at the detailed design stage, Mr Oliver's property will fall below the level at which mitigation might be available?

**Stuart Coventry:** The noise calculations that we have undertaken so far give us a figure of 65dB and the limit in the noise insulation regulations is 68dB. That difference of 3dB might not appear to be a lot but, in normal circumstances, to achieve an increase in noise levels of 3dB, the number of sources would have to double. That means that, for the noise to reach that level, twice the number of trains would have to be running, assuming that all the calculations are correct.

**The Convener:** Are you satisfied with the figures?

**Stuart Coventry:** We are satisfied that the figures are broadly correct, given the level of detail that has gone into them so far. It is unlikely that more detailed calculations would reveal an increase in the noise level that would automatically entitle Mr Oliver to noise insulation, under the current regulations.

**Charles Oliver:** I have no further questions, but I would like to point out that the house of another member of our group, Mr Banks, has qualified for noise insulation. As the gable end of his house faces the line and ours does not, I would have thought that our house would be more badly affected.

**The Convener:** We note that comment.

**David Mundell:** I think that you have answered

this question, Mr Reid, but will you confirm that the noise mitigation measures have not yet been designed?

**David Reid:** That is right and wrong. It is correct to say that the measures have not been designed in detail. However, the environmental statement outlines what we presently believe the mitigation measures would be.

**David Mundell:** What would they be, with regard to Mr Oliver's property?

**David Reid:** The environmental statement suggests that noise barriers will be installed and that vibration mitigation measures will be undertaken. Those measures will involve deeper ballast for the track through that section.

**David Mundell:** What will the barriers be made of?

**David Reid:** As we said, that is a detailed design issue, but we would expect the barrier to be a close-boarded timber fence. As I mentioned earlier, we would discuss such issues with the owners of adjacent land to reach some form of agreement with respect to the regulations.

**David Mundell:** In answer to a previous question, Mr Coventry indicated that the issue of noise mitigation in relation to houses with open windows was within your bailiwick. Do you have any further comment on that?

**David Reid:** We are fully committed to undertake measures that we consider to meet regulations and standards. The suggestion was that it is difficult to design noise mitigation measures that would accommodate windows being open. Under the regulations, we are committed to do whatever we can to mitigate such factors.

**David Mundell:** The Olivers say, in their evidence, that they have observed trains at Culross. I do not know whether you have discussed that point with Mr Oliver, but are the trains that he would have observed at Culross similar to those that may operate on the line if it is constructed?

**David Reid:** A specific issue has been raised. Once the line is operational, it is most likely to be the responsibility of Network Rail. It is for the responsible body to determine how well maintained the track may be. In past years, maintenance of sections of much older parts of the network has not been all that it could have been. We will build a brand new railway to standards that will take into account measures of vibration, in particular. If the track is maintained to the correct standard, there is no reason that the mitigation measures should not continue to be successful in the future.

**The Convener:** Mr Reid, thank you for giving evidence on the issues that have been discussed.

Mr McKie, do you have any questions for Mrs Gorlov?

**Alastair McKie:** I do not. We rest on Mrs Gorlov's precognition, as submitted.

**The Convener:** Mr Oliver, would you like to put some questions to Mrs Gorlov?

**Charles Oliver:** Are we dealing with compensation matters, or will that issue be addressed later, when we consider the devaluation of property?

**The Convener:** Compensation matters may be addressed at this stage.

**Charles Oliver:** We are concerned that it will be very difficult for us to sell our property in the future, if we wish to do so, and we believe that it must be devalued. Should we meet the costs of devaluation?

**Mrs Gorlov:** The compensation code that applies throughout the United Kingdom allows for what happens when property is devalued as a result of public works and will apply in this case. Obviously, one does not know whether a property will depreciate. The promoter hopes very much that that will not happen. Should it happen, the Land Compensation (Scotland) Act 1973 will enable Mr Oliver and Mr and Mrs Banks to claim compensation in respect of the depreciation in value of their property from whoever is running the railway—the authorised undertaker under the bill.

**The Convener:** Do you have any further questions for Mrs Gorlov on that issue?

**Charles Oliver:** Unless one speaks to lawyers and so on who can explain the situation, the compensation issue is very confusing. We believe that our property must be devalued. It is very difficult to get real answers to this question.

**The Convener:** We note your comments. That is a serious, legitimate concern.

There being no further questions, I thank Mrs Gorlov for giving evidence. There will be a one-minute break to allow Mr Oliver to take his place at the witness table.

12:14

*Meeting suspended.*

12:15

*On resuming—*

**The Convener:** Thank you for coming along today to give evidence to the committee, Mr Oliver. Before we start, I see that you have

decided to take the oath.

CHARLES OLIVER *took the oath.*

**The Convener:** I understand that you represent yourself, your wife and Mr and Mrs Banks.

**Charles Oliver:** Yes, that is right.

**The Convener:** You lodged written evidence with the committee about your concerns over the scheme and the committee has read that evidence. Given what the promoter said about your evidence, do you want to add anything at this stage?

**Charles Oliver:** We are concerned about the unknowns: the sheer size and the volume of the freight trains. We believe that they will manage 60mph as they go past our house. We feel that that speed would be excessive because the house is so close to the track and there would be a great effect on the property from vibration. We do not believe that it would matter what mitigation measures were placed on the track; it would still be uncomfortable in the house, especially on the first floor. Our second main concern is the possible devaluation of the house.

**The Convener:** Thank you. Mr McKie, do you have any questions for Mr Oliver?

**Alastair McKie:** I have just one question, convener. Good afternoon, Mr Oliver. When you purchased your house, did you know that the railway might be reopened?

**Charles Oliver:** We always knew that that was a possibility. It has been talked about for years. We bought the house six years ago and our survey stated that the railway could possibly open to light traffic, but it did not mention 2,000-tonne coal trains. We would never have bought the house if we had known that heavy coal trains would run on the railway.

**Alastair McKie:** Thank you. I have no follow-up questions on that point.

**David Mundell:** Mr Oliver, it was previously explained to you that the committee does not have the power to amend the bill to regulate operational matters such as the speed limit or running times of trains. In the light of what we heard earlier about the type of compensation rules that may apply, perhaps you can set out what you think the committee should do in relation to your objections.

**Charles Oliver:** The compensation procedure is difficult for an ordinary person to understand. We do not even know how to go about inquiring whether we are entitled to compensation. We feel that the house will be devalued and that it will be difficult to sell it, if we need to. We do not see why we should meet the devaluation cost.

**David Mundell:** So you feel that everything

around compensation should be made much clearer to people in your position.

**Charles Oliver:** The compensation procedure has obviously been devised in a way that makes it difficult to get compensation or to find out whether we are entitled to compensation. We do not want money for nothing, but if our house is devalued by 10, 15 or 20 per cent, why should we have to accept that amount being taken off the property's value? We feel that that would be very unfair.

**David Mundell:** I think that you gave this information in response to Mr McKie's question, but can you confirm exactly when you bought your house?

**Charles Oliver:** We bought the house six years ago.

**David Mundell:** So that was in 1998.

**Charles Oliver:** Yes—in May or June 1998.

**David Mundell:** In the objections that Mr and Mrs Banks lodged, they refer to professional advice that they said they received. Without going into too much detail about that, are you aware of what matters the professional adviser examined in relation to the reopening of the railway?

**Charles Oliver:** To be honest, I do not know much about that.

**David Mundell:** Mr and Mrs Banks refer to "serious environmental changes" that would occur as a result of the reopening of the railway. Do you know what is meant by that expression?

**Charles Oliver:** I think that it means that properties will become uncomfortable to use because of the noise and vibration. At present, the properties are quiet and peaceful, but that will change dramatically if the coal trains start to run. I think that Ian Banks asked for professional advice, but we did not.

**David Mundell:** Have you sought advice on the issue that you raised about your son's asthma?

**Charles Oliver:** No.

**The Convener:** That concludes the questioning. Do you have any closing remarks to make, Mr Oliver? You have up to five minutes to make such remarks, of which we will take careful note.

**Charles Oliver:** I do not have much to add to what I have already said. We feel that the line is opening simply to provide an easy route for coal trains into Longannet power station. Certainly, the passenger services will be of use to people who want to go to Glasgow or Edinburgh, but it is obvious that the coal trains must run to make the railway work and to provide sufficient finances to open the line. The amount of heavy traffic is a high price to pay to get a passenger service. The trains,

especially the heavy freight trains, will make staying in our house very uncomfortable. Naturally, we are concerned because we will be close to the line. We will not know what that will be like until the line is opened—if it is opened.

**The Convener:** On behalf of the committee, I thank you for taking part in today's proceedings.

We will now take a break to change witnesses.

12:22

*Meeting suspended.*

12:23

*On resuming—*

**The Convener:** We now move to group 9. The committee will first hear evidence from the promoter's witnesses. Stuart Coventry and Alf Maneylaws will give evidence on environmental issues; Mr Reid will give evidence on engineering and other matters and on existing railway processes; and Alison Gorlov will give evidence on compensation and amendments to the bill. As previously arranged, Mr Dick and Councillor Ferguson will have the opportunity to ask questions of the witnesses.

As the witnesses have already taken oaths or made solemn affirmations, we will move straight to questions. Mr McKie, do you have any questions for Mr Coventry or Mr Maneylaws?

**Alastair McKie:** I have no questions as such. The promoter is relying on the answers that have already been given on noise, vibration and mitigation regarding Mr Oliver and Mrs Banks this morning.

**The Convener:** Councillor Ferguson, do you have any questions for Mr Coventry or for Mr Maneylaws?

**Councillor William Ferguson (Fife Council):** Yes, I do, sir.

**The Convener:** Proceed.

**Councillor Ferguson:** I have a question relating to page 116 of volume 3 of the environmental statement. I would like to ask Mr Coventry what mitigation measures could be put in place. I apologise for perhaps repeating some of the questions that have already been asked, but my questions relate to Ochil View in Kincardine and to the substantial effect that the vibration and noise levels may have on those properties. Some of those properties are within 3m of the existing position of the line. The environmental statement refers to the visual amenity, which we could also touch on and, in relation to noise and objection 28, the environmental statement also refers to the World Health Organisation's decibel limits. I would like to ask Mr Coventry whether he finds it

reasonable that residents are to be asked to have the bedroom windows in their dwellings closed in the evening so that those levels are maintained.

**Stuart Coventry:** First, I shall take the point about the distance from the railway to the properties. Councillor Ferguson said that the distance to the properties is 3m. I understand that there is some difference of opinion as to the actual distance to the houses, rather than to the boundary of the property. In our calculations of noise and vibration, we have taken a slightly larger distance than 3m, and we think that it is appropriate to do that. In reaching the conclusions, we have also taken into account the revised alignment of the railway.

I think that the question was about whether it is reasonable that people are required to sleep with their windows closed because of the noise levels. The assumption that has been made about movement and speed of trains in that area is that there would be 17 freight train movements each way in a day—broadly one an hour—and there has been nothing to make us assume that they would not be spread evenly over the day and evening up to 11 o'clock at night. As I said, the speed of the trains is assumed to be 20mph, although it would be slightly different in each direction.

Given that level of movement, the noise levels that have been calculated in the worst affected property are in the region of 45dB on the ground floor, which is well below the limit for onset of community annoyance, which I spoke about previously. On the first floor, the noise level outside the building is about 60dB. As Councillor Ferguson correctly pointed out, we have shown what that translates into inside the properties with the windows open and closed. We have compared that to what is considered by the World Health Organisation to be appropriate levels of noise for restorative sleep to occur. Councillor Ferguson is right to say that, with the window open, the noise level inside the closest affected property would be higher than that limit.

Individuals' responses to noise levels vary considerably. Among a community there will be considerable differences in noise levels that cause annoyance. Whether or not it is reasonable for people to sleep with their windows closed is really not a question that I can answer. People might feel that their window will have to be closed in the evenings so that they can sleep. Certainly, it is not the case that the situation will be the same as it is now; there will be an increase in existing noise levels. If people sleep with their windows open, some background noise levels in those areas could be seen to be disturbing from time to time. Although that would be an uncommon occurrence, it would not be unheard of.

12:30

**Councillor Ferguson:** Are you aware that earlier references were made to surveys in Culross, which is also an area that I represent? Are you aware that, because of previous complaints about noise and vibration, train movements were restricted to before 9.30 pm in the evening? Do you recognise that mitigation measures will need to be put in place to reduce the inconvenience to the residents of Ochil View?

**Stuart Coventry:** I was not aware that that restriction was in place.

**Councillor Ferguson:** I will take the point a stage further. I serve on the action liaison committee, which was formed by Scottish Power, Fife Council and the neighbouring communities, which are represented by the appropriate community councils. After much debate, an agreement was reached many years ago that, because of the noise and vibration disturbance to the hamlets of Culross, Low Valleyfield and Torryburn, Scottish Power would not receive any freight trains after 9.30 pm in the evening. If a train were to come into the system after that time—let us say that it was held up for one reason or another—it would be held overnight in the power station and would leave the following morning.

**The Convener:** We are grateful to you, Councillor Ferguson, and we note the information that you have just given to the committee. Do you have any further questions?

**Councillor Ferguson:** Yes, I have a question for Mr Coventry about objection 28. I understand that the PAN 56 guidelines address new-build properties. Do they also address the properties that adjoin the proposed route for the railway?

**Stuart Coventry:** You are correct. PAN 56 addresses only the rules surrounding the provision of new properties alongside an existing noise source, which is the converse situation to that of the proposal. The reason for that is given in PAN 56: the planning system can impose conditions on properties only that way round; it cannot impose conditions on properties that are part of the consideration of a new transport source. It is not that PAN 56 is not relevant in terms of the standards and the guidance that are set, but that the guidance is not relevant in terms of whether one is able to apply its conditions to properties. That is the distinction, if I have made myself clear.

**Councillor Ferguson:** The point that I was trying to make is that, working with the guidelines, measures could be built into the properties. Guidance could be sought from the planning authority and from the local environmental health department. We are not in a position to do that at this stage.

**The Convener:** Do you have any further questions, Councillor Ferguson?

**Councillor Ferguson:** Yes, sir, I have. If I may, I will refer to the environmental statement. I turn to the “Visual Baseline and Visual Analysis” and to page 116, which shows the effect that the line will have on properties. You will see that, during construction, the effect on the residents of Ochil View has been categorised as “Substantial Adverse”. After one year, the effect will still be in the “Substantial Adverse” category, and, in fact, after 15 years, the effect on properties in Ochil View will remain in that category. What measures could be taken to reduce that effect?

**Stuart Coventry:** I am sorry, but I do not have the reference that Councillor Ferguson is talking about. Is it in volume 3?

**The Convener:** I think that it is on page 116.

**Stuart Coventry:** I do not have that available to me at the moment.

**The Convener:** We will take a break for 30 seconds.

12:34

*Meeting suspended.*

12:35

*On resuming—*

**The Convener:** Are you all right now, Mr Coventry?

**Stuart Coventry:** Certainly.

**The Convener:** That is no problem at all. Councillor Ferguson’s question was about adverse visual impact.

**Stuart Coventry:** Councillor Ferguson refers to the boxes in the table on page 116 of volume 3, which show that for

“Properties along western edge of Kincardine Village”

there would be a substantial and adverse visual impact during those three phases. During the operation of the scheme—that is, after it is built—it is considered that the impact will arise from the installation of the noise barrier, even though it will be softened by

“Replacement planting where there is loss”.

We have assumed a 2m-high barrier on the eastern side of the railway, as is shown in the environmental statement, on sheet 15 of 17 of figure 2.1 in volume 1. On the assumption that the noise barrier is 2m high, there certainly would be a visual impact as some views across the foreshore to the west would be lost. The visual impact will be perhaps twofold. One impact will be an interruption



to views and the second will be the appearance of the fence itself. I think that it is intended that the latter would be softened with some planting.

The reference to 15 years in the table in appendix 4B, which deals with "Visual Baseline and Visual Analysis", might be confusing. It refers to standard visual assessment techniques, where one makes an assessment of what the situation is likely to be when the planting has matured in 15 years' time. In this situation, we show that there will be no reduction in the visual impact.

On the point about the obstruction to the views, there is no means of mitigating the impact of the sort of fence that we have spoken about.

**Councillor Ferguson:** I have one other question—I am not sure to whom to address it—about the proposal for the level-crossing at Station Road.

**The Convener:** That would perhaps be an engineering matter, so it would be a question for Mr Reid. We will come to that in due course, Councillor Ferguson, if that is okay.

As there are no further questions, I thank Mr Coventry and Mr Maneylaws for giving evidence.

Mr McKie, do you have any questions for Mr Reid? I remind you that Mr Reid will deal with engineering matters and existing railway processes.

**Alastair McKie:** Yes. Mr Reid, I direct you to the second sentence in paragraph 22 on page 9 of SAK/S2/04/4/7. The matter has been picked up by the objectors and I seek clarification from you. I will read the sentence to you. It states:

"Comparative analysis undertaken in the appraisal reveals that the alternative route alignments would afford significant benefits over the use of the existing operational line."

Could you clarify that statement for the benefit of the committee?

**David Reid:** Put frankly, that is an error. It should read "would not afford significant benefits over the use of the existing operational line". That is consistent with our stated evidence at the preliminary stage.

**Alastair McKie:** You stated in your written evidence that the existing railway at this location is considered to be operational. What does that mean? Why is that important in the environmental case for the preferred route?

**David Reid:** We discussed what "operational" refers to at previous stages of this process. We attempted to clarify the reference in our paper on the railway's operational processes, which we submitted as part of our evidence for this meeting.

The railway through Kincardine is an

operational, live railway, in effect. The level of traffic that uses it at present, therefore, is a reflection of what is required by the end user. Given that it is an operational line, however, Network Rail is able to increase the level of traffic on it if it wishes to do so. As things stand, there is no reason why Network Rail should not use the additional capacity if it sees fit.

I take the point that Councillor Ferguson made about local agreements with Scottish Power elsewhere in the network, about which we may not have been aware. As part of the environmental agreement, however, we have undertaken to consider what we call "the worst case", which does not incorporate local agreements that may be in place with users. It is quite reasonable that users may take up some of the capacity that will be available if the line is constructed to the standards that we suggest. It is also reasonable that the environmental studies have addressed the worst case without being constrained by local agreements with individual users.

**Alastair McKie:** Do you have before you the Scottish transport appraisal guidance document on the Kincardine bypass? Can you explain, for the benefit of the committee, the basis of the assessment in the STAG appraisal? Why has the promoter decided to proceed with line A, which is the existing route, rather than with the Kincardine bypass, which is the objectors' preferred route?

12:45

**David Reid:** We have discussed at length in previous sessions the use of STAG and I do not intend to discuss it again unless it becomes a particular issue. However, in relation to the use of STAG, there would be an assessment of the existing alignment of the operational railway through this section and of a realignment of the track within the current railway boundaries, so that the railway would be as far as possible from the houses, in effect. The current line speed standards and the existing land boundary would also have to be considered.

The objectors suggested a bypass option during the public consultation process. We thought it reasonable to undertake an appraisal of the suggestion in order to provide a comparison. I will outline the main elements of the bypass option that we considered to be significant.

The proposed bypass would run through an area of recreational space that is protected in the local plan—it would be contrary to the local plan to undertake construction in that area, as that would involve a loss of recreational space. I fully accept the point that the objectors made about the specific use of the playing field—by Kincardine Colts and the like—being taken on board by

Scottish Power, I think, through the community council, and the point about the construction of a new facility elsewhere in the village, but that does not take away from the fact that the space is still recreational open space. Moreover, taking away any playing field would be contrary to national planning policy on the use of playing fields.

The bypass would cost an additional £700,000 over line A, which, as we have said, would be constructed as far from the houses as possible. The final measure in the appraisal relates to the possibility that we might have to relocate one of the existing electricity pylons—that closest to the realigned section of what was the Kincardine power station.

If we consider those elements together, as we have done in the table in the appraisal, we believe that it would be more economic to use the existing route. The main environmental issue is the use of recreational land. On integration with planning policies, it is clear that the use of the existing railway boundaries would be more beneficial than the use of an area that is not currently planned for such development.

**Alastair McKie:** You referred to existing pylons at the location, in proximity to the playing field over which the alternative route has been suggested. Are those pylons live? Have you assessed the costs of relocating those pylons if the bypass were to proceed?

**David Reid:** We believe that the pylons are live, but we have not made an assessment of the additional cost of moving them. We have already mentioned the tasks that we or anyone else will have to undertake if the Parliament decides to proceed with the bill. At the detailed design stage, if there was an opportunity not to relocate the pylon, we would not do so. However, I would have to say that, in respect of health and safety in construction, it is difficult to see how to undertake the realignment without relocation of at least one pylon, or the pylon that is nearest Kincardine power station. However, at this stage, I could not give a cost for the additional price of the bypass if that should occur.

**Alastair McKie:** Thank you.

**The Convener:** Thank you, Mr McKie. Good morning, Mr Dick. I remind you that Mr Reid will answer questions about engineering matters and existing railway processes. Do you have any questions for Mr Reid?

**John Dick (Kincardine Railway Concern Group):** I do.

**The Convener:** You may proceed.

**John Dick:** Good afternoon, Mr Reid. You say that the line is an “operational railway line”. Can you tell me how many trains used the railway line

between 1986 and 1996?

**David Reid:** I certainly could not give you that information, as I do not have it.

**John Dick:** I stayed next to the railway line during that time and assure you that there were no trains. Can you say how much money was spent on maintenance on that part of the railway line?

**David Reid:** I could not tell you how much money was spent specifically on that section of the railway line.

**John Dick:** Can you tell us whether any person was ever arrested for trespassing on that section of railway line?

**David Reid:** Again, I could not give you that information.

**John Dick:** The point that I am trying to make is that, when you use the term “operational railway line”, you are using a legal term. Until 1996, the line was simply not operational in the sense that most people would understand that term. Do you accept that?

**David Reid:** No, I do not.

**John Dick:** Will you explain why not?

**David Reid:** For my sins, I work in and around the railway on a daily basis. We clearly consider an operational line to be a live line that a train could potentially use at any point in the day. At Kincardine, it is clear that there is a potential for a train to use the line at any point in the working day. Unlike some other sections of railway that might be deemed to be operational but are clearly out of use—

**John Dick:** Could—

**David Reid:** Sorry, but could I continue with my evidence?

**John Dick:** Surely.

**David Reid:** Thank you, Mr Dick.

**The Convener:** Please speak through the chair, Mr Reid—it makes me feel part of the proceedings.

**David Reid:** In terms of the point that I have just made and in terms of what we have to do in working on the railway, the section through Kincardine is definitely operational.

**John Dick:** I accept that it is operational at the moment, but do you accept that, before 1996, when the trains started to run on the railway line again, it was not operational?

**David Reid:** I would not accept that it was not operational. No. That is in my terms. You will understand that the terms that I am using—

**John Dick:** Yes, but you mentioned that, at any

time of the night or day, a train could come up that railway line. Before 1996, it would have been impossible for a train to go up that railway line because parts of the line were missing. The line was not complete.

**David Reid:** In 1996, I had no intimate knowledge of the line, Mr Dick.

**John Dick:** I ask you to accept my word that it was impossible for a train to come up the line and that, therefore, it could not have been deemed a live railway line.

**David Reid:** It still can be deemed a live railway line. I accept the point that you are trying to make, but the point that I am trying to make is that, in terms of the operation of the railway, the allowances that are involved are still available to Network Rail or the operator.

**John Dick:** We accept that.

**The Convener:** I think that we have two different definitions and that there will not be a meeting of those definitions. Please continue with your questioning, Mr Dick.

**John Dick:** A couple of minutes ago, you mentioned the pylons. Why would you have to move the pylons?

**David Reid:** If the bypass option was taken from the bridge just outside the security building at the east end of the village, where the line goes into the entrance of what was the Kincardine power station—it is where the operational line currently finishes—it is difficult to see how we could realign the railway without it coming very close to the first pylon adjacent to the current railway line.

**John Dick:** What is the minimum distance that a train can be from a pylon?

**David Reid:** Pylons are slightly different. It is not just a case of how close the line may be to a pylon. There are distances that a line has to be from buildings—4.5m and so on—but other elements would be taken into account in construction. Under construction, design and management regulations, for example, it would be part of our job—should we be in that position—or the job of any designer or contractor, to design something that could be reasonably constructed without risk to the operatives or the end users. Although there may be guidelines on the exact distance a line must be from any specific structure, in the case of power lines other impacts or issues would be considered.

**John Dick:** I find that surprising. The pylon on the other side of the existing Kincardine bridge is within a few feet of the railway line. It is strange that that was okay, as the railway line was there before the pylon. With a railway line running into a power station, I would have thought that pylons

would have been an issue. However, I will move on.

**The Convener:** For clarity, could we find out where the pylon to which Mr Dick refers is mentioned in the STAG document?

**David Reid:** We mention the potential of additional costs through moving a pylon. That was also mentioned in my previous evidence. I suggested that, in the interest of fairness and given that I cannot say with certainty that we could not develop an alignment around that pylon, the cost should not be included. It was not included in the appraisal as a direct comparator, but it has an impact.

**The Convener:** All right. Proceed, please, Mr Dick.

**John Dick:** Do you agree that moving the railway line to option B could have some health and safety benefits? For example, if the railway line were further away from the houses, any problems arising because of a derailment or other accident would be further away. There would also be a great improvement in the line of vision for the driver of a loaded train coming from west to east towards the level-crossing, which is obviously a delicate point as far as safety is concerned. Moving the line would do away with those vision problems. Any issues relating to vision and to sound could be properly mitigated.

**David Reid:** You have made a number of points, Mr Dick, and I shall try to deal with them one by one. On safety, you referred to the potential of derailment affecting the houses adjacent to the existing line. A bypass further away from the houses would certainly be safer in that respect—that is self-evident. However, by the same token, I highlight what we said previously in relation to a catastrophic railway disaster and normal rail safety matters—that there would be only a marginal difference in relation to the issue that we are discussing.

On the second point, the railway does not run on line of sight. It would run using sophisticated signalling techniques. You are correct in saying that there is a line-of-sight issue, but the line of sight—not just on that part of the railway, but on all parts of the railway—will be set out for a driver to see a signal in advance of whatever the obstruction happens to be. I can assure you that any part of the railway line will be designed and developed in accordance with that standard, so the line of sight to a level-crossing is not a serious issue, in that all other elements are in place.

Finally, on environmental issues, you raised a point about noise. I am bound to say that we did not undertake a detailed investigation of the noise impact of the bypass, on the basis that the noise issue will still be as significant as that set out for

the existing line. We foresee that most of our environmental mitigation measures would most likely still have to be in place.

**John Dick:** You mentioned in the STAG document that one of the reasons why you did not want to go ahead with option B was the playing field. Are you aware that, in September this year, Scottish Power will make the playing field unusable as a recreational area?

**David Reid:** As I said in my previous answer, I am aware that a new park is being constructed. A potential recreational area is a different issue from whether an area is used as a football park or whatever. The distinction is between providing the opportunity to use the area and its lying in its current condition.

**John Dick:** It will not lie in its current state; it will be ploughed up by Scottish Power and made unusable as a recreational area.

**David Reid:** That is subject to other planning considerations and is not relevant to the present appraisal.

13:00

**John Dick:** Were you aware that, at a meeting that we had with Scottish Power, which Ms Whitworth attended, Scottish Power offered to make the land available to the promoter if it would prove to be useful in that circumstance?

**David Reid:** I was aware of that comment. The offer has never been given to us in writing, but that is not to say that it was not made. I accept that it was made. In terms of our assessment of the bypass against what we are proposing, that is not really a pertinent issue for us. We are appraising the two schemes based on the other justifiable facts. However, I accept that that comment was made by Scottish Power.

**John Dick:** Finally, you keep referring to the operational times for freight as being from 7 am to 11 pm. A lot of the environmental study related to coal trains. In its evidence to the committee, Scottish Power indicated that the life of Longannet power station is extremely limited. It talked about closure in 2012 or 2016—the power station may last six years after the railway line is opened, which is not a long time. However, the railway line will have to be used after Longannet power station is closed, so what type of freight will be on the line? Will the times that have been suggested still be relevant? The line will be a commercial railway line, so if somebody wanted to move freight between 2 and 5 in the morning, would that happen, or would there be no instances in which freight would be moved after 11 o'clock on that railway line?

**David Reid:** As we outlined in the environmental

statement, which I hope you have had a chance to read, Mr Dick, it is neither for the Parliament nor for us to set out when the railway line will be open and available for use and when it will not be available. We cannot put that in place. However, we have taken forward in the environmental statement what we see as the worst case, given the situation as we are aware of it. That situation is considerably worse than the one that will actually occur should the railway line open in the proposed form, when we expect five or six trains per day to be using the line to service Longannet as opposed to the 15 to 17 that are set out.

As we have set out, the potential on an operational railway for increased traffic at different times of the day is constrained by the capacity and the availability of the route and by the standard of the route in terms of its weight restrictions and so on. The issue is not about anything that we can put in place to ensure that the availability will not change.

**John Dick:** So we are saying that there is nothing to prevent the railway line from being used outwith the specified times. It could be used after 11 o'clock in the evening and through the night if desired.

**David Reid:** If desired, that is correct.

**The Convener:** Mr Reid, could you clarify for the committee the policy basis for saying that playing field land should not be taken?

**David Reid:** I believe that the policy basis is national planning policy guideline 11. I may have to doff my hat to people who know the situation much better than I do—Mr McKie may be one of them. However, I believe that that is the case.

**The Convener:** You do not have to doff your hat. Are you saying that that is your understanding?

**David Reid:** Yes.

**The Convener:** Before we return to Mr McKie, members may have some questions.

**Richard Baker:** In paragraph 5 of document SAK/S2/04/4/4, the group 9 objectors detail distances between boundary fences and the nearest rail. At the back of the same document there is a plan that supports paragraph 5. In paragraph 4 of your evidence within document SAK/S2/04/4/11 you accept that the figure of 15m that is quoted in the bypass option appraisal report appears to be incorrect. I guess that part of the difficulty might be the fact that there are two railway lines but, purely to give the committee a factual basis to go on, do you agree with the measurements that are shown on the map in the objectors' evidence?

**David Reid:** Although I understand the

measurements to which you refer, the point is that the section of line in question is on a curve and the measurement from any part of the line to the houses varies over that length. I cannot say with certainty that the measurements that are given from Ochil View to the line are correct, but I accept that they are probably correct in as much as I do not suppose that Mr Dick and his colleagues would take incorrect measurements; in other words, I have no reason to disbelieve the measurements. As the committee is probably aware from its visits, the curvature of the line and its distance from the houses vary.

**Nora Radcliffe:** On surveys of properties, I take you to paragraph 20 of paper SAK/S2/04/4/11. You confirm that the promoter is willing to carry out a number of pre-construction surveys. Can I be clear that the promoter will be prepared to carry out surveys of any property when a request for such a survey is made by the owner?

**David Reid:** That is the policy that we have advanced if the property's land is adjacent to or adjoins the line. I believe that we made that proposal in supplement to our evidence last week, in order to clarify the position.

**Nora Radcliffe:** That is helpful. Anyone who has land adjoining the line and who requests a survey will fall within your criteria for undertaking such a survey.

**David Reid:** That is correct.

**Nora Radcliffe:** I am sorry—I am working out what to ask, given what has been answered already. Much has been said about noise mitigation barriers. Will you comment more on the balance between noise mitigation measures and measures to reduce visual impact? What is possible, given the relative heights of the railway line and the properties? It might also be useful to know what you propose to do if you find in your monitoring for up to a year afterwards that your measures have not worked.

**David Reid:** I want to go back to my statement about our commitment. I outlined the fact that, during the detailed design process, we look forward to having the opportunity to speak to any of the owners of property that is adjacent to the land. On environmental measures, it is clear that there is more than one way to skin a cat. As we have indicated, timber close-board fencing is probably used more than any other measure, but there are other options, such as earth bunding. For the layman, I will explain that that is the use of a mound of earth that will be back-planted afterwards. We may, with individual landowners, agree to do that because it gives a better long-term finish—if that is the right word—and may be more acceptable to the eye than a line of fencing, whether of timber or any other material.

Our view is that we would like to take environmental measures and to address their visual impact. If such measures have a detrimental effect, we want to come up with something that not only satisfies the regulations but which meets all aspirations, on the basis that the present home owners may not be the home owners of the future.

**Nora Radcliffe:** That is a good point.

I want to ask about evidence on vibration. Some of the properties at Ochil View are built on raft foundations. Can you confirm that that has been taken into account in the environmental statement?

**David Reid:** There are probably two answers to that. I might ask Mr Coventry to give a detailed answer on how that issue has been taken into account. We have taken into account the potential for vibration mitigation measures on the section of the line that is adjacent to Ochil View in particular. I return to my previous comments. If the line is constructed correctly and to the specification that we set out in the contract documents, which underline our commitment to it, and if it is subsequently maintained—there is no reason why it should not be—that should be adequate.

**Nora Radcliffe:** Thank you. Mr Coventry, do you want to add to that? Do not feel obliged to do so.

**Stuart Coventry:** You asked whether the fact that the properties are on raft foundations is addressed in the environmental statement. I do not believe that we made that point in the environmental statement.

**Nora Radcliffe:** Do you think that the point merits consideration?

**Stuart Coventry:** It would merit consideration in the determination of potential future vibration measures at those properties. It is difficult to take a view on the issue of raft foundations versus traditional footings for houses. We have said that in our view there is no danger that structural damage will be caused, irrespective of whether the houses are on traditional foundations or raft foundations. Notwithstanding that, I suggest that the likelihood of damage is lowered if they are on raft foundations. We think that the ground conditions, the condition of the rail and a number of other factors are more important in the perception of vibration than the type of foundations. Mr Reid has given his view that further work would be done to determine the vibration, which would require a determination and analysis of the ground conditions and the relationship between the railway and the houses in those locations. Measurements would be taken and, obviously, the type of foundation would come out in that analysis.

**Nora Radcliffe:** Thank you for that clarification. In the various documents that the committee has, there is considerable discussion of option B, which is one of the options that are appraised in the “Kincardine Bypass Option Appraisal” report. I have a number of questions on that. First, could you provide some clarification in relation to paragraph 22 of document SAK/S2/04/4/7? Paragraph 5 refers to a proposal

“to re-align the existing track approximately 15m west of its current alignment”.

Am I right to say that that alignment is within the limits of deviation that are proposed in the bill? Will you clarify that that is option A in the option appraisals study, and not something else?

**David Reid:** That does indeed refer to option A, but it does not refer to the limits of deviation in the bill, in that we do not seek powers under the bill over this section of railway to construct only within the current land boundaries.

**Nora Radcliffe:** I return to document SAK/S2/04/4/11 and to the STAG part 1 appraisal of the bypass that was suggested. Paragraph 29 states that it would be “prohibitively expensive” to do work that involves attention to either of the two bridges. However, it is my understanding that option B would not require such attention. Is that correct?

**David Reid:** It is my understanding that option B would not have an impact on the bridges.

**Nora Radcliffe:** So the bridges are irrelevant if we are considering option A versus option B.

**David Reid:** Yes. The statement was probably made just to make the point that the matter does, to a degree, constrain the starting point of a realignment within reasonable bounds.

**Nora Radcliffe:** I return to the pylons and to whether we will need one of them to be shifted. I am looking at the two plans. Looking at it with a lay eye, it does not look as though either option is more or less likely to impact on the line of pylons.

**David Reid:** I am now looking at the bypass option appraisal. Looking first at line B, the Ordnance Survey seems to have drawn the pylons about 18 times their size, which probably does not help matters.

13:15

**Nora Radcliffe:** Does the Ordnance Survey take into account some sort of area of effect when it comes to planning matters?

**David Reid:** I do not think so; I am not clear as to why the pylons should be represented at that size. We did not draw them that size for effect, in any case. That said, the plan shows the centre point of the pylon in question and, just to the left of

its centre point, it says “Gantry”. That is directly below where it says “HAWKHILL ROAD”.

**Nora Radcliffe:** I cannot read that well. Is this the third set?

**David Reid:** It is option B. The main point that I am making regarding the pylon and the alignment of the line is about the nature of the construction that would be required. A bypass option is significantly different from realigning track within the existing land boundary of a railway. It is not just proximity to pylons that must be taken into account.

**Nora Radcliffe:** Are you telling me that, according to option A, the line goes north of the pylon, and that under option B, it goes south of the pylon, and that, at the point where the line goes to the south of the pylon, it is significantly closer to the pylon?

**David Reid:** On option A, with regard to a realignment of the section of track concerned, I point out that realignments of track are undertaken daily by Network Rail throughout the network; under option B—

**Nora Radcliffe:** But I am asking you about moving the pylon.

**David Reid:** Yes—I am trying to draw a distinction with regard to the question of proximity. As you will see, plans A and B show pretty much the same distance between the line and the pylon. My point is that the proximity issue is to do with the construction of a bypass, which will involve earthworks and so on. That is a whole different operation from moving the alignment slightly further away from where it is at the moment.

**Nora Radcliffe:** So it would be the actual construction’s impact that would necessitate the pylon being moved; it is not to do with where the railway line ends up.

**David Reid:** Not quite. If we were to develop an alignment in detail for option B, taking into account any health and safety issues—which are significant—which would involve a construction operation that required earth moving and so on, that might force us to move the alignment for option B further south. In that case, the alignment might not fit within the standards—to ensure that it was within the standards might require the pylon being moved. There is a definite issue there.

**Nora Radcliffe:** On the last page of the bypass option appraisal is a table of cost components, including an entry for “Utility Diversions”, showing £100,000. To what does that refer?

**David Reid:** I know the page to which you are referring. “Utility Diversions” refers to the fact that there are some utilities within the land at the bypass, which is close to what was a power

station. The figure of £100,000 refers to the normal utility diversions that would be required in such a case. Those include pipes for water, for example, which might run through the bypass section. That does not refer to the moving of a pylon.

**Nora Radcliffe:** We have covered in a fair amount of detail the fact that a playing field will be ploughed up and will no longer be a green space. Do you want to comment further on how that issue would affect the appraisal, given that it was one major reason that was cited for not choosing option B?

**David Reid:** We can comment only on the position that we are at today. The issue is about planning. Whether the playing field will be ploughed up in the future or used differently is a matter for the planners and the landowners. As the situation stands, that is an issue.

**Nora Radcliffe:** My final question is about the additional cost of option B of only £700,000. That was seen as being about 50 per cent more than the cost of option A for that section of the line, but what would be the percentage increase in the total cost of the project if option B were selected in favour of option A?

**David Reid:** In comparison with the overall cost of the scheme, £700,000 does not seem to be a substantial amount. However, I refer to the evidence that I gave last week and in previous meetings that, although individual costs can seem to be reasonable on their own, if we put all those costs end to end, they mount up quickly to the point at which the scheme would either become unviable or would not provide best value for the country. I am sure that there are many projects to which we could refer—

**The Convener:** Let us stick to this possible project.

**David Reid:** The project to which I am referring is a proposed railway. By their essence, railway projects increase in cost, generally because their scope increases for whatever reason. Although one specific issue may not be likely in anyone's consideration to cost a massive amount of money, the accumulation of such issues along the route has a real impact.

**Nora Radcliffe:** Of course, that depends on which issues are taken into account and which are not—acceding to one does not mean acceding to all.

**David Reid:** Or to any.

**The Convener:** As there are no further questions for Mr Reid, I thank him for giving evidence on this section.

Mr McKie, do you have any questions for Mrs

Gorlov on compensation?

**Alastair McKie:** No. We rest on the precognition as submitted.

**Richard Baker:** My question refers to points that were made earlier. I ask Mrs Gorlov to advise the committee what steps the promoter has taken to explain the mechanisms for obtaining compensation for any loss that might arise from the scheme.

**Mrs Gorlov:** I should say that I have not been involved in the public consultation process. The committee has heard detailed evidence on that process. As has already been explained, compensation was mentioned in general terms at public meetings. I believe that a paper on compensation was made available and that it does not look awfully different from the appendix to our paper on the consultation. However, I am afraid that I cannot give full details of the paper on compensation.

Mention at meetings was all the explanation that took place at the stage at which the bill was being prepared and before it was introduced. I am not aware that there has been any further explanation since then. I have not been directly responsible for the production of a paper on compensation. In a sense, the matter has not arisen because the promoter is not in the position of broadcasting to the public at large how the compensation code works. Indeed, it is not altogether appropriate for the promoter to give advice on that issue. However, information has been made available.

**Richard Baker:** You say that the information was made available initially through a paper, but you have not explained how that paper was sent to people who might be eligible for compensation.

**Mrs Gorlov:** The promoter has not undertaken an advice process, which is perhaps what the question anticipates. I was going to say that the promoter is not required to carry out such a process but, although that is strictly true, it does not quite give the right flavour. Without wanting to be in any way unhelpful to the public, the job is to consult on where the project is going and to explain in general terms what its effect will be. As the committee has heard, that is what the consultation process did. A paper on compensation was prepared, which was to be made available to people who asked specifically about the issue. I am not sure on what basis that paper was distributed or made available, although that could be ascertained.

**The Convener:** There being no further questions, I thank Mrs Gorlov for that evidence.

That completes the promoter's evidence on group 9. We will now take a lunch break, after which we will continue at 2.15 pm sharp.

13:26

*Meeting suspended.*

14:22

*On resuming—*

**The Convener:** Good afternoon, ladies and gentlemen. I open this afternoon's proceedings. We move to taking evidence from the objectors: John Dick, Joan Herdman and Henry Lattka from the Kincardine railway concern group; Scott Barrie MSP; and Councillor William Ferguson. I propose to hear the group's evidence on two broad themes: first, environmental amenity and safety issues relating to the proposed route; and secondly, issues concerning the alternative route that the group has proposed.

Before we commence evidence gathering, the witnesses will take the oath or make a solemn affirmation.

JOHN DICK, COUNCILLOR WILLIAM FERGUSON, JOAN HERDMAN and HENRY LATTKA *took the oath.*

SCOTT BARRIE *made a solemn affirmation.*

**The Convener:** Mr Dick, thank you for coming to today's meeting. You have had an opportunity to submit written evidence to the committee on your concerns about the scheme. The committee has read all that evidence.

Leaving to one side issues about the alternative route and in light of what the promoter has said about your evidence, I wonder whether you would like to add anything at this stage.

**John Dick:** We have no objection in principle to reopening the line; in fact, we are probably as keen as—if not keener than—the promoter to see that happen. As citizens of Kincardine, we are very aware of the importance of Scottish Power's Longannet generator to our village's economy and the employment of many of our friends and colleagues. As a result, our objection relates in no way, shape, form or size to the reopening of the line; we just think that there might be a better way of doing it.

**The Convener:** Thank you. Mr McKie, do you have questions for the witness?

**Alastair McKie:** No. The promoter is standing by the evidence that has already been given.

**The Convener:** I believe that Mr Baker has some questions.

**Richard Baker:** I thank the witnesses for their evidence. Paragraph 1 of document SAK/S2/04/4/4, which contains the evidence submitted on 16 February, deals with "Environment adversely affected". However, I do not see that the submission contains any

contentions about the adverse effects of the railway line on the environment. Although you say that the quality of life and air conditions would not be improved, that is not quite the same thing as an adverse effect. Can you help me by expanding on this matter?

**John Dick:** To be fair, I did not write the submission. The person who did is on holiday in America at the moment—I wish that I was with her.

In answer to your question, we would probably say that those two aspects are the same thing. After all, an adverse environment will reduce quality of life. For example, we have read in the environmental statement the evidence on vibration. Although we accept that vibration might not knock down our houses, we still feel that it could affect our health, our enjoyment of our gardens and so on. As a witness has already pointed out, we are all individuals and vibrations and noise can affect one person more than another. There is no way that a project of such a size, with trains passing so close to our houses, will not have an adverse effect on the quality of our lives.

**Richard Baker:** Thank you. That response expands on the point in your submission.

Paragraph 4 deals with the project's safety aspects. Are you aware of any accidents that have happened over the years along this stretch of line as a result of freight movements?

**John Dick:** Yes. With the committee's indulgence, I will ask our MSP, who has carried out some research on this matter, to answer that question for me.

**Scott Barrie (Dunfermline West) (Lab):** Three accidents in the recent past are salient to this discussion. I have to say that the first and most serious accident, which happened in 1998, did not occur on this stretch of line. A coal train travelling on the east coast main line from Mossend to Longannet via Kirkcaldy was derailed at Burntisland and 16 of the 27 wagons came off the track.

There have been two further incidents, the first of which happened in the marshalling yards at Longannet power station. There was also a derailment between Culross and Low Valleyfield on the line from the Forth bridge on which coal is currently brought in.

**Richard Baker:** Mr Dick, you will have heard David Reid's comments about the distance between boundary fences at Ochil View and the nearest rail. Are there any remaining differences between you?

**John Dick:** I was responsible for drawing the diagram at the back of our submission. As I am



under oath, I have to admit that, after reading the Babbie Group report, I measured the distances again. I am sorry to say that the distances in my diagram are wrong; I had measured the distance to the rail that was furthest away. The distance from the boundary fence to the first rail is actually only 2.1m, which means that it is closer to the line than the diagram says.

**The Convener:** The committee thanks you for your frankness. We will make a note of that information.

**Richard Baker:** In paragraph 23 of document SAK/S2/04/4/9, you say that the promoter's reference to the high pier is wrong. That comment refers to the promoter's attempts to be helpful in paragraphs 23 to 25 of its 16 February evidence, which is document SAK/S2/04/4/7. We need to go back to source, which is your 16 February evidence—SAK/S2/04/4/4. With reference to paragraph 9 of that document, what are you referring to in the context of access to the foreshore? Will you amplify what you say in that evidence?

14:30

**John Dick:** Again my colleague Councillor Ferguson has more information on that. I am not trying to avoid the questions; it is just that I was not at the meeting when Isabel Marshall drew up the questionnaires, so I ended up with everything that nobody else wanted. Again, if you will indulge me and allow—

**The Convener:** Well the lesson there is that when we are not at a meeting, we end up getting things that we did not quite expect.

**Councillor Ferguson:** The question was on access to the foreshore. The heritage of Kincardine goes way back to when it was a shipping and fishing port. The main access to the foreshore is via the level-crossing at Station Road. The proposals show an electronic barrier for vehicle and pedestrian access. Since the proposal was made, there have been difficulties with the current operator, who has padlocked the gates. There is a lot of resentment about that in the community. The padlocks have now been taken off, but access is still under threat. We feel that the project was sold to the committee on the basis that access would be safeguarded. The access road used to be a drove-road from Perth to the Lanark markets and provided access for the cattle and sheep to be transported across the river on the ferry. It also forms part of our coastal walkway. The community council and volunteers have been active in trying to enhance the foreshore of Kincardine with summer seats and cycle ways and more is planned. If we lost that vital access, there would be no access whatever to the foreshore. As

the name Kincardine-on-Forth implies, we are proud of our links to the foreshore and we would fight to retain access to it.

**The Convener:** Mr McKie, do you have any questions? You can question any of the gentlemen who responded in that section.

**Alastair McKie:** I have none, sir.

**The Convener:** Thank you, Mr Dick. We will come back to you on the issue of the alternative route. I turn to Mrs Herdman. First, thank you for your attendance. You have had the opportunity to lodge with the committee written evidence on your concerns in relation to the scheme and the committee has read it all. In the light of what the promoter had to say about your evidence, do you want to add anything further at this stage?

**Joan Herdman (Kincardine Railway Concern Group):** I am one of the newer residents of Ochil View. We chose to live there because of the peace and tranquillity of the area—it was a spring day when we went to view the house. The quality of life there drew us there rather than anywhere else. I first recollect being aware of a train when I was in bed one morning. I knew that there was a rail line, but with hindsight, I think that I was duped a bit by my solicitor. As we heard last week, when a solicitor is doing a property search, he has to ask the correct questions. That did not happen in our case and if I had known that the railway line was going to be used to the extent that the promoter wants it to be used, I would not have decided to live where I live. We wanted to live there, because of the access to the foreshore and the enjoyment of living in a peaceful village area. That is definitely not going to be the case if the promoter implements its proposal.

**The Convener:** Mr McKie, do you have questions for Mrs Herdman?

**Alastair McKie:** I have none.

**The Convener:** Mr Baker, do you have any questions?

**Richard Baker:** In paragraph 2 of SAK/S2/04/4/4, Mrs Herdman, you express concerns about a possible extension of the railway line to Dunfermline and Rosyth. Although I appreciate your concerns, I want to ensure that you understand that it is not within the powers of the committee or the Scottish Parliament to extend the scope of the bill to deal with any such extension. Are you clear on that point?

**Joan Herdman:** Yes.

**Richard Baker:** In paragraph 3 of the same document, you deal with noise and vibration. It would be helpful if you could give the committee an indication, in everyday terms rather than technical terms, of the sort of noise levels that are

received from the operational line when trains go by.

**Joan Herdman:** I do not know how many trains use the line. In the two years that I have lived there, I have seen probably only 20 trains, but I work Monday to Friday. I think that my husband has seen only two trains. The fiercest sound that we hear from them is the signal that they give out when they approach the level-crossing but we can also hear them coming along the track, because the track is so old.

**Richard Baker:** Do you feel vibrations in the house?

**Joan Herdman:** Yes, and I live further away from the line than any of the other people in our group.

**The Convener:** Thanks for coming along to give evidence today, Mrs Herdman.

I welcome Henry Lattka to the meeting. Is there anything that you want to say about your written evidence that has not already been said, in light of what the promoter said about it?

**Henry Lattka (Kincardine Railway Concern Group):** I have lived in the scheme since 1988. At that time, there were no trains and the original line was overgrown with silver birch trees.

Fifty per cent of my working life is spent on the night shift, which means that I sleep during the day. When a train comes along the line during the day, I am always woken. That happens about once or twice a week—sometimes less, sometimes more—which is fine. If there are 15 trains a day, as it has been suggested that there might be, I am sure that I will struggle to get a good sleep. That is the problem that concerns me the most.

**The Convener:** I take that point on board. Mr McKie, do you have any questions?

**Alastair McKie:** No.

**The Convener:** Mr Baker?

**Richard Baker:** Mr Lattka, you are woken up by the trains as they pass. Can you feel vibrations as well?

**Henry Lattka:** Yes, I can feel a slight tremor through the house as the trains pass.

**The Convener:** There being no further questions, I thank Mr Lattka for attending.

We will now turn to the issue of the alternative route. We will hear from John Dick, Scott Barrie and Councillor Ferguson.

Mr Dick, in light of what the promoter has had to say about your evidence in respect of the alternative route, would you like to add anything?

**John Dick:** The new railway, which we support, is designed to improve the quality of life of the people of Scotland. There is an opportunity to mitigate properly the effects of the railway on the lives of the people of Ochil View. I feel that there is no reason why the alternative route cannot be taken. Scottish Power has offered the land and one of the main reasons why the route could not be taken—the football park—is no longer an issue, so why not make it a win-win situation for everyone concerned and move the railway line, which would remove a blight from our lives?

**The Convener:** Thank you, Mr Dick. Mr McKie, do you have questions?

**Alastair McKie:** None, sir. The promoter is standing by its evidence as already given.

**The Convener:** Do committee members have questions?

**Nora Radcliffe:** It would be helpful for the committee if you could tell us about the football pitch in words of one syllable, because it was one of the main reasons why line B was discarded at STAG 1 appraisal stage. There are plans to develop a new pitch and move away from the existing one. I think that you said that the existing pitch is to be ploughed up. It would be helpful if you told us exactly what is planned for the pitch and the replacement pitch in the timeframe.

**John Dick:** With permission, convener, my colleague Councillor Ferguson, who was actively involved in the process, could probably give you more information than I could.

**The Convener:** That would be reasonable.

**Councillor Ferguson:** I was the lead person on the football park project. Before I became the local councillor, I was the chairman of the community council. To give you some background, I was the local liaison person for the demolition of Kincardine power station, and worked closely with Scottish Power and the contractors. It was recognised then that the park was never a public football park; it was there for the staff of the power station and their families. At the time we had only one public football park in Kincardine and, as a gesture of good will to the community, organised teams were allowed to use the power station football park.

When the power station was demolished, there was concern that, as there were no staff on the now derelict site, Scottish Power would close the park. However, Scottish Power knew the importance of the facility to the village and donated £150,000 to the community council to relocate the facility, which we did. We entered into an agreement with Fife Council and secured land adjacent to Tulliallan Primary School. It had an existing blaes football park, but nobody ever used

it because of its condition. Through negotiation with the council and the education department, the community council acquired the land.

At present, the park is 90 per cent complete. It will be complete following the growing season. We managed to put in a new football park, a seven-a-side park and a ball-court arena, which will allow us to introduce other sports to the community, such as hockey and tennis. Notice has been served on the current teams, which have been aware of the project from day one, that they will cease to use the premises on 1 September. Because Scottish Power had concerns about safety in the area, the premises will cease to be used and the land will be turned over to stop it attracting dog walkers and people on bikes, who have been attracted to the area, and the land will lie dormant.

**The Convener:** Mr McKie, do you have further questions?

**Alastair McKie:** Just two questions. Good afternoon, councillor. Could you explain to the committee whether the playing field is used at the moment as general amenity ground by the people of Kincardine for dog walking or other leisure pursuits?

**Councillor Ferguson:** Its use is unauthorised. The Kincardine Colts, which have about six teams of different age groups, are the only group that has the use of the park. They have to report to Scottish Power when they are using the park and hand back the keys at the gatehouse of Kincardine power station. The other people who use it, for example dog walkers, are unauthorised. There has been a problem in the past with kids on motorbikes. At the level-crossing is the right of way around Kincardine power station. Some people exercise their dogs on the grass before going on to the right of way. We have always had a problem with dog fouling on the football park. Therefore, this is an opportunity to stop that.

**Alastair McKie:** But your answer to my question is that it is used at the moment for general access.

**Councillor Ferguson:** Yes.

**Alastair McKie:** Can you explain your view of Fife Council's local plan? I am informed that, within your council's current plan, the playing field in question is a protected, open-space amenity.

14:45

**Councillor Ferguson:** To the best of my knowledge, the playing field is shown in the local plan, but it is not a public amenity; it is very much a private amenity. Under the health and safety regulations that Scottish Power placed on the park's users, it has never been deemed a public amenity. However, I will admit that members of the

public use the park. As I said, from 1 September, because of the nature of the land, it will be ploughed in to prevent it from attracting people over the railway.

**Alastair McKie:** That concludes my questions. Thank you.

**The Convener:** Thank you, Mr McKie. I thank Mr Dick for responding, although we also took responses from Councillor Ferguson. In fact, he lodged written evidence with the committee on his concerns about the scheme and the committee has read all his evidence. In the light of what the promoter said about your evidence, Councillor Ferguson, do you want to add anything at this stage with respect to the proposed alternative route?

**Councillor Ferguson:** Yes, if I may. I am concerned about what was said earlier about pylons. Further along the line and near the high pier of the Kincardine bridge, a pylon is less than 3m from the railway line. Even during the demolition of Kincardine power station, no safeguards were thought to be necessary with regard to the position of that pylon. I am not sure where Mr Reid was coming from with the CDM regulations. I do not know whether he was referring to pylons that are in close proximity to a railway line or whether he meant pylons that are in close proximity to a line's construction. If he meant the latter, then there is a current example in our community of construction taking place in close proximity to a pylon. The new Kincardine bypass—the A985—is being constructed and the work is taking place up to and around pylon supports. Therefore, I do not see Mr Reid's argument. Of course safety is a concern, but his argument does not hold up from an engineering point of view.

I want the committee to note the quality of life in Kincardine. Great things are happening in our community. Because it is a bridgehead, Kincardine has suffered greatly from pollution and vibration. The vibration levels on the north approach road mean that new builds in that area on raft foundations should not be allowed. Furthermore, the whole of Kincardine is undermined by early mine-workings. Even the planned new houses that will be adjacent to the new road will have to have their cavities filled, which raises concerns for Ochil View residents. During the demolition of Kincardine power station, Fife Council's environmental health department had to put in place measures such as vibration monitors because there was so much cause for concern. I do not believe that the promoter has touched on such assurances.

To return to the village's quality of life, Kincardine has put up with heavy goods vehicles and all the rest because the public accepted the need for industry and job creation. However, the

new road is being built and there will be a new bridge in a couple of years, so Kincardine will be a great place to stay. It will attract investment. We have an opportunity to move the position of the railway line. We are not against the line, but it is possible to move it for what I would say is a reasonable cost. If it were moved, that would ensure an improvement in the quality of life for all those affected. Let us not look back to the historical example and build a bridge that comes right into the heart of the village. Let us go forward. We have the opportunity to do that.

**The Convener:** Thank you, Councillor Ferguson. Do you have any questions, Mr McKie?

**Alastair McKie:** I have no further questions.

**The Convener:** Councillor Ferguson, as there are no further questions, thank you very much for coming to the meeting to give evidence to the committee.

Mr Barrie, do you want to add anything to what Mr Dick or Councillor Ferguson said?

**Scott Barrie:** I wanted to explore one point a little more with the committee. In my submission, I said that option B would take out the bad bend that currently exists on the line. That is quite a fundamental point in terms of the sight lines towards the existing level-crossing. In the evidence that he gave this morning, Mr Reid accepted that that was the case but downplayed the significance of the matter, saying that the level-crossing would, of course, be governed by signalling. However, given that level-crossings are always dangerous, as one never knows what is on them, the committee should bear the matter in mind.

I also want to reiterate Councillor Ferguson's comments about the electricity pylons and to point out that the constructors of the eastern bypass road at Kincardine have to deal with the pylons from Longannet power station, which carry substantial amounts of electricity. I was interested to note that we received no clarification earlier about whether or not the existing pylons are carrying live wires, so I do not know how important the issue of the pylons is.

**The Convener:** Thank you, Mr Barrie. Do you have any questions, Mr McKie?

**Alastair McKie:** This is not so much a question as a comment: I distinctly recall that in his evidence, Mr Reid indicated that the pylons at that location were carrying live electricity. Perhaps Mr Barrie did not hear him say that.

**The Convener:** That is my recollection, but we can always check that in the *Official Report*.

**Scott Barrie:** I apologise. From where I was sitting, I thought that I heard him say that he had

not ascertained whether the pylons were carrying live wires.

**The Convener:** That is okay. Mr McKie, do you have any other questions for Mr Barrie?

**Alastair McKie:** No.

**The Convener:** Nora Radcliffe, do you have questions for Mr Barrie?

**Nora Radcliffe:** I have questions about sight lines at level-crossings, but they are about the false sense of security that pedestrians have when they can see a longer stretch of line, rather than about trains and signalling. My questions are probably more for a railwayman than for Mr Barrie.

**The Convener:** I suppose that Mr Barrie can give you his impressions and we will give them due weight, even though I believe that he is not a member of any rail union.

**Scott Barrie:** I am a member of a good public service union.

I have stood at the existing level-crossing and looked along the railway, so I have a layperson's impression of the sight lines. The committee has visited the place and will remember that there are three existing lines, because there are sidings there, so the sight line is quite difficult. That is true from a pedestrian's point of view, but I was thinking more about a train driver's point of view—with the caveat that I have never sat in a train cab, so I do not know how things would look from there.

**Nora Radcliffe:** My point was that a pedestrian on a level-crossing might pay more attention to the signals if they could not see very far, whereas they might be more inclined to take a chance of bucking the signal, if you like, if they could see further.

**Scott Barrie:** That is possible, but the converse might also be true. I think that there is added safety if people can see further.

**The Convener:** If Mr McKie has no further questions, I thank Mr Barrie for his evidence. Mr Dick, I will allow you up to five minutes to make any closing remarks on behalf of the Kincardine railway concern group.

**John Dick:** First, I thank you and the committee for the kindness that you have shown us and for putting up with our amateur statements. This has been a traumatic and stressful time for us. I am looking forward to being able to go home and throw out all the papers and books that I have collected over the past couple of years.

As Councillor Ferguson said, there is an opportunity to put Kincardine on the map, as far as transport goes. A lot of exciting things are happening in Kincardine. Given everything that has happened in Kincardine in the past, it would

be sad if the opportunity to mitigate all our problems for very little trouble and a bit of good will was not taken.

Again, I thank the convener and the committee for their time and I thank the clerks for the help that they have given us. I rest my case and wait for the committee's judgment.

**The Convener:** That concludes the evidence of group 9.

Can I give Mr McKie notice of questions that the committee would like to ask his team? I would like to receive answers by next Friday at the latest. The questions relate to the option B line. Does the pylon need to be moved? If so, why does it need to be moved? How much would it cost to move the pylon? Is it possible that compensation would be paid under option A that would offset significantly the additional capital cost of option B? The committee needs to see the wording of the relevant national and local policies relating to the use of playing field lands for other purposes. Will it be possible for that information to be given to the committee by the close of play on Friday, or before then?

**Alastair McKie:** I will undertake to do that.

**The Convener:** Thank you. We will take a short break before hearing the evidence of group 18.

14:56

*Meeting suspended.*

14:59

*On resuming—*

**The Convener:** We will move on to group 18.

The committee does not intend to hear evidence on sections 6 and 7 of Mr Bisset's written paper, SAK/S2/04/4/14. The sections relate to the general principles of the scheme, which have already been agreed by the Parliament.

The witnesses for the promoter for group 18 are Stuart Coventry, Alf Maneylaws and David Reid. Oaths and affirmations have been taken by the witnesses, so we will move straight to questions. Mr McKie, do you have any questions for Mr Coventry or Mr Maneylaws?

**Alastair McKie:** I do, sir. I have two questions for Mr Coventry, the first of which is of a general nature. The objector, Mr Bisset, has challenged the robustness of the environmental impact assessment and the environmental statement on the basis of a range of issues. Do you agree with him?

**Stuart Coventry:** The short answer is no. We are confident that the environmental statement is

compliant with the regulations.

**Alastair McKie:** I ask you to turn to paragraphs 4.6 and 4.7 of SAK/S2/04/4/14. Mr Bisset's view of the EIA, as stated in paragraph 4.6, is that it is flawed, in that it places an emphasis on national policy. In the second sentence of paragraph 4.7, he says that a side effect of a reliance on policy will mean that

"parliamentary egos may be boosted".

I do not understand that statement, but I would like to hear your opinion on the competence of referring to and relying on policy in the context of environmental impact assessment.

**Stuart Coventry:** Mr Bisset is correct in as much as the environmental assessment regulations that he cites do not require a description of the extent to which a scheme would comply with policy. However, given that in effect we are looking at planning issues and that planning decisions are based to a large extent on policy, we considered that it was appropriate to set out the general policies that are relevant to the scheme.

In this case, we identified—I think that it was in section 2 of volume 1 of the environmental statement—the relevant policies and gave a view on the extent of compliance with the policies. Mr Bisset is right about the fact that not all the policies are consistent—many of the policies contradict one another. That is often the case with environmental and planning policies and it is the job of the planning authority to take a view on the balance of the policies that are to be applied.

I do not believe that the environmental statement is reliant on the policies. The view has been to present the extent to which the policies are complied with. That was done purely to assist the committee in taking a view on the acceptability of the project.

**Alastair McKie:** Thank you, Mr Coventry. That is the end of my examination in chief.

**The Convener:** Thank you, Mr McKie. Good afternoon, Mr Bisset. Do you have questions for Mr Coventry or Mr Maneylaws?

**Graham Bisset:** In your precognition, Mr Coventry, you state that you are a civil engineer. Do you have any other environmental qualifications?

**Stuart Coventry:** I have no formal environmental qualifications. I have been practising environmental assessment for the past 10 years and more.

**Graham Bisset:** You are not a member of the Institute of Environmental Management and Assessment.

**Stuart Coventry:** I am an associate member.

**Graham Bisset:** I see. You state that you have great experience on the west coast main line upgrade project.

**Stuart Coventry:** That is correct.

**Graham Bisset:** What is the relevance of that experience to this project?

**Stuart Coventry:** The relevance is that I have an understanding of the environmental factors that are involved in railway operation.

**Graham Bisset:** Right. I understand that the west coast main line has been in existence for many years. An upgrade project would not really be the same as the renewal of a line or the introduction of a new line. Is that correct?

**Stuart Coventry:** Much of the line is considered to be an upgrade, but certain elements of it are considered to be new railway.

**Graham Bisset:** I see. On the project's overall impact, how significant are the impacts if one considers that a large percentage of the line pre-existed?

**Stuart Coventry:** I am sorry, but are you referring solely to this project, or comparing—

**Graham Bisset:** If you follow me, I will take you to that step.

**Stuart Coventry:** I am sorry, but I do not follow your question. Would you repeat it, please?

**Graham Bisset:** I will put it another way. I presume that the existing west coast main line had a number of significant pre-existing environmental effects or impacts and that your project to upgrade the line must have had relatively few new impacts. The proposals for the Stirling-Alloa-Kincardine scheme are based on a line that is not operational and is substantially not in place. Therefore, one must assume that the marginal impact of that scheme would be significantly greater than the impacts of your west coast main line scheme. Is that correct?

**Stuart Coventry:** That is correct for some topics, but not for others. The extent of change on the west coast main line would be greater for some factors and less for others. You are right to suggest that it is not easy to compare the two schemes—they are on completely different scales. I should point out that the level of mitigation that was applied to the west coast main line in respect of noise barriers and vibration mitigation, for example, was substantially less than what has been proposed for the project that we are discussing. Part of the reason for that is that the project would introduce a noise source where there has been no noise source for a long time.

**Graham Bisset:** I see. So the significance of impacts in the Stirling-Alloa-Kincardine scheme reflects a different standard of care from that which you would have applied in the west coast upgrade project.

**Stuart Coventry:** I do not think that the standard of care is different, but the solution is different in that a greater level of mitigation would be applied.

**Graham Bisset:** I understand. Paragraph 4 of your precognition—

**Stuart Coventry:** Which paper are you referring to?

**The Convener:** Are you referring to paper SAK/S2/04/4/11 or SAK/S2/04/4/19, Mr Bisset?

**Graham Bisset:** I am referring to paper SAK/S2/04/4/19. In paragraph 4 of your precognition, you refer to a "reasonable worst case" scenario. In that context, you have determined assumptions about the Stirling-Alloa-Kincardine scheme that are based on your current understanding of railway operations or railway requirements. How much account have you taken of what might happen to the use of the railway over a long-term period of 20, 30 or 50 years?

**Stuart Coventry:** In the evidence—particularly in the noise and vibration calculations—we spelled out the number of train paths that have been assumed. There are 17 freight paths each way and 15 passenger paths each way during the day. I am advised by the project team that that is the design capacity of the route and that there are to be no trains between 11 o'clock at night and 6 o'clock in the morning.

I am not a railway engineer, so I have not been able to challenge those assumptions or to draw other conclusions. I am happy that the advice that I have been given represents the maximum use of the railway, given the signalling requirements and the fact that the line is single track.

I am also advised that the level of use of the scheme in the early years will be substantially less than that, with perhaps five coal trains per day and an appropriate number of trains on the passenger timetable. You asked how that could change in the future. I do not expect the number of daytime trains that we assessed to increase significantly during the period that you mentioned.

**Graham Bisset:** Can you or the promoter give any reassurances in that regard?

**Stuart Coventry:** Mr Reid might be able to satisfy you further on that point.

**Graham Bisset:** Okay. I will come back to Mr Reid. In the meeting on 3 November, Mr Reid said that Longannet has a requirement for 12 trains per day. I am somewhat confused that you now say

that its requirement is in the order of half a dozen trains.

**Stuart Coventry:** That is my current understanding.

**Graham Bisset:** So the criteria have changed.

**Stuart Coventry:** I do not believe so. I think that the number has always been the same, but Mr Reid will be able to help you on that.

**Graham Bisset:** Okay. I will come back to Mr Reid on that point. In paragraph 7 of your part of paper SAK/S2/04/4/19, you refer to

“British Standards or typical planning and environmental health criteria”.

I suspect that a lot of that is guidance or practitioner best practice. You quote some criteria for noise in the environmental statement, but are there any criteria for pollution, cultural heritage impact or visual impact?

**Stuart Coventry:** There are criteria for pollution, such as the air-quality targets and standards for a particular area. With regard to cultural heritage, the standards that one applies are those that relate to planning policy guidance. Visual and landscape impacts are far more subjective and one relies more on the evidence of experts in the field, there being fewer, if any, standards—such standards apply only to the loss of types of land use.

**Graham Bisset:** So what you have assessed against is, in many cases, a subjective view.

**Stuart Coventry:** In some cases, it is subjective. We draw on precedent wherever we can and on standards where they are available. That is the nature of environmental assessment.

**Graham Bisset:** So it is the view of you and your company against the view of those of us who live much closer to the scheme and who enjoy the environment in which we live.

**Stuart Coventry:** As I said, where there are standards, we have made comparison with those standards and we have spelled out the basis on which the assessment has been undertaken.

**Graham Bisset:** Okay. Can you confirm that the environmental statement was commissioned by the promoter?

**Stuart Coventry:** I can.

**Graham Bisset:** Thank you. Is there any legal mechanism by which the environmental statement can be used to influence the future operations of the line, should it go ahead?

**Stuart Coventry:** That is a question to put to the legal team. As I understand it, the evidence that we have heard is that the operation of the railway is not controlled by the bill. The environmental

statement is only a document that is submitted in support of the application and, therefore, it has no power.

15:15

**Graham Bisset:** So, were the Parliament to pass the bill, there would be no way in which the future operators or undertakers of the line could be held accountable by that environmental statement.

**Stuart Coventry:** I am not sure that that is fully the case. There are certain aspects over which there may not be control through the bill process, although there may be certain aspects of the design and construction over which there will be control. I think that you are asking whether the assumptions of the environmental statement and the mitigation proposals can be cast into the bill. I would have to defer to my legal colleagues on that question.

**Graham Bisset:** The bill does not refer to the environmental statement or to mitigation. In your opinion, would there be anything that you, as a practitioner, might be able to do to ensure that the environmental statement is complied with not just in construction, but in the operation of the line in 50 or 100 years' time?

**Stuart Coventry:** We have a fairly unique legal situation due to the fact that the project is proceeding through a bill. If the project were going through another planning process, there would be a mechanism to ensure that the developer or contractor complied with some of the conditions of the environmental statement. However, I am not sure whether that is the case in the approach that is being taken.

**Graham Bisset:** In your experience, what type of terms might normally be incorporated into planning permission in that situation?

**Stuart Coventry:** Under which sort of legislation?

**Graham Bisset:** You said that, under normal planning procedures, details of the environmental statement might be incorporated into planning permission.

**Stuart Coventry:** I said that, under certain types of planning consent, aspects of the environmental statement can be incorporated into the consent or into a legal agreement with the developer. In those circumstances, certain controls over hours of operation can be included.

**Graham Bisset:** Can you be more specific about the types of constraint that might be incorporated in that way?

**Stuart Coventry:** There is a vast range of types of constraint for a vast number of types of development. I can go into that, but it would be hypothetical.

**Graham Bisset:** It is my understanding that no such constraint is incorporated into the bill. Do you think that that is a shortcoming?

**Stuart Coventry:** A shortcoming in what respect?

**Graham Bisset:** A shortcoming in the drafting of the bill, not of the scheme. Do you think that the bill is lacking in any way because it does not incorporate such considerations?

**Stuart Coventry:** I am not sure that I am qualified to answer that point.

**Graham Bisset:** Okay. Thank you.

**The Convener:** Mr Bisset, I think that you should stick to issues relating to the environment and environmental impact rather than ask about the scope of the bill.

**Graham Bisset:** I may come back to Mr Reid on that. I believe that he is going to present information that Tara Whitworth might otherwise have presented.

**The Convener:** That is a matter for you, Mr Bisset.

**Alastair McKie:** If I could interject, sir, I think that you are giving Mr Bisset quite a degree of latitude. He is asking about the powers within the scope of the bill. That is not really a matter for Mr Reid.

**The Convener:** Mr McKie, I have already noted that and, with respect, I do not need it reiterated. Mr Bisset takes the point. Mr Bisset, do you have any further questioning in the area on which you have been asked to focus?

**Graham Bisset:** You have asked me to discount sections 6 and 7, but I am not aware that I have been asked to focus on any specific area of evidence.

**The Convener:** That is true. However, you are—I am sure inadvertently—in danger of tumbling into sections 6 and 7.

**Graham Bisset:** You can perhaps keep me in line.

**The Convener:** I assure you that I will do my best. Please proceed.

**Graham Bisset:** Mr Coventry, are there any further ways in which you foresee that the mitigation measures might deteriorate through time or that the environmental impacts of the scheme might change over the years?

**Stuart Coventry:** Certainly there are. Railways need to be maintained in order to keep the environmental standards at the levels at which they were assessed. The quality of the rail, the sufficiency of noise barriers, the quality of the

trains running on the lines and the wheels of those trains are among the things that need to be maintained.

**Graham Bisset:** So maintenance will be high up the agenda and will involve maintaining not just the track but environmental friendliness all through the scheme.

**Stuart Coventry:** If the infrastructure were allowed to deteriorate, noise and vibration would increase.

**Graham Bisset:** I will move now to mitigation. My understanding is that the scheme will create environmental harm and damage and that, if the scheme goes ahead, nothing can be done to eliminate those environmental impacts. Therefore, any mitigation that you propose is intended to reduce either the volume of the impact or the likelihood of that impact. Is that correct?

**Stuart Coventry:** That is the general nature of mitigation. It aims either to reduce impact at source or effectively to compensate for an impact that has been caused.

**Graham Bisset:** So if the scheme goes ahead, there will be adverse impacts as a result of the line, which you would seek to reduce through the mitigation measures that might be put in place.

**Stuart Coventry:** I think that that is broadly correct—that is the role of mitigation.

**Graham Bisset:** I had better not mention my next point, which I think strays from your requirement, convener.

**The Convener:** I am obliged, Mr Bisset.

**Graham Bisset:** I will move on to the Bogside alignment. Can you clarify why it has been dismissed on environmental grounds?

**Stuart Coventry:** I cannot. Neither I nor Scott Wilson was involved in carrying out the appraisal of the various alternatives. Our role was purely in reporting it in the environmental statement.

**Graham Bisset:** Thank you—that is a question for Mr Reid.

Let us consider the environmental statement in the round. There are obviously a number of downsides with regard to the environmental damage that might be caused by the scheme. Are there any environmental benefits that the scheme might bring?

**Stuart Coventry:** You are asking me to comment on the environmental damage. I think that we might have a different view on that environmental damage, as you call it. There are indeed environmental benefits. We are not sure of their extent, but the modal shift of coal from road to rail will certainly bring about a benefit, for



example.

**The Convener:** Mr Bisset, could we concentrate on environmental issues as they specifically relate to you, sir, and to your position? Otherwise, we are in danger of straying again.

**Graham Bisset:** Very well. I will return to the matter in my summing up.

Mr McKie asked you, Mr Coventry, about the relationship of policy guidelines to the environmental statement. I am not clear why you consider that policy guidelines might offer a suitable alternative way of describing the environmental impacts of the scheme. Could you be more specific about why you have chosen to revert to using policy guidance, as opposed to evaluating the environmental impacts of the scheme?

**Stuart Coventry:** I do not think that we have made that choice. In undertaking environmental assessment and producing environmental statements, general practice is to describe the compliance or convergence with policy. I do not think that I have used that as an alternative to appraising the level of impact or benefit where that is quantifiable—or where it was quantifiable, given the information that was available at the time. I do not think that there is a comparison.

**Graham Bisset:** The environmental statement is drawn up in accordance with the Environmental Impact Assessment (Scotland) Regulations 1999 (SSI 1999/1). In those regulations, I see no reference to policy. That is why I find it difficult to understand why policy provides an alternative to a detailed assessment of the environmental impacts of the scheme.

**Stuart Coventry:** You are correct to say that the directive does not refer to policy, but it is fairly standard practice to set a project's environmental factors in their policy context. The environmental directive, which I think covers two or three sheets of paper, does not really define what is required; the way in which environmental assessment is undertaken has grown up over the past 15 years. We are following what we consider to be good practice in environmental assessment, which I feel involves some analysis of the policy background in which the project is set and the environmental parameters are determined.

This morning, I answered a question on how we set noise thresholds. That is an example of where policy is relevant, as those thresholds are drawn entirely from the policy. I am certainly not using policy as a proxy for determining environmental effect, when the information is available for us to do that.

**Graham Bisset:** I understand that, but I wonder whether, given that the promoter has already written a memorandum justifying the scheme and

advancing its benefits and that MVA and various other parties have also promoted the scheme's benefits, the environmental statement contains some duplication that is not particularly necessary under the EIA regulations.

**Stuart Coventry:** There may be some such unnecessary duplication; if there is, one can skip the relevant sections of the environmental statement. The regulations do not spell out the extent to which one should or should not duplicate other documents.

**The Convener:** Mr Bisset, I ask you to focus on questions regarding concerns that relate to your situation and why you feel that you will be adversely affected. In other words, I ask you to be a bit more specific on your particular concerns, because your questioning is becoming too general again.

**Graham Bisset:** Okay, I will try to do that.

Has an environmental assessment of the carbon emissions—rather than just the air quality—that might arise from the scheme been carried out?

**Stuart Coventry:** Do you mean as a proxy for determining the impacts of materials?

**Graham Bisset:** I believe that the issue is a combination of many things. In terms of energy use and carbon emissions, either through car usage—

**Stuart Coventry:** We have not done a full carbon assessment. We have undertaken a general air-quality assessment to consider the air-quality balance. I think that it was made clear in the environmental statement that, when the statement was produced, we did not have the information on the extent to which the reopening of the line would benefit regional railways by opening up other slots on the railways that could assist in modal shift from road to rail. We simply could not compute a large number of the scheme's benefits.

**Graham Bisset:** You have done air-quality impact assessments for Stirling, Alloa and Clackmannan.

**The Convener:** Mr Bisset, could we have questions that are specific to your circumstances and concerns? Your questions are becoming far too general. I ask you not only to try to be more specific, but to be so.

15:30

**Graham Bisset:** Okay.

Mr Coventry, are you the best person to speak about the hours of operation, or is that Mr Reid?

**Stuart Coventry:** Mr Reid is a better person to speak to about that.

**Graham Bisset:** My questions on that issue are

largely on operational elements.

Why did you choose to perform a subjective analysis of the risk of coal dust?

**Stuart Coventry:** As opposed to what?

**Graham Bisset:** My evidence refers to Canadian Pacific Railway, which has carried out observations of coal dust loss on its railways. That loss is in the order of—

**Stuart Coventry:** I am aware of the evidence that you provided about Canada but, with respect, I am not sure that it is relevant to our situation. I do not know what is behind those figures or what was included in the analysis. We thought that it would be more appropriate to consider operating situations in the UK to determine the extent to which coal dust causes a problem in similar circumstances. I answered that question this morning.

**Graham Bisset:** Coal dust is a serious issue because people can inhale it. The figures from Canada suggest that significant losses of coal dust occur. I find it surprising that the analysis that you carried out was not more detailed.

**Stuart Coventry:** The figures that you quoted show a significant loss of coal dust. I agree that the inhalation of fine particulates would be a serious problem, if it were to occur. However, the evidence that we have found in similar circumstances shows that there will not be a significant loss of coal dust, particularly given the proposed type of wagon.

**Graham Bisset:** Again, this question might be better posed to Mr Reid, but is there any risk that the covered wagons may not be sealed effectively during operations?

**Stuart Coventry:** The wagons are not fully sealed—they are not covered completely.

**Graham Bisset:** So the crown sheet that is mentioned in the environmental statement does not cover the wagon fully.

**Stuart Coventry:** That is my understanding.

**Graham Bisset:** So a percentage of the coal will remain open to the elements and there will be a gap through which coal dust could be sucked.

**Stuart Coventry:** I believe that the committee has been given photographs of the proposed type of wagon.

**The Convener:** We have actually seen the proposed type of wagon.

**Graham Bisset:** I am not an aerodynamics expert, but as a wagon moves along the line, eddies will tend to suck coal dust out of it.

**Stuart Coventry:** I refer to my previous answer.

Also, by the time the wagons have arrived at Kincardine, they will have travelled a long distance, which means that any dust that was inclined to blow off will have been removed by that time.

**The Convener:** Do you have any more specific questions, Mr Bisset?

**Graham Bisset:** Coal dust is specific to my situation.

I move to consideration of access to the other side of the line from Kincardine. The promoter's statement of 27 October referred to the probability that the Station Road level-crossing, which is apparently a private crossing, would be closed entirely. From my understanding, the environmental statement does not deal with that possibility because the statement of 27 October appeared after the environmental statement was published. Do you have any views about the impact of that probability on recreation routes?

**Stuart Coventry:** You are correct to say that the environmental statement was written at a time when it was understood that the crossing would remain open. If access were not to be allowed across the railway by closing that crossing and other accesses, of course it would reduce opportunities for amenity.

**Graham Bisset:** I suggest that it might reduce opportunities very substantially, because the alternative—

**The Convener:** Can you ask questions, please, Mr Bisset? You can save that comment for your closing statement.

**Graham Bisset:** The noise barriers of which Mr Coventry has spoken are to be approximately 2m high. Will that not have a visual impact on the open aspects that are available in Kincardine?

**Stuart Coventry:** As I mentioned this morning, the visual aspects of the barriers are twofold. The barriers will block some views; they will also block some views of the railway that some might deem to be unsightly. The design of the noise barriers needs to be undertaken with a full understanding of the visual aspects and needs to be undertaken very carefully. I propose that there would need to be some softening of the feature.

**Graham Bisset:** The barriers will remove entirely any view that one might have had through them, so to speak. It will not be possible to see through the noise barriers.

**Stuart Coventry:** It is certainly not possible to see through the sort of barriers that we suspect would be required; otherwise they would not work. I know that there are certain Perspex barriers, but they are not used extensively. We have said that the barriers are likely to be close-boarded timber

ones.

**Graham Bisset:** I believe that the Arup report referred to the possibility of 4m-high barriers being required to mitigate noise from diesel engines. Have you any thoughts on the visual impact of such barriers?

**Stuart Coventry:** I believe that the Arup report said that if it were necessary to block the noise from engines, barriers would need to be 4m high. I suggest that 4m-high barriers through Kincardine would not be appropriate visually.

**Graham Bisset:** They would not be appropriate visually, but they would be effective from a sound mitigation point of view.

**Stuart Coventry:** The higher the barrier, the more effective it is from a noise point of view. However, we consider that the provision of barriers that are about 2m high would be sufficient, subject to detailed design.

**Graham Bisset:** If, following the review after one year of rail operations, you were to find that the noise level was unacceptable for homes in Kincardine, is it possible that your secondary form of mitigation might be a 4m-high barrier?

**Stuart Coventry:** That is a hypothetical question. I am of the view that a 4m-high barrier is not appropriate through Kincardine. I have not seen 4m-high barriers used alongside railways to mitigate the effects of the sort of traffic that we have here.

**The Convener:** That would be speculation. Does Mr Bisset have any further questions?

**Graham Bisset:** Yes. In respect of the noise that you have reported on most recently, can you describe which noises from the trains you are talking about? We have been made aware that there is rolling noise, engine noise, wheel noise and brake noise and that air horns are used. Is the noise assessment that you have carried out an assessment of all the noise from the trains, or is it about a single source of noise?

**Stuart Coventry:** That is a question of technical detail that I ask Mr Maneylaws to answer.

**Alf Maneylaws:** The method that we have used to calculate the noise levels from operating trains is based on the "Calculation of Railway Noise". That method takes into account rolling noise and/or engine noise from the locomotive. It does not account for things such as brake squeal and so on, which are difficult to predict but obviously, in practice, can be remedied by good maintenance and so on; it is basically about rolling noise and/or engine noise.

**Graham Bisset:** It does not include the noise of air horns.

**Alf Maneylaws:** It does not include the noise of air horns.

**Graham Bisset:** So is it fair to assume that an assessment of noise would find that the noise that would affect someone in their home or in their garden would be greater if air horns were sounding or brake squeal was happening?

**Alf Maneylaws:** That might be the case, although it would be more usual to assess noise from air horns and alarms at level-crossings separately from railway operational noise. As I said before, brake squeal is difficult, if not impossible, to predict. However, it can be taken care of by proper maintenance of the track and rolling stock.

**Graham Bisset:** My particular concern relates to air horns, which I have heard above the train noise that currently exists on the railway. I want it to be clear that your assessment did not include air horns. Is that correct?

**Alf Maneylaws:** Yes—the assessment did not include air horns.

**Graham Bisset:** Paragraph 4.6 of the Arup report referred to the speed profile of the trains. There is a possibility that, if a train is accelerating, the noise level from the engine will be greater than has been assumed as an average across the line. I put it to you that, in the vicinity of the Station Road level-crossing, trains are more likely to be accelerating. Would that have additional noise impact beyond that which you have assessed?

**Stuart Coventry:** Are you talking about accelerating to the north?

**Graham Bisset:** To the north and to the east. The train will have slowed for the level-crossing, so its acceleration could be in either direction.

**Stuart Coventry:** I understand that the speed profile has not been defined completely. The assessment has been based on an upper speed limit at any location, which in turn is based on a design speed. I understand that the actual speed at any location is likely to be lower. There are a number of factors—acceleration noise together with reduced speed. Those factors can combine and would probably balance each other out to some extent. There are unlikely to be outcomes that are substantially different from those that are described in the environmental statement.

**Graham Bisset:** That is the case across the length of the line. However, is it correct that any change in the locomotive's speed will entail greater noise?

**Stuart Coventry:** Not necessarily—not if the actual speed is considerably less than we have calculated it to be.

**Graham Bisset:** Is there any indication of what the actual speed and the break-even point might

be?

**Stuart Coventry:** It depends on each circumstance.

**Graham Bisset:** I assume that if a train is doing 10mph, the level of background rolling noise will be relatively low. If it accelerates to 50mph, the engine noise will be greater up to a certain point. In Kincardine, trains are expected to do roughly 20mph. Any acceleration away from Kincardine would presumably involve heightened noise. In your opinion, will the noise be greater than you have assumed?

**Stuart Coventry:** Are you referring to the point at which trains that were travelling northwards would accelerate from 20mph to 60mph?

**Graham Bisset:** Yes.

**Stuart Coventry:** Assuming that the trains ran at 60mph, on balance the assessment would not be substantially different.

**The Convener:** Mr Bisset, I ask you to wind up this section of questioning. You have a maximum of a further five minutes.

**Graham Bisset:** That should be possible.

**The Convener:** It will have to be, because we have the whole process to go through and you have had quite a good innings at about 45 minutes, so you have another five minutes maximum before the guillotine will have to come down. You may proceed.

15:45

**Graham Bisset:** The question of the sustainable urban drainage systems, or SUDS, that will be associated with the track has been addressed with the Scottish Environment Protection Agency. Obviously, that has a potential impact on the pollution that may be caused as a result of the line. I understand that the matter has now been settled with SEPA.

**Stuart Coventry:** That is a detailed design issue and the final design of the drainage has not been completed, but it will not be inconsistent with the design of railway drainage systems. The outcome will certainly not risk substantial pollution of the ground or groundwater.

**Graham Bisset:** I understand that SUDS is a relatively new requirement and that you may not have experience of it for railway design.

**Stuart Coventry:** The issue in relation to railway design is not to do with the sustainability of the amount of water; it is to do with controlling pollution. Railway design is sufficiently advanced to enable that to happen.

**The Convener:** Mr McKie, do you have any

follow-up questions for Mr Coventry or Mr Maneylaws?

**Alastair McKie:** I have none, sir.

**The Convener:** I thank Mr Coventry and Mr Maneylaws for that evidence. Mr McKie, do you have any questions for Mr Reid?

**Alastair McKie:** I do, sir. I have just one question. Good afternoon, Mr Reid. The objector has referred to the potential intensification of use of the railway line at the given location. In particular, he referred in his written evidence to the possibility of an electrification of the line and an increase in line speeds of up to 200mph. Will you confirm whether, in your expert opinion, either of those two events is likely?

**David Reid:** I will take those events one after the other. First, electrification is highly unlikely, given the current policies for the rail network. Secondly, given the current standards, speeds of 200mph would be impossible without coming back to Parliament for a new bill to achieve alignments for such a speed.

**Alastair McKie:** Thank you, Mr Reid. I have no further questions.

**The Convener:** Mr Bisset, do you have questions for Mr Reid?

**Graham Bisset:** I do, but I want to clarify what I said. My evidence was that recent reports suggest that operational speeds on some railways might be increased to in excess of 200mph. I did not say that that would happen on the Stirling-Alloa-Kincardine railway.

Let us move on. Operational responsibility for the railway will pass to Network Rail or to future operators and undertakers of the line. Therefore, how the line develops will be in their hands and will be determined by their decisions. Is it fair to say that, some time in the future, those decisions could well undermine the assumptions that have been made in designing the railway?

**David Reid:** It is not entirely fair to say that. As I have mentioned on a number of occasions to previous objectors, the paper on existing processes that we have submitted to the Parliament, which I am sure you have read, outlines who has responsibility for what. However, the line, as we propose it, has certain design constraints built in, and to increase any aspect would evidently be to change the line in some manner by increasing the capacity. The line is constrained by the design.

**Graham Bisset:** Technology changes. Tilting trains, for example, might go round bends faster than—

**The Convener:** Mr Bisset, I am sorry, but that is far too general. Will you please be specific about

your concerns about the adverse effects on you, which you have outlined in detail? Please focus on those, sir.

**Graham Bisset:** Right, I will take a step back. It has previously been stated that the promoter and the contractor will be involved in monitoring environmental performance. For how long do you intend that to happen?

**David Reid:** We intend to monitor noise and vibration for up to a year.

**Graham Bisset:** Why only a year?

**David Reid:** As things stand, there is no legislation that says that we should monitor at all. We think that it is reasonable that we monitor for up to a year as we are a competent public body that wishes to construct a railway that meets the environmental objectives that we have set. We consider that to be a reasonable approach.

**Graham Bisset:** I take it that that is a gesture of good will.

**David Reid:** In essence.

**Graham Bisset:** But the good will does not extend beyond the 12-month period.

**David Reid:** That is an open question. I am sure that the good will extends throughout the life of the network; that is our approach.

**Graham Bisset:** On the construction of higher noise barriers, will you confirm whether there is any allowance in the scheme design for noise barriers higher than 1.8m?

**David Reid:** Allowance in terms of what?

**Graham Bisset:** Provision or plans.

**David Reid:** Our plans at present are as set out in the environmental statement.

**Graham Bisset:** Thank you. We have talked about the "reasonable worst case", which I asked Mr Coventry about. Are we talking about the worst-case scenario in the opinion of the promoter?

**David Reid:** I would say that the promoter would agree with that worst-case scenario.

**Graham Bisset:** I do not know whether you will recollect this, but on 3 November you said that Longannet had a requirement for 12 trains per day. That seems to be at variance with the current worst-case scenario.

**David Reid:** In that it is lower?

**Graham Bisset:** It seems to be at variance with the current worst-case scenario. I wonder how you can reconcile the two.

**David Reid:** Sorry, I just want to be clear. Are you suggesting that what I said the requirement

would be is lower than the worst-case scenario?

**Graham Bisset:** No. On 3 November you quoted the figure of 12 trains a day. Now, the worst-case scenario is that there will be 15 trains a day, which is correct. However, you have also suggested that Longannet might have a requirement for about half a dozen trains a day. Which is the current requirement?

**David Reid:** There is a range of potential requirements for Longannet. We estimate the worst-case scenario as being a requirement at Longannet for 17 trains a day for freight over the section of line with which you are involved. There is potential for the requirement to be a dozen trains per day to Longannet along the existing route. The view at the moment is that, given that the new line will allow longer trains, with greater capacity, five or six trains per day could accommodate Longannet's requirement.

**Graham Bisset:** Would those longer trains be greater than the 2,000-tonne limit that is anticipated in the environmental statement?

**David Reid:** As far as I am aware, the trains considered are those in the environmental statement.

**Graham Bisset:** Right, so there is a little bit of inconsistency between the number of trains given in the environmental statement and the actual requirement.

**David Reid:** I do not think that there is an inconsistency, because the environmental statement went with the worst case. We are not suggesting that that will happen on day one or day whatever; we are suggesting that it is reasonable to consider the worst-case scenario.

**Graham Bisset:** At the moment, the worst case is constrained by the assumption that trains will operate in two directions on the line. In other words, trains need to avoid being on the same section of the line at one time if they are going in opposite directions. Is that correct?

**David Reid:** That is correct.

**Graham Bisset:** Is there anything that would prevent trains from being run at three-minute intervals in one direction, being held at Longannet, then being run back along the line at three-minute intervals in the other direction?

**The Convener:** That is interesting speculative questioning but not so interesting that I am not going to insist that you keep to the specifics in relation to your own case, sir. You have a further 10 minutes in this section.

**Graham Bisset:** It is important to consider the issue because the possibility of noise and vibration would be multiplied tenfold.

**The Convener:** You have the option of referring to that in your closing statement. What I have said about this period of questioning remains in force. You have 10 more minutes. Please try to be absolutely specific to your own concerns. Thank you, sir.

**Graham Bisset:** I understand that the future railway operators will be responsible for the hours of operation, speed on the line, coal dust mitigation, noise, vibration, the number of wagons, the type of freight, wagon maintenance and track maintenance. Is that correct?

**David Reid:** That is a long list. In our railway processes paper, we have set out the responsibilities of everyone outwith the promoter.

**Graham Bisset:** I do not see reference to environmental responsibility anywhere in that document. To whom might a member of the public refer if they had an environmental complaint?

**David Reid:** With respect to what?

**Graham Bisset:** With respect to the future operation of the railway.

**David Reid:** I am not entirely certain but I expect that they could complain to the HSE.

**Graham Bisset:** Is that the Health and Safety Executive?

**David Reid:** That is only my personal view. I cannot say for sure where a member of the public would be able to make an environmental complaint.

**Graham Bisset:** There is no single body in the railway authorities that one could complain to.

**David Reid:** As Stuart Coventry said, they could complain to Network Rail, clearly. I could not say whether there would be a commitment to undertake any mitigation or consideration of the complaint.

**Graham Bisset:** If the line was to go ahead, we would be very much on our own in seeking redress if the scheme was to have any unexpected environmental impacts.

**David Reid:** I disagree to the extent that, as was outlined this morning, we take environmental matters very seriously and have done so from the outset. If the Parliament passes the bill, the design process that we would embark on and the checks that would surround that design would take out a number of those environmental issues. As you mentioned earlier, we have also undertaken to monitor aspects of that during the first year of operation. As a responsible public authority, we have taken every reasonable step that is necessary in that regard.

**Graham Bisset:** However, it is anticipated that

Clackmannanshire Council will never operate the line. Is that correct?

**David Reid:** It is not intended that Clackmannanshire Council will operate the line.

**Graham Bisset:** Thank you. I take it that you will be speaking to the issues on which Tara Whitworth would otherwise have spoken. Is that correct?

**David Reid:** That is correct.

**Graham Bisset:** Thank you. That is everything.

**The Convener:** As you have another five minutes, Mr Bisset, you may ask those questions.

**Graham Bisset:** Will a precognition be taken in respect of Tara Whitworth's evidence?

**The Convener:** Not as far as I am aware. Mr Reid is here to answer for Tara Whitworth. You have five minutes to ask those questions.

**Graham Bisset:** I was unclear about that. I still have a number of fairly important issues to consider in respect of Ms Whitworth's evidence.

**The Convener:** I realise that, but I am still not minded to say anything other than that you have five more minutes and you should direct your questions to Mr Reid.

**Graham Bisset:** Right. I want to ask about the relationship between the bill's scope and the scheme.

**The Convener:** I beg your pardon?

**Graham Bisset:** Can I move to the scope of the bill?

16:00

**The Convener:** No, you cannot. That issue is excluded. I must beg your pardon, Mr Bisset; I was in conversation with the clerking team. However, in answer to your question, it has already been made clear that you cannot ask about the scope of the bill. That said, you still have five more minutes in which to put your questions to Mr Reid.

**Graham Bisset:** The consultation process has addressed the issues of property with regard to land acquisition and human rights. Has the consultation been intended to inform the environmental statement and the environmental mitigation that will be carried out in relation to the scheme?

**David Reid:** Unless I am mistaken, I think that it would be reasonable for Mr Coventry to answer that question.

**Graham Bisset:** I understood that Babbie Group had organised the consultation process and that Tara Whitworth—

**David Reid:** Scott Wilson Ltd, which employs Mr Coventry, undertook the initial consultation and carried out most of the consultation that fed into the environmental statement.

**Graham Bisset:** Latterly, the website provided a link that allowed people to send e-mails to Tara Whitworth. However, I posted some questions of an environmental nature on the website but did not receive responses. Did the Babbie Group and Scott Wilson Ltd ever communicate about what was received on that website?

**David Reid:** Babbie Group, Scott Wilson and everyone on the promoter's team worked together very closely throughout the development of the design and throughout the consultation period.

**Graham Bisset:** Was the environmental statement adjusted at any point to take account of the consultation?

**The Convener:** Perhaps Mr Coventry could help with that question.

**Stuart Coventry:** The production of the environmental statement was a process—after all, we have to go through a number of stages to complete a document of such length. Throughout that period, we took account of comments that were passed to us through the consultation process. Although we might not have amended the statement each time that happened, all the comments that we received through the team from Babbie were taken into account. At that point, either we amended the environmental statement or we did not. I cannot say whether we got all the comments that were posted on the website; we just dealt with the comments that were passed to us.

**Graham Bisset:** It seems to me that the public meeting was very much directed at finding legal rather than environmental challenges to the scheme. Indeed, the representatives at the public meeting were more interested in identifying people who had been given permission by the rail operators to build on, or adjacent to, rail land. On the face of it, very little cognisance was taken of people's environmental objections.

**The Convener:** Was there a question in there, Mr Bisset?

**Graham Bisset:** No.

**The Convener:** Will you ask your final two questions?

**Graham Bisset:** Will you remind us why the Bogside alignment has been dismissed?

**David Reid:** I could go into that in some detail, Mr Bisset.

**Graham Bisset:** Obviously your reply will have to be brief.

**David Reid:** Given the time constraints, I shall say only that, of all the factors, the cost of the Bogside alignment was completely outwith any budget that we could have considered for the scheme.

**Graham Bisset:** I understood Nicol Stephen to have said that the project is under water at the moment in terms of finance. It is not due to break even.

**The Convener:** You are straying again. Do you have a final question in this section that is particular to your specific concerns? You might like to address it to Mr Reid.

**Graham Bisset:** It seems to me that the scheme's financial and other aspects take priority over its environmental aspects. Is there any way of assigning priorities to environmental matters and of assessing the ways in which the scheme will affect the environment and the people who live in its vicinity? Is the priority that has been given to the finances of the scheme greater than that which has been given to the scheme's impact on private individuals?

**David Reid:** Finance is one of a number of considerations. I have set out in some detail the process that we undertook—involving the STAG assessment in particular—to come to our conclusions. The environment was one of the primary considerations in that process.

**Graham Bisset:** My question related to priority.

**David Reid:** There is nothing to say that that one aspect will have priority over another.

**The Convener:** That ends Mr Bisset's questioning. Does Mr McKie have any follow-up questions for Mr Reid?

**Alastair McKie:** No.

**The Convener:** We will suspend the meeting for a minute to allow Mr Bisset to take his place at the witness table.

16:06

*Meeting suspended.*

16:08

*On resuming—*

**The Convener:** I thank Mr Bisset for coming to the meeting. I understand that he has decided to make a solemn affirmation.

GRAHAM BISSET *made a solemn affirmation.*

**The Convener:** Mr Bisset has had an opportunity to lodge with the committee written evidence of his concerns about the scheme. The members of the committee have read all of that

evidence. Would you like to add anything on what the promoter said about the evidence?

**Graham Bisset:** Can I speak in terms of the scope of the bill or in terms of the specific responses?

**The Convener:** You should speak in terms of the specific responses.

**Graham Bisset:** It has been stated that I live adjacent to an operational railway. That issue was considered by the committee on 10 November. It was considered that the scheme's secondary and indirect impacts will be significant. I believe, therefore, that my challenge to the bill should continue to be considered with the same gravity.

**The Convener:** Thank you very much. Mr McKie, do you wish to ask questions of Mr Bisset?

**Alastair McKie:** I have no questions of cross-examination for this witness. The promoter stands by the evidence as given today.

**The Convener:** Mr Mundell, do you have any questions?

**David Mundell:** I have one brief question. In paragraph 5.7.4 of your evidence dated 16 February, which we are referring to as document SAK/S2/04/4/14, you make some points about the Kincardine high-pier crossing. In paragraphs 10 and 11 of its evidence—that is, document SAK/S2/04/4/15—the promoter makes the point that any public use of that crossing over an operational line would be illegal. Would you like to comment on what the promoter says in that regard?

**Graham Bisset:** Yes. The route involved goes across a pre-existing pier. The roots of the pier go back about 100m from its current face, behind the railway, therefore it is clear that the railway arrived after the pier, and that there must have been an existing right of access to the pier. As I understand it, in 1968 or thereabouts an order was made—which I have not had sight of and the authority of which I question—to close that access. That was backed up in July 2003 with a palisade fence, which is what finally stopped all real access across the pier. It is not clear to me that the access is legally closed, nor is it clear to me what the promoter proposes to do about it because, with roughly 30 trains using the line in three months, the health and safety aspects and the justification for full closure of the access are overkill, and are disproportionate to the risks that are involved.

Effectively, the village's cultural links to the pier, which was used for landing fish, have been cut. I point out that at one time, the tonnage of ships that was registered in the port of Kincardine was the second biggest of any port in the River Forth, being second only to Leith. Kincardine also had significant fishing and shipbuilding industries. All

those links to the old pier and to the river are lost. In my initial objection, I wondered why it was not within the means of the promoter to make a goodwill gesture and build a bridge to obviate the problem that has arisen.

**David Mundell:** Thank you, Mr Bisset. That is all.

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

**Alastair McKie:** I have none, sir.

**The Convener:** That concludes the questions for group 18. Mr Bisset, I now give you up to five minutes to make any closing remarks that you have in relation to group 18.

**Graham Bisset:** First, I thank the committee for giving me the opportunity to come today to make representations.

The bill is flawed—its scope does not represent the scheme and it does not protect the people whom its provisions will affect. Public expectation has moved on over the past 200 years. Whereas 200 years ago a railway bill would have been a means to acquire land and to block out people's rights, the situation today has changed, and people's rights to freedom—not in terms of the European Court of Human Rights, but in terms of their rights to enjoy their surroundings—have changed, which is reflected in a number of items of legislation and by the requirement to consult. The bill makes no reference to mitigation or to enforcing the terms of the environmental statement.

That could mean that in effect, in 20 years or whenever, the operators might overstep the assumptions of the environmental statement. Kincardine would be left with the legacy of a railway that could cause environmental harm beyond that which the committee and the Parliament have anticipated.

16:15

Parliament cannot govern against that because the bill has no way of restricting future use of the line. As I mentioned earlier, trains might one day go every three minutes in one direction. That would greatly increase environmental damage.

I will turn to the apparent benefits that the scheme might bring, to which I referred in greater detail in my submission. It is claimed that the scheme will reduce congestion on the Forth rail bridge, but I have seen no evidence of congestion on that bridge. It is claimed that the bill will enable greater commuter traffic across the Forth rail bridge. That issue is already in the hands of the railway operators in terms of provision of longer trains and more efficient signalling systems that



would increase the flow of traffic across the bridge. The promoter talks about reduction of congestion in the area around the Kincardine road bridge, but that will be achieved by means of the relief road that is under construction and which will be completed by the end of this year.

The promoter also talks about the people of Alloa's use of the railway. According to MVA, about 300 people a day will use the railway. Given that there are to be 16 or 17 trains a day, we are talking about an average of 17 people per train. Could they not fit on a bus? Will the railway contribute strongly to the improvement of communications in the area? Would the money not be better spent on improved bus networks than on making a huge step change that a capital project such as a railway involves?

I think that the costs of the scheme are dubious. In my submission, I referred to the figure of £55.1 million, which is described as traveller benefits, but there is no cash impact from those benefits. Clackmannanshire Council has committed to the scheme on the basis that it will secure funding for the capital costs but not for the future running costs of the scheme. The tail end of the finances of the scheme will have additional impacts that Clackmannanshire Council has neither considered nor addressed in terms of securing a guarantee for the expenditure. The committee needs to consider seriously that matter before it progresses the scheme any further. I am not against the idea of a railway; I am against its location. It is in the wrong place and it will cost too much.

My immediate point of view is that that could be avoided by use of the Bogside alignment. That route would pass relatively few houses at a cost of £50 million more to complete. The environmental impact on Clackmannan would be avoided. If the scheme is to be justified on policy or financial grounds or because of the benefits that it will bring to the country, surely £50 million of headroom is adequate to cover the costs of opting for the Bogside alignment?

**The Convener:** Thank you, Mr Bisset. You stopped right on your allotted five minutes. I thank you for that. I also thank you on behalf of the committee for coming to give evidence today.

That concludes the evidence on group 18. We will take a short five-minute break before we proceed to hear the evidence on group 8.

16:19

*Meeting suspended.*

16:29

*On resuming—*

**The Convener:** The witnesses in our next group are Stuart Coventry, Alf Maneylaws, David Reid and Alison Gorlov, all of whom have already taken oaths or made solemn affirmations.

Mr McKie, do you have any questions for Mr Coventry or Mr Maneylaws?

**Alastair McKie:** I have none. However, I would like to know whether the objector—Mr Thomson—was present during the evidence that was given by Mr Coventry earlier today, when he explained various aspects relating to noise, vibration, meeting standards and mitigation. It would be useful if he had.

**Jim Thomson (Causewayhead Community Council)** *indicated agreement.*

**Alastair McKie:** In that case, I have no questions for these witnesses.

**The Convener:** Good afternoon, Mr Thomson, and welcome to the committee. Do you have any questions for Mr Coventry or Mr Maneylaws?

**Jim Thomson:** Yes. I would like to cover a few points regarding vibration and noise.

**The Convener:** Please proceed.

**Jim Thomson:** Mr Coventry, you said earlier that noise does not really have an impact when trains are accelerating. Did I understand you on that point?

**Stuart Coventry:** Good afternoon, Mr Thomson. I did not put it quite like that. We have assessed the noise of the trains running at the speed to which they will be accelerating, so there has been a discontinuity in the speed profile. We have assumed that, if a train goes from 20mph to 60mph, as soon as it starts to accelerate to 60mph it is running at 60mph. The assumption is that a train running at 60mph creates as much noise as—if not more than—the accelerating noise. That is the assumption that we made for the statement.

**Jim Thomson:** On a similar point, throughout Causewayhead there will be changing circumstances. The train will be leaving the station and travelling over the viaduct at 45mph; it will speed up and slow down. Was your assessment based on one specific circumstance—for instance, on empty or filled wagons? On what basis was your assessment made?

**Stuart Coventry:** Perhaps it would help if Mr Maneylaws described the assumptions that were made in the noise modelling over this section.

**The Convener:** If he were to do so, that would be of help to the committee.

**Alf Maneylaws:** The assumptions in the noise-level calculations are based on 30 trips per day for freight and 34 trips per day for passenger trains.

Of the freight trips, 15 would be laden and 15 would be empty.

**Jim Thomson:** Which of those would have the worst noise impact?

**Alf Maneylaws:** In the method for the calculation of railway noise, there is no difference between empty and laden trains.

**Jim Thomson:** So, the contour plans that have been produced are based on the worst-case scenario.

**Alf Maneylaws:** Yes.

**Jim Thomson:** Let us turn to the noise contour plan F1-WM, which shows a number of flats represented by hatching to the left of Waterside level-crossing. There are nine in all, and they are housing for the elderly. Has any special consideration been given to their condition? For instance, as elderly people tend to go to bed a bit earlier, would you consider noise insulation in this case?

**Stuart Coventry:** We have not given any specific consideration to the condition of anybody along the railway. As you say, elderly people may experience the noise differently. When one comes to determining the noise mitigation barriers there, special circumstances may well be taken into account. However, the majority—if not all—of those properties would not experience noise levels that would make them eligible for noise insulation under the regulations that I explained this morning.

**Jim Thomson:** I understand that. However, I am asking whether you would take into special consideration the age of the people concerned.

**Stuart Coventry:** That question needs to be put to the promoter. I have not made the point before now, but Scott Wilson's commission goes up to this stage and we have no authority to make statements about what would be done for noise insulation beyond this point. It is up to the promoter to answer the question whether special consideration would be given to anybody during the detailed design stage.

**The Convener:** The committee notes your answer. If we receive further elucidation on the matter, we will make that available.

**Jim Thomson:** I am looking at the map, about which I have a couple of comments. On the left-hand side is a hatched area that represents a building. That building has now been demolished and replaced by quite a substantial Bett Homes housing development.

Just off the map, on the right-hand side, are two blocks of flatted developments—unfortunately the plans do not include either side of those blocks, so I am not sure how the noise would impact on them. However, at the bottom right-hand corner of

the same map, in the red area, is a building that those who know Stirling will know as the former Gestetner factory—I think that Ricoh owns it now. If I understand the map, are you saying that noise will not have an impact on that building? My view is that noise will reflect off the building and head back towards the flatted blocks that I mentioned. Have you taken that into account?

**Alf Maneylaws:** Noise reflection has not been taken into account in that particular case, although it has been in other areas where buildings are fairly close to one another. The maximum addition to the noise level at a particular property that can be caused by noise reflection is 3dB. It is likely that because of the additional distance over which the reflected noise travels, the additional noise level would be significantly less than 3dB, as a result of attenuation due to absorption in the air and at the face of the reflecting building. The additional noise level from reflection will be fairly minimal.

**Jim Thomson:** What will the noise level be at the flatted developments to which I referred?

**Alf Maneylaws:** As you say, the developments are not on sheet F1-WM. In the environmental statement, noise levels were calculated at properties in the location that you indicated—just give me a moment to find them.

There are a number of properties east of Wallace Gardens. The noise levels at 5 to 8 Alloa Road would be 54dB at ground-floor level and 58.5dB at first-floor level. At 48 Alloa Road, at ground-floor level the noise level would be 54dB, but at first-floor level it would be 68dB—so that is one of the properties that would be more affected by noise.

**Jim Thomson:** Given what you just said about noise reflection, would you add 3dB to those figures, or do they include the additional 3dB?

**Alf Maneylaws:** No, I would not necessarily add 3dB. As I said earlier, it is likely that the additional noise due to reflection will be significantly less than 3dB. I would not envisage that the actual noise level will be much higher than the levels that I have just quoted.

**Jim Thomson:** In a similar vein, older residents of Causewayhead tell me that when the line was open in the past, there was resonance off the Abbey Craig. Can you elaborate on that? Have you considered that possibility?

**Alf Maneylaws:** The additional noise from reflection is a function of how far away the reflecting surface is and the properties of the reflecting surface—how hard and how smooth it is. My estimate is that the noise levels at any properties that we have looked at that are near the line would not be significantly affected by reflections from the location that you mention.

**Jim Thomson:** A point about vibration, again in relation to the Abbey craig, was raised with me only recently. People who are in the know and who have lived in the area for some time suggested that, in the past, there have been rock-falls from the Abbey craig because of vibration, although we are not sure whether that was from the road or the railway line. Has that been taken into account in your considerations?

**Stuart Coventry:** We have not addressed that issue. If there is any evidence of rock-falls, that would need to be taken into account in the engineering design. I find it surprising that vibration from the railway would cause rock-falls. As we have said, the approach to vibration is to consider in considerably more detail during the detailed design stage the properties of the ground along the length of the track. It would be appropriate for that issue to be picked up at that point.

**Jim Thomson:** I have spoken about the matter with Stirling Council, which feels that it has measures in place to catch any rocks that fall. Perhaps the problem is not as big as I am suggesting, but I feel that it must be considered at some stage.

**Stuart Coventry:** That is a relevant point.

**Jim Thomson:** This morning, Mr Oliver commented on vibrations travelling some distance. In my written evidence, I suggest that people who live up to 100m away from the railway line could be affected. That is based on evidence from people who remember the railway line when it was in use, plus the fact that when houses were being built at the Bett site up the road, a track vehicle travelling at much lower speeds caused vibration in the properties. In fact, I have anecdotal evidence that the vibration caused pictures to fall off walls. Has the fact that the railway is built on soft clays been taken into consideration?

**Alf Maneylaws:** Unlike with noise levels, it is difficult to predict levels of vibration from sources such as railways. The best option is to base any vibration levels on measurement. As Mr Coventry said, if properties that are adjacent to the line had problems with vibration, site-specific investigations would be carried out.

**Jim Thomson:** That is where I disagree fundamentally with you. You talk about properties adjacent to the railway line, but I am suggesting that even properties across Wallace Gardens could be affected. We should survey substantially more properties than those to which you have alluded.

**Alf Maneylaws:** We would start with properties within 20m of the line. If it is perceived that the vibration was travelling significantly greater distances from the line in a particular area, the

investigations would be extended to greater distances from the line.

**Jim Thomson:** Is that an assurance or simply a suggestion?

**Alf Maneylaws:** That is a proposal from me. It would make sense to do that during the site-specific investigations.

**Jim Thomson:** The new houses have thankfully been built on piles, but I understand that that in itself could cause problems, with vibration travelling into the piles and up into the foundations of the properties.

**Alf Maneylaws:** The assessment of the vibration at particular properties will be based on site-specific investigations, which will take into account the interaction between the ground and the foundations of the properties and whether they are on pile or raft foundations or on other types of foundation.

**The Convener:** As there are no further questions, I thank Mr Coventry and Mr Maneylaws for giving evidence.

We now turn to Mr Reid, who will also answer questions that Tara Whitworth would have answered if she had been here.

16:45

**Alastair McKie:** Mr Reid, can you confirm whether the railway line at this location is operational?

**David Reid:** We had that discussion earlier, but this is slightly different. Officially, it is operational but out of use.

**The Convener:** Will you explain the difference to the committee, please? You said that this is slightly different from your previous explanation, but will you define the difference for us?

**David Reid:** I should have defined that. It is slightly different from the Kincardine situation, in which the line is operational and in use. This is operational but out of use—in other words, there is no concept of a train running up the line unless work is undertaken to bring it up to a satisfactory standard.

**The Convener:** I am grateful to you for that answer, which is now on the record.

**Jim Thomson:** Mr Reid, when you considered the various options for reopening the line, did you consider bypassing Causewayhead?

**David Reid:** No.

**Jim Thomson:** So it was assumed that if the line were to reopen, it would follow the line as it stands.

**David Reid:** Correct.

**Jim Thomson:** Perhaps this is my confusion, but in previous discussions I have always been told that the speed limit is either 60 or 70mph, depending on the type of train. The promoter's written evidence suggests that the speed limit has been reduced to 35mph. Can you confirm that?

**David Reid:** No. The situation is slightly confusing. The speed that is set for the line is 60mph for freight and 70mph for passenger trains—essentially, that is the speed that we would like to achieve from end to end if we were given a blank sheet of paper. Obviously, as you would expect, we are not in that situation and there are parts of the line where the curvature would not allow that to happen—Causewayhead is an example of that. In essence, the speed that we have stated is the speed at which we envisage trains running along that section, based on current standards. The line speed has not changed, but the section's design speed is limited by the alignment.

**Jim Thomson:** That is the point that I tried to make in my written evidence. The current speed limit is 10mph. I am not suggesting that that is the design speed, but I am trying to clarify that traffic will not travel at speeds greater than 35mph on the radius.

**David Reid:** We set out the speeds at which we envisage trains running along that section, given its design, in paragraph 7 of paper SAK/S2/04/4/24. The speed of passenger trains would be between 55mph and 60mph, and the speed of freight trains would be between 35mph and 60mph, although, in practical terms, the speed would be nearer 35mph. The 10mph that you referred to is a function of elements other than the alignment, such as level-crossings, the condition of track and so on. The intention is to build track that is up to current standards, with continuously welded rail—in other words, rail that does not have joints. Such factors contribute to the potential to run trains closer to the desired speed. The limiting factor then becomes alignment rather than other factors.

**Jim Thomson:** I have a supplementary question. Will the speeds at which trains will go through the level-crossing be 35mph for freight and 55mph for passenger trains?

**David Reid:** For passenger trains, yes.

**Jim Thomson:** I raised an issue about the speed limit on the level-crossing. If the speed limit is to be increased, the track will need to be superelevated and put on a cant. It is suggested that the present arrangement is satisfactory, but what you have said suggests that that may not be the case. Is it likely that the superelevation of that section of track will need to be increased?

**David Reid:** My reference to the current condition of the level-crossing—or its previous condition, given that it is currently in no condition—was more about the functionality of the crossing and how that was controlled. The superelevation or cant is a matter for detailed design. There is already considered to be cant on that bend. If you are asking whether the road would need to be superelevated any further, detailed design might show that that is required.

**Jim Thomson:** My point is that, as I understand it, if the speed is increased, the superelevation would also need to be increased. Increasing the superelevation would involve changing the alignment of the road, which would mean further disruption beyond what is suggested in the environmental statement.

**David Reid:** I do not agree. The roadworks that would be required would be marginal. An increase of only a matter of centimetres or inches, rather than feet, would be required to increase cant around that bend. Major works would not be required.

**Jim Thomson:** I suggest otherwise. I suggest that increasing the superelevation even by 10mm would require the road to be realigned accordingly before the crossing could be merged back into the road. However, we can disagree on that point.

I want to pick up on the issue of the ownership of maintenance. In my report, I said that I oppose the use of a timber fence because our experience in Causewayhead, as in other places, is that such fences fall into disrepair very quickly. You will undertake to maintain the fence on your side, but how will you ensure that people on the other side of the fence look after their side? Will you have a right to insist that other people maintain their side of the fence or will you have a right to gain access to maintain the fence?

**David Reid:** Again, I refer you to the process paper that was lodged.

I understand your concerns about maintenance, given that the responsibility for that will be with someone other than the promoter—I suspect that Network Rail will be responsible. However, it is fairly well documented that most of Network Rail's maintenance problems are connected with the fact that it is dealing with a fairly old rail network, the maintenance of which has possibly been underfunded for years. There should be no excuse for not maintaining a new railway that has been built to current standards.

In that regard, it is for Her Majesty's railway inspectorate to oversee maintenance and to issue warnings if Network Rail does not maintain the railway to the required standard. The difference here is that this railway line will be new. There should be no reason why a new line should not be

maintained to the standard, whereas an old line that might have suffered from underinvestment might require many more resources.

**Jim Thomson:** I will ask my question again. Do you have the right to insist on getting into someone else's property to maintain your fence?

**David Reid:** In terms of anything on the railway side of the fence, there is no right to enter the land for the purposes of maintenance.

**Jim Thomson:** I refer you to paragraph 8 on page 3 of document SAK/S2/04/4/24, which you referred to earlier. In my written evidence, I gave figures for the times that the barrier will be down. My timings are roughly based on timings from the barrier at Cornton, which is another level-crossing in our area. I accept that the new barrier will be a modern barrier, so the timings may be slightly different. However, I do not think that they will be far away from my figures and I certainly do not think that they will be as low as the figures that you have given. When driver reaction time is taken into consideration, I think that there will be no access to the road for five minutes out of every 15. Do you accept that to be reasonably accurate?

**David Reid:** I accept that what is in paragraph 8 is accurate.

**Jim Thomson:** Even though evidence at another crossing shows the situation to be otherwise?

**David Reid:** I am sure that we could travel the country and find a number of crossings that would give us different results. I am sure that the times that you took are correct, but, based on our experience and calculations, we are satisfied with our figures.

**Jim Thomson:** In the final sentence of that paragraph, you suggest that a freight train will immediately follow the passenger train. Is that a likely event?

**David Reid:** It is not considered that a freight train will immediately follow a passenger train. However, the crossing will not be closed for a long time. The freight train will come along at some point after the passenger train. It might take a number of minutes, however. I accept that, if the freight train were immediately behind the passenger train, the likelihood is that the crossing would close twice in a fairly short period.

**Jim Thomson:** For safety reasons, how close to another train can a train travel?

**David Reid:** To be honest, I would have to check in relation to that section of line. There are standards, however.

**Jim Thomson:** Can we assume that there will not be a train every 15 minutes? I am thinking about a passenger train and a freight train going in

one direction and then a passenger train and a freight train going in the other direction, for example.

**David Reid:** It is not intended that there will be as rigid a timetable as that.

**Jim Thomson:** Are there currently speed and weight limits on the Stirling viaduct?

**David Reid:** There is a weight limit. However, all the structures, including the viaduct, will be upgraded to meet the weight limit that we require. In fact, the viaduct will be returned to its former state.

**Jim Thomson:** I am pleased about that. Have you conducted a full structural survey?

**David Reid:** Yes. We have conducted such a survey under a separate contract for Network Rail. We undertake all of Network Rail's bridge assessment in Scotland.

**Jim Thomson:** Can you tell me what the weight limit is at present?

**David Reid:** It is not high. I think that it is RA4 and we want it to be RA10. That is a significant difference. However, it does not make much difference at the moment, given that no trains go over the viaduct. Our position is that it will be upgraded to meet the necessary requirements for the railway.

**Jim Thomson:** Have sufficient sums been set aside to deal with that? Might there be a risk that, when you start the work, you will find out that there is other work that you have not identified? Have you set aside a little pot of money to deal with that eventuality?

**David Reid:** We have considered the situation in detail. As you probably know, the viaduct on the parallel line to Dunblane is a similar structure. The behaviour of that structure in terms of its defects was similar to what we see on our line—if I can call it that. The works that were undertaken on the viaduct on the Dunblane line were successful and we will use the knowledge that was gained during that process when work is done on the Stirling viaduct, which we consider faces the same problems. A significant amount of knowledge and money is available in relation to the upgrading of the structure.

**Jim Thomson:** That deals with my points on the engineering aspect.

**Rob Gibson:** Paragraph 9 of SAK/S2/04/4/24 refers to the proposed Bryant development. Would that be built on land that is allocated for residential development in the local plan?

**David Reid:** I am slightly out of knowledge with regard to the Bryant development, although my colleagues will probably be able to assist me. I

understand that the development is being taken forward by Taylor Woodrow. I cannot give the committee specific advice on the local plan aspect, but I can tell you that the planning submission is sitting with Stirling Council, to be adjudicated on in the next 10 days or so.

17:00

**Rob Gibson:** So you do not know of any planning recommendation as yet.

**David Reid:** I am aware that the planning application was originally recommended for refusal. However, the matter has been set back until 24 March, I think, for Stirling Council to make a final decision on it.

**Rob Gibson:** We cannot see into the future as far as that is concerned.

In document SAK/S2/04/4/22, which is from Causewayhead community council, paragraph 3.1 of the objectors' evidence states:

"It is likely on occasion that the train will need to accelerate/decelerate, thus inducing higher noise levels."

Were gradients and other factors that might produce a need to accelerate or brake taken into account in the production of the noise contour plans?

**David Reid:** I think that that is probably a question for Stuart Coventry or Alf Maneylaws.

**Stuart Coventry:** The answer that I gave to Mr Thomson perhaps covers that. The noise assessment has taken account of noise in discrete speed bands and of the design speeds. For the majority of the line, we have been assessing a higher speed than that which would occur. Mr Reid has just discussed some of the actual speeds in the area. Although we have not specifically taken into account acceleration from a lower speed to a higher speed, the fact that we have carried out our assessment at the higher speed broadly compensates for that, and it perhaps more than compensates, depending on the situation.

**Rob Gibson:** Are the conclusions represented by the noise contour plan affected by gradients?

**Stuart Coventry:** They will be. The noise level of the power source at the front of the train would be higher going up a gradient, when the engine is on, compared with when the train is travelling on the flat. We have taken a level railway situation without that power source in place. I would say, however, that that is just one section of a train of 20 or so carriages. The rolling noise is the same for the other 19, regardless of whether the train is on the flat or going up an incline. The fact that we did the assessment at a higher speed than that at which the train would be running would compensate for the engine noise.

We have taken a generalised noise approach. That is why, when speeds have been confirmed at the detailed design stage, and when the gradients and noise barrier locations and types are being developed, a recalculation would need to be done to take all those points into account. We have considered a number of scenarios above the level that we have reported in the environmental statement, just to see what a worst-worst case would look like, and the noise levels did not change substantially. That does not suggest that there would need to be a quantum leap in terms of noise barriers.

**Rob Gibson:** The gradient in the area that we are discussing is fairly low, as is much of the line.

**Stuart Coventry:** Railway gradients are generally flat. A gradient of 1 per cent is about as much as you will find on a railway.

**Rob Gibson:** I am not sure whether my next question is for Mr Reid. Please tell me if I am wrong and it should be for Stuart Coventry instead. What are your observations on the two points that the objectors make about fencing, in paragraph 3.4 of SAK/S2/04/4/22?

**David Reid:** The first point is probably for Stuart Coventry to deal with; I will deal with the second point. We have probably dealt with both matters at some point.

On the second point, I refer to what Mr Thomson said about maintenance of the fence. Mr Thomson's point was probably about the look of the fence and the same answer applies to its noise reduction quality. Network Rail should maintain its standard.

**Stuart Coventry:** I will deal with the first point. Mr Thomson is right in that, in most circumstances, people will still be able to see the locomotive over the fence. As the noise source would be at a higher level than the fence, the noise fence would not attenuate the locomotive's engine noise.

However, as I think I have just explained, many factors must be taken into account. We have done calculations in respect of gradient and taken into account engine noise. There is not a substantial difference. In many cases in the more detailed calculation—we have checked at only a few spot points—the noise level is lower than what is shown in the environmental statement. In some cases, it is slightly higher. To the extent that we have assessed it, it is not materially different in the planning context than how we have described it.

**The Convener:** There are no further questions for Mr Reid, so I thank him for giving evidence.

Mr McKie, do you have any questions for Mrs Gorlov?

**Alastair McKie:** No, sir.

**The Convener:** Mr Thomson, do you have any questions for Mrs Gorlov?

**Jim Thomson:** Just one. I have suggested an amendment to the bill. I have read and I understand the compensation and blight issues, which is why I proposed the amendment. It is a case of putting your money where your mouth is. If you believe that there is no problem, is there any legal reason why money cannot be put aside for such a reason?

**Mrs Gorlov:** I am not aware of any reason. One can put money aside for all sorts of things. With respect, I think that Mr Thomson is asking why the funding statement was put together without taking into account items of expenditure that he has identified. At the risk of incurring the wrath of the committee, I ask the convener to ask whether that is the question.

**The Convener:** I do not mind being the conduit for that question. Was that the reasoning behind your question, Mr Thomson?

**Jim Thomson:** Partly. However, the main thrust of it is that many people are obviously concerned about the railway line and the impact that it might have on their properties. They might be more inclined to support it if they knew that there was recompense if they should need it.

**Mrs Gorlov:** I think that the answer to that question is that the recompense would be there if the Lands Tribunal for Scotland ultimately believes that it ought to be paid. The only question mark that would hang over the payment of recompense is whether the promoter would be in a position to pay it, but I do not think that that is the question that I am being asked to respond to. The law requires payment of compensation in certain circumstances, as I outlined in my evidence. If those circumstances come to pass and the people who are entitled to compensation claim it, it will be payable. The amount is whatever is agreed between the parties or, in default of agreement, the amount that is decided on by the Lands Tribunal.

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

**Jim Thomson:** Thank you, but I will hold back until I make my statement.

**The Convener:** We will have a one-minute break to allow Mr Thomson to take his place at the witness table.

17:09

*Meeting suspended.*

17:10

*On resuming—*

**The Convener:** Thank you very much, Mr Thomson, for coming along to the committee. I understand that you have decided to make a solemn affirmation.

JIM THOMSON *made a solemn affirmation.*

**The Convener:** You have had an opportunity to lodge written evidence to the committee about your concerns in relation to the scheme and the committee has read all that evidence. In the light of what the promoter has said about your evidence, is there anything that you would like to add initially?

**Jim Thomson:** No. I shall reserve that to my statement.

**The Convener:** Mr McKie, do you wish to ask questions of Mr Thomson?

**Alastair McKie:** I have just two questions.

Good afternoon, Mr Thomson. If you have document SAK/S2/04/4/22 before you, could you turn to paragraph 3.2.5? That paragraph contains your statement that

“Bett Brothers are constructing flats”,

and you make reference to mitigation measures. I have been advised that Stirling Council has indeed considered mitigation measures in that grant of planning permission and that it is, in fact, requiring acoustic fencing. Do you know anything about that?

**Jim Thomson:** I am not aware of that.

**Alastair McKie:** My second point is about paragraph 3.2.6, in which you mention the planning application by Bryant Homes, which has been described as Taylor Woodrow. Are you familiar with that planning application?

**Jim Thomson:** Yes.

**Alastair McKie:** Do you know whether it has been decided?

**Jim Thomson:** It has already been stated that the application is in abeyance. I understand that Clackmannanshire Council has made an objection, which is something that we cannot understand, as it is not an adjoining landowner, but so be it.

**Alastair McKie:** As a community councillor and as secretary of the community council, you will be familiar with Stirling Council's adopted plan. Is that correct?

**Jim Thomson:** Yes.

**Alastair McKie:** Do you know whether that Taylor Woodrow site is an allocated housing proposal within that plan?

**Jim Thomson:** It is not within the allocated area.

**Alastair McKie:** Thank you. That is the end of my questioning.

**Rob Gibson:** I, too, wish to refer to document SAK/S2/04/4/22 and to your proposals in paragraph 5.1. Why do you consider that structural surveys should be given to all properties within 100m of the railway?

**Jim Thomson:** As I said, there are people who have lived there for a good number of years and who recall the railway line when it was first opened. They pointed out some damage to the property; I thought that it was superficial, but try telling them that. There are great concerns among the people in Wallace Gardens. Stirling is built primarily on clay and, if a car passes by very close to the property, the house shakes, as I know happens in other estates where houses are built next to the railway line. What we are trying to do, if the bill goes ahead, is to get some reassurance for those people that they will have recourse to some recompense if there is any structural damage to the property.

As has been stated, currently it is properties adjacent to the railway line that will be given preferential treatment. I suppose that that is as it should be. However, the point that I am trying to make is that people away from the boundary could equally be affected. I make the suggestion about structural surveys to protect them.

**Rob Gibson:** Thank you for putting that on the record. In paragraph 2.3 of SAK/S2/04/4/22, you refer to a serious potential for accidents as the result of a curve in the track at Ladysneuk crossing. In what circumstances do you see that danger arising?

**Jim Thomson:** May I ask a further question that I should have asked earlier?

**The Convener:** It is straining things a bit, but I will indulge you. To whom are you putting the question?

**Jim Thomson:** The question is for Mr Reid.

17:15

**The Convener:** We will allow it.

**Jim Thomson:** Thank you. When I wrote our submission, I understood that there was to be a half barrier. I believe that you have since opted for a full barrier.

**David Reid:** That is the case.

**Jim Thomson:** In that case, paragraph 2.3 of the submission no longer applies. My concern related to the crossing at Cornton, where people zig-zag around to gain I do not know what. They

are silly people, but that is what happens.

**The Convener:** That concludes the questions for group 8. Mr Thomson, you have up to five minutes to make closing remarks to the committee in relation to group 8.

**Jim Thomson:** I thank the committee for allowing me to speak at today's meeting. I was hoping that the meeting would be held in Edinburgh, but Alloa is as good a place as any.

Causewayhead community council supports the reopening of the railway line. We are on record as saying that we would welcome that for passenger trains. We recognise that many people from Alloa and Clackmannanshire travel either to Stirling or through Stirling to get to other places. If the railway line took traffic off the road, we would support that. We wanted, but are not getting, a station at Causewayhead that would enhance the park-and-ride scheme that we have during the winter months. The essence of our objection is to freight trains. We see no need for them and must object on that basis.

The point has been made that this is an operational line, but I will give the committee some figures that explain our position. There has not been a passenger train on the line for 30 years. The last freight train on the line of which we are aware was in 1993. As I have stated, there have been previous attempts to open the line, which have failed. Some of the track has been lifted and the line is subject to vandalism. In no circumstances can it be regarded as operational.

Our real concern about the environmental statement is that it understates the position of Causewayhead. It mentions one or two properties that will be affected, but in fact there are 33 houses within 10m of the boundary fence. There are a further 12 houses within 20m and significantly more beyond that. Due attention has not been paid to Causewayhead in the environmental statement.

I have raised certain issues regarding noise and so on that are of genuine concern to the people of Causewayhead, whom I am representing today. I thank the committee for hearing from us. Whatever the decision is, we will take it gracefully.

**The Convener:** Thank you very much for appearing before us.

That concludes the evidence for group 8, which is the last group to be considered today. I thank all witnesses and their representatives for their attendance and contributions. The committee will consider all evidence in due course. On next Monday, 22 March, at approximately 11.15 am, we will start to take oral evidence in respect of the next groups.

Before closing the meeting, I want to return to an



issue that was raised this morning, which concerned a memorandum on the accommodation crossing. The committee has given careful consideration to the further memorandum that was submitted by the promoter—SAK/S2/04/4/32—and to the oral evidence that Alison Gorlov gave this morning in relation to the request to reduce the normal 60-day objection period in respect of the proposed amendment to close the Balfour Street crossing. The committee heard from Mrs Gorlov that she is 100 per cent satisfied that all those persons who may have rights in respect of the crossing have been identified. The committee is reassured by that evidence.

Paragraph 5.43 of the “Guidance on Private Bills” provides that the objection period

“should ... normally be 60 days.”

However, the guidance also provides that

“in circumstances where the Committee is satisfied that potential ... objectors will not be hindered in the exercise of their right to object then it may specify an objection period of less than 60 days.”

The committee has taken into account the evidence that Mrs Gorlov gave this morning that the only potential objectors to the proposed amendment are Mr Brydie and Mr Anderson. The committee is mindful that, according to the promoter’s evidence, at least one of the potential objectors—Mr Brydie—is aware of his rights and has been alerted by the promoter, in a letter to his solicitors dated 12 January 2004, of the possibility of the proposed amendment. The committee notes that the other potential objector is the business partner of Mr Brydie, although it is fair to say that we are not quite as optimistic as is Mrs Gorlov that Mr Brydie will have discussed the issue with him.

We have taken into account the fact that paragraph 5.43 of the guidance states:

“The process of notification and advertisement should be equivalent to the original process undertaken before introduction of the Bill”.

That will involve publication of the proposed amendment in at least two issues of the *Alloa and Hillfoots Wee County News*.

Having taken into account all the above factors and noted the particular circumstances of the proposed amendment, the committee has taken the view that to reduce the normal 60-day period to 21 days would not hinder any potential objectors in exercising their right to object. Accordingly, it has decided to agree to the promoter’s request. However, the committee does not agree to the promoter’s suggestion that the period of 21 days should be further reduced if and when the two potential objectors object or confirm that they do not want to object.

Finally, and for the avoidance of doubt, I add that the committee has come to its decision on the basis of consideration of the particular facts and circumstances of the issue and that our decision in no way sets any precedent as regards procedure either for this committee or any future private bill committee.

*Meeting closed at 17:22.*



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