

# **EDINBURGH TRAM (LINE TWO) BILL**

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## **PROMOTER'S MEMORANDUM**

### **INTRODUCTION**

1. This document relates to the Edinburgh Tram (Line Two) Bill introduced in the Scottish Parliament on 29 January 2004. It has been prepared by Transport Initiatives Edinburgh Limited, Bircham Dyson Bell, a consortium led by FaberMaunsell, LandAspects, Grant Thornton and Weber Shandwick on behalf of the promoter, The City of Edinburgh Council, to satisfy Rule 9A.2.3(b) of the Parliament's Standing Orders. The contents are entirely the responsibility of the promoter and have not been endorsed by the Parliament.

2. Explanatory Notes and other accompanying documents published by the Parliament are available separately as SP Bill 18-EN. The Promoter's Statement included in that document contains details of the other accompanying documents published by the promoter, and where those documents may be inspected and purchased.

3. This Promoter's Memorandum sets out the objectives of the Bill and the necessity for taking the route of a private Bill in the Scottish Parliament. It then sets out the policy context and route to approval of the promotion of a private Bill. Then it covers the consideration of alternatives, where this has not been done elsewhere. Finally, it sets out the consultation that has been undertaken on the proposals to date.

### **OBJECTIVES OF THE BILL**

4. The principal objective of the Bill is to authorise the construction and operation of a tram line in Edinburgh. The line will start at St Andrew Square and travel west along Princes Street, past Haymarket Station to South Gyle, north to Gogar Roundabout, and then north-west to the airport, with a shuttle service from Ingliston park and ride to Newbridge. The route that is proposed can be seen on the Parliamentary plans that accompany the Bill. The Bill will also authorise the infrastructure associated with the tram line such as tram stops, depots and overhead wires. Consents and powers are sought in connection with the tram line, such as consent to stop up and divert roads and footpaths, to carry out works to listed buildings, and to attach equipment to buildings and power to acquire land and rights over land compulsorily.

5. The broad policy objective of the Bill is to help to create the transport infrastructure necessary to promote and support a growing local economy and create a healthy, safe and sustainable environment. One of several initiatives being undertaken to achieve this is the development of a tram system. A western line is one of three that has so far been identified by the council as bringing the greatest benefits to the City of Edinburgh.

## **NECESSITY FOR A PRIVATE BILL**

6. The Bill is promoted by The City of Edinburgh Council, with preliminary work having been carried out by Transport Initiatives Edinburgh Limited, a wholly-owned subsidiary of the council.

7. In order to construct and operate a tram line, the promoter needs to acquire the necessary land and avoid claims in nuisance for both the construction and operation of the works. To seek to acquire all the land by agreement would be impracticable, as would reaching agreement with all those potentially affected by nuisance. The only practical method of obtaining these powers is by legislation, and the promoter does not already possess such powers for the purpose of constructing and operating a tram line. The promoter also needs various consents, such as planning permission, listed building consent, and consent to stop up and interfere with roads and paths. Each of these could be sought separately but it is convenient for the promoter, those authorising and those affected by the Bill, and standard practice, for these consents to be sought together with the principal powers to construct, operate and maintain the works.

8. Since the passing of the Scotland Act 1998, tramways (i.e. tram lines running wholly or mainly along roads) have been within the legislative competence of the Scottish Parliament. Since the passing of the Scotland Act 1998 (Modifications of Schedule 5) Order 2002 (S.I. 2002/1629) in June 2002, the promotion and construction of railways which start, end and remain in Scotland has been within the legislative competence of the Scottish Parliament. The definition of “railways” in that statutory instrument includes tramroads, (i.e. tram lines running wholly or mainly off roads). While technically the United Kingdom Parliament also retains the power to pass such legislation, there is an understanding that legislation that is within the competence of the Scottish Parliament should be referred to it. There is no other mechanism for such referral that has been laid down by the Parliament in its standing orders or in legislation, other than authorisation by means of a private Bill. For these reasons the promoter is seeking to obtain the authorisation it seeks by means of a private Bill in the Scottish Parliament.

## **POLICY CONTEXT**

9. The genesis of this project can be traced back to a White Paper issued in July 1998, before the Scotland Act 1998 came into force. It was produced by the Scottish Office and entitled *Travel Choices for Scotland: The Scottish Integrated Transport White Paper*. This invited each local authority to produce a local transport strategy, and advocated the setting up of a Scottish public transport fund to fund key projects.

10. Accordingly, The City of Edinburgh Council resolved in October 1998 to prepare its local transport strategy (LTS), and this was drawn up over the following two years. It sets out a vision for transport in Edinburgh as follows:

“Edinburgh should be a city with a transport system which is accessible to all and serves all. Edinburgh’s transport system should contribute to better health, safety and quality of life, with particular consideration for vulnerable people such as children, the elderly and disabled people; it should be a true Citizen’s Network. The transport system should support a strong, sustainable local economy.

People should be able to meet their day to day needs within short distances that can easily be undertaken on foot, by bicycle, or by public transport. Choice should be available for all journeys within the city. The city should develop and grow in a compact form that minimises the need for travel, especially by car.”

11. The aims of the LTS are set out as follows:

- to improve safety for all road and transport users;
- to reduce the environmental impacts of travel;
- to support the local economy;
- to promote better health and fitness;
- to reduce social exclusion;
- to maximise the role of streets as places to meet and play.

12. At page 6, the LTS sets out schemes to be pursued in the longer term, dependent on funding, including “a light rapid transit system for the city; possible options include further phases of a CERT (City of Edinburgh Rapid Transit) or a metro”.

13. The strategy included identifying and implementing a series of measures (the “New Transport Initiative”, later the “Integrated Transport Initiative” (ITI)), which was presented to the council’s Transportation Committee on 31 May 1999. The Committee authorised implementation of Phase 1 of the strategy, which was to identify major improvements needed to the city’s transport system. The measures that were identified were a road user charging scheme, together with a package of improvements to public and private transport.

14. On 4 May 2000, the council considered the results of Phase 1 and agreed to embark on Phase 2, an examination of the ways of achieving the measures that had been identified. The council executive considered phase 2 on 11 September 2001. The package of suggested improvements to public and private transport was divided into five areas: rail, tram and guided bus; integrated transport including park and ride; bus improvements; road maintenance; and quality of life and environmental improvements. The report concluded that the best way to deliver the improvements was to set up a wholly owned subsidiary to implement such elements of the ITI as the council referred to it. The subsidiary was originally referred to as ENTICO but was eventually set up under the name of Transport Initiatives Edinburgh Ltd (**tie**) in 2002.

15. The council was awarded an initial £6.555m by the Scottish Executive as part of its initiative “Delivering Transport Improvements” in March 2002, to investigate the desirability of building one or more tram lines in the city.

16. In September 2002, **tie** submitted its proposals to the council. It identified a road user charging scheme to be preceded by a package of improvements including an “Edinburgh Crossrail” rail scheme, a West Edinburgh Bus Scheme (WEBS) to the airport, bus lane improvements and park and ride schemes. Three tram lines were also identified as the most promising in terms of economic viability and benefits to the city: a northern loop connecting Granton and Leith to the city centre, a western line connecting the city centre to the airport, and a

south-eastern line connecting the city centre to the new Royal Infirmary. **tie** reported that the northern loop and western line could be in place by 2009 and the south-eastern line could be in place by 2013.

17. The benefits of a tram system were seen as:

- a greater capacity than buses – up to 300 passengers per vehicle;
- a greater effect on persuading people to use public transport – research from the Croydon Tramlink indicates a ‘modal shift’ of 18%;
- less impact on the environment in terms of emissions and noise; and
- greater accessibility for mobility-impaired people.

18. The Council Executive decided in January 2003 to take these lines forward, and the first three tram lines have now been included in the revised Local Transport Strategy (policies PTP18–20).

19. As a precondition to securing funding from the Scottish Executive, transport schemes must be appraised in accordance with “Scottish Transport Appraisal Guidance” (STAG) in two stages, an initial stage (STAG 1) and a detailed stage (STAG 2). Transport Initiatives Edinburgh Limited submitted a STAG 1 application in October 2001 that addressed the whole of the ITI, and a STAG 2 application for tram lines One and Two in November 2003. These application documents go into the policy context in much more detail than is appropriate in this memorandum.

20. In March 2003, the Scottish Executive announced £375m would be made available for the construction of the first two lines (subject to STAG 2 approval). When announcing the award, Transport Minister Iain Gray said:

“A sustainable, safe, effective and integrated transport network lies at the heart of our economic development. This announcement is about supporting Edinburgh's success over the long term.

One of our top transport priorities is to support a first class transport infrastructure for Scotland's capital and today's investment makes a huge contribution to that aim. This is not dependent on the introduction of congestion charging but will ensure that the adequate funding is available as soon as the Council produces a robust final business case for the first tram line and related public transport improvements.

Making this commitment now, means that as soon as the final plan has been proved, work can begin on the route without further delay.

Edinburgh has experienced traffic congestion for many years and this has become more acute partly because of the city's economic success. To keep our cities moving we want to support modern, efficient public transport infrastructures and the creation of a tram network for the city will make a significant contribution to that.”

21. Accordingly, the council authorised **tie** to proceed with the three tram lines. Council approval to promote the Bill for Line Two was given at a meeting held on 22 December 2003.

## **CONSIDERATION OF ALTERNATIVES**

22. On the broader policy objectives, the “policy context” section above sets out how a tram system was considered by the council as one of several options to be brought forward simultaneously to improve transport in the city. In that sense the other ways of achieving the policy objectives are not mutually exclusive and are also being progressed, and the relative progress of each of these is largely dictated by the availability of funding.

23. On the narrow objective of seeking the construction and operation of a tram line, the “necessity for a Private Bill” section above sets out why this objective can only practically be achieved by means of a private Bill in the Scottish Parliament.

24. Line Two is one of three tram lines that have been identified by council officers as viable. The alignment of Line Two was identified following an extensive scoping, option generation and sifting exercise. This began with a general definition, from earlier studies, of a route from the city centre to the Gyle, Edinburgh Park, the airport and Newbridge, and was widened to ensure that other possible corridors would not out-perform this initial option. All the route options were evaluated in the general context of criteria set out in the Scottish Transport Appraisal Guidance (STAG) draft consultation document in July 2001. As well as the five objective areas set out in STAG (environment, accessibility, safety, integration and economy), the study team evaluated implementation and engineering, traffic and transport aspects of the options. This assessment generated a preferred route corridor which was broadly in line with the initial route but which contained a number of areas with sub-options which were taken forward to public consultation (see the next section) and further detailed assessment. These additional investigations were again carried out in line with the STAG methodology to define the preferred alignment that is being put forward in the Bill.

## **CONSULTATION**

### **Public consultation**

25. The first round of relevant public consultation was undertaken when the council was drawing up its local transport strategy. This was in four phases, and mainly concentrated on the possibility of introducing a road user charging scheme. The first phase was entitled “Edinburgh’s Transport Choices” and involved some 250,000 leaflets being sent to Edinburgh residents. Residents were asked if they preferred no road user charging and limited transport improvements or road user charging that would fund major improvements. Around 62% of the responses supported road user charging that funded major transport improvements.

26. The second phase was on a smaller scale involving focus groups and a citizen’s panel and explored various elements of a preferred transport strategy. A tram network was one of the options consulted upon. The third phase was similar and involved asking more residents outside Edinburgh. In both these phases tram options were supported, but generally after other transport improvements had been put in place.

27. The fourth phase was entitled “Have Your Say” and was on a larger scale – with 240,000 leaflets being distributed. The options were: a single-cordon road user charging scheme with a package of transport improvements (including the first two tram lines) (option A), a double-

cordon road user charging scheme with a larger package of improvements (also including the first two tram lines) (option B), and no road user charging and limited transport developments (not including any tram lines) (option C). The results were evenly balanced. More respondents from Edinburgh supported either options A or B than opposed them both. Option C was placed first most often when respondents were asked to rank the options individually, but it was also placed third the most often.

28. The “Have Your Say” options on spending were linked to the proposal to introduce a road user charging scheme. Once funding for the tram was announced by the Scottish Executive, a widespread public consultation specifically on the first two lines took place between May and July 2003. This consisted of:

- two leaflets setting out the options for each line with a response coupon, delivered to 102,000 households, businesses and other interested bodies;
- 3000 leaflets were distributed to public libraries, community centres and public buildings;
- press briefings, media interviews and advertisements placed between 14 May and 10 July;
- a website with a reply form;
- seven public meetings on 3, 4, 5, 10, 19 and 25 June (two on the last day);
- specific meetings were held on 23 and 26 May for tourism and business organisations, and disability, transport and environmental organisations respectively;
- a roadshow visiting eight venues between 21 May and 25 June;
- five meetings of community councils were attended by **tie** representatives;
- an exhibition at the council’s offices in Cockburn Street from 21 May to 25 June;
- mailing City of Edinburgh councillors and holding a presentation for them on 14 May, and mailing MPs and MSPs and holding a presentation for them on 17 June.

29. The Line Two leaflet (and other outlets for questions on Line Two) asked whether the tram was supported in principle, whether the route in general was supported and whether the indicated stop locations were supported. Alternative route options were then offered for four parts of the route – Princes Street or George Street, travelling south of the main railway line, north of it or partly north and partly south of it between Roseburn and Carrick Knowe, travelling around or across Gogar Roundabout, and travelling to the south or north of Ingliston Showground.

30. Over 3000 responses were received to the consultation on Lines One and Two. To the nearest percent, of those who expressed an opinion, the following answers were received on the various options:

| Question           | Option         | % in favour | Option        | % in favour |
|--------------------|----------------|-------------|---------------|-------------|
| Have tram          | Yes            | 86          | No            | 14          |
| First Line 2 route | Princes Street | 71          | George Street | 29          |

|                                 |  |    |                                    |    |
|---------------------------------|--|----|------------------------------------|----|
| alternative (in Line 1 leaflet) |  |    |                                    |    |
| General route for Line 2        | Agree                                    | 86 | Disagree                           | 14 |
| Second Line 2 route alternative | North of railway                         | 49 | South of railway                   | 17 |
|                                 | Partly north and partly south of railway | 35 |                                    |    |
| Third Line 2 route alternative  | Across Gogar roundabout                  | 16 | Around Gogar roundabout            | 84 |
| Fourth Line 2 route alternative | North of Royal Highland Showground       | 53 | South of Royal Highland Showground | 47 |
| Stops for Line 2                | Agree                                    | 86 | Disagree                           | 14 |

31. The options with overwhelming support were adopted (having the tram at all, the position of stops, running along Princes Street, travelling around Gogar roundabout). The options that were less clear cut were balanced with other factors such as their relative cost. Running to the north of the railway between Roseburn and Carrick Knowe was the most popular, provided the best operational characteristics and was also the cheapest and so this option was chosen. Finally other factors relating to the safeguarding of land at Edinburgh Airport for the purposes of its expansion has meant that the line has had to be altered so that the main line runs to the airport and a shuttle runs from the Ingliston park and ride to Newbridge. For that last option landowners and other stakeholders in that area were re-consulted. This resulted in a number of local concerns being identified that have been addressed in the design process.

### **Other consultation**

32. A considerable degree of consultation with amenity groups has taken place as part of the assessment of the environmental impact of the scheme, and details are set out in the Environmental Statement that accompanies the Bill.

33. Those whose land and rights in land are proposed to be acquired, and those whose rights are proposed to be extinguished have also been kept involved in the consultation process, and as part of the requirements of Bills such as this one, a book of reference has been drawn up that sets out the details all those whose property could be acquired under the powers of the Bill. Those listed in the book of reference received notification of the planned introduction of the Bill. In addition, those parties with heritable rights in properties that immediately abut the limits of the scheme received notification addressed to “the Owners” and “the Occupier”.

### **CONCLUSION**

34. This memorandum has identified the objectives of the Bill and the necessity for a Bill such as this to achieve those objectives. It has set out the policy context that led to the promotion of the Bill and the alternatives that were considered, both in terms of achieving the broader objectives, down to the choice of the particular route alignment for the tram. Finally, the

*This document relates to the Edinburgh Tram (Line Two) Bill (SP Bill 18) as introduced in the Scottish Parliament on 29 January 2004*

consultation that has been carried out in preparation for the introduction and how it informed the final selection of the route alignment has been outlined.

35. This Bill is one of the first tram proposals to come before the Scottish Parliament. If authorised and implemented, it will make a significant contribution to transport in Edinburgh that will have knock-on effects in terms of reducing congestion and pollution, increasing social inclusion and stimulating regeneration.



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