

# **GLASGOW AIRPORT RAIL LINK BILL COMMITTEE**

Monday 2 October 2006

Session 2

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## **GLASGOW AIRPORT RAIL LINK BILL COMMITTEE** **10<sup>th</sup> Meeting 2006, Session 2**

### **CONVENER**

\*Margaret Jamieson (Kilmarnock and Loudoun) (Lab)

### **DEPUTY CONVENER**

\*Marlyn Glen (North East Scotland) (Lab)

### **COMMITTEE MEMBERS**

\*Mr Andrew Arbuckle (Mid Scotland and Fife) (LD)

\*Michael Matheson (Central Scotland) (SNP)

Mr Brian Monteith (Mid Scotland and Fife) (Ind)

\*attended

### **THE FOLLOWING GAVE EVIDENCE:**

Ron Culley (Strathclyde Partnership for Transport)

Dani Fiumicelli (Faber Maunsell)

Neil Halket (Faber Maunsell)

John Halliday (Strathclyde Partnership for Transport)

Charles Hoskins (Strathclyde Partnership for Transport)

Paul Irving (John Kennedy and Co)

### **CLERK TO THE COMMITTEE**

David Cullum

### **LOCATION**

Committee Room 2



## Scottish Parliament

### Glasgow Airport Rail Link Bill Committee

Monday 2 October 2006

[THE CONVENER opened the meeting at 11:00]

#### Items in Private

**The Convener (Margaret Jamieson):** Good morning and welcome to the 10<sup>th</sup> meeting of the Glasgow Airport Rail Link Bill Committee. The bill is now at consideration stage. We have received apologies from Brian Monteith, who is unable to attend the meeting. I ask members to ensure that mobile phones, pagers and so on are all switched off.

There are four items on today's agenda. Under item 1, the committee is invited to decide whether it wishes to take the following items in private at this and future meetings: consideration of the key issues for our draft consideration stage report; consideration of our phase 1 consideration stage report; and consideration of the assessor's report. Do members agree to do so, and therefore to take items 2 and 3 on today's agenda in private?

**Members indicated agreement.**

11:01

*Meeting continued in private.*

12:25

*Meeting continued in public.*

### Glasgow Airport Rail Link Bill: Consideration Stage

**The Convener:** I welcome everyone back and thank you all for your patience. The panel 1 witnesses represent the bill's promoter, Strathclyde partnership for transport. From SPT we have John Halliday, who is the assistant chief executive with responsibility for transport and strategy, and Charles Hoskins, who is the director of major projects. We also have Paul Irving, who is a partner in John Kennedy and Co. From Faber Maunsell, we have Neil Halket, who is an associate director, Dani Fiumicelli, who is the technical director for environmental noise and vibration, and Brian Cuthbert.

Shortly, we will take another break so that everyone can have lunch, after which we intend to recommence at 1.30. We will start with questions to the panel to set the scene.

As promoter of the Glasgow Airport Rail Link Bill, what comparisons has SPT made with other private bills that have been introduced? Section 45 of the Waverley Railway (Scotland) Act 2006 provides that

"The authorised undertaker shall employ all reasonably practicable means to ensure ... that the ... impacts of ... construction and operation ... are not worse than the ... impacts identified in the environmental statement".

It also goes further and says that all undertakings that the promoter gave during the bill's passage should be carried out. Why does the bill not make similar provision and why should we not amend it accordingly?

**John Halliday (Strathclyde Partnership for Transport):** I will start then pass over to my expert colleagues. The GARL project is special. It involves a central city location—Glasgow Central station—and it has a main-line operating section, where the third track is, after which we are basically into the Paisley district, St James park and Glasgow airport.

**Charles Hoskins (Strathclyde Partnership for Transport):** I was just conferring with Mr Irving. He might be better placed to talk about a particular section in the bill.

**Paul Irving (John Kennedy and Co):** We are happy to include a similar provision in the bill. We have always recognised the need for an obligation to comply with any undertakings and with the environmental mitigation measures that are proposed in the environmental statement. There were various ways of addressing that. It could have been done by agreements outside the bill,

but we recognise that another way to proceed is to amend the bill. We are happy to propose an amendment on similar lines to the provision in the 2006 act.

**The Convener:** The point is that you knew that the Parliament was adopting such a process and that many objectors raised the issue. Would it not have been appropriate to ensure much earlier that all such matters would be tightened through amendments to the bill?

12:30

**Paul Irving:** We circulated a policy paper indicating that there were various ways of imposing the commitments on the promoter. Whichever way that was done, the commitments would have been enforceable. Amending the bill was one way of proceeding, but the other ways would also have made the commitments enforceable. There was never any suggestion that we would not accept those commitments; I do not think that we put it to anybody that we were not going to accept them.

**The Convener:** The issues that were raised in the preliminary stage report to Parliament were quite clear. Had the promoter taken the opportunity at that stage to provide some form of comfort, less time would have been expended by the assessor, because objectors would have withdrawn their objections.

**Paul Irving:** I am not sure that that would necessarily have helped with any of the discussions with objectors. I do not think that the issue has been whether the promoter will comply with the various undertakings that it has given or the proposed environmental mitigation measures. The issue with objectors has been what form the mitigation should take, not the mechanism for enforcing it.

**The Convener:** We will move on to the code of construction practice and the noise and vibration policies, which were significant in relation to objections. Why did you not ensure that there was appropriate provision in the bill at the outset, or a letter of comfort following the preliminary stage? Why did we have to go through the process with the assessor before we got to this stage?

**Charles Hoskins:** We were also reliant on your report in pointing objectors to what the environmental statement said. In a lot of areas, such as noise and vibration, it did not suggest that there was any adverse environmental impact. We were trying to convince objectors that the evidence that we had presented would be enough for them to withdraw their objection. We were continuing to develop the policies in parallel—we have always said that the policies would be updated as the project moved forward.

We take the point about timing, which is relevant to us all. Under the changed process, we have had hearings with the assessor. As my colleague Mr Irving said at the beginning, there has never been any indication that we would not enforce the mitigation measures either through policies or the bill—in fact, we have always said the opposite. It was always our full intention to proceed in that way.

**Mr Andrew Arbuckle (Mid Scotland and Fife) (LD):** I have two questions on compulsory land purchase. Why have you not included in the bill a statement that you will comply with the Crichton Down rules, which appears in other private bills that the Parliament has dealt with?

**Paul Irving:** We gave evidence at the preliminary stage that we would be quite happy to include such a provision in the bill. We have assumed that we will do so.

**Mr Arbuckle:** The other private bills that require the compulsory purchase of land have all operated to an initial five-year timescale, with a possible further five-year extension. What is your attitude to that?

**John Halliday:** Our basic starting point is that the experience that we have had with other projects, such as the Larkhall to Milngavie line, is that quite a long period of time is necessary to allow for absolute surety about the project.

In effect our stance is that at the end of five years the decision that needs to be taken usually rests beyond the powers in the bill, in the sense that the minister normally determines whether the project will be extended for another five years. We felt that everybody would be given a degree of surety if we took a clear stance by stating that the timescale would be 10 years. I understand BAA's position that, in the commercial world, 10 years is a bit long. However, at the outset we took the view that having a blanket 10-year period would give everybody assurance.

We intend to move ahead with the project as quickly as possible. Of course, everything rests on the agreements that lie behind the project to ensure that we can deliver the project on time.

**Mr Arbuckle:** I accept that GARL is a major project, but I point out that the promoters of the Waverley Railway (Scotland) Bill, the Edinburgh Tram (Line One) Bill and the Edinburgh Tram (Line Two) Bill accepted the timescale of five years even though those bills deal with projects that are similar to GARL. I want to press you on this issue: would you accept a timescale of five years, with a power to extend for another five years?

**John Halliday:** We have given the issue quite a lot of consideration and, given the commercial

interests that are affected, we would accept a shorter period of five years with the ability to build in an extension.

**The Convener:** We will now have a break. When we come back at 1.30, we will start with the chief executive of Strathclyde partnership for transport.

12:37

*Meeting suspended.*

13:34

*On resuming—*

**The Convener:** Welcome back to the meeting. I remind everyone to switch off mobile phones and pagers, if you switched them on during the lunch break. I welcome Ron Culley, the chief executive of SPT, John Halliday and Charles Hoskins.

**Marlyn Glen (North East Scotland) (Lab):** Will you describe the process that the promoter undertook to prepare for the assessor hearings? In particular, how did the promoter approach negotiations with objectors and what were the timescales?

**John Halliday:** We found the assessor process challenging. In the lead-up to the hearings, we expended a huge amount of effort in seeking to resolve objections and outstanding issues. I would not like the committee to think that the promoter has been in any way slack in that. It has been a challenging time for us. There is no suggestion that more resources could have been put into that work. We must face the fact that many objectors aimed to maximise the advantages that could be gained from the process leading up to the assessor hearings. It was a disappointment that we reached agreement with certain parties right at the last moment. I am in no doubt that the process was equally challenging for the objectors, but the promoter worked hard in seeking to remove the objections. I have a feeling that it probably could not be otherwise. The issues are grave matters for the objectors and they are important to the promoter. They are challenging issues.

**Charles Hoskins:** At the preliminary stage, we were clear that we were focused on removing the objections of what we term the statutory utility companies. It has been interesting that, in our discussions with some of those organisations, we have not been able to resolve the objections. In fact, some of the objectors did not appear at the assessor hearings. We chased many objectors constantly in endeavouring to reach a resolution with them. However, a couple of them simply waited until the last minute to respond. We had to try to resource and plan for that feature of the process.

**Marlyn Glen:** That is the feature that the committee is concerned about. Thank you for the assurances about the effort that people on both sides put in. Will you say a bit more about the timescale of the negotiations? When did they start?

**Charles Hoskins:** As far as we are concerned, the negotiations started as soon as the objections were lodged. After we started negotiations, several objectors resisted getting into the details. As with any negotiations, they saw the timelines as being to their advantage. Some objectors changed points at the last minute. In fact, some of them are still doing that. We send them an agreement, but they come back and ask us about certain matters. We have to try to manage that situation and close down the objections.

**Ron Culley (Strathclyde Partnership for Transport):** I inherited the project after I took up the post of chief executive a few months ago. I am personally committed to partnership—I have always been proud of that. Over the piece, I have found the work in which SPT has engaged to resolve the objections to be impressive. People have worked over weekends and late hours—sometimes until midnight—to try to resolve the objections. I have not found the organisation to be in any way dilatory in trying to resolve the difficulties.

There are three kinds of objectors: those who are flatly opposed to the project and whose personal views and values are such that, no matter what was being discussed, they would not concede their objection; those who are involved in or around the project and who might want to take commercial advantage from it; and, most important, those stakeholders who want to work with us to try to resolve issues that affect their undertakings. It is almost a consequence of the system that all those kinds of objectors have, in their own ways, an interest in taking the matter to the wire, and if they know that we have a deadline to meet they know that they can afford to approach negotiations in a way that is different to the way in which we approach them. We want to resolve matters, but it is perhaps not surprising that we find ourselves before the committee today having resolved many of them at the last minute.

**Marlyn Glen:** What impact did the lead solicitor leaving SPT part way through the bill process have on reaching settlements with objectors?

**John Halliday:** There is no doubt that our lead solicitor had a central role in the process, and any person leaving a project of this nature will have an impact. However, there was a large backroom support operation, and we were able to pick up the pieces. It is not as if he left one Friday and we found ourselves at sea; we knew that he was leaving and there was a handover process. You

will understand, however, that each individual involved has knowledge, and we had to cope with losing the lead solicitor's knowledge. I think that we did so quite successfully, although I am not saying that that was not a difficulty. Such unforeseen circumstances can arise during any project. For me, the key was ensuring that we had a robust enough process and a robust enough team to be able to pick up the issues and the negotiations, and I believe that we have done that.

**Marlyn Glen:** Having now experienced the assessor's hearings, in what way would you legally resource your team in order to reach agreements with objectors prior to the start of oral evidence taking? Could you have made changes?

**John Halliday:** No, I do not think so. As Mr Culley has said so eloquently, many of the objectors know that there is a process to go through and a deadline to meet, so it is sometimes to their advantage to take it right up to the wire. We have had enough resources in place. A lot depends on the negotiating stance of the other parties operating around the project, and I am not certain that a better job could have been done if more resources had been thrown at the project. I am certainly content with the legal resources that we had in the team. We decided to have a core team within SPT itself, leading the process, supplemented by Anderson Strathern and led in the assessor's hearings by Stuart Gale QC. I think that we had that mix more or less right.

**Marlyn Glen:** I still remain a little bit concerned. You are talking about the fault all being on the objectors' side, because they want to take it up to the wire. I would feel more assured if you thought that your own side could have learned some lessons from the process, but I shall leave you to think about that.

**Ron Culley:** If there are lessons to learn, we want to learn them. We are concerned not only with the Glasgow Airport Rail Link Bill but with moving towards crossrail, which looms large and will be upon us quickly. We want to ensure that we learn lessons from the current bill process so that we can apply them to future projects such as the crossrail scheme.

**Marlyn Glen:** Can you explain the role of Transport Scotland and Network Rail in reaching agreement with objectors?

**Ron Culley:** In the name SPT, the initial P, for partnership, is very important. Although we are the promoter of the bill, we clearly want to take soundings from Transport Scotland about the availability of finance as and when the bill gains royal assent. We have done that, but we should probably leave it to the minister, who will be before you tomorrow, to say more about that.

13:45

**John Halliday:** This is not an unusual private bill in the sense that many other rail projects have been promoted; however, it is a feature of the project that an element of it will run on the national rail network. In order for us, as the promoter of the bill, to assure ourselves that the regulatory matters connected with rail are adequately dealt with and that matters to do with the design and eventual operation of the railway are adequately addressed, we have constantly sought Network Rail's views on the regulatory issues and how the rail link will function once it is up and running. That is not an unusual feature of such projects; we believe that it is a normal part of the process. Nonetheless, as the promoter of the bill, we have the wherewithal to carry the project forward.

**Marlyn Glen:** I entirely accept that it is important that the project is carried forward in partnership. However, what impact do you think that such an agreement-and-checking arrangement had on the pace at which agreements with the objectors were concluded?

**John Halliday:** Ensuring that we have resolved the financial implications and liabilities as well as the regulatory issues is a complexity that has been a feature of the project. I would like to think that SPT, as the regional transport authority for the west of Scotland, has a significant role to play in promoting such projects and that it has added value to all that work. SPT would like to see itself being able to balance all those competing issues to ensure that we have a good project. Having that role just adds value to the whole process.

**Michael Matheson (Central Scotland) (SNP):** Good afternoon, gentlemen. I will stick with the assessor process and lessons that have been learned. You have talked about the importance of working in partnership. Especially in a major project such as this, the stakeholders are very important players in that partnership. However, I want to go back to the stage before objections were lodged. I was surprised to hear that negotiations often started once objections had been received. Glasgow Airport Ltd—a major stakeholder—lodged an objection. What steps did the promoter take prior to that objection being lodged to try to head it off?

**John Halliday:** Mr Hoskins's response was couched around the formal process of objection. We cited in earlier evidence the huge amount of work that we were engaged in prior to the lodging of the bill on 31 January. We approached the project as a matter of partnership. What do I mean by that? The key stakeholders, for us, have been Transport Scotland, Network Rail and BAA. They have been engaged in the detail throughout the project, from its genesis right through the workings of the process. I cite as one example of that the

alignment that has subsequently been included in the bill. That was the result of a partnership approach with BAA. It took about 18 months to go through the fine detail, and the lead-up to the lodging of the bill brought those bodies in. As I have said before, I like to think that, if the bill receives royal assent, that partnership will continue.

The issue of the bill's promotion brings a different dimension. The need to extract all the matters that are of gravest concern to each of those bodies must be taken into account; hence, we have the bill as drafted. You asked about our approach in the lead-up to the bill. We brought teams together, and I am pleased to say that all the organisations were engaged in that and resourced accordingly. The evidence—from BAA, for example—gives weight to the proposition that we took a partnership approach.

**Michael Matheson:** What specific steps did you take to head off Glasgow Airport Ltd's objection? I am not clear about that.

**Charles Hoskins:** Convener, perhaps I can add to Mr Halliday's response.

Glasgow Airport Ltd sat on the project advisory group and on all the technical working groups. We entered into correspondence where we thought that it was wholly necessary to get its agreement on matters such as the alignment, the station and the link structure. During that process, we were unable to resolve disagreements about some detailed matters, such as the compulsory acquisition of land. Those matters came to the committee in Glasgow Airport Ltd's objection. However, we continued to seek to resolve those disagreements before the bill was lodged. We sent draft parliamentary plans and bill documents to Glasgow Airport Ltd for its comment. Indeed, it wrote back to me and accepted the parliamentary plans.

There was a great deal of detailed work, but we would probably never have resolved all the issues because Glasgow Airport Ltd was concerned about protecting its position, as it moved through the development, in relation to the land. Our genuine difference of opinion about compulsory acquisition is an example.

I mentioned the technical working groups and the project advisory group, but I will give you a couple of other examples of the processes. The team feels proud that the committee did not hear objections from a lot of voices in the community. I give the St James park users as an example. Our work with the community liaison groups has been successful. We acknowledged that the residents had objections and Renfrewshire Council, as the owner, raised a number of detailed points, but we resolved the users' concerns. Every single user of

the facility was consulted in detail and there were no objections from them.

We are particularly proud of the detailed consultation that we undertook. We specifically targeted that group of people for consultation and the committee did not see them as objectors. There are a number of other examples. My reference to objectors was in the true sense that someone is an objector only when they have lodged an objection. There were other potential objectors before the bill was introduced, but we did a lot of work to resolve things through consultation with them.

**Michael Matheson:** That gives us a helpful insight into the processes that you went into with stakeholders such as Glasgow Airport Ltd. In the light of that experience, what would you have done differently to try to head off the objection?

**Ron Culley:** It is difficult to say what other steps we could have taken. During the consultation period, 36,000 leaflets were distributed. A further 15,000 were distributed along the route of the link. There was a series of exhibitions and meetings and a website was established. The chairman of the organisation made a commitment to consult not only up to the point of objections but beyond, and past the point of royal assent. We want to keep up our engagement at that point. This has been—

**Michael Matheson:** My question was specifically about Glasgow Airport Ltd's objection. It was not about the wider objections. You took us through the process, but I wonder what lessons you learned from the process that could be used to head off such objections in future.

**John Halliday:** One big lesson that I have learned is that we should get the agreement before we get into the parliamentary process. Once we move into the process, there are deadlines ahead. Reflecting on what I just said, however, I am still not convinced that we would have arrived at the removal of the objection. Fundamentally, with projects of this nature, there are two views to be taken.

We took the view that we would need compulsory acquisition powers over the land in order to be able to build the project. It would not be possible to remove those easily; hence, we got into the process to which we have referred. The balancing of the different views needs the pressure of that type of process to get us to a point where a decision must be taken—and it was taken. I am pleased to say that, through the pressure of the process, we managed to reach an agreement with BAA whereby it removed its objection. However, it was no surprise to me that that happened fairly late in the day.

**Michael Matheson:** If you were promoting another private bill, would you deal any differently with objections and the negotiation process?

**John Halliday:** I cannot say that we learned nothing; we learned a huge amount. For example, we learned how much time is involved in the process. We constantly tracked where we were and monitored the process. We could perhaps do some elements better and be slicker in the future. We learned also about the degree of dialogue that is necessary as the project develops, although I am not saying that we did not put a huge effort into that. An extraordinary level of dialogue is required in order to reach agreement. That said, I am not convinced that, another time, we would not arrive at the end point that we have done today.

**Michael Matheson:** My final question will allow you an opportunity to have a go at us. Could the committee have done anything to improve the assessor process? For example, would an advance, formal meeting with all parties to discuss the state of negotiations and preparedness for the hearings have been helpful? Such a process would be similar to the kind of intermediate diet that exists in the criminal justice system. Could something have been done that might have helped to smooth the process?

**John Halliday:** That is difficult to say just off the cuff. Certainly, the assessor process was challenging, but I think that the bill committee should be proud of that because a project of this nature should not be made easy for a promoter. We accept that the assessor process is the right and proper one through which such projects should go. The assessor certainly had a focused view and I think that that is the appropriate way to go forward.

If there are lessons to be learned, it is for the committee to judge whether the system should be adjusted. There was much in the early stages about the detail of the transport and the connections to the crossrail link that the assessor could have teased out for the committee at a later stage. There was also much detail about the economic appraisal, which is a very technical area. It is right and proper that the bill committee has an understanding of that, but perhaps the assessor could have teased out the issues. Again, that depends on the expertise of the assessor the committee appoints.

There has certainly been a huge learning curve for all of us at SPT.

**The Convener:** Do you want to raise any other issues on the assessor at this stage?

**Ron Culley:** No.

**The Convener:** I thank the witnesses for that part of their evidence. We will take a short break to allow the other witnesses to take their seats.

13:59

*Meeting suspended.*

14:00

*On resuming—*

**The Convener:** Okay, we will recommence our questioning on issues outstanding from our preliminary stage report and issues arising from phase 1 of the consideration stage.

**Mr Arbuckle:** Earlier, Mr Halliday said that, if he could go through the whole process again, he would engage more robustly with objectors. I note that you updated the noise and vibration policy and the code of construction practice only after meeting objectors. I wonder about your approach to reaching agreement with objectors.

**Charles Hoskins:** The noise and vibration policy and the code of construction practice were arrived at following an iterative process. As I said this morning, our first point of reference with all objectors was the environmental statement. The statement made it clear that we did not predict a significant noise and vibration impact, except for the impact on the Arches theatre. We sought to convince objectors of that, but they were not convinced.

We were developing the policy, so there were draft versions involving iteration and clarification. For example, the noise and vibration policy will now be quite a bit clearer about the existing main line and branch line. Committee members will see the reasons for that in the policy.

It is a bit of a chicken-and-egg situation, but the details of objections can assist us. Some of the oral evidence at the assessor hearings helped us to refine the policy. We felt that we had enough first drafts—in combination with the environmental statement—but we have continued to update the documents.

We met a group of objectors last week and we asked specifically about noise and vibration. We said that a couple of things had happened, that everyone had given evidence and that we had updated the policy, and we asked whether they were content that what we had done would be enough for them to withdraw their objections. All that they said was, "We don't believe your analysis." That will happen with some objectors; they will continue to dig in and say, "No, I'm not having it. I just don't believe it." However, that will not prevent us from making the policy the best policy that it can be.

We started from the ES and used it in consultations with objectors. That did not begin when the ES was first published, but before that. For example, we discussed draft findings with the St James group before the ES was published. We

do not feel that updated drafts would necessarily have removed objections, but with hindsight we acknowledge that they might have clarified a few points earlier in the process. That might have made some of the assessor meetings more effective.

**Mr Arbuckle:** Your updated policies in these two particular areas have ended up very similar to those for the Waverley Railway (Scotland) Act 2006. Did you consider using the policies of a previous private bill as a starting point?

**Charles Hoskins:** The first draft of our noise and vibration policy followed that for the 2006 act in principle—although there were some differences on issues that were specific to certain locations. In a world in which we seek continuous improvement, we considered the Waverley policy to see whether we could make ours better—and we think that ours is a wee bit better and clearer. That view might not be shared by everyone. We used the Waverley policy as the basis for our first draft, but the point was made to us that we were not clear about why our draft differed from the Waverley policy in certain areas.

It is not possible to use the code of construction practice for one project as the basis for the code for another. The document is so detailed that it needs to be project specific. I am pretty sure that the code of construction practice for GARL is now the same as that for the Waverley line. In the first draft, we wanted to present four options; my colleague Mr Irving alluded to those options when commenting on the enforceability of the policy. We took the 2006 act as our starting point because it was passed recently. However, we could probably have clarified points earlier in the process.

**Mr Arbuckle:** In response to a previous question on the updated policies, you indicated that you did not believe that objectors would have changed their minds even if they had initially been presented with more robust, detailed policies. Does that statement apply to all objectors? Do you not think that you could have knocked out some objections by presenting a comprehensive policy on vibration and noise and a comprehensive code of construction?

**Charles Hoskins:** After seeing policies in black and white, some objectors might have agreed not to pursue their objections. As a team, we have reviewed the point specifically and are of the view that, generally, issues are so site specific that the policy could not deal with them. Instead, it deals with the overall context. The Arches theatre, for example, raises detailed issues that lend themselves to specific agreements. We do not believe that if the policies that we now have had been in place at the beginning of the process we would definitely have been able to eliminate some objections.

**John Halliday:** The code of construction practice has been an area of difficulty for objectors. In developing the scheme, the project team set out from the perspective that the code would be a live document that would continue to be refined, updated and elaborated right up until construction contracts were let. The premise was that it would be an ever-improving document. It has been difficult to communicate that concept to objectors. They see royal assent as the absolute, whereas I envisage a process of continuous improvement up to the point at which a contract is signed.

Even after the bill has received royal assent, dialogue can continue and the code of construction practice can be refined until there is a contract. The code will be levered into the contract, to ensure that the contractors, as well as the promoter and authorised undertaker, give force to everything that it contains. Objectors have found it difficult to understand that the code is an evolving document. They probably suspect that the promoter will go back on its word, that everything that is said will be of nought after royal assent and that the only acid test is the bill process. I assure the committee that that is not SPT's policy and that we will continue to develop the documents after the bill has been passed.

**Mr Arbuckle:** In some areas, the bill sets specific conditions for noise and vibration policy and the code of construction practice. I want to compare your proposals with the conditions that apply to the Waverley scheme. You suggest construction hours of 7 to 7, whereas the construction hours for the Waverley scheme are 8 to 7.

As for construction noise levels, you have suggested a maximum of 75dB, whereas it is 70dB for the Waverley scheme. Is there a reason for those differences? Is there a different ethos in the west compared to the east or something like that?

**Charles Hoskins:** First, I assure you that it is certainly not that. We considered the matter carefully—a couple of my colleagues might be able to give you more detail—and we were clear that the environment that we are working in is quite different from that of the Waverley line, which will run through a predominantly rural area. For GARL, there is a lot of work on the existing main line, which is in an urban environment. That leads us to construction working hours that are generally accepted in an urban environment. The noise levels are a true reflection of the noise that would currently exist. In the rural area around the Borders rail link, the background noise is clearly a lot lower than in an urban environment. In updating the policies and the code of construction

practice, we have sought to give that explanation to assist an understanding of the differences.

**The Convener:** I would like to correct you on that: the Borders rail link is not all in rural areas; it also goes through urban areas. There are also the tram schemes, and the start times applying to them are exactly the same as those used for the Waverley railway. We are pointing out that you appear to be out of kilter with the other private bills that have been coming through, and we need to find out why.

**Charles Hoskins:** The main comparison has been with the Waverley railway project, and I take your point that not that entire route is rural. I was trying to say that, along its length, the route is predominantly rural. We have not made a direct comparison with the light rail projects because of the different nature of their construction. Construction of the light rail schemes will be carried out much closer to properties because of building needing to be conducted in the street. We would wish to restrict the hours for construction there a lot more than for much of the construction to be done on an existing main railway line.

The proposed branch line goes through an industrial area, through St James park and the airport itself, which also has relatively high background noise levels.

**The Convener:** It is fine for you to say that but, in this parliamentary process, we try to ensure that each bill that goes through has similarities with others and some general principles. What I am getting from you is that you do not want to change those times. What if the committee determined that you were to change them? What impact would that have on construction?

**Charles Hoskins:** Are you talking about the possibility of the committee deciding that we should adopt the same hours as apply under the 2006 act, for instance?

**The Convener:** If you tell us today that the construction working hours are to be 7 am to 7 pm, and if we say no, because it is 8 am to 7 pm under the other bills, and if Parliament agrees to that, what impact will that have on you?

**Charles Hoskins:** That would simply reduce the flexibility of construction. It is possible to amend the policies themselves, but they are subject to the approval of the local authority. Mr Irving might be able to help with that. The flexibility of construction would be affected to a degree, but I could not give a categorical answer and say what impact it would have. I acknowledge your point that the Waverley and tram projects are complex in their own right and that you might ask why the Glasgow airport rail link should not be subject to the same conditions.

**Mr Arbuckle:** On a further point of comparison between the GARL and Waverley projects, I note that you propose that noise monitoring should cease after five and a half years whereas, under the Waverley Railway (Scotland) Act 2006, such monitoring is to continue for the lifetime of the railway. Is there a reason for that limit?

**Charles Hoskins:** My recollection is that a lot of consultation was undertaken with Network Rail on that. When we considered the Waverley project, we were not clear whether the monitoring was for the lifetime of the railway or not—no timescale was specified for it. Network Rail has standards that it must apply when maintaining the railway, but we felt that it was necessary to set a reasonable timeline for monitoring the noise from GARL, which I think is five years.

14:15

**John Halliday:** This is an interesting area—perhaps Dani Fiumicelli, our expert on noise and vibration monitoring, might say something about the effectiveness of continuous monitoring as opposed to monitoring during a timed period.

**Dani Fiumicelli (Faber Maunsel):** One of the main intentions of monitoring noise after construction is to pick up any on-going issues. We compare the impacts with what we predicted, find out how close or how far off our predictions were and ask whether we need to return shortly after the opening of the route to make any changes or to put things right that were not done as well as they should have been. It would be established quite quickly whether there is any need to do any snagging or catch-up on things that were not done right.

We will monitor how the wear and tear and operation of the railway affect the noise and vibration coming from it. Will that get worse over time? Will the railway get noisier and will there be more vibration? That would happen quite quickly relative to the long timeframes that we are talking about. Five years is long enough to pick up the potential worsening of noise and vibration caused by wear and tear or maintenance cycles and to incorporate that into the programme for looking after the railway and getting it back to where it should be.

As Mr Hoskins just pointed out, the normal Network Rail maintenance regime will kick in and become the overriding factor in deciding whether maintenance works should be carried out or whether repair is needed. It should not be necessary to monitor in perpetuity to detect whether there is a cycle of wear and tear leading to degradation in the noise and vibration from the railway. If there is such a cycle, that will be established relatively quickly and that knowledge

can be incorporated into the maintenance regime. Instead of simply continuing in perpetuity to monitor on a two-and-a-half or three-and-a-half-year cycle and observing a certain degree of change, that should be built into the maintenance cycle to avoid the change happening.

**Mr Arbuckle:** Let us move to another area that goes beyond any set timescales. You say in your NVP that station public address systems will be set at "appropriate sound levels". What is an appropriate level for listening to the tinny public address system, particularly at the airport end of the link where commercial businesses such as hotels operate?

**Charles Hoskins:** I will speak about policy and Mr Fiumicelli can provide technical detail. We have elaborated more on the public address system policy for GARL than was done for the Waverley project. It is clear that we need to hear the public address system, which means that it has to be louder than the background noise. Network Rail advised in its guidelines that the level needs to be at least 10dB louder than ambient noise.

I should point out that there is a multistorey car park at Glasgow airport station. We acknowledge that a hotel is located close by, but the station public address system should not be a significant problem in that regard, not least because the station is enclosed. We tried to reflect in the noise and vibration policy that the level needs to be above ambient noise, but we do not expect it to cause difficulties as we are really referring only to Glasgow airport station.

**Dani Fiumicelli:** On the technical side of things, if the objective is to make the information that is being communicated through the public address system intelligible, the noise level has to be 10dB higher than the ambient noise level in the area where we want the people at whom the information is directed to hear it. However, that will not be fixed, because the ambient noise level varies through the day—it is generally quieter at night and louder during the day. The systems used are often intelligent systems, which monitor the noise level and adjust the output of the public address system to reflect it. We are not going to have a fixed high level of noise from the PA system. The PA system is targeted; the idea is to get the information where we want it. There is no point in letting somebody else 200m away know that the next train due in is at whatever time; the information needs to be given in a specific location. The energy from the PA system can be directed, controlled and focused in ways that allow overspill to be minimised.

On the point about the potential impact on commercial receivers at the airport, it has to be borne in mind that the airport is not a quiet environment and that there are much more

significant noise sources there, not least the aircraft. Most commercial users with noise sensitivity have taken that into account in where they locate themselves and how they protect the environment in which they carry out their business.

**Mr Arbuckle:** The Waverley bill includes a proposal for the local planning authority to appoint an environmental clerk of works, but the GARL bill does not include such a proposal. Do you think that that is unnecessary, or is it a possibility, given that many of the objections were made on environmental or noise and vibration grounds?

**John Halliday:** Our starting point is that the local authorities—Renfrewshire Council and Glasgow City Council—have responsibilities in environmental control. Given the localised nature of the project, which is not stretched over as many miles as the Waverley railway project is, we felt that the local authority's ability to monitor environmental impact was probably sufficient. That is why we did not build in a provision to appoint an environmental clerk of works. However, if the committee thought that it was important for us to address that, we would be content to do so. The cost of our taking that on board would be fairly minor.

**The Convener:** We have some other questions based on the evidence with which you provided us. On noise monitoring, you mentioned a maintenance period, which is open ended. What are the normal maintenance periods for the track and the train carriages? Are they different? Do they have different impacts?

**John Halliday:** There are a couple of issues to address. There is a maintenance period under the contract in which the works are contained. That is to ensure that all the elements that have been provided to build the project—the materials and workmanship—last the period of time for which they are commissioned.

I will ask Mr Fiumicelli to elaborate, but the generality of the maintenance that we are talking about—the five and a half years—is the maintenance regime under which Network Rail operates to maintain the track and infrastructure. In that process, it monitors the track and investigates the smoothness of the rail and so on. There is a maintenance regime to ensure that the clips and rail infrastructure are all adequate for their purpose. The generality of maintenance is contained within the Network Rail group standards that are applied to ensure the safety and operation of the railway.

**Dani Fiumicelli:** The objective of noise and vibration monitoring is to establish whether the situation gets worse over time. That can trigger a need for maintenance and repair that is different from what I would describe as the normal

engineering needs of the railway. In some circumstances, the cycle fortuitously matches up—the time period for which maintenance and repair are put in place matches the cycle within which there starts to be significant change in the levels of noise and vibration. In other circumstances, the cycle for changes in noise and vibration can be shorter than the engineering cycle. In yet other circumstances, it can be longer; it very much depends.

An example of the kind of problem that might give rise to an increase in noise and vibration is a phenomenon called rail roughness. We are going to start with brand new rails—we are not going to use second-hand ones. Nevertheless, over time, due to various factors including train speed, train weight and the type of train that is being operated, there can be subtle and discrete changes in the surface of the rail head—a slight pitting, or peaks and troughs. As you would imagine, when a smooth wheel runs over that—although the wheel, too, can get rough—it is likely that there will be a worsening of the noise and vibration. That kind of cycle is usually significantly less than five years. There are rail roughness cycles on the London underground system, of which I have direct experience, that are as short as 18 months.

The solution to rail roughness is rail grinding. In crude terms, a piece of equipment is brought along the track that grinds it, making it smooth again. The trains will continue to run on it and it will, once again, slowly start to degrade until it reaches the same point. I am confident that the five-year period will be sufficiently long to pick up that kind of cycle of wear and tear. Anything longer than that would, in my view, fall into the normal level of monitoring and inspection. Network Rail is careful to make its maintenance cycles specific to certain circumstances, specific tracks and specific railway operation systems, which will vary from place to place. After five years, if there is a longer cycle, that will be picked up by the normal level of monitoring and inspection by Network Rail.

**The Convener:** What about the wear and tear on the wheels?

**Dani Fiumicelli:** If anything, the wheels tend to degrade more quickly, as they are in constant use. Any particular section of the track is used only for a relatively brief period each time a train travels over it. Because the wheels are in constant use, they wear much more quickly than the track does. However, as I understand it, rail roughness tends to contribute most to noise problems. There are several different contributors to noise problems. If the wheel profile changes through wear, that can affect the noise, but that would be picked up more quickly than the wear on the rail head—the track itself.

**The Convener:** What measures does SPT have in place to ensure that the rail wheels are as they should be?

**John Halliday:** We envisage that the rolling stock for GARL will be contained within the national rolling stock. You will take evidence from Ian Mylroi, of Transport Scotland, tomorrow. You may want to ask him how the national rolling stock strategy will deal with that.

We believe that a period of about five years will be sufficient in which to pick up any significant noise and vibration issues arising from the operation of the railway. Thereafter, it will fall into the normal cycle of maintenance for the existing railway infrastructure. There is a high standard of monitoring, particularly in relation to rail wheels, because in the past there have been cases of cracking and breaking of wheels. That will usually be picked up under the normal operation of maintenance and renewal for rolling stock.

14:30

**The Convener:** We have some concerns about the consultation process and about continuing consultation, should royal assent be granted. For example, we are concerned about the public's opportunity to comment on the stopping up of roads during the construction phase. Have you thought about how you will address that? Will you consult a particular group or will you leave it to the local authority to do the consultation? What do you see as your role?

**John Halliday:** I can assure the convener of our continued involvement in consultation. That is an aspect on which SPT brings value to the project.

My background is in roads, so I have direct professional experience in this regard. I am sure that Mr Irving can confirm that an undeniable right to access for properties is founded in law. My vision of the future is that we will continue our dialogue with communities and individuals to ensure that they can come into the project and make their views known. From a passive perspective, we will be open to anybody contacting the project and we will state in our proposals that we will enable individuals and groups to come in and talk to us as the project develops. From an active perspective, we will set up liaison groups in the local communities so that they can raise issues.

On road closures, we envisage going beyond the statutory process of sticking up a notice. We will give the programme to the communities and ensure that they understand what will happen. We will also be interactive with communities. For example, someone might have specific family issues of access because there is a disabled person in the house. We want to ensure that the

project is sensitive to such issues and that we pick those up.

Through the openness of the project as we move forward and built around our ability to have liaison groups on a continuous basis, we want to ensure that continued consultation is factored into our contracts with the constructor of the project so that not only the SPT as the promoter and probable client but the contractor has a set regime of on-going consultation. I am looking for best practice. We have a clear vision of where we want to be with the communities. I give the committee the assurance that consultation will be factored in in the future.

**Michael Matheson:** Is there potential for conflict of interest? Given that the promoter is responsible for deciding when roads will be closed and for consulting the local community, would the system not be enhanced if you had to go to a third party, perhaps the local authority, to request the road closures? It could consider the request, consult the local community and decide whether it is reasonable. That would give some comfort to communities which, given their experience so far, might be thinking that the promoter would act in its own interest rather than in the interests of the local community.

**John Halliday:** I should have said in my response that I take it as read that the local authority, as the roads authority, will be part of the process. I would expect it to be consulted on all these matters. What we look for in the bill is the powers to be able to close roads, but the process of doing that in practice should involve dialogue and consultation. There is a balance to be struck but, as far as the works are concerned, there should be no problem with carrying out road closures in a sensitive manner that still allows people to have access.

**Michael Matheson:** I think that you should consult and have an on-going dialogue with people about these issues, but local authorities should decide whether what you are requesting is the right course of action.

**Charles Hoskins:** I invite Mr Irving to clarify what the bill is giving us approval to do. However—and I will need to double-check this—I thought that in recent dialogue with the local authorities and in updating the code of construction practice we had made it clear that we would not close any roads without the local authorities' agreement. In fact, we were giving the local authorities the ability to act in that manner.

**Paul Irving:** The bill generally provides for consent to be obtained from local authorities before roads are closed, except in relation to specific roads where the works cross the street and they must be closed. In those cases, there is

an obligation to consult the local authority about the closure. Apart from those areas, which are specified in the bill, any road closure is subject to local authority consent.

**Michael Matheson:** So the local authorities have the overall say on this matter.

**Paul Irving:** Yes.

**The Convener:** Would it not have been beneficial to include the point that you have just made in the code of construction practice?

**Charles Hoskins:** As I said, I thought that the issue had been clarified. Certainly, it says in paragraph 4.2.3 of the updated code of construction practice—and I am pretty sure in earlier versions of the code—that

“Proposals for the temporary closure or diversion of any public right of way, that are not identified in ... the Bill, will be submitted to the relevant department of the Local Authority for approval”.

**The Convener:** But that makes no reference to consulting the local community. That is what we are looking for.

**Charles Hoskins:** In that case, I take back that comment. However, the point should be clarified and it is good that you have brought it to our attention. We thought that we had captured it elsewhere. If I return to the comparison that you drew with the Waverley project, I think that, although the section on liaison in our code of construction practice might not have gone into the level of detail that Mr Halliday stated, we felt that we had gone quite a bit further than Waverley in that respect.

**The Convener:** But the code could, for example, refer to the section of the bill that was just mentioned.

**Charles Hoskins:** I agree that if the point is not clear, it should be made clear.

**John Halliday:** We will clarify the point in the developing code of construction practice.

**The Convener:** I also seek clarification on the upgrading of the existing football pitches and the provision of two new pitches at Ferguslie Park. Will those pitches be completed prior to the closure of the pitches at St James park?

**Charles Hoskins:** I will try to be as straightforward as possible, because the issue involves a bit of phasing. The two pitches at Ferguslie Park that you specifically referred to are the permanent replacement for the two at St James park that will not be reinstated after construction. Those and nine other pitches will be put in place before the construction compound is formed on the east side of the park to ensure that 22 pitches in and around the area will be ready and in use. I believe that that is what is in our

agreement with Renfrewshire Council about the phasing at St James park—although it is perhaps not in those words.

**The Convener:** That is fine.

Another issue that requires clarification concerns the hours of work. If you need—or if you make a request—to change the hours of work, who will have to meet the expenditure of going through that consultation process?

**Charles Hoskins:** I am sorry, convener; I do not understand your question.

**The Convener:** People will be affected either between 7 o'clock in the morning and 7 at night or between 8 and 7, if we amend the bill. If you want to work outwith those hours, you will have to follow the process of getting an extension.

**Charles Hoskins:** Yes.

**The Convener:** How, then, are you going to consult on that? Who will bear the cost of that consultation?

**Charles Hoskins:** I will have to check that with the COCP. You are probably pointing to an unclear area in that there is probably no consultation mechanism for such an extension. I will have to ask one of my colleagues.

**The Convener:** But the cost aspect of such a consultation is another question.

**Charles Hoskins:** The consultation as a whole, whether it is general or more detailed liaison, will be contained in two areas. The first is the promoter's costs in continuing to promote the project, and we have allocated promoter's costs from within the project for that. Secondly, the contractor will bear the costs of having to deal with the community, and we will make that clear. In fact, we have already made it clear because the code of construction practice—even before the improvements are made to it—will be in force under the contracts.

**The Convener:** But if the permitted hours of work were one of Renfrewshire Council's conditions for granting planning application and you had to go back to the council for an alteration to those conditions, that would put obligations on the local authority. Will you reimburse the local authority if it has added expense because of that?

**Charles Hoskins:** That is a valid question, but it is also about detailed contractual issues and we would have to analyse who is best placed to do that. The code of construction practice will make clear that the contractors should price the job on those conditions, but if the contractors think that they can do the job better and more efficiently or that any additional costs brought about by extending working hours can be outweighed by efficiencies, it would be for them to seek the local

authority's approval. As a contractor, I would only incur those additional costs if I knew that I was going to save money through efficiencies, so I do not think that it is an extra cost. In the normal way that a contractor approaches a project, he might see a better way of doing something and if that means that he has to spend a penny up front to gain a pound a bit later, it would be for him to take that risk.

**The Convener:** I can appreciate that that would be part of the contractual process into which you, as the promoter, will enter with the eventual contractors or subcontractors. However, we have to ensure that the public is consulted and to protect the public purse. Your contract is not going to be part of the bill, which is why we are asking for reassurance.

**John Halliday:** I suspect that the nub of the answer to your question is that the project will pick up those costs one way or another. Mr Hoskins was explaining the mechanism by which that would happen. In a sense, we would assume that efficiencies in the contractual tendering process will eke out the most efficient cost for the project. Ultimately, I think that you are asking who will pick up the tab; the project will do that, one way or another.

**The Convener:** The other thing that I am not clear about is the minimum number of days in advance that people will be advised that you are going to apply for such a change. Do you have information on that? Is it seven, 14, 21, 28 or how many days?

**Charles Hoskins:** For that kind of change in working hours, at least a week's notice in advance would be given. We have not had the opportunity to go back to the community, but I am sure that it will say, "Hang on a minute. Seven days? Don't think so." We appreciate that, but we have not tied it down. In the general liaison section and the rest of the document as drafted, we have referred to giving seven days' advance notice. However, that is not the first time that the community will know that something is happening. We are talking about the specifics of something that the community is interested in, so if the general programme shows what work is planned during the next few months, the contractor and project team will have a way of continually advising the community of any changes.

**The Convener:** Of course, seven days might be appropriate in winter, but it might not be in July and August.

**Charles Hoskins:** We appreciate that it might not be appropriate as a blanket requirement, but we have started at that point. Clearly, we would not give any less than seven days' notice.

14:45

**Marlyn Glen:** I am looking at the temporary rehousing measures in the code. Are they proactive? If construction noise is predicted to exceed the level that you have set down, will temporary rehousing be offered?

**Dani Fiumicelli:** You are absolutely right—there is no point in offering people mitigation through temporary rehousing after work has been noisy. The typical way of dealing with the issue on similar projects has been to make a detailed prediction of construction noise, which is weighed against criteria such as those in the code of construction practice. After that, we identify residents who will qualify for temporary rehousing and talk to them about their needs.

That process must have a fairly long lead-in time and is often commenced significantly before a contract begins. The prediction process is well established through a statutorily recognised code of practice called British standard 5228, which provides a methodology for making predictions and supplies information about the work that they are used for and the noise levels on which we need to base predictions.

The approach is fairly conservative—I mean that non-politically—as it tends to overestimate the noise level and is quite cautious. Predictions are usually made well in advance, so that people can have a dialogue with the contractor and ensure that it understands their needs and what they are entitled to as part of the process.

**Marlyn Glen:** People would be reassured if that process were absolutely clear in the code, so that people knew up front what would be offered. That is important.

Am I right in saying that on-site monitoring of vibration will take place?

**Dani Fiumicelli:** Are you talking about the construction phase?

**Marlyn Glen:** Yes.

**Dani Fiumicelli:** The intention is to have noise and vibration monitoring. It is most likely that both forms of monitoring will be undertaken at the same location but, in some circumstances, we will need to do one rather than the other or one form of monitoring will be more appropriate than the other.

**Marlyn Glen:** Will that information be made available to the public?

**Dani Fiumicelli:** I understand that the intention is to make that information available through various mechanisms such as websites, notice boards and individual notification. At the assessor's hearings, we discussed how, if an individual gave us access to their property to undertake noise and vibration monitoring, letting

them know the outcome of that monitoring would be a simple courtesy.

**The Convener:** I will take you back in that process to the identification of buildings that you expect to be subjected to noise and vibration. Will a pre-commencement survey be undertaken? We have all heard anecdotally that individuals say, "The wall never had that crack until they started the building work, and it's got bigger," but nobody ever records whether the wall had a crack previously and what its extent was. Will you do that?

**Dani Fiumicelli:** It is unusual to undertake a pre-work survey of every building that might be affected. We normally undertake a risk assessment. For vibration, buildings that are closest to the source are typically examined. Whether those buildings are low, medium or high risk is assessed. If a building is robustly constructed, it is of low risk, whereas if a building is relatively lightweight, elderly or known to have a problem, it is a high risk. If a building is high risk, pre-work surveying is not unusual, if only so that the contractor can protect itself against claims.

I take entirely your point about anecdotal evidence on vibration and building damage. People commonly think that vibration that they have perceived, typically as a result of construction works, has resulted in a crack, because the normal reaction to being exposed to vibration in a building is to worry about the building. People start finding things that they would not normally notice.

The levels of vibration required to achieve even minor cosmetic damage, such as minor cracking in plaster, are substantial and are orders of magnitude above the normal levels of vibration that we perceive. We are good vibration detectors. The levels of vibration that various sources of guidance say are enough to cause cosmetic damage are such that if we experienced them in this room, we would run from the building. We are talking about major levels of vibration and people feeling as though the earth is moving. We do not predict that such levels will be reached.

In some circumstances, if we identify a high risk, we will do a building-specific survey. With locations where that is not done, the back-up is to carry out monitoring to determine the vibration levels and to relate that to the probability of its causing even minor damage, which is rare because major levels of vibration energy are required to achieve even minor damage. I accept entirely your point about the anecdotal perceptions of vibration damage.

**Michael Matheson:** I will return to the issue of temporary rehousing and the long lead-in time to identify the properties for which that will be

required. Out of interest, what package can people who have to be rehoused expect to receive? I am thinking about a family whose children attend a local school. Will the family be relocated a considerable distance away? What about a person who uses a wheelchair and whose house is adapted? Will they be relocated to a suitably adapted place? What exactly is the package?

**Charles Hoskins:** That level of detail is not in the policy, but the simple commitment that we make is that any temporary rehousing would be commensurate with the people's needs. Anyone with a mobility impairment would have to be rehoused appropriately. Similarly, a young family with a couple of kids would have to be rehoused appropriately and not stuffed in one bedroom in a hotel. I have a couple of kids, so I know how difficult that can be. I take the point, but we have not expanded on that issue. We are clear that temporary rehousing will be offered if the noise and vibration levels exceed the criteria that we have set.

**John Halliday:** I can give the assurance that we are a public body with a social conscience. Short periods of rehousing or relocation might involve putting people up in a hotel—people might welcome that—but for longer periods the housing would have to be appropriate.

**Michael Matheson:** That depends on the hotel.

**John Halliday:** The issues of disabled access or access for children to school—which you rightly point out—would be wrapped up in the package so that individuals would not be so inconvenienced that they could not conduct their normal lives.

**The Convener:** What assurances can we find in the code of construction practice that the spirit and intention that you have mentioned today will be delivered?

**John Halliday:** There are two points. First, I like to think that the foreword to the code sets out the spirit and the principles that are envisaged. In giving evidence to the committee today, the promoter, as a public body, is giving commitments as a serious element of the promotion of the project. The evidence to the committee from SPT, the regional transport body for the west of Scotland, is that principles will be followed. We can give that commitment in oral evidence and in writing.

The principles will be anchored in the spirit of the code of construction practice, and they will be included in the contracts that are let. SPT does not see itself as divorced from the process; we will be continuously engaged throughout the life of the project, through to the end of construction and beyond.

**The Convener:** Given that SPT will not be constructing, what assurances can you give us that the letter of the code will be followed? Should we ensure that the code has a status similar to that of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992?

**Paul Irving:** We will propose amendments similar to those that were made to the Waverley Railway (Scotland) Act 2006, to give the requirement to comply with the code of construction practice the status of a planning condition, meaning that it is enforceable by the local authority.

**The Convener:** Thank you for that very helpful information.

I will now take us into an area that we have not considered today—the financial aspects. In your update on funding and expenses, you appear to add little to what we have already considered. What discussions did you hold with Transport Scotland about the level of information to be contained in your response?

**John Halliday:** As the committee will understand, the project has received partnership commitment and Transport Scotland has assured us that funding will be available. It is difficult for us to say any more than that. I know that you are taking evidence tomorrow from Transport Scotland and the Minister for Transport.

I will add that Transport Scotland has charged SPT with the task of lightening as far as possible the burden on the public purse. We are seeking other forms of funding, for example through trans-European network system funding, but we are still in the process of confirming that and there is little we can do beyond what we have done so far.

The committee should also recognise the evidence provided by others. From recollection, Mr Arbuckle has previously pressed a number of people on the level of additional funding. We have sought to elicit as much external funding as we can—a task set by Transport Scotland. We believe that, ultimately, the project will be fully funded, and we are working on that basis.

**The Convener:** So are you saying that you have assurances that the project will be fully funded?

**John Halliday:** With the combination of Transport Scotland and our efforts in providing assurances to the committee, we believe that funding will be available for the whole project.

**The Convener:** Does that include any money that you have managed to extract from Glasgow airport?

**John Halliday:** To the extent that we have an agreement in place, elements of the project will clearly be provided. With ourselves as a promoter

in partnership with others, we will be able to deliver the project. BAA is our partner in that element.

**The Convener:** Is it providing money?

**John Halliday:** Funding can come through a number of ways. Eventually, what is important in a project is that particular construction elements exist to be used. The agreement that we have with BAA should give effect to that.

**The Convener:** I do not think that that is an answer. It certainly did not answer what I asked. Is BAA making a financial contribution to the construction of GARL? Yes or no.

15:00

**John Halliday:** My understanding is that that is a matter of commercial sensitivity for BAA, but I am quite prepared to pass a note to you to elaborate on that, if that is acceptable to the committee.

**The Convener:** You say that you have reached agreement that BAA will deliver and retain the link structure at Glasgow airport terminal. By “deliver”, do you mean that BAA will construct it?

**John Halliday:** Yes indeed. Your understanding is correct. The link structure between the station and the airport terminal will be constructed by BAA.

**The Convener:** By “retain”, do you mean that BAA will be responsible for the future maintenance of the link structure and retain ownership of it?

**John Halliday:** Indeed so.

**The Convener:** If BAA retains ownership, will it be able to decide one day that it wants to close the station? What guarantees do you have?

**John Halliday:** We have sought from BAA agreement that it will provide a walkway to link the station to the terminal. I should say that the long-term future layout of the airport is in quite a degree of flux. For example, BAA's master plan proposals suggest that it might do away with Caledonia Way and the area immediately in front of the terminal. That would bring the terminal much closer to the station and the car park. From our perspective in developing the project, we felt that it was reasonable that quite a lot of flexibility should be afforded to BAA to effect the growth of the airport. That accords with our view of the project. We are content that we have a commitment that BAA will work with the project and deliver the walkway.

**The Convener:** Now that the promoter knows what the BAA contribution is, can we have an assurance that BAA will also be bound by the code of construction practice and the noise and

vibration policy? Will BAA act as a contractor for the promoter?

**Paul Irving:** Any body that exercises the powers conferred by the bill will be the authorised undertaker in terms of the bill. Therefore, they will be bound by the same obligations as SPT in relation to the code of construction practice and all the other environmental measures.

**The Convener:** Would that also apply to the extraction of asbestos, if it is found in the terminal building?

**Paul Irving:** Any environmental obligations that SPT has accepted will be binding on whoever exercises those powers, whether it be Glasgow Airport Ltd or anybody else.

**Michael Matheson:** I have visions of SPT having a big thermometer in its office to show where funding for the project stands. Where are you in gathering the funding necessary for full construction of the project? Do you have commitments for 50 per cent, 60 per cent or 70 per cent?

**The Convener:** Let us have an auction.

**Michael Matheson:** Yes, let us get an idea of the figures. I understand commercial sensitivity, but I want to know the bigger funding picture. Where exactly are you with the funding?

**John Halliday:** Clearly, we believe that we have a commitment from Transport Scotland for the project. We are working on the basis that we have funding, but we have also accepted commitments that were given to us that we should maximise any other source of funding. It is not possible for me to give you today a thermometer reading of how full the pot is. For example, the amount of TENS funding, which is potentially a significant amount of money—it could run into millions of pounds—is indeterminate at this stage. We are trying to say that, given the commitment that has been given—the committee will take evidence from the major funder tomorrow—the promoter believes that there will be funding for the project.

**Michael Matheson:** So, leaving aside the public sector—you almost sound as though you are saying that you and Transport Scotland are underwriting the project—and public grants that arise out of European funding, how much funding have you been able to lever in from the private sector?

**John Halliday:** We believe that the arrangements that we have arrived at, certainly with BAA, will make a major contribution to the project. We also feel that, as we move forward with this project, we have a significant piece of infrastructure in the main line. We think that significant efficiencies will be gained through the co-operation of various projects that can be built

into the programme. Effectively, the overall project will be much more efficient. Network Rail's renewals programme will be considered in the context of all the work that we will be doing on the main line.

**Michael Matheson:** Right now, the only company that has made a specific commitment to fund one aspect of this project is BAA. Is that right?

**Charles Hoskins:** Yes.

**Michael Matheson:** And no other funding has been secured?

**Charles Hoskins:** There are no other developer contributions, to use that sort of terminology. BAA has been the primary private organisation that is contributing to the project. Transport Scotland, which you will talk to tomorrow, is the primary funder, backed up by SPT. If we have a positive response, we will have European money from TENS.

**The Convener:** While we are still talking about Glasgow airport, can you clarify what the situation is with Happitots Day Nurseries? Is it still objecting?

**Charles Hoskins:** It is still objecting. At the assessor hearings, I gave assurances about the relocation of Happitots. That has not been finalised in detail in the agreement with BAA because a number of tenants are affected. We are not able to say today that Happitots will move from where it is to a specific site.

**The Convener:** So that does not form part of your agreement with BAA?

**Charles Hoskins:** It does, because the project will pay money in relation to the tenants that are disrupted in Glasgow airport. We are unable to resolve the Happitots objection. In summary, we concluded that there is a compensation matter and that the compensation code could take care of it, but we understand the sensitivity of dealing with a nursery; this is not something that we are simply going to bulldoze through.

**The Convener:** It is an issue for BAA, because the vast majority of the places are used by its staff.

**Charles Hoskins:** There is an interesting percentage. I am not sure that the majority of places are used by BAA staff. I think that, by virtue of its location, Happitots catches some passing trade. We asked Happitots about that and it said that its services are used by a number of staff and that there would be an effect on the airport if it closed. We take that issue seriously.

**John Halliday:** Our agreement with BAA deals with tenants. BAA has agreed to work with us to relocate tenants.

**The Convener:** You have been in discussions with Network Rail about the operating hours of the line. Can you update us on those discussions? What can you say about the possibility of the line being open earlier than you intended it to be, to capture more people?

**John Halliday:** I shall ask Mr Hoskins to deal with the detail. We thought that it would be important for us to understand the impacts of extended opening hours, not only in terms of the airport business—the people arriving at and departing from the airport—but in terms of the rail network.

**Charles Hoskins:** The note that we provided in our evidence summarises the correlation between the flight times and the operating and maintenance issues. The correspondence of those issues with Network Rail has not changed a great deal from the evidence that we provided to you. Network Rail has stated that if its current maintenance is eaten into, that would result in a step change in its costs. It was unable to pro rata that and suggested that even if the service were operating an hour earlier it would incur substantial additional costs. Paragraph 3 of our evidence alludes to that cost per annum.

We allocated all the costs of opening Central station and for reduced maintenance to GARL and ran the economic analysis again. We found that the case for extended opening dipped. The reality is that GARL is one part of a network, and it is the operation of the whole network that needs to be considered. That led us to do another piece of analysis, in which we asked how the case performs if we simply extrapolate the GARL operating costs. The case improves, because we would get more passengers if we opened an hour earlier, which would outweigh the additional operating costs for GARL. In theory, there seems to be a positive case for operating GARL one hour earlier. However, we have to consider that we are talking about operating at about 5 am. That would be a step change for the network as a whole.

In our overall role, SPT is continuing to discuss with Network Rail and Transport Scotland the opening hours that transport should be operating at. It is not just the GARL issue that we are discussing, but transport across all modes, such as bus, as well as connections to other modes. That is an on-going discussion. We cannot give a definitive answer and say that we are moving from 6 am to 5 am. We are clear that 6 am is the starting point; if we opened earlier and the whole network benefited, GARL would benefit.

**Michael Matheson:** That takes me on to my second question. Although the figures are helpful, my question goes beyond them to the issue of connectivity. It is all very well capturing additional flights that are departing and arriving at the airport,

but it is important to get people on to GARL, to get them to take GARL into Glasgow and to get them not just to stay in Glasgow but to go out to other areas. Have you undertaken any further analysis of whether additional connectivity to other rail stations from Central and Queen Street stations would help to increase patronage and what level it would increase it to?

**Charles Hoskins:** The analysis does that—perhaps that was not clear enough. Under “patronage”, we tested two variants. The first variant was that GARL attracts the same proportion of extra trips as during the rest of the day. That is assuming that people who are connecting at Glasgow Central at whatever time of the day can do that one hour earlier. The first variant tests that and shows that the additional number of passengers per annum would be up to 63,000. It is tens of thousands—a decent number.

The second variant was a sort of proxy for saying, “We don’t actually have all that connectivity. What would that extra hour achieve?” We used 50 per cent of the trips in variant 1, without modelling the whole thing again. It is an accepted practice to test it as a sensitivity. We think that we have got a sensitivity that—for GARL alone, setting aside any other projects that may come in future, such as crossrail—shows potential benefits in running GARL to Glasgow Central even just one hour earlier.

**John Halliday:** There is a potential benefit in there, but the point that you are making is that it probably relies on other connectivity. In that sense, it is a much wider issue. For example, it is about what services will be able to run from Paisley Gilmour Street and what services will be able to run from Central station to elsewhere in the network. Also, of course, GARL will be part of the mix and, at that time in the morning, there might be opportunities to take people elsewhere by other modes.

15:15

**Michael Matheson:** That leads to my third point. Recent security alerts have meant that changes have had to be made to airport security such that passengers had unfortunately to arrive much earlier so that they could go through additional security checks. It might be difficult for you to comment in detail, but if GARL had been in place at that time, would it have been possible for it to open earlier for a limited period in order to get passengers to the airport earlier? Otherwise, for that month, many passengers would have had to drop out of using GARL.

**John Halliday:** I cannot give a commitment today that GARL would definitely run earlier during such events. I do not think that you are looking for

such a commitment. However, normal operating practice is that special train services are put on when they are needed. That requires effective co-ordination between the train operator, First ScotRail as the franchisee, Transport Scotland, the airport operator and probably the police. The ability exists to put on special train services in special circumstances. I envisage that GARL will provide another tool in the armoury of responses, so it will be a positive step.

**Marlyn Glen:** Will you update us on your discussions with the Scottish Independent Airport Park and Ride Association about the park-and-ride facilities that serve Glasgow airport?

**Charles Hoskins:** We have continued to endeavour to set up a meeting with SIAPRA. You will know from the written evidence what happened earlier in the process: there seemed to be a hole in the process and we did not get a response from SIAPRA. We chased that up, but by the time we got the response we were in the thick of resolving the objections. To set that aside, however, it is good that SPT is now well on with its regional transport strategy and, indeed, with a park-and-ride strategy, and that it has identified the A737 and M8 corridor. SIAPRA, like any stakeholder that has an interest in park-and-ride facilities, will be consulted on any site-specific issues.

We have a model that we can use to test things. We can say, “Here is a site and here is how many cars it holds. What does that mean in transport terms?” There is no reason why we will not be doing that with SIAPRA. That is our intention. It is simply a question of the timing to work that process through.

We regard the issue as a general one for park-and-ride facilities as a whole. Clearly, there is an issue about park-and-ride facilities in relation to GARL, but that is how we are tackling it in terms of consultation with SIAPRA. In summary, the commitment is there to consult, and work is continuing on our park-and-ride strategy.

**Marlyn Glen:** Do you have a final date for that—for the GARL part of it and for the wider part?

**Charles Hoskins:** I would need to confer with my colleagues about that. As for whether we have a date in the diary to sit down with SIAPRA, we were chasing that up with SIAPRA this morning before I came to the meeting.

**Neil Halket (Faber Maunsell):** I have just heard from behind me that there will be a meeting on Friday.

**The Convener:** Is that specific to GARL or is it for the whole—

**Charles Hoskins:** It is important for us to make it clear to SIAPRA that we are considering the

matter as a whole. At the meeting, we will say, "Here is a strategy as a whole. We more than welcome the fact that the issue has arisen, particularly due to GARL. Please come to the table and we will be delighted to listen to any ideas that you have." Such ideas might be things that would benefit GARL, but they might be things that would benefit the network as a whole.

One of the issues that struck us about SIAPRA's proposal is that the SIAPRA car park is next to St James station. It would be more convenient to go from St James station than it would to bus people from the SIAPRA location to the airport to catch a train. That would be a difficult proposition. However, without prejudice to the discussions, that is how we see things moving forward.

**John Halliday:** I will complete the answer to the question regarding the wider strategy. SPT has been involved in the development of a park-and-ride strategy and is about to develop a parking strategy. We are at the concluding stages of the park-and-ride strategy, which has been designed to be incorporated into the regional transport strategy, which I hope will be put to ministers in March 2007—the deadline by which regional transport strategies must be lodged for consideration by ministers. We expect that the regional strategy will be in place for 2007. The working period after that is broadly five years, with a longer 10 to 15-year horizon thereafter.

**Marlyn Glen:** I want to ask about market share and passenger numbers. What effect would the operation of a Glasgow crossrail scheme have on the estimates of passenger numbers using GARL?

**John Halliday:** We are about to embark on a demand analysis for crossrail—we are engaged in the appointment process as we speak. We expect to appoint a consultant to help us in that analysis. We have never hidden from the stance that we believe that crossrail is a hugely important project not only for the west of Scotland but for Scotland as a whole. We expect to be able to extract from the analysis the specific added benefits for GARL and for the wider network. Crossrail is hugely ambitious in and of itself, although it is modest in the sense that we know it to be technically feasible because we can put in the infrastructure and we have estimates of the construction costs. What we do not have is the specific demand analysis, which we expect to come out of the work that is to be concluded in March 2007.

**Marlyn Glen:** So you do not know whether the projected growth in passenger numbers is attributable to the projected growth in airport use. Will that be part of the demand analysis?

**Charles Hoskins:** Yes. Those estimates will be part of the analysis to which Mr Halliday referred. To date, all we have on crossrail is earlier studies.

Given the nature of the world and land use in other transport projects, we feel that the data are out of date and need to be updated, so it would be wrong for us to provide estimates based on those studies. We are embarking on the next phase for crossrail, which will estimate demand as a whole. It could and will pinpoint where demand will come from. If there are X per cent more passengers from the airport because of connectivity through to the east, we will be able to determine that.

**John Halliday:** I will add to that by drawing on my recollection of the project. Crossrail project data need to be updated. On the basis of the old assumptions of the transport appraisal guidance that was used in the development of that project and the cost estimation, crossrail was previously thought to afford a cost benefit ratio of 2.1 and a net present value of £74 million. We certainly need to update those data, but crossrail is a positive project and we expect that benefits will accrue through connectivity to the airport rail link.

**Marlyn Glen:** We are obviously also interested in your prediction of the number of journeys that would be removed from the M8 by the operation of GARL and the crossrail link. Must we wait for the analysis of that, too?

**John Halliday:** Yes.

**The Convener:** Is there anything that we have not explored in questioning?

**John Halliday:** No. In closing, I want to thank the committee. The process that we have been through was robust but valuable and our team has learned from it—members asked earlier about how much we had learned. There is no question that SPT as a promoter, along with its advisers, is more mature today than it was when we started the process. I thank the committee for being kind to us in part, and for being robust—for using tough love, if you like.

**The Convener:** Thank you. I do not know whether we are allowed to use the word "mature" any longer, given the new legislation that came into force yesterday. However, I thank you for your evidence. No doubt we will see you tomorrow morning.

At tomorrow's meeting, we will take evidence from the Minister for Transport and deal with outstanding issues. We will now go into private session.

15:26

*Meeting continued in private until 15:40.*

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