

# **EDINBURGH AIRPORT RAIL LINK BILL COMMITTEE**

Tuesday 27 June 2006

Session 2

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## EDINBURGH AIRPORT RAIL LINK BILL COMMITTEE 6<sup>th</sup> Meeting 2006, Session 2

### CONVENER

\*Scott Barrie (Dunfermline West) (Lab)

### DEPUTY CONVENER

\*Mr Jamie McGrigor (Highlands and Islands) (Con)

### COMMITTEE MEMBERS

\*Mr Charlie Gordon (Glasgow Cathcart) (Lab)

\*Christine Grahame (South of Scotland) (SNP)

\*Iain Smith (North East Fife) (LD)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

Marwan AL-Azzawi (Scott Wilson Railways)

Charles Brunton

William Bryant

Susan Clark (TIE Ltd)

Nick Crowther (LandAspects)

Pat Diamond (TIE Ltd)

Paul Douglas (Ratho and District Community Council)

Alison Gorlov (John Kennedy and Co)

Rod Graves (Ratho and District Community Council)

John Inman (City of Edinburgh Council)

Gail Jeffrey (Scott Wilson Railways)

Erica Knott (Scottish Natural Heritage)

Roger May (Halcrow)

Paul McCartney (Halcrow)

Aileen McLuckie (Environmental Resources Management Ltd)

Ian Mylroi (Transport Scotland)

Steve Purnell (Environmental Resources Management Ltd)

Gordon Robertson (Media House)

Tony Rose (PricewaterhouseCoopers)

Tavish Scott (Minister for Transport)

Damian Sharp (Transport Scotland)

Douglas Smart

Fiona Stephen (Anderson Strathern)

### CLERK TO THE COMMITTEE

Jane Sutherland

### LOCATION

Committee Room 1



## Scottish Parliament

### Edinburgh Airport Rail Link Bill Committee

*Tuesday 27 June 2006*

[THE CONVENER *opened the meeting at 10:18*]

### Accompanying Documents

**The Convener (Scott Barrie):** I welcome everyone to the sixth meeting of the Edinburgh Airport Rail Link Bill Committee at the preliminary stage. Today we hear oral evidence on the adequacy of the bill's accompanying documents. The committee has a number of questions for the witnesses. I ask that all responses to questions be brief and focused, which will allow good progress to be made while ensuring that all matters that are of interest to the committee are explored.

We begin with oral evidence from Scottish Natural Heritage. Members will recall that SNH is a mandatory consultee and, as such, its written evidence is provided as a statement under rule 9A.1.4B of standing orders.

I welcome the first panel of witnesses, who represent Scottish Natural Heritage. We have Erica Knott, who is a casework support officer, and Carolyn Clark, who is an area officer. I thank them for taking the time to come this morning and I hope that they will not find it too much of an ordeal.

**Mr Jamie McGrigor (Highlands and Islands) (Con):** SNH states that the environmental statement

"accurately identifies impacts, the significance of these impacts and how to avoid, reduce or mitigate these impacts to an acceptable level."

How did SNH reach that conclusion?

**Erica Knott (Scottish Natural Heritage):** We reached that conclusion in the normal way that we consider all environmental statements. We consider what we perceive to be the impacts; what impacts have been identified; and how significant or otherwise they might be. After that, we consider the mitigation that is proposed and the residual impact.

**Mr McGrigor:** In relation to the appropriate assessment, will you please elaborate on the mechanisms or amendments that you would like to be put in place to ensure that the mitigation measures that are proposed in the environmental statement, the code of construction practice and the promoter's report on the Firth of Forth are delivered?

**Erica Knott:** We seek mechanisms that will allow for whatever mitigation is proposed to be enforced. However, we would leave it for the Parliament and the committee to decide what mechanisms are best. Under the regulations with which we seek to comply, it is for the committee to ensure that measures have enforcement mechanisms that will enable them to work.

**Mr McGrigor:** How would Scottish Natural Heritage like section 46 of the Edinburgh Airport Rail Link Bill to be changed to provide the guarantees that it seeks?

**Erica Knott:** Section 46 is quite vague and talks about best practicable measures. The promoter has provided us with information along the lines of what was prepared for the Waverley Railway (Scotland) Bill Committee, which says that it will seek to ensure that the mitigation measures that are finally put in place leave no residual impact that is worse than what is identified in the environmental statement. The promoter has prepared further information that we can consider.

**Christine Grahame (South of Scotland) (SNP):** Good morning. What has been SNH's involvement in landscape and habitat management and what work have you yet to do?

**Erica Knott:** Soon after the draft environmental statement was produced last year, the promoter set up several meetings with us to consider several issues, including the landscape and habitat management plans. We have provided advice on how the principles of landscape mitigation can be applied. We believe that the promoter is working on that and will deliver to us in the next few weeks further information on how it is developing that area.

**Christine Grahame:** I move on to protected species. If the promoter cannot mitigate the landscape impact, what effect will that have on the line's development? Could that stop the line? For example, in Galashiels, bats have prevented the demolition of an old government building. Could bats, otters or newts prevent the construction of a railway line?

**Erica Knott:** We seek to provide advice. The Scottish Executive has a role in providing licences in relation to European protected species. The assessment process is two-pronged. We would provide advice on the surveys that are undertaken and consider what mitigation can be done but, ultimately, we would not stop the line. We would advise the Executive on licensing and it would be for the Executive to decide whether the tests had been met to allow it to issue a licence.

**Christine Grahame:** Will you elaborate on consideration of European protected species? I mentioned three of them. What must be included in the consent process?

**Erica Knott:** To obtain a licence, compliance with the habitats directive is needed. European protected species legislation contains three tests. In the environmental statement, the promoter has provided SNH with information on its knowledge of otter movements, bats in the vicinity and great crested newts. Our advice is that some of that information is not specific enough and we have asked the promoter to undertake further survey work, which it will do.

**Christine Grahame:** I note that your submission says:

"Any consent given without due consideration to these species is likely to breach European Directives with the possibility of consequential delays or the project being halted by the EC, as has happened previously."

Where did that happen?

**Erica Knott:** That has happened to several development projects throughout the United Kingdom. European protected species should be considered before consent is given to the bill. The promoter is working towards that.

**Christine Grahame:** Can we get back to bats? I know that I will be teased and called "Mrs Bats" after the meeting. What steps should be taken to protect bats and great crested newts? What mechanisms would you like to be put into place to protect them?

**Erica Knott:** It depends on which part of the line we are talking about and whether we are talking about bats' foraging or roosting habitats. We are aware of only one pond, which is in Dalmeny, in which great crested newts have been recorded.

**Christine Grahame:** Now that you have said where the great crested newts are, people will go to that pond to look for them.

**Erica Knott:** I hope not, because they would disturb them too much.

We need to be clearer about what evidence relating to those species exists, where they are and what use they make of the habitats. We can then work on mitigation measures.

**Christine Grahame:** Thank you.

**Iain Smith (North East Fife) (LD):** I would not dream of calling Christine Grahame "Mrs Bats".

Does Scottish Natural Heritage have any remaining concerns about the bill and the project's impact?

**Erica Knott:** No. Our outstanding concerns are to do with enforcement mechanisms, and we have put those concerns on the record.

**Iain Smith:** In essence, does the promoter's environmental statement conform with what is required under schedule 4 to the Environmental Impact Assessment (Scotland) Regulations 1999?

**Erica Knott:** Yes. The environmental statement is pretty thorough.

**Iain Smith:** Will you elaborate on why the committee should include in the bill or the code of construction practice mechanisms to ensure that SNH and the local authority access officer are consulted over the design of the Newbridge to South Queensferry cycleway, given that you acknowledge that the promoter has made every effort to maintain the quality of the cycleway? What more would you seek to achieve?

**Erica Knott:** There are duties and obligations as a result of the Land Reform (Scotland) Act 2003, and we should ensure that whatever is proposed is an adequate substitute for what will be taken away.

**The Convener:** As members have no more questions, are there any other points that you think have not been covered?

**Erica Knott:** No. We are content.

**The Convener:** Okay. I thank you for giving evidence.

There will now be a slight hiatus while the panels change over. I think that Mr Smart is with us, but we are waiting for the representatives of Ratho and district community council. Would the committee accept taking evidence from Mr Smart first?

**Members indicated agreement.**

**The Convener:** Mr Smart has proposed an alternative scheme to the Edinburgh airport rail link. Under the standing orders, the promoter's memorandum should set out whether alternative ways of achieving the policy objectives have been considered. Mr Smart has proposed a scheme that combines a Glasgow crossrail service with enhancing services to Prestwick airport and moving South Gyle station north of the A8. Do members have any questions for him?

**Mr McGrigor:** Good morning, Mr Smart. We understand that there are two parts to your alternative to EARL. One part is support for the Glasgow crossrail scheme and the other part proposes moving the current South Gyle station north of the A8, where it would act as an interchange. Please elaborate on how your scheme would assist in growing Scotland's economy.

**Douglas Smart:** I am a bit sceptical about the economic arguments; rather, I have proceeded on the assumption that, for environmental reasons, we cannot continue to increase the amount of flying that we do. Prestwick airport is the nearest thing that we have to an environmentally friendly airport. I understand that the Glasgow Airport Rail Link Bill Committee has said that there should be

a Glasgow crossrail service, which we need anyway for other reasons. It seems sensible to have the crossrail, which would be much cheaper and better environmentally and would enable Prestwick and Glasgow airports to connect to the rest of Scotland.

I am in favour of the tram link to Edinburgh airport for the Edinburgh market. We should encourage people to use their local airport. I cannot see the sense in building all this stuff just to attract thousands of passengers from the west of Scotland, where there are two perfectly good airports already. We should discourage people from travelling to distant airports, which is what the Government is saying they should do, and let them use their local airport.

10:30

**Iain Smith:** Edinburgh airport is the local airport for those of us who are from Fife, but we cannot get access to it. What is your answer for us?

**Douglas Smart:** A bus service from Inverkeithing station to the airport has already started. The Gogar interchange that I propose would assist people from Fife. There should also be better express bus services and that sort of thing.

**Mr McGrigor:** The promoter, Edinburgh Airport Ltd and the United Kingdom Government have predicted that passenger numbers at Edinburgh airport will continue to increase. Please comment on how your scheme would meet that increasing demand.

**Douglas Smart:** I do not accept the premise. I agree with the gentleman from Spokes who spoke at a previous meeting. We cannot go on with the policy of predict and provide, which has been a disaster on the roads and which will be a disaster in the air as well, both economically and environmentally.

The Executive's transport policy talks about demand management on the roads. If we can have demand management on the roads, why cannot we have it in the air for environmental reasons—if only for the noise, which will be horrific? The environmental impact of 20 million passengers going through Edinburgh airport will be horrific. I assume that Glasgow airport also predicts vast increases in traffic. Where will all those people come from?

The Government tells us not to leave things on standby and to stop taking our four-by-fours on school runs. There is a basic contradiction therefore, because flying is one of the largest causes—it is the fastest growing cause—of environmental devastation and global warming. I cannot envisage the situation continuing. Two

Holyrood parties already believe that we should tax flying. Currently, it is taxed only in a small way.

**Mr McGrigor:** The fuel is not taxed.

**The Convener:** Mr Smart, how do you respond to the suggestion that what you propose is just a way of reducing air travel—I think that you alluded to that in your previous answer—rather than an attempt to meet the bill's policy objectives?

**Douglas Smart:** Part of my argument is that for short haul we should substitute rail for air travel. That is not just my view. The Royal Commission on Environmental Pollution produced a report, "The Environmental Effects of Civil Aircraft in Flight", which said clearly that for short-haul trips—for example, to Leeds, Manchester and even London—better railway connections and faster trains would help. The people who deal with integrated transport have said that we could have a two-and-a-half-hour rail service from Edinburgh to London. That would certainly cut down air travel.

**The Convener:** I accept that that could cut down air travel. I have much sympathy for arguments about that. However, it seems to me—correct me if I am wrong—that much of the growth in Edinburgh airport over the past few years has not been about short haul but about travel to Europe and places that are further afield. For example, there are flights to Newark, Prague, Helsinki and Barcelona, which are places that we could not conceivably get to by train. I wonder whether the expansion in the airport is more about catering for that market and giving people in the east of Scotland a better choice so that they will use their local airport.

**Douglas Smart:** Well, the channel tunnel link would help to some extent for people who are not in a desperate hurry. They will not have to cross London; there will be a 10-minute walk from the Edinburgh platform to the channel tunnel platform. There is already huge overcapacity on the channel tunnel link and that will increase when it is completed next year. That is an alternative for people who are not in a hurry, although I accept that businessmen will probably not use it.

The ferry service from Zeebrugge to Rosyth has declined and now runs on alternate days. That service should be expanded, not contracted, because it also provides an alternative for people who are not in a hurry to get right into the continent.

**The Convener:** I represent the ferry port, which is in my constituency. My understanding is that, on the Zeebrugge line, the freight traffic has been cut down, not the passenger traffic, which is incredibly healthy. However, it still takes passengers 16 hours to sail from Rosyth to Zeebrugge—never mind how long it takes them to get a train from

Zeebrugge to wherever else in continental Europe they are going—whereas it takes them two hours to fly to Prague or two and a half hours to fly to Helsinki. Those destinations will never be reached by train, will they?

**Douglas Smart:** Helsinki will not but, when the channel tunnel rail link is speeded up, the differential will be less. I am not talking about businessmen in hurry; I am talking about tourists, who are not necessarily in a hurry. The channel tunnel rail link provides an alternative, particularly for people who do not like flying. I suspect that there are people who do not like flying but fly because the alternatives are not as good as they could be.

**The Convener:** In previous evidence, some of which you have sat through, we have heard that it is not only about people leaving Scotland to go elsewhere but about bringing people into Scotland—the weekend and short-break tourism markets. Do you not agree that, without an expansion in the airport, our ability to grow tourist numbers would be severely restricted?

**Douglas Smart:** I do not have details, but there is evidence that cheap flights are taking more people out of the country than they are bringing in. I am told that the tourist deficit for the United Kingdom amounted to £12 billion in 2001. Approximately 21 of the destinations from Edinburgh airport are holiday resorts—in other words, there are very few return passengers—and approximately 12 are large cities. That is a crude example, but there is evidence that cheap flying is having a negative effect. We should encourage people to spend at least short breaks in their own country. Why do people fly to Prague for stag parties? It is totally unnecessary. The group of old-age pensioners who flew to Hamburg for a Christmas market got publicity because they were stranded for two or three days, which is another issue, but are there no Christmas markets that they could go to in this country? We must investigate how much flying is really necessary.

**The Convener:** In answer to Jamie McGrigor's first question, you said that Prestwick airport has huge environmental advantages over Edinburgh airport. Will you elaborate on what those environmental advantages are?

**Douglas Smart:** I do not know whether you have seen the letter that I received from the operators of Prestwick airport. It has spare capacity and does not need to be expanded, so there is already an economic advantage. It has a train station at the front door and express buses stop at the front door, so it is easier to get to and does not require any expenditure, although I suppose that the railway service could be improved. The flight paths are over the sea and fields; there are very few urban areas on the flight

paths for Prestwick compared with those for Edinburgh and Glasgow airports, which are over urban areas such as Cramond, Newbridge, Musselburgh and Johnstone. That amounts to an immediate environmental benefit to using Prestwick airport.

**The Convener:** There would be an environmental benefit for those who do not live in close proximity to flight paths for Glasgow and Edinburgh but, for those of us who live on the east coast of Scotland, Prestwick airport is a heck of a difficult place to get to, whether by car or by train. You suggest that people should use their local airport, but Edinburgh is the local airport for east-central Scotland so why should we not fly out of Edinburgh?

**Douglas Smart:** As I said, we should encourage people to use their local airport. I do not suggest that people from Edinburgh should go to Prestwick, although some might. However, if we built the Glasgow crossrail—which is needed anyway—we would immediately have a connection that would allow people from Glasgow, Edinburgh, Stirling and Perth to fly from Prestwick.

**The Convener:** I might be different from other people, but my motivation for flying from an airport is rarely to do with the airport itself. I choose the airport that happens to have the airlines and flights that I want. Basically, there is a chicken-and-egg situation. A big disadvantage with Prestwick is that few airlines—for reasons that I will not go into—route flights into and out of that airport. More people use Edinburgh airport because airlines choose to fly from there because people want to fly from there. Travellers cannot simply turn up at Prestwick and say, "Take me to X." They go to Prestwick only if the airline happens to fly from there. People choose Edinburgh airport because airlines choose to fly out of there.

**Douglas Smart:** Given the political will, I see no reason why politicians could not encourage people to use Prestwick instead of Glasgow and Edinburgh for certain flights. Prestwick is used for quite a few flights but obviously not as many as Glasgow and Edinburgh. However, that could change. There is no reason why it should be set in stone that Prestwick is the least used but environmentally best airport. That could change.

**The Convener:** Have you costed your proposals for increased access to Prestwick and for the Glasgow crossrail?

**Douglas Smart:** Mr Gordon knows more about the Glasgow crossrail than I will ever know. I do not have figures, but the bridge over the Clyde already exists so we have an engineering advantage right away. The costs would be tiny compared with the £650 million for the proposed EARL tunnel.



**The Convener:** If members have no further questions, I will allow Mr Smart to make any final points that he wants to make to the committee.

**Douglas Smart:** I want to comment briefly on the documents that have been produced by the promoter. The promoter's memorandum states that EARL would be sustainable, but the memorandum fails to recognise that the airport expansion is utterly unsustainable. The environmental impact statement summary refers to the EARL project without reference to the environmental impact of the airport's expansion. That impact will include more noise and more pollution that will have an impact on global warming. The increase in the number of passengers, which is forecast to rise to 23 million by 2030, is an environmental nightmare. Apart from that, we do not know where they will come from. I suggest that the Government's policy of predict and provide is wholly wrong. Demand management, which is being proposed for roads, should also be applied to air travel.

Having had the dubious benefit of listening to nearly all the evidence that has been put before the committee, I am aware of quite a number of flaws—which I am sure the committee has also noted—in the promoter's arguments, but I will mention only two. The first and less serious flaw concerns St Andrews. It has been stated that St Andrews will be connected to the airport by EARL, but I am pretty sure that most people in St Andrews would rather be connected to Leuchars junction than have an easier connection to Edinburgh airport. The second more serious flaw concerns the admission that the committee extracted from a TIE spokesperson that EARL would take traffic from the trams. The amount was not actually quantified, but the admission negates all the propaganda about the trams and trains being complementary. The trams and trains will compete.

That brings me to my final point. As we all know, the finances for the trams are already on a knife edge. Like many people in Edinburgh, I would like to know which project will be given priority when TIE comes under financial pressure. Will it be EARL or the trams?

**The Convener:** I thank Mr Smart very much indeed for his evidence this morning. He has given the committee a number of points to ponder. I am sure that we will return to some of those, perhaps even this afternoon.

**Douglas Smart:** Thank you for hearing me.

**The Convener:** I propose to suspend the committee for a few minutes while we wait for the next panel to arrive.

10:44

*Meeting suspended.*

10:51

*On resuming—*

**The Convener:** Unfortunately, the remainder of our witnesses for panel 2 have yet to arrive. Is the committee minded to take agenda item 4, which is an item in private—*[Interruption.]*

**Jane Sutherland (Clerk):** It is in public.

**The Convener:** I am sorry, it is in public; I am getting mixed up. Is the committee minded to take agenda item 4, which is on the role of the assessor at the consideration stage of the bill, at this point? If we take the item now, we will not have to deal with it this afternoon. Are members agreed?

**Members indicated agreement.**

## Assessor

10:52

**The Convener:** I want to make it clear that the committee is being asked whether it wishes to direct the Scottish Parliamentary Corporate Body to appoint an assessor. I also point out that such an appointment is subject to the bill proceeding to consideration stage—we will report to the Parliament after the summer recess and the Parliament will then vote on whether to proceed. I invite members to indicate whether they wish to direct the SPCB to appoint an assessor to consider and report to the committee at consideration stage. Are we agreed?

*Members indicated agreement.*

**The Convener:** Thank you. I do not want to pre-empt the committee's preliminary stage report, or the verdict of the Parliament on whether the bill should proceed to consideration stage. That said, the next decision that the committee must take is on the capacity in which the assessor will report to the committee.

The committee will note that two options are provided for in the standing orders. Option 1 provides for the assessor to report to the committee with recommendations on groupings and on the objectors the committee could invite to provide written and/or oral evidence. Option 1 also provides for the assessor to consider the evidence and report to the committee with recommendations that are based on that evidence. Option 2 is limited to the assessor considering the evidence and reporting recommendations on the basis of that evidence.

Members will note that option 1 has the potential to prolong proceedings. The committee would need to agree to the assessor's recommendations on groupings and the invitations to give evidence prior to the assessor taking that evidence. In addition, the assessor cannot begin work until the Parliament has agreed—should it so choose—that the general principles of the bill be agreed to and that the bill should proceed to consideration stage. That decision is some months away. Does any member have a view on which of the two options we should follow?

**Mr Charlie Gordon (Glasgow Cathcart) (Lab):** Option 2 is more straightforward.

**The Convener:** Is that agreed?

*Members indicated agreement.*

**The Convener:** Option 2 is the better option as it will allow the committee to indicate its views on groupings and written evidence now. That will enable the promoter and objectors to begin their

preparations over the summer. As we said at our meeting on 23 May, we are keen to ensure that the uncertainty that the bill creates for objectors in relation to their property is not unduly prolonged. My view is that option 2 will achieve that.

Now that we have decided that the committee will undertake the role of grouping objections and inviting written evidence, it would be prudent for us to consider the groupings and written evidence deadlines proposed in annexes A and B to paper EARL/S2/06/6/3.

Members will note that the groupings are based on objections from a similar geographical location that raise the same or similar issues. For those objections that have not been able to be grouped, or rather, which are in a group on their own, it is proposed that similar groups be taken at the same time to enable continuity of evidence taking. Issues that affect one group may also affect other, similar groups. Therefore, some duplication of evidence can be avoided by taking those groups at the same time.

I will invite the committee to indicate whether it agrees with the proposed groupings, but it is only fair that the objectors that are grouped together are given an opportunity to disagree. It is proposed that a right of reply will exist until 21 July. Is that agreed?

**Christine Grahame:** The only slight issue that I have with the proposal—I know that it is only about people objecting to the groupings—is that there is the Edinburgh trades holiday for two weeks in July. That is still a traditional time to go on holiday. Has that been taken into account?

**The Convener:** The twenty-first of July is four weeks from today. It is unlikely that someone would be away for that whole period. I would have thought that the deadline would give people sufficient time to respond.

**Christine Grahame:** The only comment that I make is that many people still adhere to the traditional two-week trades holiday period in Edinburgh. I am happy to go along with the proposal provided that it is on the record that people have four weeks to respond and that you and the rest of the committee feel that that is satisfactory.

**The Convener:** Are we agreed that we stick with 21 July?

*Members indicated agreement.*

**The Convener:** That brings me to the written evidence deadlines. I seek members' views and their agreement to the deadlines proposed in annex B to paper EARL/S2/06/6/3.

*Members indicated agreement.*

**The Convener:** Finally, given the experience of other private bill committees, it is likely that over the coming months a number of issues will arise that will require the committee to make a decision. Such issues could include the confirmation of final groupings, late changes of witnesses and so on. My view is that many such issues will not merit a committee meeting. In addition, it would be impractical for the clerks to seek the views of members every time such an issue arises.

I therefore seek members' agreement to delegate such decisions to me with the proviso that I will convene a committee meeting when an issue may merit the whole committee's consideration and require its agreement. Is that agreed?

**Iain Smith:** I am all in favour of giving powers to conveners.

**The Convener:** Even Christine Grahame agrees with that.

**Christine Grahame:** I think that you are very democratic.

**The Convener:** Thank you. Our witnesses have not all arrived yet. I suggest that we suspend until 10 past 11 and see whether they are on their way.

**Mr McGrigor:** Some have just arrived.

**The Convener:** We will suspend for a couple of minutes to let them take their seats.

10:58

*Meeting suspended.*

11:03

*On resuming—*

## **Edinburgh Airport Rail Link Bill: Preliminary Stage**

**The Convener:** I welcome Rod Graves and Paul Douglas from Ratho and district community council, along with Charles Brunton and William Bryant, all of whom are objectors to the bill. Under standing orders, the promoter must detail the consultation that was undertaken on the bill's policy objectives. Ratho and district community council, Mr Brunton and Mr Bryant have concerns about that consultation.

We will begin with questions for Ratho and district community council, which has concerns about the consultation that was undertaken on the proposed Roddinglaw grade-separated junction. Why should the promoter have consulted specifically with community councils, given that it had already consulted all the local residents?

**Paul Douglas (Ratho and District Community Council):** The community council was not aware that a consultation exercise was taking place until concerned local residents contacted us when the end of the consultation period was drawing near. We then approached TIE and the City of Edinburgh Council to ask for an extension of the period so that we could comment, given the concerns that had been raised in the community.

**The Convener:** In normal planning applications, you would have been consulted, but the process seems to have been different.

**Paul Douglas:** Yes, very much so. Normally, proposals are advertised and we are consulted. However, we were not given the opportunity to comment on the EARL proposals.

**The Convener:** For the committee's benefit, will you detail your concerns about the consultation process?

**Paul Douglas:** From our first meeting with TIE, it became apparent that the consultation would be along the lines of TIE saying, "This is what we are going to do—like it or lump it." That first impression of TIE's attitude has not changed at all. Any alternative proposals that the community council suggested were dismissed more or less out of hand. The reasons that we were given for that dismissal did not include any substantial technical back-up or detailed analysis of our proposals or a comparison with TIE's proposals. Therefore, we had no criteria on which to base our arguments and no level playing field. TIE did not compare its proposals with ours and say why its had been made and why ours could not be

considered. TIE produced no technical data to substantiate its decisions. As far as we and the local community are concerned, our proposals would be far better and far more in keeping with the wishes of local residents.

**Mr McGrigor:** Will you elaborate on your comment that TIE's attitude was that you had to like it or lump it—that you had to accept its proposals?

**Paul Douglas:** At the first meeting, we discussed the curvature of the line as it progresses from Roddinglaw down to the airport, crossing a road. Sorry, but I cannot remember the name of the road.

**Rod Graves (Ratho and District Community Council):** It is Freelands Road.

**Paul Douglas:** The curvature will take the line close to Knocktower. We asked for the curvature to be increased, so that the line would go further away from the tower and the resident. We were told that it was a 100mph line and that was that. There was a line drawn on the map that had to be justified. We pointed out that, if the trains were travelling at 100mph at that point, they would never stop in time for the airport. The trains will have to decelerate to get to a reasonable speed to be able to stop at the airport, travelling downhill. We asked at what speeds the trains would be travelling in the curve, but that has never been forthcoming. We have been told that, roughly, the speed will be about 90mph in one area, 80mph in another area and 70mph in another area. With that information, we determined the possible curvature of the track. Our point is that the curvature of the track does not have to be set for 100mph; it could be set for whatever the safe speed limit will be at that point. Therefore, TIE could move the track.

**The Convener:** Was that a one-to-one meeting?

**Paul Douglas:** It was a meeting with Margaret Smith, John Longstaff, representatives of the community council and TIE and Scott Wilson.

**The Convener:** Did you have only one meeting to discuss the issue?

**Paul Douglas:** There was a follow-up meeting, at which we did not receive answers to any of our questions. We had asked for a re-routing of TIE's proposal for a road at Ashley Lodge so that it coincided with the curvature of the track. Rather than take the road through the trees at Ashley Lodge and destroy them all, we suggested that the road could run parallel to the railway track and come out on Freelands Road.

**Rod Graves:** The advantage of that is that it would help Roddinglaw cottages residents, too. The new elevated junction at Roddinglaw will create a lot of local nuisance and problems from the trains. Also, all the traffic that is diverted onto

the proposed new road will go along the road that runs right in front of the cottages, which will lead to a 50 per cent increase in traffic there. We are concerned about the Roddinglaw residents. If we altered the position of the new road, they would be less affected and would benefit from a reduction in noise. Under the present proposals, they will suffer from the noise of the trains and from the noise of the increased traffic going past their front doors. Our alternative proposal would at least mean that that traffic would not go past their front doors.

**The Convener:** Those are useful issues, which we will be considering in more detail at the next stage.

On the consultation, do you still feel dissatisfied about how you became involved, albeit belatedly, with TIE?

**Paul Douglas:** We cannot really comment on anything that happened prior to our involvement. TIE now acknowledges that we were not consulted. To begin with, it said that we, along with other groups, had been consulted. However, that is history. We feel that nothing that we have said has seriously been taken on board by TIE, which cannot give us any technical detail to support its own proposals, let alone justify refuting ours. Until we know what the technical data are—the criteria that TIE is using—we cannot feasibly counteract its proposals.

**Rod Graves:** An illustration of TIE's view is in appendix A of our submission, in an extract that we got under the Freedom of Information (Scotland) Act 2002. We asked TIE why we were not consulted. You will see in appendix A that the public relations people suggested two alternative responses. The first was, "Yes, we admit it. We didn't consult you. You were overlooked, effectively." The second suggested response was, "We've consulted nationally, internationally and God knows what else and we have decided that that is more important than talking to community councils." TIE went with the second response. What worries us is that that is an example of TIE's attitude to the consultative process.

**Mr Gordon:** You have adequately summarised the difficulties of your discussions with the promoter about alternatives for the Roddinglaw junction. On the roads aspect, the committee has been advised that the roads authority and the planning authority are satisfied with TIE's preferred option for Roddinglaw Road. Why do you maintain that both those authorities are wrong about the road diversion?

**Paul Douglas:** I think you will find that the authorities found our proposal satisfactory.

**Rod Graves:** What was agreed at our most recent planning meeting was that the authorities would not oppose TIE's proposal, but that at the

same time they would not oppose our proposal either. Basically, they were taking a neutral stance.

**Mr Gordon:** That is on the record, is it?

**Rod Graves:** Yes. In that sense, there has not been active support.

**Mr Gordon:** The promoter has indicated that it has made changes to the scheme to assist with access to Ashley Lodge and to mitigate visual intrusion. Does that suggest that the promoter has listened to at least some of your concerns?

**Rod Graves:** Part of the problem there is that TIE made changes, then changed them again, without consulting individuals such as me. As far as I am concerned, in a proper consultation process, if you are going to make a change you come back to the person and say, "Look, the local farmer has come along and said they need an extra 5 yards in terms of the access route. We're now going to change it." I found out only by accident that TIE had increased the land take again.

**Mr Gordon:** But was the initial change as a result of consultation?

**Rod Graves:** Yes. The original change came about because I pointed out to TIE that it could bring the route nearer to the motorway, although it told me 12 months ago that it could not do that. There was no technical evidence that it could move it, and then suddenly it could move it. There is no apparent rationale for some of TIE's decisions. What worries us is that we cannot see the evidence; TIE is not saying, "It's clear for this technical reason or that technical reason that we want to do X, Y and Z." TIE seems able to change its mind within six months because of internal pressure or what have you, and that decision-making process worries us.

**Christine Grahame:** My questions are for Mr Bryant and Mr Brunton. We have heard the community council's concerns about the consultation process. What are your concerns?

11:15

**William Bryant:** Our concerns are similar. We experienced almost identical problems further down the line, even though we were involved at an earlier stage. The dictionary defines "consultation" as to seek information or advice from people and to consider their interests. TIE has repeatedly offered to consult us on its own terms, but its idea of consultation seems to be totally different from ours.

When TIE announced the project in February 2004, it was immediately obvious to us that the proposed diversion of the Carlowrie farm road

would give rise to safety concerns. In particular, the only thing that reduces the speed of traffic on the road is the series of S-bends to the east of our properties. The proposed diversion would take those away and make it a wide, sweeping road. That would change the nature of the dangers to residents in the area.

We had a meeting with TIE on 21 October 2005 and it confirmed that it would consult us on the issue. At that time, it also gave us assurances regarding the compulsory purchase of the land around the cottages. We received a response from TIE, which said it was not possible to alter the alignment of the road and change the route because of the turning radii. As Paul Douglas said, TIE used engineering jargon to try to baffle us. However, all that it meant was that TIE was going to have to take a wider sweep of the road to try to accommodate what we proposed.

TIE made a further comment that the realignment was not within the cost budget for the proposed design. That is clearly different from the original statement, which was that the change was not possible for engineering reasons. All of a sudden, TIE said that it was for cost reasons. At a further meeting, TIE advised us that we would need to seek legal advice regarding our concerns on the matter. We became concerned about the consultation process because we were having to think about taking legal advice on the main issue. We obtained the services of a qualified roads engineer and he identified that the proposed diversion was

"at best an accident waiting to happen, and at worst a killer road."

On learning that we were having regular meetings, TIE became increasingly keen to up the consultation process. In effect, it wanted to find out what information we had. It was not giving us any information and it refused to become involved in dialogue about rerouting the road, but it wanted to know what information we had and what the nature of our report was. At that time, because of our concerns about the legal aspect and the fact that we do not have unlimited funds, we were not willing to engage with TIE in that process.

Since the objections were lodged, TIE has repeatedly offered to consult, but would not discuss the rerouting. Also, since that time, all our residents have received compulsory purchase orders. That was originally dismissed. We were told that that would not happen, but following our objection, compulsory purchase orders became part of the proposals for the land.

**Christine Grahame:** Are you saying that you were told that there would not be compulsory purchase, but that as soon as you objected the

position changed? Are you suggesting that that was vindictive?

**William Bryant:** We cannot comment on that, but that was the timing. Initially, we were told that there was no requirement for compulsory purchase orders but, when the objection was lodged, it became obvious that compulsory purchase orders were going to be required.

**Charles Brunton:** I would not say that it was vindictive. It was just misinformation from TIE.

**William Bryant:** It appears to have been part of a plan by TIE. It offered to consult about the compulsory purchase orders and it quickly admitted that they were not necessary. That appeared to us to be quite cynical: originally, TIE said that compulsory purchase orders would not be required and then it changed its tack. It appears that all that TIE wanted was to display its consultation credentials. It wanted to be able to say, "We have changed. This is something that we are prepared to go along with."

Only two of our residents agreed to the meeting with TIE on 9 May. They were assured that they would be sent a letter confirming that compulsory purchase orders would not be required and indicating what would be entailed—including, specifically, what access would be required by earth moving machinery to our properties. They have still not received any such letter from TIE.

**Christine Grahame:** What was the date of the meeting?

**William Bryant:** The meeting was held and assurances given on 9 May.

**Christine Grahame:** And you have not had a letter yet?

**William Bryant:** My friends have not received a letter yet. I was not present at that meeting.

We have received 30 letters from TIE, Scott Wilson, Halcrow and Land Aspects Consultancy offering consultation. We have shown that they have been economical with the truth and demonstrated no other interest than their own at all stages. They have merely informed us of their intentions because they represent their own agenda. That mirrors exactly what my friend Charles Brunton said: at no stage has there been consultation; instead they have said, "This is what we are doing."

**Charles Brunton:** It is dictation, not consultation.

**William Bryant:** The pure volume of the offers to consult seems to imply, "We will bludgeon you to death by repeatedly offering to consult, but we are not prepared to discuss any relevant issues." That is insulting to us when we have lots of better things to do.

**Christine Grahame:** You mentioned Carlowrie farm—

**Charles Brunton:** It is on the Burnshot road.

**Christine Grahame:** That is what I was going to ask you about. Is it necessary to divert Burnshot Road purely because of the EARL project?

**Charles Brunton:** It will be necessary to make some form of diversion because of the way the rail cutting will go. We put proposals to TIE for an alternative route that we thought was a much safer and straighter diversion. We were told initially that it could not be accepted for engineering reasons. Then we were told that it was about turning radii; then it was for financial reasons.

At no time, until we submitted our objection, has TIE been willing to discuss our proposals. At every meeting with TIE people, no one who is able to answer our technical questions has been present. They deliberately go to meetings without technical assistance so that if we ask technical questions, they say, "We don't really know that, but we'll get somebody to get back to you," but they never do. It is that simple.

**Christine Grahame:** The promoter's representatives will appear before us again, so we can put those points to them.

**Mr McGrigor:** Mr Bryant received an answer that the realignment of a road was not covered in the cost design. Had TIE consulted you before that time, would the realignment have been in the cost design?

**William Bryant:** The only consultation was the public relations exercise that was conducted at Edinburgh airport and at a further meeting at one of the residents' houses. TIE did not discuss the realignment of the road with us. In fact, TIE has still not discussed it with us. We have not heard anything about engineering back-up.

**Mr McGrigor:** So TIE agreed that the realignment was necessary. Did it give a reason for why that was not in the budget?

**William Bryant:** No. Its initial tack was that it could not alter the proposals for engineering reasons. On being questioned about that, it changed its tack and said that the reason was one of cost. That made us suspicious, as did the warning that we would need to obtain legal advice to advance our position. That did not sound like consultation to me.

**Mr McGrigor:** Just to clarify, what is the name of the road that needs to be realigned?

**William Bryant:** The C157; Burnshot Road. It is situated directly to the south of Carlowrie farm cottages.

**Mr Gordon:** What do you say to the argument that EARL is a national project and that there will be inevitable, unfortunate impacts on some local residents as a consequence, both during and after construction?

**William Bryant:** The issue that we are talking about today is consultation. There has not been any consultation and that is the point that we are here to discuss, rather than the rights, wrongs or the merits of the bill.

**Mr Gordon:** So you are not here to oppose the principle of the project.

**Charles Brunton:** We are not opposed to the principle of the EARL bill, but to a section of it, whereby a dangerous road will be created outside our homes. At present, there are four youngsters in our homes, all of whom are aged under 14. The road is a C road, but the traffic on it is substantial, as the EARL promoter has agreed. At the first meeting at the Carlowrie cattery, we were told that the promoter had undertaken a census of the traffic on the road, which was found to be acceptable. I have a letter from the promoter that says that no census was taken.

Something like 14,000 homes are being built in West Lothian. The vast majority of people living there—around Linlithgow and Bo'ness—will use our road to get into work in Edinburgh. The amount of traffic on the road is going to increase. We have done checks on the sight lines and have found that if dangerous bends are put in, we will have four seconds to get from our side of the road to the other—if we are heading west—prior to a car smashing into us. That is not acceptable to me. According to TIE, it is acceptable.

**Mr Gordon:** I gather that you have suggested speed restrictions on the road. Do you accept that that is not something that—

**William Bryant:** We have never suggested a speed restriction. We have consulted Lothian and Borders police on this. Any alteration to the road will require to be self-regulating.

**Charles Brunton:** Those were the words of Lothian and Borders police.

**Mr Gordon:** So the police have taken the view that having a speed limit does not necessarily make people slow down. They would rather see the road re-engineered in such a way as to make speed limits self-enforcing.

**Charles Brunton:** That is the gist of their letter to us.

**Mr Gordon:** Your understanding is that not bends, but more traditional forms of traffic calming would be used to lower speeds.

**William Bryant:** No. We propose that the dangerous section of the road—the straight part

directly outside our houses—be taken away from the frontage of the houses so that any dangers would be taken away from our doorstep.

**Mr Gordon:** There would be a realignment.

**Charles Brunton:** That is what we propose.

**Iain Smith:** The correspondence that we have received on this suggests that there are existing problems on the road; it is not that the EARL project will create problems.

**Charles Brunton:** There are already problems on the road, about which we have been in consultation with the council, as have other residents. We have also been in consultation with Lothian and Borders police. Unfortunately, the only statistics that the police keep relate to accidents at which they, or the ambulance service, were in attendance. In the past two years, there have been about four fatalities on the road—small bumps do not matter. The City of Edinburgh Council's roads department has proposed to TIE that it takes the bends away and uses the alternative that we have put forward.

We are quite happy for the EARL project to go ahead. We have no problem with transport being taken into and out of the airport. All we are saying is that if changes are going to be made to the road, they should make the road safer, not more dangerous. The proposed changes will be a danger to us and our families.

**William Bryant:** We acknowledge that there have always been safety issues on the road. The difference is that we are now building a road to modern standards. When the road was constructed originally, it was designed to take farm traffic, such as combine harvesters, not speeding traffic. There has never been an opportunity to right that. Given that we are building a road to modern standards, it has to comply with modern design criteria.

**Iain Smith:** I understand that point. I represent a rural constituency and I know of many such roads. You are looking for an overall improvement in the road, instead of what TIE is proposing.

**William Bryant:** We are looking for a slight realignment.

**Charles Brunton:** We want to make it safer, not more dangerous.

11:30

**Iain Smith:** That requirement to make the road safer exists even if EARL does not go ahead.

**William Bryant:** We would certainly prefer something to be done. If EARL does not go ahead, we will revert to the status quo. I agree that we would still be looking to improve safety on the

road, as many residents have done over the years.

Again, the difference is that we are talking not about a change to the realignment of the road; the proposal is for a complete change to the nature of the road. At the moment, the only feature that leads to speed reduction is the series of bends at Carlowrie cottages. If the proposal goes ahead, that feature will not be there any more; we will instead have a sweeping curve. People will be regulated only by 50mph signs, which seem to be TIE's only sop towards the neighbours. As a serving police officer, I know for a fact that 50mph signs will make not the slightest bit of difference.

**The Convener:** If we get to the consideration stage, those are the sort of issues to which we will return in detail, both in terms of Burnshot Road and at Roddinglaw.

As Christine Grahame indicated, witnesses for the promoter will be back before the committee this afternoon. We can quiz them on the issues that you have raised, including the lack of consultation. Thank you for your evidence.

We will now take another short break to allow panel 3 witnesses to be seated.

11:31

*Meeting suspended.*

11:34

*On resuming—*

**The Convener:** I thank everyone for their patience; we lost a couple of committee members.

I welcome our third panel of witnesses, who are Damian Sharp, head of major projects, and Ian Mylroi, head of rail projects, from Transport Scotland. We move to questions from the committee.

**Iain Smith:** You will probably have heard the evidence to this committee about the various transport projects in Scotland. Can you explain what role Transport Scotland plays in ensuring that all the rail infrastructure projects—the trams, EARL, GARL, Waverley, the Airdrie to Bathgate line and the Haymarket upgrade—are delivered on time?

**Damian Sharp (Transport Scotland):** That is my role and it is all that I am there to do—"all" being the operative word. Subject to Parliament approving the three schemes that have not yet been approved, it is our responsibility to ensure that they are delivered, that they work together, that the rail network works and that the benefits are realised on time as set out in the Minister for Transport's statement on 16 March.

**Iain Smith:** Assuming that they all receive parliamentary approval, does Transport Scotland think that there is an order of priority for the delivery of those rail projects?

**Damian Sharp:** No. I have been commissioned to deliver to the timescale set out in the minister's schedule, so it is not a case of prioritising them. That is the programme and I have to deliver all of it. That is what I am working hard to do.

**Iain Smith:** An issue that is particular to EARL is rolling stock. When will Transport Scotland announce the final details of the rolling stock and the timetable for its delivery? When does Transport Scotland expect the rolling-stock replacement to be completed?

**Damian Sharp:** That is one for my colleague, Mr Mylroi.

**Ian Mylroi (Transport Scotland):** I came to Transport Scotland just short of a year ago. My background is 24 years in the rail industry. I am working closely with Damian Sharp to ensure that the projects are integrated, delivered and do-able in the railway environment. That is why I am here this morning and why Damian has thrown this question to me.

Finding rolling stock for EARL is going to be challenging. No vehicle out there today fully meets all the requirements of EARL. Plenty vehicles are available that together can be quite simply integrated to produce a vehicle that will do the job for us, but it is not like buying a Ford Mondeo; we cannot just go out and buy one this afternoon.

Bearing in mind the timescale for the construction of the infrastructure, we have a little bit of time to get ourselves together. Over the past several months, we have put together a fully-integrated programme that demonstrates how we will work towards the timetabling strategy, rolling-stock procurement and the various other things that need to be brought together from a railway operations and integration point of view to deliver not just EARL but the rest of the projects. EARL is about the integration of lots of things across Scotland. There will be a huge number of inputs to the project, and we have a timeline that will deliver our aspirations for each of the timetables right through to the middle of the next decade.

**Mr Gordon:** I am a bit surprised to hear you say that no rail vehicle meets the specification. Could you expand on that? The Heathrow express rolling stock is probably eight or nine years old. It is an example of what was available in the industry at the time, so the industry has already shown that it can deliver rolling stock for a rail link. Why is there a particular difficulty now?

**Ian Mylroi:** You have underlined precisely my point. The Heathrow express rolling stock is very good. It was manufactured in Germany.



**Mr Gordon:** By Siemens, yes.

**Ian Mylroi:** I was involved in that project and I did a good deal of work with Heathrow express over the years in my previous railway career, so I know the project well.

As originally envisaged, with EARL being a diesel railway, that rolling stock would clearly not be appropriate. We have now asked whether we ought to be considering an electrification strategy for central Scotland. We are working hard with industry colleagues, such as Network Rail, First ScotRail and others, to pull that together and move towards making a decision—or at least a recommendation—by the autumn on whether that is the right thing to do.

Were we to move towards an electrification project for central Scotland, something like the Heathrow express vehicle would come close to providing what we need. It has broadly the right performance, and although it is not available today, other similar products are available. Without doubt, we could procure a vehicle that meets our requirements.

An interesting balance has to be struck in the project between the performance and the capacity of the rolling stock. We need to get that right, and we can do that. There is no doubt that the industry can produce what we want but, as I said, a Ford Mondeo is not out there this afternoon that meets our precise requirements.

**Mr Gordon:** I was not suggesting that you should use the Heathrow express trains, because I know that we are not yet talking about an electric railway. However, the committee has heard evidence that a diesel product might be available—I think that it is the class 220 diesel multiple unit.

**Ian Mylroi:** Several products that are out there—diesel and electric powered—could deliver the right performance. The 220, which is the Virgin Voyager train and is used by other operators, is pretty close to what we need for performance—the nought-to-60 time, if you like. However, it could not carry enough people, because it is not configured for a run such as EARL; it is configured for a much longer haul. It has a shop and more toilets, for example. If we used a train that was based on that platform, customisation and reconfiguration would be needed.

My point is that there is no perfect product, although lots of products are very close. I make no bones about the fact that we must do some work and get it right. We need to know precisely what we want and we need to work closely with the industry to ensure that we obtain it. However, the elements are all there. With our colleagues in the industry, we can integrate those elements and buy a train that will work straight out of the box. That is

important to us. The industry has matured dramatically since trains such as the 334—with which you are familiar—were built, and I am much more confident that we can buy a train that will work when it is delivered. The people at Hornby are no longer the only ones who make trains that work.

**Iain Smith:** I will follow up a couple of points that you made. Electrification of the central Scotland rail network is an interesting project, but it will not deliver EARL connectivity to Inverness or Aberdeen.

**Ian Mylroi:** Clearly, it will not.

**Iain Smith:** I suspect that Fife will not be part of the electrification, either. If the railway is electrified, I presume that you will require two lots of rolling stock.

**Ian Mylroi:** If we pursue an electrification solution for central Scotland, Edinburgh, Glasgow and some associated routes, I fully expect us to procure a smaller number of high-performance diesel trains for the long haul, too.

**The Convener:** From what you have said, it is difficult to have a flavour of exact timescales. When will you be in a position to say not when what you need will be delivered, but that you know what you need and when you can start to procure it?

**Ian Mylroi:** We are well down the road of knowing what we need. TIE has done much work on the specifications of trains and we have specifications for diesel and electric trains with which we could go to the market almost in the next month or two.

As I said, I suspect that the key decision on whether the route is liable to be electrified will be made in the autumn. Network Rail is doing much work with us on the constraints and the issues that relate to electrifying the route. However, that is not a key part of the EARL project: the project and electrification of the route are two distinct matters, although one feeds the other. EARL is a key part of the rolling-stock timetable and strategy for the central belt, but it is not the only driver. Many other matters that are emerging in the transport strategy and the rail strategy feed into the process. Of course, growth will happen with or without EARL. We need to address that.

I will work backwards. To have rolling stock delivered in time for the opening of the EARL infrastructure, I suspect that we will need to place orders at the back end of next year. If we decide in autumn this year whether the railway will be diesel or electric, we will have a fair amount of time at the back end of this year and into next year to run the tender procurement process and to place firm orders perhaps 15 months or so from now.

**Mr McGrigor:** What factors could delay completion of the rolling-stock upgrade programme?

11:45

**Ian Mylroi:** A multitude of things could cause delays. The most critical short-term decision relates to whether the Glasgow to Edinburgh railway will be diesel or electric. As I said, we need to place firm orders and contracts for rolling stock 12 to 15 months from now, and a number of decisions need to be made before then. If we can commit to that, we know from our work with the supply industry that those timescales are deliverable. As far as the UK is concerned, Scotland is a big potential customer in the rolling-stock market and it is seeking to place significant orders. Indeed, apart from the London crossrail project, which is at nowhere near the same stage in the planning process, nothing else out there is likely to place a similarly sized order.

**Mr McGrigor:** The promoter has indicated that it will be up to Transport Scotland to launch EARL without the rolling-stock improvements in place. How likely is that to happen? What will be the effect of such a decision on passengers and public perception?

**Ian Mylroi:** Because the rail link will change the geography and timetabling of railways in central Scotland, it will be very difficult to launch it without additional rolling stock. At the moment, the resources are not in place to meet our aims with regard to EARL. If we launch the link without suitable rolling stock and other resources such as drivers and guards, it will not look like the project that Damian Sharp and I have been charged with delivering.

**Mr McGrigor:** I presume that it will also mean a huge difference in cost.

**Ian Mylroi:** If we do not procure the necessary additional higher-performance rolling stock, we will end up with a very sub-optimal rail link that will not deliver the intended benefits.

**Mr McGrigor:** Given that the procurement of rolling stock for the airport rail link will be up to Transport Scotland, what cognisance will be taken of requirements such as additional baggage space and suitable train access points?

**Ian Mylroi:** The specification for the rolling stock must take account of the needs of EARL's various customers. Because EARL, unlike the Glasgow airport rail link, is not a dedicated airport rail link, we need to think through some difficult questions, for example how we balance luggage accommodation and passenger seating. However, we can try to be a little bit more imaginative about how we can best manage that balance. For

example, with fold-up seats we can provide passenger accommodation at peak periods and luggage accommodation when the seats are not needed. Of course, we need not only to make sensible provision for luggage space on the rolling stock but to make it secure. After all, people will not put their luggage in the luggage stack and simply walk away from it. As a result, we are in contact with a number of experts in rolling-stock interior design to talk through such issues.

**Mr McGrigor:** So that will be in the recommendations.

**Ian Mylroi:** We have not yet resolved the question, but we have to find the right balance between passenger accommodation, luggage accommodation and other needs on the train.

**Mr McGrigor:** I also asked about train access points.

**Ian Mylroi:** I am sorry—I was not quite sure what you meant by that.

**Mr McGrigor:** I was wondering about requirements with regard to suitable access points.

**Ian Mylroi:** Are you asking purely about the configuration of the vehicle, the location of the doors and so on?

**Mr McGrigor:** Yes, I think so.

**Ian Mylroi:** Fine. Train doors are put either at the end of the carriage or, broadly speaking, a third and two thirds of the way along it. The big advantage of the latter option is that it reduces dwell time at the station and allows people to get on the train much more quickly. We certainly favour that solution for the Edinburgh to Glasgow route and other shorter journeys in central Scotland.

For longer-haul trains to, for example, Aberdeen or Inverness, the question is much more open. End doors produce a different interior layout. Although the boarding time is slightly longer, it might be tolerable given the slightly lower passenger volume on those trains. However, I envisage that, as with the current Turbostar trains, the bulk of the rolling stock will have a one third, two thirds door layout.

**Mr McGrigor:** With end-door carriages, the baggage accommodation is generally at each end. With the doors that you are talking about, would the baggage accommodation be next to the doors—in other words, in the middle of the carriage? If someone gets on the train with a blooming great suitcase, will they have to carry it to the far end of the carriage?

**Ian Mylroi:** We have not pinned down the detail yet, but those are the sorts of considerations that need to be thought through.

**Mr McGrigor:** That sort of detail will have to be worked out in the next year.

**Ian Mylroi:** It will need to be specified well before we sign on the line to buy the trains. We have not completed that work, but it is high on the list of things that need to be done.

**Mr Gordon:** Do you have a ballpark figure for the cost of the rolling-stock upgrade?

**Ian Mylroi:** When purchased new, the sorts of vehicles that we are talking about cost around £1.3 million or £1.4 million per car. The number of cars that we will purchase does not depend on EARL alone; it depends on how much capacity we deliver throughout the central belt. At the moment, we do not have a clear idea of how many vehicles we will be procuring.

**Mr Gordon:** You must have a range in mind.

**Ian Mylroi:** At the moment, my assumption is that we will procure between 120 and 160 vehicles.

**Mr Gordon:** What sources of funding have been identified—or, indeed, confirmed—for that programme?

**Ian Mylroi:** It is extremely unlikely that we will be capital funding the vehicles and taking them on to the asset register of Transport Scotland. We will be leasing them, just as we lease all the existing vehicles. We have started discussions with the three traditional rolling-stock leasing companies and a number of other organisations about how best we might do that in the future. It is possible that we might do things differently. The traditional rolling-stock lease has served the industry thus far, but it is now worth taking a wider view and thinking a little more about exactly how we fund the vehicles that we use and the sort of lease that we have, such as its terms and duration. We have not discussed the detail of that, but we have started the conversation.

**Mr Gordon:** For the benefit of the committee, will you expand on what you mean by the traditional rolling-stock lease?

**Ian Mylroi:** When the rail industry was privatised 10 years ago, three companies were created to lease the rolling stock back to the industry. Those companies are now all owned by banks. The contracts split responsibility for a vehicle between the train operating company that looks after it on a daily basis and the leasing company—the owner—which has other, longer-term responsibilities for the vehicle. Traditionally, leases have been quite short so that they are aligned with the franchise periods.

**Mr Gordon:** They might last for seven years, for example.

**Ian Mylroi:** Seven years is a typical period, although in some cases they might be shorter. Because the leases are short, that creates a risk for the banks that they will not be renewed when they expire. We are serious about buying the vehicles—we want them for Scotland. We are not just buying them because we think that we will want them for seven years; we are making a long-term commitment. We have therefore started conversations with the banks about how that might be wrapped up in the deal. No commitment has been made on anyone's part, but we have started conversations because that is an important issue that we need to address.

**Iain Smith:** To what extent is the rolling-stock upgrade driven by EARL? Would the upgrade be necessary even if EARL did not happen?

**Ian Mylroi:** That is an interesting question. Because of the capacity requirements throughout central Scotland, there is unquestionably a need for an increase in the amount of rolling stock. That would take place regardless of whether EARL was proceeding.

EARL will introduce a completely different pattern of services, a totally different timetable pattern and some fairly difficult geography, which is crucial from a rolling-stock point of view. Because the approach to the airport station and the departure from it will be on hills that are very steep in railway terms, a train will be required that has more power than those that are in use today if it is to meet our journey time aspirations for the project.

If you like, EARL is the catalyst for our wanting to buy the next generation of vehicle rather than more of the same. EARL will mean that there is a need to change the performance of the rolling stock. There is also a need to change the quantum of rolling stock as a result of everything that is happening in Scotland. Instead of tackling those two aspects separately, we are integrating them in one project.

**Iain Smith:** So, to summarise, you would be buying additional rolling stock anyway, but the type of rolling stock might have been different if EARL had not come along.

**Ian Mylroi:** Yes.

**Christine Grahame:** I am not known for my economic prowess, but I want to ask you this question. You spoke about the capital cost of the cars and said that you would require between 120 and 160 of them. Under traditional leasing contracts, what would that cost?

**Ian Mylroi:** Under a traditional arrangement, the lease charge on each vehicle would be around £8,000 or £9,000 per vehicle per month.

Maintenance and operations costs would then have to be added.

**Christine Grahame:** What would the maintenance and operations costs be? I am just trying to get a general picture of costs to the public purse.

**Ian Mylroi:** The cost to the public purse of vehicle maintenance is part of what we pay to the franchise through—

**Christine Grahame:** I know. That is why I am asking for a total bill.

**Ian Mylroi:** I do not have figures with me, but I could get back to you.

**Christine Grahame:** I would just like to know. The cost of the railway line will depend to some extent on the rolling stock, so I am trying to piece the bits together to work out how much money we will be spending.

It will probably not be possible because of your negotiations, but can you give a figure for where you are going if you are looking for a better arrangement with the banks? I might as well ask, although you are not going to tell me.

**Ian Mylroi:** You might as well, but I am not going to answer at the moment—but thank you for asking.

**Mr Gordon:** I want to ask about rolling stock and people with mobility problems. When procuring rolling stock, what consideration will you give to accommodating people with mobility problems? We are talking about access to an airport by train.

**Ian Mylroi:** Rail vehicle accessibility legislation lays down comprehensive vehicle requirements covering people with mobility problems, wheelchair users and people with sight and hearing problems. The vehicles that we procure will comply with the legislation in all respects.

**Mr Gordon:** You will also have to comply with luggage requirements. Are there examples you can follow, or are we in a slightly more challenging environment?

**Ian Mylroi:** Every new train that has been delivered in the past two or three years has had to comply with the legislation in all respects, and the refurbishment of trains in Scotland, particularly in the west, has brought many of our older trains close to being compliant. Meeting the requirements of the legislation is not in itself a challenge.

As I said earlier, we have not concluded the precise details of the interior layout—luggage stacks and so on. However, the design will comply with the accessibility regulations. That is beyond debate.

**Mr Gordon:** However, we do not have recent examples—or do we?—of people complying with regulations for rolling stock that serves an airport.

**Ian Mylroi:** Not in the UK, but there are plenty of examples of rolling stock that has been delivered in Scotland that is fully compliant with the legislation. The most recent batch of Turbostars in the diesel fleet and the 334s in Glasgow are all compliant.

**Mr Gordon:** You are aware that, when procuring rolling stock, you will have to combine considerations of airport access with considerations of people with mobility problems.

**Ian Mylroi:** Indeed.

**The Convener:** I want to return, yet again, to the type of train and carriage that will operate. Given the history of some other train projects, how confident are you that we will get a product that will work from the word go? Why are we going for something that is not around in the marketplace at the moment? Why do we have to have something specially designed for the EARL project?

12:00

**Ian Mylroi:** The rolling-stock market has matured tremendously over the past few years. The most recent batch of class 170 Turbostars, which the Executive funded and which was delivered a year and a half or so ago, arrived from Derby, went into service and worked from day one. That was clearly in contrast to the first batch four or five years earlier.

The pattern of reliability has been replicated across all recent orders. The latest batches of vehicles that Siemens delivered into the south-east of England worked well from new and the vehicles that Bombardier delivered, again into the south-east of England, are also working reliably. The industry has matured. Manufacturers are now much more focused on the reliability of the train from day one.

That gives me a good deal of confidence that we can procure the type of train that we want from the parts bin—the kit of parts that are proven to be reliable. We will not be buying anything that is not in use somewhere else. The technology of the train—whether diesel or electric—will be such that it will be in use somewhere else in the world, and most probably in the UK. I am confident that we can buy a train that works. The manufacturers are keen to do business with us. They see the project as a flagship for their products—and it is. That also gives me a huge amount of confidence.

The interior configuration of the train—how we lay out the interior—is something that has some impact on the reliability of the train. Fundamentally, the mechanics of the vehicle

under the floor are what makes the train work, not the detail of the interior layout. Whether we buy a diesel or an electric, we will be buying a derivative of a proven product.

**The Convener:** Given that it is likely that there will be many construction projects going on in Scotland and elsewhere in the UK around the same time as EARL, which will place huge demands on the construction industry, how confident is Transport Scotland that it can deliver the project on time and without costs escalating out of control?

**Damian Sharp:** We have been looking at that issue. First, we have assessed the amount of activity and the pressure that it is likely to have on rail industry inflation, as opposed to general inflation. That assessment was taken into account in the expected outturn prices that we quoted. It was made in the light of the advice that we took from construction industry experts about where and when the pressures are likely to come.

In terms of the total capacity of the industry, it is clear that we need to position Scotland as the place in the UK and Europe to do business on rail infrastructure—certainly, I think that no one is in any doubt that that is already the case within the UK. We want to tell the major players about the volume and bank of work and the set of commitments that we have, all of which justify their investment in Scotland. We want them to want to come to Scotland and do work here. I spend quite a lot of my time out and about talking to people in the industry in Scotland and beyond, trying to persuade them that our very large order book justifies their building capacity in Scotland.

We work closely with my colleagues on the trunk road side who deal with major roads projects. Many railway projects use exactly the same type of technology and engineering that civil engineering projects use. The point at which we put steel and sleepers on top of the tarmac is the point at which a railway project becomes a specialist project, although many civil engineering players are interested in both. Clearly, Transport Scotland is one of the biggest clients of the construction industry. Like the rolling-stock sector, the railway engineering sector is very interested in EARL. We need to make a continuing effort to ensure that we cover that issue.

The areas of greatest concern are the specialist areas. The committee heard from Ron McAulay last week about signalling engineering. We are working closely with Network Rail to ensure that we can accurately forecast what we need and—because I am responsible for the portfolio of projects—that we can make the type of adjustment that will ensure that teams can go from one project to another. That will ensure that we do not need

two teams to work on two different projects at the same time.

We need to put more detailed work into that to ensure that it happens. However, we have started the process and are continuing to do that. We need to ensure that that happens throughout this year because we are going to start using some of those critical resources next year. A big part of my role is to ensure that we can line everything up in the best way and can ensure that Scotland is the best place to do railway engineering business.

**The Convener:** I hear what you are saying about Scotland being the place to do railway business. That is good to hear. However, how can we ensure that we are not just signing blank cheques? We have already had the experience of the construction of a relatively minor railway from Fife to central Scotland going way over budget. How can we be confident that we are going to be able to ensure that the numerous projects are delivered on cost?

**Damian Sharp:** There are two aspects to consider. We have been taking a hard look at ourselves in relation to what happened with the project that you mention. We have been examining questions such as whether the budget was set right in the first place and whether there was anything that we could have done that would have brought it closer to that budget. It is vital that we learn from some of the smaller projects and from the Larkhall to Milngavie project, which we brought in on time and on budget, working together with Strathclyde Passenger Transport and Network Rail.

It is important to take a realistic view of the costs. We must monitor what is going on to ensure that we keep close control of it. The minister has often spoken of the quarterly review process in which we summon the promoters and ensure that they have covered the risks and understand what they have to do. It is quite a spiky seat for them to have to sit in. They are held to account for delivery so that we can ensure that they can, individually, meet their cost control needs and that we can share experience and syndicate risk, where necessary, to ensure that we can meet the budget needs across the portfolio.

**Christine Grahame:** I want to ask a question about costs and inflation. Do we know the figures for inflation for railway construction, as opposed to what I would call ordinary inflation, over the past three years? Would the two figures be significantly different?

**Damian Sharp:** I do not have the precise figures with me, but I can say that, in recent years, construction industry inflation has been running at around 4 per cent and that that is forecast to continue. During that same period, general

inflation has been just over 2 per cent. That 2 per cent margin is largely to do with steel prices and energy costs.

**Christine Grahame:** Is that rate of inflation built into the figure of £650 million?

**Damian Sharp:** Yes.

**Christine Grahame:** And is the projected increase of 4 per cent year on year included as well?

**Damian Sharp:** Yes. The rate of inflation varies from project to project because the balance between civil engineering, signalling and so on is different in each project. However, it is approximately 4 per cent.

**Christine Grahame:** I understand that; I am just trying to see where we might be going.

**Damian Sharp:** Our clear aim is that the £650 million figure is what the project should cost in outturn numbers. It was important for us to come up with a number and that everyone would be able to see whether we had stuck to it. Our intention is that everyone should be able to see that we have stuck to it.

**Mr Gordon:** Earlier, you talked about the option of electrifying the central Scotland network. What impact could that have on the construction and operation of EARL and on the cost?

**Damian Sharp:** It would clearly have an impact on construction because the decision to move EARL from being a diesel scheme to being a mixed scheme would have to be taken quite early. That would have cost implications, but those costs would be part of the cost of electrifying the central network rather than being part of the cost of EARL. EARL is a pretty short stretch of railway in the central Scotland network, so we are not talking about a very large increase in costs. I do not have the figures to hand, but we can provide them. Ian Mylroi might know what they are.

**Ian Mylroi:** The figures are not available at the moment, but colleagues in TIE and Network Rail are working on the thinking for me so that we have firm numbers before the autumn.

**Mr Gordon:** Could electrification cause a slight delay in EARL's construction timescales?

**Ian Mylroi:** I do not see any reason why, because the incremental additional work on the EARL work site would be tiny.

**Iain Smith:** In general, how future-proofed is the EARL project? If, for example, a decision was taken to introduce duplex trains at some future date, would EARL be able to cope with them or would such an option be ruled out?

**Ian Mylroi:** The key constraint would be the size of the tunnel under the runway, which is broadly designed for current train sizes.

**Iain Smith:** So the project is not future-proofed in that respect.

**Ian Mylroi:** No, as far as I am aware.

**The Convener:** Do members have any questions on fares and ticketing?

**Christine Grahame:** Yes. Will integrated ticketing for bus and tram services be available?

**Damian Sharp:** I expect so. We hope that the one-ticket scheme will be extended to include rail long before EARL or a tram scheme is operational. Currently, the one-ticket scheme operates for buses in south-east Scotland, but we hope and expect that it will be extended within a year to include rail. Integrated ticketing would then need to be extended that bit further to places that are outside south-east Scotland so that they have access to Edinburgh airport, although that would not be a major part of the scheme. However, we expect that the existing systems will include integrated ticketing by the time EARL comes into operation.

**Christine Grahame:** I am sorry, but I am thinking about things again. Are you saying that there will not be integrated ticketing for people who come from the Highlands and Islands, Fife and the west of Scotland?

**Damian Sharp:** Fife would have integrated ticketing straight away. It would then be a matter of extending the scheme. The Executive has a clear policy objective of extending integrated ticketing as far as possible because passengers want it and it improves the likelihood that people will use public transport rather than their cars. I expect there to be significant progress in integrated ticketing in the five years between now and the opening of EARL, although it will be a challenge for Transport Scotland and the Scottish Executive to ensure that the pace of progress is kept up.

There is less clarity about integrated rail and plane ticketing. We see strong advantages in such integration and expect the rail franchise holder and the airlines to see such advantages, but negotiations have not yet taken place.

**Christine Grahame:** Will concessionary fares schemes be available to passengers who use EARL?

**Damian Sharp:** Passengers who use EARL will have access to the concessionary fares schemes that will be otherwise available on the rail network.

**Christine Grahame:** How will passengers be charged if they use trains that travel through the

airport but do not get off at the airport? Will fares be more or less expensive?

**Damian Sharp:** The fares will be just the same. The point at which passengers change trains will not matter as long as they stay in the station.

**Christine Grahame:** So the fare will be the same whether or not the passenger gets off the train.

**Damian Sharp:** Yes.

**Christine Grahame:** Thank you.

**Iain Smith:** What weight will be given to issues such as social inclusion and affordability when the fares structure of EARL is decided?

**Damian Sharp:** That is a difficult question to answer. Those factors are relevant within Scotland's overall fares policy. However, the question that has still not been finalised is whether the type of premium fare that is charged for various airport rail links elsewhere will be charged for EARL, or whether it will be a standard fare. One factor will clearly be the expected uptake of the tram, which will serve Edinburgh airport, and of other transport means, and whether there will be a concessionary arrangement to tackle social exclusion. Those questions have not been resolved yet, but they will have to be resolved between now and the opening of EARL.

12:15

**Iain Smith:** I am slightly confused by your answer because when we questioned the promoter on the issue of fares, it gave no indication that there would be premium fares. In fact, if I remember rightly, the promoter gave the opposite impression, which is that there will be no premium fares for EARL and that it will probably be slightly less expensive for people from Fife to go to the airport than to go to Edinburgh; the cost will not be hugely different, but it will certainly be no more expensive to go to the airport than to go to Edinburgh, so I am slightly confused about your reference to the issue of premium fares.

**Damian Sharp:** The EARL modelling is based on premium fares. However, a decision will have to be taken ultimately—it will not be the promoter's decision—on whether, in line with other airport rail links, a premium fare is charged. The revenue that will come in will have to be balanced against the fare's impact on patronage and social exclusion.

**Iain Smith:** What I am slightly confused about is that EARL will not be like, for example, the Heathrow air link, in which the trains go to Heathrow and that is it. The EARL link will be a through line that will happen to stop at the airport.

**Damian Sharp:** So do some of the services to Gatwick and Stansted, and premium fares are charged for both airports.

**Iain Smith:** People pay a premium fare for a particular train that goes at a particular speed—for example, the Gatwick express.

**Damian Sharp:** People pay a premium fare on other services.

**Iain Smith:** I am not entirely clear how those coming to Edinburgh from the north can be charged a premium fare for using the airport link without charging others a premium for going to Edinburgh.

**Damian Sharp:** Technically, it is quite straightforward. The ticket barriers will know whether it is an Edinburgh airport ticket or not. Charging a separate premium fare is not difficult to do; the question is whether it is a good thing to do.

**Iain Smith:** Yes. I understand that it can be done technically, but it does not strike me as sensible to suggest that someone coming from, for example, Fife, Aberdeen or Inverness should be charged more for going to the airport than for going the extra 5 miles into Edinburgh.

**Damian Sharp:** As I said, that is the case for a number of other airport rail links across Britain and Europe.

**Iain Smith:** Well, they are not sensible either, then.

**Mr McGrigor:** As far as I can remember, the Heathrow to Paddington rail link costs about £15 and the tube link costs about £4. That was the case when I last travelled on those services. The link to Paddington takes only 15 minutes, but the tube link takes about three quarters of an hour to an hour. Can you explain what the ratio will be for the Waverley link to the airport? The Heathrow to Paddington link is three times as quick as the tube link, and it seems to be about three times the price. Are you working on a similar ratio for the EARL link versus the tram?

**Damian Sharp:** We would not work on the same ratio, not least because it is not that many times faster to go by rail from the airport into Edinburgh. I do not have the tram running times in front of me, but my recollection is that going via EARL would take about half the time of going by tram. However, the issue is not just about the time ratio; it is about demand, whether people would pay a premium fare, and whether the consequences of people choosing not to pay a premium fare would undermine the viability of the railway. That question must be worked through as part of an overall fares policy.

**Mr McGrigor:** I think that your suggested fare for the journey from Waverley to the airport is £3.50. Is that right?

**Damian Sharp:** The promoter suggests £3.75.

**Mr McGrigor:** If that is presumably a standard fare, what would a premium fare be? The Heathrow to Paddington fare is four times that for the tube link.

**Damian Sharp:** It is not possible to say what the premium fare would be without doing detailed modelling to assess what would be the sensible level for it. There is no easy, rule-of-thumb way that would allow us to say that the premium fare would be so many times the fare that it would otherwise be.

**Mr McGrigor:** There would have to be an enormous benefit in taking the rail link to justify a big price increase.

**Damian Sharp:** There would. Part of the equation is how much benefit a passenger gets. If someone who travels on the Heathrow express is concerned about time, there is a huge benefit. Some people find it worth paying for that, but others do not.

**Mr McGrigor:** In that case, it depends what part of London they are going to.

**Iain Smith:** It strikes me that the line is being viewed as an air link from the airport to Edinburgh, but my understanding is that that is not the case. The trams provide an air link from Edinburgh to the airport; the rail link is about connectivity for the rest of Scotland.

**Damian Sharp:** Indeed it is.

**Iain Smith:** I am not sure where the premium fare comes into it. This is the first time that the issue of a premium fare has been raised. On previous occasions, the promoter has ruled it out. I am confused as to why the issue has suddenly come up. It is slightly worrying.

**Damian Sharp:** The promoter does not decide the fare structure.

**Iain Smith:** In respect of our consideration of the general principles of the bill, the fare structure plays an important part in establishing whether the link is a good thing. Nobody has previously raised the possibility of a premium fare. You can understand that I am concerned that the issue has suddenly come up at this stage: it raises questions, which have not been raised previously, about the economic benefits of the link for the rest of Scotland.

**Damian Sharp:** A premium fare would work only if there was sufficient benefit to ensure that people would pay it. Such a fare could work only if it strengthened the case for the airport rail link. As

yet, we cannot guarantee that that would be the case.

**Iain Smith:** Surely a premium fare would be there only to manage demand and reduce usage.

**Damian Sharp:** No. That would not be the purpose of a premium fare.

**Iain Smith:** In that case, what is its purpose? Is its purpose to penalise people from Fife, Aberdeen and Inverness?

**Damian Sharp:** Certainly not.

**Iain Smith:** It seems to me that it is. I am sorry, but I am being fairly strong on the issue because, if the committee is going to support the bill, it is important that we get a clear idea why we are suddenly being told at this stage that there may be higher costs to users. That seriously affects all the evidence that we have received to date about EARL's advantages.

**Damian Sharp:** A premium fare would reflect a significant journey time and cost saving. A share of the money would be captured for the benefit of the railway as a whole and for the benefit of the public purse. That would be the purpose of a premium fare.

**Iain Smith:** I will not labour the point any further.

What cognisance has Transport Scotland taken of the recent House of Commons Transport Committee report that raised issues about train fares and ticketing?

**Damian Sharp:** Transport Scotland will consider the report as part of the general fares policy for the rail network as a whole.

**Iain Smith:** The promoter has indicated that Transport Scotland is responsible not only for setting fares on trains but for the level of charges at station car parks. Given that car parking at Edinburgh airport is largely in the control of BAA, what consideration will Transport Scotland give to the level of car parking charges at Edinburgh airport in the future to encourage use of EARL?

**Damian Sharp:** We are responsible for the level of charges for car parks at stations only when the car parks are part of the rail network. The car parks at Edinburgh airport are not part of the rail network.

**Iain Smith:** So you will not provide any car parking that is directly related to EARL.

**Damian Sharp:** No.

**Christine Grahame:** I do not want to labour the issue of premium fares, but I want to clarify an issue. I asked about passengers being charged for using trains that may travel through the airport. They just happen to be going through the station



at the airport on a normal train, but they will not get off there.

**Damian Sharp:** There would most certainly be no premium fare in that case, because those people are not accessing the airport.

**Christine Grahame:** The passenger's ticket would show that they would not get off at the airport, so they would not be charged a premium.

**Damian Sharp:** Yes.

**Iain Smith:** Again, I do not want to labour the point, but one of the arguments in favour of EARL is that it will be part of the transport hub and that people who use it will be able to access trams and buses at Edinburgh airport. For example, if someone works in the west of Edinburgh, they will be able to get off at the airport and get on a tram rather than going into Edinburgh on the train and then coming out again. Will the premium fare discourage that and thus defeat one of the purposes of EARL, which is to be part of the transport hub?

**Damian Sharp:** It will discourage that. If someone is coming from the west or the north, they can change at other places such as South Gyle or Edinburgh Park.

**Iain Smith:** So the airport will not be a transport hub if you bring in premium fares.

**Mr McGrigor:** Do you envisage that there will be business class and ordinary, as there is with aeroplane tickets?

**Damian Sharp:** I envisage that there will be no change to whether there is business class or standard class only on the trains as a result of EARL. Obviously, a variety of trains have business class, but some of those that will serve the airport do not. I do not expect that to change.

**Mr McGrigor:** So you cannot really answer that. You cannot say whether there will be business class on a particular type of train.

**Iain Mylroi:** At the moment, as a general rule, the longer-distance trains provide business-class and standard-class accommodation and the local trains provide standard-class accommodation only. There is nothing in the EARL project that will change that principle.

**The Convener:** We will move away from ticketing. I think that we have some food for thought on that.

Will you update the committee on the advance purchase and voluntary purchase schemes?

**Damian Sharp:** We are considering the list of potential properties for advance purchase that TIE submitted to us. We asked some questions and we expect to finalise the opportunity for advance

purchase in the next couple of months so that we can make offers and people can decide whether they wish to go ahead with them.

We expect to announce soon the final Transport Scotland policy on funding voluntary purchase schemes for other promoters. EARL will fall within that policy. You might be aware that the Transport and Works (Scotland) Bill was introduced yesterday. Within that, there is a provision that would remove any doubt about whether we have the vires to fund such schemes, so we are moving forward with voluntary purchase.

**The Convener:** Would it have been beneficial if the details of the advance purchase scheme had been made available before the bill was published?

**Damian Sharp:** There has been clarity that the advance purchase scheme involves people being offered now what they would get in the future if the compulsory purchase powers were exercised. I do not think that there has been a lack of clarity about that.

We need to move the scheme forward. We need to finalise the land that will be covered by compulsory purchase and to finalise the valuation. Importantly, we need to decide what would happen to the properties if the scheme did not go ahead—for example, if the Parliament did not give approval—or if there was a change to the scheme such that the land that had been purchased was not used. We also need to consider the management of the assets between their purchase and their use for the railway. We will follow up on those details to ensure that public money is safeguarded in the use of advance purchase.

**The Convener:** What indication, if any, has been given to objectors to the bill about what might be available to them?

12:30

**Damian Sharp:** That is a matter for the promoter, not for Transport Scotland.

**Mr Gordon:** The present owner of Edinburgh airport states in its objection to the bill that it has been in discussions with Transport Scotland and TIE over potential contributions by it to the EARL scheme. Will you update the committee on the state of those discussions? What funding, if any, has been secured from the owner of the airport?

**Damian Sharp:** The only funding that has been secured is the original contribution of £1.5 million to the cost of the preparatory work to get the scheme to its present stage. In fact, that contribution was for work on both the Edinburgh and Glasgow airport rail links and not only for EARL. That money has been secured, but as yet

there is no agreement with BAA on its contribution to the scheme. Discussions on that continue.

**Mr Gordon:** Are the discussions with the present owner and the putative owner?

**Damian Sharp:** They will continue with the present owner for as long as it is the owner.

**Mr Gordon:** Can you comment on other sources of funding for the rolling-stock programme? We touched on that issue earlier, but are there any other committed sources of funding for rolling-stock costs?

**Damian Sharp:** As I said earlier, it is unlikely that we will capital fund the rolling stock; instead, it will be revenue funded. That funding has not yet been secured.

**Mr Gordon:** Can you provide more detail on how EARL's operating costs will compare with the running costs of comparable lengths of railway line?

**Ian Mylroi:** I see no reason why EARL should be different from any other length of railway line, once the constraints of its geography have been taken into account. As I said, there are some steep gradients and several key infrastructure features, but those are taken into account in the outline business case for the project. The project will be an expansion of the network and will therefore increase the cost of maintaining the network simply because it exists. That is outlined in the EARL business case. Network Rail has considered the assumptions in that business case and has not expressed concern about them.

**Mr Gordon:** Network Rail did not tell us about the electrification option when it gave evidence. We are grateful that you flagged that up, as it is a not-inconsiderable matter. You say that the line will not be particularly expensive, even though it will have a tunnel with a junction in it and, possibly—in the scenario that you have raised—overhead electric wires. You have no concerns that the line will be short but relatively expensive.

**Ian Mylroi:** I have no concerns that we do not understand what the issues are and that therefore people have not thought through what it will cost in the long term to look after the project.

**Mr Gordon:** The committee is trying to get a complete picture of what the costs will be, within the limited ambit of our remit.

**Iain Smith:** I have what may be the final question. Why is TIE and not Transport Scotland promoting the project?

**Damian Sharp:** TIE is promoting the project because it made a proposal to ministers to do so and ministers accepted it.

**Iain Smith:** But the project is a national one, not an Edinburgh one, so why has Transport Scotland not taken over?

**Damian Sharp:** As you are no doubt aware, Transport Scotland cannot promote a private bill. The Parliament has no procedure to deal with a hybrid bill, so that rules us out. You asked why TIE is doing it, and that is why.

**The Convener:** We may want to return to that issue with our first witness this afternoon.

As there are no further questions, I thank Mr Mylroi and Mr Sharp for their evidence.

Members will recall that, at our meeting a fortnight ago, it was confirmed that Ferrovial had successfully taken over BAA. Charlie Gordon referred to that earlier. Do members agree to write to Ferrovial to invite its comments on whether it will retain the commitment to the EARL project and the policies of Edinburgh Airport Ltd?

**Members indicated agreement.**

**Mr Gordon:** How is your Spanish?

**The Convener:** Very poor.

Members will also recall that, at last week's meeting, we agreed that, prior to taking oral evidence from the promoter's witnesses today, we would move briefly into private to allow us to reflect on issues that have arisen in oral evidence and to consider the questions that we wish to pose. The meeting will reconvene in public at 2 o'clock.

12:35

*Meeting continued in private.*

12:56

*Meeting suspended.*

14:02

*On resuming—*

**The Convener:** I welcome everyone to the afternoon session of today's meeting of the Edinburgh Airport Rail Link Bill Committee. For our next witness panel, we welcome Tavish Scott, the Minister for Transport, and we welcome back Damian Sharp and Ian Mylroi from Transport Scotland, who were with us this morning.

What does the minister believe to be the main benefits that EARL will deliver for Scotland?

**The Minister for Transport (Tavish Scott):** I am delighted to be here and I hope that the committee had a useful session this morning. If we are a little slow in starting to answer some of your questions, it is just because I want to ensure that I

do not go over issues this afternoon that were dealt with appropriately this morning.

I will set out our support for the general principles of the bill and our commitment to the project. The changes to the railway network resulting from the Edinburgh airport rail link are the biggest and most far-reaching developments for services in Scotland since the closure programmes of the 1960s and early 1970s. EARL will not just connect the city of Edinburgh with the airport; it will connect the airport with 62 stations on the existing rail network and create the opportunity to have a public transport interchange at the airport. The rail link is therefore not just for Edinburgh, but for Scotland as a whole.

The principal benefits are as follows. There will be up to 10 trains per hour serving the airport in each direction. The widest possible catchment area for the airport will be served. The link will bring great benefits for the Scottish economy through a wide range of connections. The promoter estimates that more than 3,000 new jobs will be directly attributable to the EARL project. From my perspective, the great shift from cars to public transport that the link will provide is extremely important. It is estimated that the percentage of passengers using a car or taxi will be reduced from 78 per cent in 2003 to 56 per cent by 2026. Supporting the link is therefore consistent with developing Scotland as a competitive location for tourism and business. It sends a clear signal to international companies and tourists that Scotland is welcoming and accessible.

As I said in my statement to the Parliament on 16 March, the Edinburgh airport rail link will cost between £550 million and £650 million in outturn prices. I am confident that there will be no increase in the real-term costs. The benefits of the rail link represent considerable value for money, with an estimated £1.35 billion in benefits to the economy over a 60-year period.

Our commitment is therefore clear. We and the promoter are working hard to secure contributions from other sources. We will of course be the major funder of the link. Transport Scotland is in discussions with BAA on contributions for both the Edinburgh and Glasgow airport rail links. Given that those discussions are on-going, I cannot say more at this stage, but I hope that we will reach agreement as soon as possible.

Like all our capital transport programmes, the project is subject to the review process, which will monitor it and ensure value for money. The commitment of funds—taxpayers' money—is therefore dependent on the continued development of the business case. The link is a critical element of our committed-to improvements to transport infrastructure in Scotland. The benefits

will be far-reaching in relation to the economy and connections.

As I said last week in the preliminary stage debate on the Glasgow Airport Rail Link Bill, effective and affordable public transport links, especially heavy rail, are an essential part of Scotland being a competitive location for business, tourism and our population. That is why we are taking forward the project in this way.

**The Convener:** Thank you. You touched on a number of issues that committee members will want to explore in more detail.

How do you think that EARL will deliver economic benefits to the whole of Scotland, given the level of train services outwith the central belt? Given that the project is to be not only for the greater Edinburgh area, how will we ensure that the benefits are spread throughout Scotland?

**Tavish Scott:** Providing a heavy rail station at Edinburgh airport as part of the rail network throughout the country is, in my view, absolutely the right approach for the country as a whole. The project is unquestionably a strategic priority for Scotland, given the 62 stations on our rail network that will be served and the benefits that will flow from it.

I would argue strongly that the provision of public transport—both heavy and light rail links—to and from major airports, which are enormous drivers of local and national economies, is a strong component in the competitive world in which we live, both in Europe and further afield. That is why this is the right investment for Scotland; it undoubtedly assists our competitive position internationally. I have no doubt that it will assist in the development of many economies, not just in Edinburgh and the Lothians but further afield in Scotland. For the business traveller or tourist, the fact that it will be possible to arrive at Edinburgh airport, jump on a train and travel easily and efficiently to 62 stations throughout the network will have to be a competitive advantage for Scotland—or, at least, it will ensure that we can compete with our main economic competitors.

**The Convener:** Is it your contention that without this project it would be more difficult to spread those economic benefits to other parts of Scotland, given the booming Edinburgh economy?

**Tavish Scott:** For Fife through into Tayside and to the north-east, the project is strongly advantageous from an economic perspective and local economies in those areas will benefit as a result of it, through both the links and the provision of heavy rail services as part of the ScotRail franchise. Therefore, yes, the development of the project is essential to our future.

**The Convener:** You have mentioned several times that EARL will be linked directly to 62 stations. The committee received evidence last week from Network Rail that it would be “extremely challenging” to extend the running times of trains—by that, I mean starting them earlier in the morning and finishing them later at night. Considering the length of check-in time that is needed at airports, it seems to us that some flights will have left before people can reach the airport by train. Given that that was going to be one of the main advantages of the rail link, how will you address the concern that EARL will not meet the needs of all the travellers who will want to use the airport?

**Tavish Scott:** I presume that you are talking about early-morning and late-night arrivals and departures.

**The Convener:** Yes. For example, the first train from Dunfermline is at 5 minutes to 7, so people would not get to the airport much before 20 minutes past 7.

**Tavish Scott:** I have an open mind about looking imaginatively at those issues with both the franchise holder and Network Rail. Short of running a service 24/7, there will be some limitations, but where we can identify improvements—and given the fact that we have some time to do that, as there is a considerable planning process to take forward with the rail industry—I hope that we can look imaginatively at that.

A similar debate took place when I appeared before your colleagues who scrutinised the Glasgow Airport Rail Link Bill. We need to assess the number of passengers who would be involved at those times and the alternatives that would be in place. The question is entirely legitimate. We need to stay focused on it, assess the market and work with the airport operators on the timings. We must also consider what we can do within the franchise and with Network Rail on the availability of services.

**The Convener:** We spent quite a lot of time this morning discussing the rolling-stock requirements with your colleagues from Transport Scotland. Given the fact that, as we have heard, the required improvements have not yet been made, are we not putting the cart before the horse in promoting EARL? Should we not first ensure that the rolling-stock improvements have been made?

**Tavish Scott:** I am confident that we are taking the project forward properly and that we have the time that the committee would expect to us to create within the plan to procure the rolling stock that will be needed to deliver the improvements that we all wish to see. I am sure that Damian Sharp dealt with a lot of that this morning.

On rolling stock, there is a timescale that we need to work to in order to achieve both the operational efficiencies that we need to get out of the network and the improvement for passengers. It is not just about people accessing the airport to jump on a plane; the improvement in the rolling stock, in which we have invested, is important for the network. Your constituents in Dunfermline would argue strongly that the train that they take to work in Edinburgh or the Edinburgh area is every bit as important as the train that goes to the airport. I agree. That is why steady investment in rolling stock is important both to satisfy commuters—who will use the service anyway, as they have to go through the airport—and to provide for people accessing the station. We will plan that properly and take it forward appropriately.

**The Convener:** One of the real challenges of the project is the fact that we are talking not about a dedicated link from the airport to, for example, Edinburgh city centre, but about trains that will go through the airport that will serve markets other than air travellers. I imagine that it is about getting the right balance so that the rolling stock meets everyone's requirements and is not disproportionately weighted towards one or other group of passengers.

14:15

**Tavish Scott:** That is very fair. It is a challenge. We have all travelled to different parts of Europe and seen different systems. I can think of cities that I have flown into in which train services and a train station underneath the airport are part of the train network. Passengers can get on to a service there that is demonstrably a commuter train travelling into the city. On the other hand, some airports have a dedicated rail link, which means a slightly different configuration for the inside of the train carriages. I agree that it is a challenge and we need to work very hard to get the balance right.

**Mr Gordon:** A moment ago you spoke about a traveller flying in to Edinburgh airport and jumping on a train to one of 62 destinations. However, if that person was going to Inverness, for example, and they had just missed a train, it might be two and a half hours until the next one. Is it not the experience of the rail industry in this country that a less than half-hourly timetable frequency makes it quite difficult to build up patronage?

**Tavish Scott:** I certainly respect your knowledge in that area, Mr Gordon. There is a strong economic argument in what you say about patronage levels and we need to consider that very closely. However, all the studies that the promoter did when pulling together the bill showed a steady improvement in patronage levels among people coming into Scotland and, of course,

among Scots who will be travelling abroad from Inverness, to use the example that you gave. We will have to continue to work on that and refine those models. However, I accept the generality of your argument.

**Mr Gordon:** Network Rail has told us that it cannot confirm until the end of this calendar year whether the level of train service that is proposed by the EARL promoter can be delivered without disbenefits to the rest of the existing network. Given that, could it be argued that EARL being considered by the Parliament at this stage is premature?

**Tavish Scott:** This is a hugely optimistic time for investment in transport services. It is not often that a small country such as ours has the ability to make important strategic investments in its rail and transport infrastructure. If Parliament is minded to support the bill, which I earnestly hope that it will be, we will clearly be investing for the long term. We have to go through the process and Parliament will take a view on the issues. Because we are investing for the long term, we cannot close down all the issues at the precise moment when we give evidence today. In the context of what we are doing and the timeline for the project, the timetable for the rest of the network that Network Rail has given in evidence to the committee is quite fair.

We are clear that the performance of the network can achieve the outputs that we want from the investment and we will work with Network Rail to ensure that that is the case. However, I take the point that it is critical that there should be no downside for the rest of the network and that working with Network Rail through the rail utilisation study and other similar studies, which are about getting more out of the network, will ensure that we achieve the best outcome.

**Mr Gordon:** I am sure that you accept that other parliamentarians will not necessarily support EARL unless the question of potential disbenefits to existing services is cleared up.

**Tavish Scott:** It is a fair point.

**Mr Gordon:** My next question is quite lengthy, so I ask you to bear with me. The committee has received a significant amount of evidence that the full realisation of EARL's policy objectives depends on decisions that are yet to be made by a number of other bodies. The example of the rolling-stock programme has been highlighted. The proposed EARL operating timetable has to be modelled by Network Rail—I referred to that in my previous question—to avoid delays elsewhere on the network. The airport owners must finalise their surface access strategy and include changes in that to ensure that the airport station can become a transport hub. The committee is therefore

concerned that a delay or negative outcome in any of those other areas could result in either a poorer scheme or no scheme being delivered.

What steps have you taken, or will you take, to ensure that the decisions that I have referred to will be joined up and will not delay the EARL scheme or result in an inferior scheme?

**Tavish Scott:** The short answer is that that is Damian Sharp's job. I have always thought—Mr Gordon will be entirely familiar with this from his involvement in the political leadership of such projects—that the crucial aspect of developing transport projects is project management and good project leadership. The whole purpose of Transport Scotland in that context is to ensure that the process is seamless, that it pulls together the appropriate bodies and that it tackles exactly the kind of extremely challenging tasks that we have to do in relation to a project as complex as EARL. The project is complex, but I feel intensely comfortable with where we are now, because we have a team in place whose members know what they are doing and whose sole task is to deliver the project. That is what Transport Scotland is about, and the team that Damian Sharp leads has that responsibility and will continue with it.

That is the best answer that I can give at this time. We will be judged on the delivery of the project, so we must get it right; we must ensure that those bodies are all in line and that we work with them to ensure that that is the case. Rail devolution clearly helps with Network Rail, and as of today we have a different owner of Edinburgh airport, as well as of Glasgow and Aberdeen airports. My officials will meet representatives of the new company on Friday; that will be part of the process of ensuring that we can iron out the very issues that Mr Gordon outlined.

**Mr Gordon:** I notice that Mr Sharp is still smiling, despite the added stress that you have just placed on him.

**Iain Smith:** I want to ask about the overall rail programme for Scotland. In last week's oral evidence, Network Rail representatives expressed concern regarding the programming of all the major rail projects that the Executive is planning for Scotland. In particular, they stressed the importance of ensuring that infrastructure projects are programmed in such a way as to avoid delays being created by limited resources such as construction capacity and signalling engineers. How will the Executive programme the delivery of all those rail projects, for Edinburgh and the rest of Scotland, over the next five years?

**Tavish Scott:** That is a fundamental question across the programme; to some extent, I sought to lay that out when Parliament debated the capital programme as a whole. We are acutely conscious

of the timetabling and profiling of the capital investment programme, which is, by definition, large; we are aware of the constraints that exist and we are keen to ensure that we have all the elements of those individual programmes sorted out and ready to go at the stages when they need to go and according to the necessary timescales.

As I said in the Parliament, and as I have said at a number of parliamentary committees, we have a process that involves a series of internal reviews of each capital transport project. I am sure that Damian Sharp covered that this morning. Those reviews are quarterly and they must all be passed. In other words, each hurdle must be cleared in order for the project to move to the next stage. The EARL project will be no different from any of the other capital transport projects, and that is part of the overall management of the capital transport projects for which Damian Sharp and his team have responsibility. Each team is responsible for a specific project and will ensure that that project meets the targets for the overall programme. I can assure Mr Smith that I am seized of ensuring that we hold to the timescales that we previously intimated to Parliament, and that the processes are robust, so that questions relating to value for money can be adequately answered.

**Iain Smith:** How do we ensure that we do not end up paying a premium price because of limited capacity for construction? I am sure that we will also come on to the word “premium” later, in the context of fares.

**Tavish Scott:** I shall invite Damian Sharp to reflect on that. I understand that Scotland is seen by the construction industry, not just in a British context but in a European context, as a place where there is a big quantity of work, both on road and rail—and, dare I say it, even the odd bridge—and that is an exciting challenge for large consortia and individual construction companies. We have had no indication of any concerns that the European construction industry cannot meet what we want to do, and construction companies are engaging positively with us in seeking to win contracts. I am very comfortable with where we are, but I can assure committee members that we are not taking our eye off the ball. We are ensuring that the extent of the workload is understood and that we receive keen prices for that work.

**Iain Smith:** The committee has heard a lot of evidence that the predicted growth of Edinburgh airport is unsustainable because of issues such as air pollution and rising fuel prices. How confident are you in the predictions on airports in the Government’s white paper—the predictions that the promoter is using?

**Tavish Scott:** I am as confident as I can be. There are external pressures that affect the growth of aviation and I would prefer aviation and the

taxation of aviation to be dealt with by the European emissions trading system. I strongly support the efforts in London and Brussels to bring that about. It will help to give more grounding to the projections.

The projections in the white paper are based on information from airport operators. They are fair and they reflect the expected growth over the next 20 or so years. Yes, there is an element of crystal-ball gazing, but it is based on extensively researched models.

**Iain Smith:** Have you discussed with the promoter the extent to which the Executive would be prepared to subsidise the rail link if airport growth slows and patronage is not as great as is presently predicted?

**Tavish Scott:** I think we can agree that patronage will grow, and I think we can agree that too many people use their car to get to Edinburgh airport because heavy rail and the tram are not currently available. The investments that we make, and which this Parliament endorses, are crucial to achieving a number of policy objectives to do with modal shift—in this case, the shift from car to train. I have no doubt that growth at Edinburgh airport will have to be addressed by the provision of real transport options, of which the rail link is one.

**Christine Grahame:** What factors will influence the fares that will be charged for the EARL scheme? Will the fares enable the socially excluded to access EARL?

**Tavish Scott:** Fares policy will be the responsibility of ministers now and in the future, but no decisions on fares for EARL have been taken yet. However, I assure Christine Grahame that any decision on fares will take social inclusion and affordability into account.

**Christine Grahame:** I therefore take it that you will engage with Communities Scotland and other interested agencies when you take a view on fares.

**Tavish Scott:** I am sure that we will engage with appropriate organisations. At the moment, as part of our work on the national transport strategy, we are consulting on the affordability of rail fares. I am sure that those organisations will wish to contribute to that consultation too.

**Christine Grahame:** Do we need to go into the muddy waters of premium charging that we went into this morning? I am totally confused by the issue and if you could clear the muddy waters for me it would help. I understood that, if people were going straight past the airport, they would not pay the premium of £3.75—or a proportion of that, depending on the distance travelled. I understood that people would pay the premium only if they were getting off at the airport.

**Tavish Scott:** As I said, no decisions have been made. I would rather not get involved in hypotheses at this stage. We have not yet decided on policy or practice for EARL; it will be for future ministers to make those decisions.

As I am sure Christine Grahame is aware, a number of other public transport services to Edinburgh airport charge premium rates. For example, the bus that I use—only occasionally, I must confess—to get to the airport costs £3 single, whereas a general single ticket in the Lothians area costs £1. It is not unprecedented for different forms of public transport to have fares that reflect the destination—in this case, Edinburgh airport. I repeat that no decisions have been made about that. We will listen carefully to what the committee says.

14:30

**Christine Grahame:** I am pleased by that clarification. This morning, I could not understand whether EARL was similar to the airport link bus in that people would pay a premium to use it because it would get them to the airport more quickly, or whether it was about providing a transport hub. I was confused because it seemed that people would have to pay a premium simply to get off one train and on to another without going into the airport. I could not follow the principle that was operating.

I want to check that I am clear about the situation. We are talking about operating a transport hub that happens to be at Edinburgh airport. First and foremost, EARL is about providing a transport hub, not about providing an airport link. In my view, those are different things.

**Tavish Scott:** That is fair. The approach to EARL has been to ensure that a passenger who arrives at the airport or who leaves from it is able to gain access to or from the rest of Scotland. That is why EARL represents a strategic investment for Scotland as a whole. We will reflect on those practical observations when ministers come to take policy decisions about fares.

**Christine Grahame:** Passengers will not have to go into the airport; they might just want to switch trains. That is what “transport hub” means to me, but perhaps I have misunderstood.

**Tavish Scott:** That is right. It is fairly certain that if passengers from one part of Scotland wanted to access a different part of Scotland and Edinburgh airport was the best place for them to change trains—which they could do simply by walking from one platform to another—they would regard the airport station as just another station where they could change trains.

**Christine Grahame:** We have parked the issue of premiums; we can forget all about them for the time being.

**Tavish Scott:** Those policy decisions will be taken in the future.

**Iain Smith:** I want to pursue the issue for a little while longer. Most of the discussions that we have had with the promoter have been predicated on the assumption that the fares for EARL would be part of the standard fares system for Scotland. This morning was the first time premium fares have been mentioned.

Is there a contradiction between EARL's aim of encouraging modal shift and its associated role as a transport hub that enables people to transfer from train to tram to access west Edinburgh, for example, and the adoption of a premium fares policy, which I presume would discourage people from shifting from one mode to another?

**Tavish Scott:** There is not necessarily a contradiction there. I can think of European examples of fares policy reflecting the different arrangements that exist for accessing an airport and the different services that are provided. I am sure that we could provide the committee with information on that. I am clear that it would be pointless to create a fares system that discouraged the modal shift that we want to achieve. All I will say is that we will weigh up the arguments when we establish a fares policy and assess how it would work in practice.

**The Convener:** So far, I have refrained from traversing the muddy waters of premium fares, but I will now do so. Christine Grahame spoke about train-to-train shift. I can understand that if a passenger does not go out of the station, they will not have to get through a barrier, so the situation will be relatively straightforward.

In earlier evidence, we heard that the project is being promoted because it would also allow people to transfer to tram: someone would be able to get a train from another part of Scotland—not just Fife—to the airport and then transfer to the tram, for example to get to parts of Edinburgh Park that are not served by the heavy rail system at present. EARL is not just about enabling people to transfer within the airport. A passenger who wanted to change to the tram would not go into the airport terminal, but they would have to come out of the station. A premium fares policy would not encourage people to use that form of transport.

**Tavish Scott:** I hear all that you say on that.

**The Convener:** Okay. I think that the point has been made.

**Christine Grahame:** I have not quite finished my questions on inclusion. In your discussions with agencies such as Communities Scotland, will

you discuss how people will access the jobs that we are told will be created around the transport hub?

Many people in rural areas find it difficult to get to a train station in the first instance. I can think of one particular area that you failed to mention in your list of beneficiaries—perhaps you are forbidden to mention its name. I take it that you will make the necessary provision because we do not want all jobs to be Edinburgh or even Fife-centric, if I may defer to Fife people on the committee. Can you give me an assurance about that?

**Tavish Scott:** Absolutely. Given the expected growth of the airport and the multiplier effect that applies to the area, it is certainly the case that an awful lot of men and women who will work at the airport will need to access it by public transport. I suspect that the mix of transport options that the bill seeks to put in place will be extremely important in providing people with travel choices and opportunities. I have no doubt that many people will commute from different parts of Scotland, which we can name or not.

**Mr McGrigor:** On premium fares again—

**Tavish Scott:** You guys are obsessed with them.

**Mr McGrigor:** We do indeed have an obsession with premium fares. I understand why there is a premium charge—£12 or something—on the Heathrow rail link to Paddington: it is three times faster than using the underground system. I cannot see why a huge premium should attach to the Edinburgh rail link, because there would be no advantage in taking it as opposed to the tram if both systems were in place. Or would there be?

**Tavish Scott:** I do not want to go over the same ground; Damian Sharp dealt with a lot of that this morning. All I can say is that I hear the committee's arguments and that we will be happy to reflect on them.

It is certainly the case that, when we make fares policy, we need to continue to assess how the travel market uses different forms of public transport to access the airport and different parts of Scotland. We will bear your points in mind.

**Mr McGrigor:** Thank you. The promoter's evidence indicated that EARL will realise minimal air quality improvement by 2026 for both households and roads. What are the key environmental benefits of EARL?

**Tavish Scott:** The key environmental benefit is the modal shift to which I referred in response to an earlier question. We have to provide alternatives for people who currently see the car as their only option.

My understanding of the estimates is that EARL will encourage a modal shift with an estimated 17 per cent of airport passengers using the rail link in 2011, rising to 22 per cent by 2026. The percentage of air passengers who use a private car or taxi will reduce from 78 per cent in 2003 to 56 per cent in 2026. There will be a clear environmental advantage in encouraging that modal shift. We will measure the carbon imprint and emissions from different modes of transport to assess the environmental impact and advantages of the bill.

**Mr McGrigor:** It will be a shift of about 1 per cent a year.

How do you respond to the concerns that the committee has heard that EARL is not a sustainable transport scheme as it facilitates increased air travel, which will in turn increase carbon emissions?

**Tavish Scott:** There is an entirely respectable intellectual argument about aviation growth concerns. That is why, in response to an earlier question, I spoke about the international agreement that I hope will be reached on an emissions trading system.

The best and most appropriate way to tax the environmental impact of aviation, which Mr McGrigor and I accept occurs, is on an international basis. It therefore needs to be dealt with appropriately. There is no point in taking unilateral action in Scotland; it is much better that action is taken internationally.

**Mr McGrigor:** In the promoter's response at paragraph 451, the promoter notes that it was the Executive's decision to appoint TIE as the promoter of EARL rather than Network Rail. Why was that decision made?

**Tavish Scott:** TIE came forward, as I understand it, with the proposal for the project. Through a process, we have therefore been able to take the project forward in that manner. It appears to me, at this time, that TIE and Transport Scotland have the best mix of skills to drive forward what we want, which is the successful completion, on time and on budget, of the project.

**Mr McGrigor:** What factors influenced the Executive's decision to choose the runway tunnel option rather than the surface diversion option?

**Tavish Scott:** That is an important issue and I will deal with it in some detail. Sinclair Knight Merz carried out a significant study of the various options for the project. I am sure that the committee has been provided with that information. The options were also put through the Scottish transport appraisal guidance—or STAG—assessment process to determine which option represents the best value for money.



The railway tunnel option was the preferred option because it offers the best outcomes. It will allow the highest number of trains to serve the airport—some eight to 10 per hour in each direction—and it will enable EARL to serve the widest possible catchment area. It offers the greatest potential overall benefit to the Scottish economy because of the range of connections. It will therefore reduce road congestion and it will cause the least disruption to the existing rail network and neighbouring properties during construction.

The surface diversion option would have significant disbenefits—what a hellish word that is; I will try a better one. It would have significant disadvantages for existing passengers, who would be rerouted via the airport. It would add 10 minutes to the journey time to Stirling and 15 minutes to the journey time to Fife. I suspect that those increases would not be universally thought of as a good transport outcome.

For those reasons, the runway tunnel option was chosen.

**Mr Gordon:** You told us that Edinburgh airport changed hands today and that your officials will meet the new owner on Friday. The previous owner established a constraint on rail access because it had views about the development of the airport, about where the terminal building should be and so on. Is it conceivable that the new owner might have a more flexible approach and that it might be possible to redevelop the airport in a way that makes rail access easier and perhaps even cheaper to facilitate?

**Tavish Scott:** That is possible, which is why the meeting is taking place this week. I hope to meet—

**Mr Gordon:** So will your boffins ask the new owner whether it will move the terminal building to a location that is next to the existing railway?

**Tavish Scott:** I am sure that my boffins will ask a number of questions of a leading variety. It is certainly the case that the EARL bill will be fully discussed.

**Mr Gordon:** I suggest that you ask the new owner whether it would like to sell Edinburgh airport to Transport Scotland or another Government body and how much it would cost. Buying the airport might work out cheaper than paying for an increasingly complex solution for rail access. Perhaps you would like to respond to that point. Seriously, it might be cheaper to buy the airport than to finance the EARL project.

**Tavish Scott:** I can genuinely say that that is not currently part of our thinking.

**Mr Gordon:** I recommend the idea to you. Four years ago, I asked the previous owner of Glasgow

airport whether it would like to sell the airport back to the city of Glasgow. The airport was sold to the owner's predecessor in 1973 for £1 million. I was told that the cost of the airport would be between £500 million and £1 billion. I would have thought that it is worth asking the question. You might be pleasantly surprised by the answer.

**Tavish Scott:** You never know. I am pleasantly surprised by a number of the answers I get these days.

14:45

**Mr Gordon:** I am sure you agree that Edinburgh airport could be a nice little earner. With that income stream, the considerable capital costs associated with EARL could be mitigated somewhat.

**Tavish Scott:** The latter point is salient.

**Mr Gordon:** All my points are serious.

**Tavish Scott:** When I was in Atlanta recently, because of Delta's inaugural flight across the Atlantic, the owners of the massive Atlanta airport told me that their annual income from car parking alone is \$75 million, which suggests how they funded their fifth runway. I agree with Mr Gordon's analysis that Edinburgh airport generates an income. We might have an interesting debate about the extent of that. I rather suspect that the airport's price tag may be very high indeed. However, those are issues that I am sure we will keep under active consideration.

**Mr McGrigor:** What cognisance was given to attracting private sector funding, which might have been more achievable under the surface option?

**Tavish Scott:** I am not sure that I know the answer. I shall ask Damien Sharp to deal with that.

**Damien Sharp:** That goes back to before my time on the project. The fundability was considered; what I struggle with is the idea that it would have been easier to attract private sector funding for the surface diversion than for the runway tunnel. One of the problems with the surface diversion is how the route would affect a number of other properties. The large, private sector concerns would not have been very happy and would have expected significant compensation.

**Tavish Scott:** We could certainly augment that. If we can find anything in respect of previous documents, we could write to the committee with information on that point.

**Mr McGrigor:** Bearing in mind that all budgets are finite, since TIE is promoting the rail link and the tram and there is the possibility of a new Forth bridge somewhere along the line, if you had to prioritise, which one would you go for? Might you

consider going for the cheaper surface option, bearing in mind that you might need the money for all three projects?

**Tavish Scott:** I am going to have to give Mr McGrigor a really boring answer, which is that we are committed to delivering the entire capital transport programme that we outlined in Parliament on 16 March. The stuff of government is having to deal with certain events. If the evidence and analysis in respect of the Forth concludes that a second crossing is inevitable and necessary, the Government of the day will have to make the necessary financial arrangements to fund it. It is a perfectly legitimate point, but at present we are absolutely committed to delivering the entire capital transport programme that we set out to Parliament.

**The Convener:** Why does the bill contain a period of 10 years for compulsory purchase?

**Tavish Scott:** I suspect that it is because that is the timescale we are working on as a matter of policy in respect of all capital transport projects. Our experience of Larkhall/Milngavie—Damian Sharp is nodding at me—is that it was necessary to have that period to conclude those matters. I can assure the committee that I would much rather it was considerably shorter, but experience has taught us that we need that period in order to conclude negotiations.

**The Convener:** So it is a standard period; it is not—

**Tavish Scott:** It is not specific to this project—it is standard throughout the Executive.

**Christine Grahame:** What provision have you made to index link the funding for EARL? What inflation rate will be used?

**Tavish Scott:** As with the whole capital transport programme, the project is index linked. I am sure that we can provide in writing any figures on that that would be helpful to the committee.

**Christine Grahame:** The figure Mr Sharp gave this morning was 4 per cent or something for the rail costs, when the standard inflation rate is 2 per cent. I think I remember hearing that this morning, although it seems like a year ago.

**Tavish Scott:** Damian, do you want to deal with the difference between real inflation and rail inflation, as it were?

**Damian Sharp:** At the risk of repeating what I said this morning—

**Christine Grahame:** It is so that the minister can hear it this time. He did not hear it this morning.

**Tavish Scott:** I would have been happy to read the evidence.

**Damian Sharp:** We have used an index calculation based on construction industry inflation, and we have looked up what that has actually been since the prices for the scheme were first quoted in 2003 prices. We have projected the figures forward to reflect what is expected to be the case. The inflation rate averages at around 4 per cent per annum across the programme, but there is more detail for individual projects. We could share an awful lot of detailed information on that if the committee wishes it. It is for the committee to decide whether it would find that valuable.

**Mr Gordon:** Does the 4 per cent allowance include an escalation in Network Rail's charges? They tend to outstrip inflation.

**Tavish Scott:** Be careful here, Damian.

**Damian Sharp:** Network Rail has an obligation, as set by the regulator, to reduce its costs, not increase them.

**Mr Gordon:** So you are confident in that UK-based regulatory system.

**Damian Sharp:** Yes.

**Christine Grahame:** I was leading there, so that Charles Gordon could ask that question.

What requirements or conditions must be met by the promoter to secure funding?

**Tavish Scott:** In broad terms, the situation is the same as for any other capital transport programme. The project must overcome a series of hurdles on a quarterly basis. Basically, that means the gateway process. That is no different from any other project. There is a continuing assessment of the project, its suitability and its robustness against milestones and against budgets. Before any further public money is released, those hurdles must be crossed. Effectively, that is, dare I say it, Damian Sharp's task with respect to this project and the rest.

**Christine Grahame:** What level of non-Executive funding does the Executive expect or require the promoter to secure to meet the £650 million bill?

**Tavish Scott:** I will get Damian Sharp to deal with the split.

**Damian Sharp:** Answering that question directly would mean giving away our negotiating position with BAA. I am sure that you will understand why we would be reluctant to do that. Transport Scotland expects to find the vast majority of the funding, less what can be secured from BAA. The promoter is pursuing opportunities for trans-European network funding, as is the promoter for the Glasgow airport rail link.

**The Convener:** Minister, does that mean—

**Christine Grahame:** I am sorry to interrupt, but we are short. What is the amount that the Executive is putting into the pot just now?

**Damian Sharp:** If I revealed that, I would reveal how much I want from BAA.

**Christine Grahame:** As you cannot tell us that either, we do not know that we have the money.

**Tavish Scott:** The project has a budget, which—

**Christine Grahame:** We know its budget, but we do not know whether we have the money.

**Tavish Scott:** In fairness, Damian Sharp is being absolutely candid with you, simply because of the commercial negotiations that are going on.

**Christine Grahame:** I understand—but we do not know whether we will get the money.

**Tavish Scott:** Believe me, we will be delighted to share all that information with you once we have signed the appropriate agreement.

**Christine Grahame:** I understand.

**The Convener:** We do not know whether you can answer this, but is the Executive committed to making up any shortfall?

**Tavish Scott:** It depends what you define as a shortfall. Commercial negotiations are happening at the moment in respect of the different organisations involved. I expect those commercial negotiations to conclude satisfactorily, because the project is so important not just to Government and Parliament, but to the other organisations involved. The provision of the heavy rail system as a helpful transport solution for Edinburgh airport must be in the interests of the airport operator—both the previous operator and the new one—and we hope that the commercial discussions reflect the operator's acceptance of the importance of the project.

**Christine Grahame:** I appreciate the commercial confidentiality issues around the negotiations, but when, at the latest, would you expect funding to be in place?

**Tavish Scott:** I cannot give a timescale for that today, for the simple reason that the airport operator changed last night. It would be unfair of me to put any artificial constraint on a timescale when discussions with the new operator will begin on Friday.

**Mr Gordon:** It might well be that the new operator will bring its chequebook to the meeting on Friday.

**Tavish Scott:** That would be pleasant.

**Iain Smith:** I am not reading from a script, but our papers suggest that we might ask you

“What aspects (if any) around this scheme give you cause for concern at the moment?”

I think that the question relates to the financing and funding aspects of the scheme.

**Tavish Scott:** This is a challenging project in terms of its design and its delivery. It would be unfair to not accept that reality. I genuinely hope that the discussions on the financing of the project can come to a successful and speedy resolution. However, they have not as yet. We need to ensure that they can. It is a little difficult to be specific in response to Mr Smith's question.

**The Convener:** If the project gets the go-ahead and, during tunnelling, something untoward happens to the runway—God forbid—who would be financially responsible for any compensation relating to the disruption to air traffic at Edinburgh airport?

**Tavish Scott:** I hope that I am not being glib when I say no doubt many lawyers will haggle over that for many months before any tunnelling takes place, to ensure that any liability or difficulty is addressed in the legal agreements that cover the contract and the construction. A lot of work is being done to ensure that the situation that you describe does not happen. Clearly, it is not in anyone's interest to have that kind of difficulty.

**Iain Smith:** Who do you envisage will own and operate the station at the airport?

**Damian Sharp:** That is one of the matters that is under discussion with BAA. It is less a commercial matter and more a matter of practicality, although there is a commercial element to it. Effectively, it could be a BAA station or it could be a First ScotRail station, in which case Network Rail would own it but First ScotRail would operate it. We are flexible; we are keen to ensure that the end result is the right option that produces the best result for passengers.

**Iain Smith:** That would be the option that does not include premium fares.

Can you update the committee on the latest review of the financial business case? Does EARL continue to demonstrate value for money?

**Tavish Scott:** Yes, it does. The project continues to clear all the hurdles that the process puts in front of it.

**Iain Smith:** Can you say a bit about the levels of optimism bias and contingency that are provided for in the bill? Are they sufficient?

**Tavish Scott:** They are sufficient. If they were not, the project would not clear the quarterly gateway process hurdle. I am sure that we can provide the committee with the absolute numbers around that and demonstrate them over the course of the process—if that would be helpful.

**The Convener:** Given the recent funding experience of the proposed tram project in Edinburgh and the overspend on the Stirling-Alloa-Kincardine railway, how confident are you that EARL can be constructed for the £600 million or so that is currently envisaged?

**Tavish Scott:** I am as confident as I can be, given that we have put in place the gateway process that I outlined a moment or so ago. It has been developed specifically to work on and achieve the certainty about numbers and timescale that the committee, the Parliament and the Government would expect. With the quarterly review process, we will have exactly that kind of robust test within the system. The project continues to meet the targets that we have for it.

15:00

**The Convener:** If the train operating company with the franchise agreement incurs additional cost because of new rolling stock or operating costs, will the Executive underwrite those costs or will they be borne by the operating company?

**Tavish Scott:** I will let Damian Sharp deal with that question. I presume that, to some extent, that will be a detail for the franchise.

**Damian Sharp:** Within the existing franchise contract—we expect to introduce EARL services before the end of the existing franchise—First ScotRail is entitled to reimbursement for demonstrated actual additional costs net of demonstrated actual additional revenue. Under that process, any net cost will in effect fall on Transport Scotland rather than on the operator.

**Mr Gordon:** Given Mr Mylroi's evidence in answer to some of my questions this morning, is it conceivable that, to facilitate rolling-stock procurement for this and other schemes, the Executive will look to negotiate an extension or relet of the ScotRail franchise before the current franchise comes to an end?

**Damian Sharp:** I cannot speculate on whether we would contemplate a renegotiation. The current franchise is let on the basis that it will last for a period of time with the option of an extension. In deciding whether to exercise that option, we will take into account many factors. The primary issues will be the performance and delivery of the current franchisee. I am sure that future schemes will also play a part in that decision, but the extension option is mainly about incentivising First ScotRail to continue to deliver on its commitments within the current franchise.

**Mr Gordon:** Of course. However, as I recall, Mr Mylroi suggested this morning that the banks that own the rolling-stock leasing companies might look for the comfort of a longer franchise period

before they make available the finance for investing in the new hybrid rolling stock that we are told will be required for EARL.

**Tavish Scott:** I understand that in this morning's evidence the need for a longer lease period was mentioned. That is an entirely understandable point, on which I am sure we will want to reflect in the context that Damian Sharp has outlined.

My only other observation is that, as I am sure Damian Sharp outlined this morning, the programme that has been initiated has the objective of delivering a network of new trains from 2009 to 2020. Therefore, by definition, we will need to plan for that eventuality. That is what we are doing—hence the programme—and that work is, of course, under way.

**Mr Gordon:** Convener, I will accept that for the time being, but I think that the minister was being quite cute.

**The Convener:** Are there any other questions?

**Christine Grahame:** An awful lot of rail and tram projects are going through the Parliament under the private bill procedure, and I would like to know what the total funding requirement for all of them is. If the minister cannot tell me that now, perhaps he could provide the details in writing to the committee. Also, we have heard about EARL today, but how much of the funding for all those projects is in place?

Finally, given what the minister has said about the need to ensure that we are happy about construction funding being available and so on, what is the minister's timetable for delivering each of those projects? He must have that in mind.

**Tavish Scott:** We can easily provide those details. I will ensure that, if there have been any changes since I made my statement to Parliament on 16 March, the committee is provided with a note on them. The statement set out the budget numbers and timescale for every project and for the overall programme. We can easily provide that for the committee.

**Christine Grahame:** I am sorry, but I did not hear that statement. Did it set out how much of the funding is in place?

**Tavish Scott:** It certainly brought Parliament up to date on the funding for each project. If we can add to that, we certainly will.

**Christine Grahame:** So we can get an overall picture of the commitment.

**Tavish Scott:** Indeed.

**The Convener:** As there are no further questions, I thank the minister, Mr Sharp and Mr Mylroi.

We will take a short break to allow the promoter's witnesses to take their places.

15:05

*Meeting suspended.*

15:06

*On resuming—*

**The Convener:** Our next witnesses will give evidence for the promoter on whether we need a private bill. I welcome Alison Gorlov, of the parliamentary agents John Kennedy and Co, and, once again, Susan Clark, who is the project director from TIE.

**Mr Gordon:** Transport Scotland has yet to agree the programme for the rolling-stock purchase or lease but, according to the promoter, you cannot deliver without the new trains. Do you have a view on when the decision will be made and implemented?

**Susan Clark (TIE Ltd):** As we heard earlier from Transport Scotland, it has a plan in place for rolling-stock delivery that will take us right through to the end of the next decade. We also heard that it aims to award contracts by the end of next year and that it has a specification ready to go to market. We are working with Transport Scotland on the issue. In fact, I will meet Transport Scotland officials again tomorrow for a regular progress review on the programme. I am confident that Transport Scotland has a plan in place to deliver the programme.

**Mr Gordon:** Why should the committee not delay consideration of the bill until Transport Scotland has finalised its rolling-stock upgrade programme, particularly in the light of the financial impact of a delay, as identified in paragraph 653 of the promoter's response 1?

**Susan Clark:** We heard from the minister in the past hour that the project is one of strategic importance for Scotland. The project will not be implemented until 2011. We heard from Transport Scotland about its programme for delivering the rolling stock, which is well within the timescale for delivery of the infrastructure. That is why we should proceed with the bill.

**Mr Gordon:** Paragraph 469 states that, once constructed, EARL will be transferred to the ownership of Network Rail. What is the timescale for that transfer?

**Susan Clark:** We will work with Network Rail to agree the timescale for the transfer so that, once operational, the scheme is already in Network Rail's hands. We do not envisage that it will be in the ownership of any other organisation at that

point. We will work with Network Rail to define the handover period.

**The Convener:** When we asked previously why we need a private bill, we were told that the promoter could obtain compulsory purchase powers under the Transport (Scotland) Act 2005. However, apparently, such powers can be sought only by regional transport partnerships. Will you explain how TIE could possibly get those powers?

**Alison Gorlov (John Kennedy and Co):** The only way in which TIE itself can get compulsory purchase powers is through legislation. Currently, the only means of getting the legislation is through a private bill in the Scottish Parliament.

**The Convener:** That is the only means open to the promoter.

**Alison Gorlov:** That is right.

**The Convener:** Why is it preferable to apply for compulsory purchase powers to be considered in the same process as the promotion of a statutory authority for the project rather than to seek compulsory purchase powers from Scottish ministers directly?

**Alison Gorlov:** The problem with seeking things in pieces rather than as a package—apart from the fact that it takes longer, because one tends to have several bites at the cherry, as there tend to be several inquiries on different aspects of the same project but no inquiry on the whole thing—is that when one applies for compulsory purchase powers, the question is whether one will ever get authorisation to build the railway, and when one seeks authorisation to build the railway, the question is whether one will ever have the compulsory purchase powers that would ensure that one can get all the land.

You could have asked me why we seek compulsory purchase powers. The reason for doing so is that if one got the powers to build a railway of this sort without getting the powers to acquire the necessary land compulsorily, one could never be certain of being able to buy the land because landowners do not have to sell. Even if they would sell, one could never be certain that one would be able to buy the land at a fair market price. Any sensible landowner who knew that he could put you over a barrel would probably do so. Why not?

Therefore, when one is building infrastructure, one needs to have compulsory purchase powers. So that there is not a chicken-and-egg situation in relation to which comes first—the train powers or the land powers—the two are put together.

**Iain Smith:** When will an advance purchase scheme be available for use? Why was it not agreed in advance of the bill's introduction?

**Susan Clark:** I will pass over to Alison Gorlov, but you heard Transport Scotland say this morning that we have presented it with a proposal for an advance purchase scheme.

**Alison Gorlov:** You ask why an advance purchase scheme was not agreed in advance of the bill being introduced. Before one can think about an advance purchase scheme, one must work out what land one needs. If TIE were to have deferred introduction of the bill until Transport Scotland approved the early purchase of the land within limits, the bill would have been deferred. The committee has already heard why it is expedient for the bill to proceed as soon as it can. One does not know how long Transport Scotland would take to approve the early purchase of such land. Transport Scotland says that the decision will surface soon and we all hope that it will. If the bill had not already been before the committee with a process behind it, Transport Scotland might have taken a little bit longer to come up with the decision. That comment is purely speculative; I am not making accusations in any direction.

**Iain Smith:** Why has the promoter sought to acquire land specifically for safeguarding rather than sought rights of access to undertake safeguarding works?

**Alison Gorlov:** No land is to be acquired for safeguarding. The purpose of safeguarding is to protect other people's property. The limits of safeguarding are there so that within that area we can go compulsorily to carry out safeguarding works if they are needed. Where the bill seeks compulsory purchase powers, it seeks them for a reason: the reason is not safeguarding. The reason is either that the land is within the limits of deviation so it is needed for authorised works—the works described in schedule 1—or that the land is wanted for particular purposes. The purposes are all in the bill, but I will have to remind myself of the schedule number.

If one wants to see what particular land outside the LOD is wanted for, one needs to look at schedules 5 and 6, which detail the land parcel by parcel. The parcels where what is wanted is temporary possession and the parcels where something else is wanted—whether outright purchase or rights—are all listed in those schedules. There are specific reasons for acquiring land, but the safeguarding land is not to be acquired.

15:15

**Iain Smith:** That makes my next question redundant—I will pass on.

**The Convener:** Sorry. I was still hunting for schedules 5 and 6.

Let us stick with the advance purchase scheme. Why is only land that falls within the limits of deviation eligible, not land that is to be acquired or used or land within the safeguarding limits?

**Alison Gorlov:** One has to draw the limit somewhere. The safeguarding land is never going to be compulsorily purchased; it is not there for compulsory purchase. The land that stands to be compulsorily purchased is the land that is stated in the bill as being subject to compulsory purchase. The whole idea of advance purchase is that, in certain circumstances, we will do what we are authorised to do anyway at an earlier date. Nobody is ever going to be authorised to acquire land simply because it is within a safeguarding limit.

**The Convener:** Okay. Are there any circumstances in which some homeowners would become eligible for the advance purchase scheme?

**Susan Clark:** We have provided Transport Scotland with a list of properties that we think may be eligible and we await its view on that.

**Alison Gorlov:** We have evolved a set of criteria and have identified the properties that we believe fall within those criteria.

**The Convener:** Susan, you said that a list of possible properties had been passed to Transport Scotland.

**Susan Clark:** Yes.

**The Convener:** Why does Transport Scotland have a role in this?

**Susan Clark:** It will have to approve the advance purchase scheme as part of the funding.

**The Convener:** Right. Sorry. I did not quite understand that.

**Mr McGrigor:** Can the witnesses update the committee on their discussions with Transport Scotland about the voluntary purchase scheme and when it could be implemented?

**Susan Clark:** Alison, do you want to lead on voluntary purchase?

**Alison Gorlov:** I am not sure that I can say an awful lot about it. You will pick me up if I have not said it all.

We heard from the minister that a voluntary purchase policy is to be announced shortly. That will not be a scheme, as we understand it; it will be the Executive's policy on what infrastructure schemes ought to have by way of voluntary purchase arrangements. It will be left to each promoter to put together a scheme that meets whatever the Executive's policy criteria are.

Because self-evidently the voluntary purchase scheme will cost money and because, realistically, the source of funds is the Executive, the Executive will have to approve any scheme just as it does an APS. Therefore, there is no point in a promoter coming up with a voluntary purchase scheme until we know what the Executive's policy criteria are.

**Mr McGrigor:** I understand that. Can you explain the role of Transport Scotland in considering the voluntary purchase scheme?

**Susan Clark:** As Alison Gorlov just said, we are waiting for the Executive and Transport Scotland to come up with their overarching policy for voluntary purchase. From that, we will put together a voluntary purchase scheme specifically for EARL. That scheme will then be presented to Transport Scotland for approval because, as Alison said, it will cost money. As the Executive is the primary funder of the project, we will have to seek its approval for the voluntary purchase scheme, and we will have to ensure that any recommendations that we make as part of the voluntary purchase scheme meet the strict criteria of Transport Scotland's and the Executive's voluntary purchase policy.

**Mr McGrigor:** Presumably, the properties that would fall into a voluntary purchase scheme have been identified by now.

**Susan Clark:** Again, we are waiting for the policy that will identify the criteria that will apply to a voluntary purchase scheme to come down from the Executive and Transport Scotland. We will take the criteria and compare them with the EARL project to see which properties may meet the criteria; then we will provide our scheme to Transport Scotland, which will be based on the criteria.

**Mr McGrigor:** I understand that, but can you give us an idea of how long the process will take?

**Susan Clark:** Obviously, we are pushing Transport Scotland to come up with the scheme. I think that Damian Sharp said earlier that Transport Scotland is progressing with the voluntary purchase policy for Scotland.

**Mr McGrigor:** Can you explain why a voluntary purchase scheme was not provided prior to the bill's introduction?

**Alison Gorlov:** Voluntary purchase schemes and the Executive have something of a history. The Executive was first faced with a voluntary purchase scheme about three years ago. It started considering the issue then and we have heard today where it has got to. TIE knows all that. In addition, the Executive has said for a considerable time that it will not approve anyone's voluntary purchase scheme until it has worked out its own policy. Therefore, there would have been no point

in TIE producing a piece of paper, as other promoters have done, because it would just have sat somewhere. No doubt it would have got all sorts of due attention, but it would not have been processed.

**Mr McGrigor:** So it is just because the Executive does not have a policy that the voluntary purchase scheme is in limbo.

**Alison Gorlov:** Yes.

**Mr Gordon:** On paragraph 55 of your response, what threats do you envisage may delay EARL planning and funding should the bill's compulsory purchase powers be reduced from the 10-year period?

**Alison Gorlov:** Well, to put it in simple terms, one cannot start land assembly without having funds. If the CPP period was reduced to five years, TIE would have to have the funds available to assemble the land within that time. Therefore, there would be a greater risk of the project not getting off the ground because of funds not being available. Susan Clark will be able to tell you about the availability of funds. We appear to have a very fair wind behind us in that regard, but obviously there is still a theoretical risk.

In practical terms, it is quite difficult to meet a short deadline. That has nothing to do with hanging around and not getting on with land assembly or implementing one's bill. A huge amount of work is involved in implementing compulsory purchase powers and getting an infrastructure scheme off the ground. It takes several years to get started, so in purely practical terms a five-year limit would be tough to meet. One would have to deal with two matters immediately: the risk regarding cash flow and funding; and the practical problem of meeting a five-year deadline.

**Mr Gordon:** Of course, the principal funder is Transport Scotland, and behind it stands the Scottish Executive. In a sense, is your response not another way of saying that that is the Executive's view? Indeed, that is its view, is it not? We heard the minister give his view a few moments ago.

**Susan Clark:** I think we opted for a 10-year period because that is standard in other private bills that have come before Parliament. We have standardised the timescales.

**Mr Gordon:** It also allows politicians the option of delaying projects slightly if new priorities come to light.

**Susan Clark:** That is your prerogative.

**Mr Gordon:** Or if new priorities come forth, I should say.

**The Convener:** That is two references to that this afternoon.

**Mr Gordon:** Will you clarify to whom you are referring in paragraph 55 of your response, when you mention the “principal funders” requesting that a minimum of 10 years be set? Do you regard the principal funder as being Transport Scotland?

**Susan Clark:** Yes. We heard from the minister this morning that the principal funder will be Transport Scotland, through the Executive, although obviously we are considering other funding streams.

**Mr Gordon:** Ms Gorlov has given us a view from her legal/operational perspective that five years might be too tight anyway, irrespective of the political view or the view from Transport Scotland. I presume that seven years might be all right, Ms Gorlov?

**Alison Gorlov:** I have never been in charge of running a project of this sort, so I do not know what that would be like in practical terms. However, I am told by clients and it is my observation that five years is jolly difficult. It is liveable with, because one sees it achieved and one can do an awful lot if one has to, but five years is difficult. Of course a longer period gives politicians time to hang about for longer.

**Christine Grahame:** Would five years with a possible maximum extension period of five years—or a shorter period—set by affirmative instrument be the fairest solution for the people affected? People would be sitting not knowing.

**Alison Gorlov:** That is an interesting question to which we gave quite a bit of thought when we framed the bill. If I were sitting at home knowing that I had the threat of compulsory purchase powers hanging over my property, I think that I would like to know how long they were going to last. Perhaps I would not like it to be 10 years, but I think that knowing that the period was seven years with perhaps another two or three years would be even more upsetting. A different view can always be taken, but we took the view that a fixed period was fairer for landowners than a period that, although it had a top line, was indeterminate.

**Christine Grahame:** I note what you say. Let us say that we accept the 10-year compulsory purchase powers provided for in the bill. Those powers will expire if a notice to treat is not served or a general vesting declaration is not made within that period. If a notice to treat is served, we understand that the promoter has a further three years in which to exercise the powers to take possession of the land. You have just said that it is better for the affected persons to have a finite period. Does that mean that the promoter could, in

effect, have 13 years to exercise its compulsory purchase powers?

**Alison Gorlov:** Not really. Apart from anything else, a notice to treat commits the promoter to buying the property. It can be withdrawn but, if it is, one has to pay compensation to the landowner, so there is a powerful incentive not to serve notices to treat until one is ready to go. The sort of scenario that you have described would come into play only if somebody served notices to treat before they were ready to pay the money. Given that it will cost money to stop once one has started, realistically, nobody is going to do that.

**Christine Grahame:** That is interesting. What sort of compensation would someone get?

**Alison Gorlov:** I am afraid that I would have to remind myself what the level of compensation is, but there is a statutory code about how it is calculated.

**Christine Grahame:** I see. I do not know whether that is of interest to the convener.

**The Convener:** We could find out about that.

**Christine Grahame:** I understand that the promoter intends that the time limits for compulsory purchase powers and deemed planning permission should be 10 years. Is it not the case that the promoter will be able to commence development only after it has acquired the necessary land? Would it not be more helpful for the compulsory purchase powers to apply to a shorter timeframe than the period for deemed planning permission?

**Alison Gorlov:** I do not really think so. I do not think that there is any particular reason why they should. The period for planning permission requires one to start within that period. Starting can mean quite a number of things and could be at any point along the route. The promoter does not need to acquire all the land in order to comply with the requirement to have started the project. I do not think that there is any special reason why one period should be shorter than the other.

15:30

**Christine Grahame:** Just to make it clear in my head—I do not know this area of law—you are saying that one applies for planning permission during the period when the compulsory purchase power orders are extant.

**Alison Gorlov:** One does not apply for planning permission. The bill has the effect of giving planning permission.

**Christine Grahame:** The bill has the effect of giving one planning permission during that period.



**Alison Gorlov:** That is right. Once the work has started, the time limit is no longer relevant.

**Christine Grahame:** I understand that. Thank you.

I have one more question. You said that compensation is payable if someone serves a notice to treat and then withdraws it, although that does not happen often. Will you elaborate on the relief that would be available to landowners if the existence of compulsory purchase powers made their land unsaleable except at a substantially lower price than they would get if the land was not subject to compulsory purchase?

**Alison Gorlov:** Yes. There is a general body of law that deals with that situation, which is called planning blight. It is covered by a set of rules in the Town and Country Planning (Scotland) Act 1997. If certain categories of people find that they cannot sell their property at all or can sell it only at a significantly reduced price, they can go to the person with the compulsory purchase powers—the authorised undertaker—and require the land to be purchased on a compulsory purchase basis at the market price at the time. Section 44 of the bill applies that to EARL.

**Christine Grahame:** I am trying to recall how the provision works. It depends how much the person is affected by the development, does it not?

**Alison Gorlov:** It does not apply to everybody. It applies to owner-occupiers, agricultural tenants and small businesses. In relation to small businesses, it is fixed by reference to rateable value, so it does not pick up the Royal Bank of Scotland but it does pick up Joe Bloggs and Son.

**The Convener:** That concludes the committee's questions. Thank you very much indeed.

I suggest that we have a short break before we move on to the next panel.

15:32

*Meeting suspended.*

15:37

*On resuming—*

**The Convener:** Joining Susan Clark for our next panel, we have Gail Jeffrey, senior project manager for Scott Wilson Railways, Russell Bartlett, senior research executive at the Progressive Partnership, and Gordon Robertson, account director for Media House. The panel will provide evidence on consultation. We also have Marwan AL-Azzawi, principal transport planner for Scott Wilson Railways, and Paul McCartney, associate economist with Halcrow, both of whom

have previously been before the committee and who will come in later in the session on alternatives to EARL. We move to questions from the committee.

**Mr McGrigor:** Is the promoter content with the performance of its agents, Scott Wilson Halcrow Joint Venture—SWHJV—in relation to technical aspects, and Media House International with regard to the public and stakeholders? With the benefit of hindsight, what would you have done differently in relation to consultation?

**Susan Clark:** I will start off. It is fair to say that the EARL project has had a robust consultation process; one that targeted the project as a national project and the people who are directly affected. I believe that we did an unprecedented amount of consultation during the process.

We started the consultation process way back in 2004; we launched it with the assistance of the then Minister for Transport. We had media coverage, both television and radio. In order that people were made aware of the consultation process, we advertised in the national and local press and distributed over 250,000 leaflets.

We had a public meeting to which we invited between 1,400 and 2,000 local residents to hear from the project team about the project. We set up an 0845 number so that people could call us directly to talk about the project, which received 140 calls. We set up a website that received more than 200,000 hits. Further to that high-level consultation, the technical team and TIE were on the ground, talking to people who were directly affected by the project about some of the technical issues.

As well as all that, this was the first private bill in Scotland to be published in draft format. That has been hugely productive. We wrote to more than 400 people who were directly affected by the bill and invited them to access the bill documents that were on our website and comment on them and to speak to us about the proposals. As a result, we were able to make a number of changes to those bill documents before they were submitted to the Parliament in March this year.

**Gordon Robertson (Media House):** That is a fair summary of the wider consultation.

**Gail Jeffrey (Scott Wilson Railways):** Consultation started in May 2004 with some residents. Through the development of the project, we were required to do a topographic survey in the area through which it was envisaged that the railway would go in order to obtain level information to ensure that our design was taking account of the topography.

In May 2004, a number of landowners were approached. Subsequently, landowners were

approached for environmental baseline surveys and access for geotechnical investigation. As part of the consultation for access, we were able to advise landowners of indicative layouts of EARL at that stage. We aimed to keep landowners up to date with the progress of the scheme and the firming up of the design during that phase and have tried to get them involved, where possible, with consideration of alternatives.

**Mr McGrigor:** I hear what you say, but how do you respond to the criticisms that your consultation process was not meaningful and that the promoter has behaved in an arrogant and conceited way and has ignored the wishes of respondents?

**Susan Clark:** I do not believe that we have ignored the wishes of respondents. We have engaged with a number of people and I think that the fact that we published our bill in draft form and made alterations as a result of that shows that we have listened to people. Indeed, we altered the bill as a result of discussions with a member of Ratho and district community council, which you spoke to this morning. That reflects the fact that TIE has listened and responded to people's needs. We have not always been able to change things as a result of those discussions but, where practicable, we have done so.

**Mr McGrigor:** You mentioned Ratho and district community council. How do you respond to its criticism about your initial failure to consult with it? Why did you not admit that as an error when it occurred and instead seek to go directly to individuals, ignoring the community representatives?

**Susan Clark:** You asked whether there is anything that we would do differently if we had the chance. We all learn lessons from things that we do. I have learned that you should have community councils on your stakeholder list first of all. However, we advertised extensively in the local press about the public consultation process and felt that, by targeting people individually, we were consulting the local individuals who were directly affected by the projects. One of those individuals is a member of Ratho and district community council and attended the public consultation meeting on 7 December 2004. That demonstrates our willingness to consult people on an on-going basis.

15:45

**Mr McGrigor:** Was he sent by the community council, or did he just come as an individual?

**Susan Clark:** He came as an individual.

**Mr McGrigor:** When were the local effects of the scheme first identified, and how quickly

thereafter were the people who were involved consulted?

**Susan Clark:** Gail Jeffrey has already mentioned that. We started to consult people on a one-to-one basis in May 2004, through a series of letters and discussions. In December 2004, the public consultation meeting was held and the full consultation process started. That consultation process has continued since then.

**Gail Jeffrey:** Even prior to the public consultation meeting on 7 December 2004, we had several meetings with residents. In particular, we met the Carlowrie area residents on 22 November 2004. We aimed to avoid any surprises at the public meeting by encouraging local people to speak to the consultation team prior to that meeting to raise any specific concerns from their area on a close-proximity basis rather than in a big forum involving, potentially, hundreds of people. That opportunity was taken by the Carlowrie residents. We have attempted to engage people as early as possible. The danger of consulting too early is not having sufficient answers to the questions that are posed.

**Mr McGrigor:** The perception seems to be that, rather than being consulted, people were being told what was going to happen. That is the criticism that we have heard. How many other community councils, apart from Ratho and district community council, were overlooked at the start of your consultation process?

**Susan Clark:** We can get the exact number to you. We have contacted all those community councils and have met some of them. Some have declined to be consulted, as they are not directly affected.

**Christine Grahame:** Why is Burnshot Road being realigned as part of EARL? Where is that power in the bill?

**Gail Jeffrey:** We have to realign Burnshot Road because the railway design bisects the road and we are unable to get what we would call an online solution in that area—it would involve a massive structure. In designing the Burnshot Road diversion, we have aimed to divert the extent of the road that is required to mitigate the bisection of the road by the railway. We have aimed to limit the environmental impacts of that diversion by rerouting the road behind Carlowrie cottages and, effectively, incorporating it into the contours of the landscape. Because we have to take the road up a level to get it over the railway, we have integrated it into the landscape of the hills coming up from the valley.

**Christine Grahame:** Where in the bill is the power to do that?

**Susan Clark:** Section 13 is about the temporary stopping up, alteration or diversion of roads.

**Christine Grahame:** You will have heard from this morning's evidence that local residents are very concerned about the impact of the realignment on local traffic, particularly during the construction phase. What steps are you taking to address that? There is also concern that the realignment will exacerbate the problems with traffic on the road. The residents admit that the situation is not good just now, but they fear that it will get a lot worse. Perhaps you would like to pull those issues together and give me an answer on them.

**Susan Clark:** We believe that the realignment of Burnshot Road improves the road by straightening out some of the bad bends that are currently in that alignment. The realignment rejoins the existing Burnshot Road at Carlowrie cottages.

**Christine Grahame:** The bad bends at least seem to slow down the traffic. They may be bad bends for drivers, but they are good bends for the people who live there. The impression that I get is that the traffic will speed up. Although the speed limit there is 50mph, people will drive at 60mph at least.

**Susan Clark:** We heard evidence this morning that several fatalities have already occurred on that road. We believe that we will improve the road infrastructure. We have had discussions with the City of Edinburgh Council and the bill will give us powers to implement a temporary roads order to put a speed restriction on Burnshot Road. In addition, Gail Jeffrey can talk about the reviews that we will do on additional safety measures that can be built into the road alignment as part of the project.

**Gail Jeffrey:** First, we must design new roads in accordance with a code or guidelines. Although we are talking about a diversion of an existing road, the diversion must be classed as a new road, so it will be designed to the "Design Manual for Roads and Bridges" standards. That takes into account matters such as sightlines, the design speed of the road and the actual speed of drivers. We have considered all those factors. In addition, through the development of the road proposals and the design, we will do a road safety audit that will cover safety on the road. We will be required to do that to gain approval from the City of Edinburgh Council to proceed with further design and to construct the road.

**Christine Grahame:** I am advised that speed limits are a matter for the police or the council.

**Mr Gordon:** Speed limits are reserved.

**Christine Grahame:** No—local authorities can set limits in some areas.

**The Convener:** Does the bill contain anything about directing speed limits?

**Susan Clark:** I believe that the bill contains a provision for temporary roads orders. We can provide that information for you.

**The Convener:** That would be useful—thank you. Does Christine Grahame have more questions?

**Christine Grahame:** I was just wondering whether Burnshot Road is a trunk road.

You have not mentioned alleviation in the construction phase for people who live in the area. What steps will you take to address that?

**Gail Jeffrey:** We aim to construct the new roads first, so they will be in place before existing roads, or even parts of them, are closed.

For construction traffic and access to the site, we aim to use the existing railway corridor as a haul route, so we do not propose to have construction traffic on local roads, with the exception of setting up the site initially and commissioning on completion.

**Christine Grahame:** You mention meetings with residents. What is your policy on keeping and issuing minutes to people who have attended meetings? We all know what the situation is like, especially when people who are fraught come away with an idea of what was said and agreed.

**Gail Jeffrey:** I confirm that, at the meeting on 22 November 2004 with the Carlowrie residents, we picked up on what I consider to be main issues, but there was not a full minute of the meeting. We subsequently had a meeting on 11 May 2005 with the same group of residents, although the attendees were not exactly the same. Minutes were given to the residents who attended that meeting. At that meeting, we offered to arrange a meeting with an independent highways engineer, but that offer was not taken up.

**Christine Grahame:** I do not want to labour the point; I simply ask whether the minutes were agreed. You say that you handed out minutes, which are normally agreed by all participants.

**Gail Jeffrey:** I would need to check that. I am aware that minutes were sent out.

**Christine Grahame:** That is important when people argue about whether they have been properly consulted and listened to.

How many objections have been resolved?

**Susan Clark:** None has been removed from the objection list, but we have an on-going objection management process. Each objection has been assigned an owner in the EARL project team to try to resolve it and we have written to most of the

objectors to seek meetings with them to try to work through their objections.

**Christine Grahame:** Do you have a timescale?

**Susan Clark:** We have a plan that indicates timescales, which depend on the objection and its complexity.

**Christine Grahame:** Are all the objectors aware of that?

**Susan Clark:** I am not sure whether they are aware of the timescales, but we have written to most of them to seek dialogue to try to resolve the issues.

**The Convener:** There are no more questions on the consultation process, so we will turn to the alternatives to the EARL scheme.

**Mr Gordon:** What consideration was given to using the current rail infrastructure in combination with the proposed Glasgow crossrail scheme as a way to deliver the policy objectives of EARL?

**Paul McCartney (Halcrow):** Glasgow crossrail was not considered as part of the EARL study.

**Mr Gordon:** That rather damages my next question, which was to ask for a comment on the advantages and disadvantages of the scheme that was proposed by Mr Smart, which includes Glasgow crossrail. There are other aspects to the matter. Did you consider the merits and demerits of Mr Smart's ideas?

**Susan Clark:** One of Mr Smart's ideas involves the Gogar option, which we spoke about last week or the week before. We have since provided—

**Mr Gordon:** You had not examined that option as fully as some of the others, including the Turnhouse option.

**Susan Clark:** We have since provided some information, which gives a written comparison of the Gogar option.

**Paul McCartney:** We have also considered Mr Smart's suggestion about Prestwick airport. We believe that Prestwick would not generate the level of connectivity that Edinburgh airport would. The forecast passenger numbers at Prestwick airport are 6 million up to 2030. That is from the aviation white paper. The forecast passenger numbers are more than 20 million for Edinburgh. We feel that Prestwick could not serve that level of passenger demand in that period. It is important to explain that people are flying in to and out of Edinburgh because that is where they want to go. People cannot be forced to go to Prestwick. Airlines would not necessarily fly to Prestwick if the airport was expanded. People coming to Edinburgh want to go to Edinburgh airport.

**Mr Gordon:** You have already told us that you did not consider the potential impact of the Glasgow crossrail scheme on the EARL scheme. Have you considered the impact of the Glasgow airport rail link scheme on EARL?

**Susan Clark:** Yes. Marwan AL-Azzawi or Paul McCartney could speak about that.

**Marwan AL-Azzawi (Scott Wilson Railways):** The short answer is yes, we have carried out a number of sensitivity tests, one of which is on the effects of GARL on EARL. A positive business case is still produced. In fact, connectivity is improved for people in central Scotland who previously could not get into Edinburgh and who were effectively forced to go to Glasgow for whatever reason.

**Mr Gordon:** That is an interesting point. Reference has been made throughout the proceedings to the Sinclair Knight Merz report of some years ago, which was commissioned jointly by the Scottish Executive and the UK Department for Transport. Sinclair Knight Merz was asked to consider rail connectivity between the central Scotland airports—between one airport and the other. One can envisage how, under certain operational circumstances, such connectivity between airports might offer an advantage. Would I be right in saying that the train service pattern that is proposed under EARL does not provide for such inter-airport rail connections?

**Susan Clark:** It does not provide for a direct connection between Edinburgh and Glasgow airports, but it does provide the ability to travel from Edinburgh airport direct to Glasgow Queen Street, and then interchange through Central station to Glasgow airport.

**Mr Gordon:** Did you consider through-train services from Ayrshire, for example, to Edinburgh airport?

**Susan Clark:** Not as part of the process of developing the runway tunnel option. Paul McCartney might be able to say whether it was considered as part of the earlier work.

**Paul McCartney:** Very early in the process. Linking the two airports was also considered, but that was ruled out very early in the process, because it was just not practical. It would not meet the objectives, and it would have been too difficult with respect to the rail line.

**The Convener:** There are no more questions on alternatives to the EARL project. I thank all the witnesses for their evidence. You may all leave the table now. We will take a short break, during which Steve Purnell, Aileen McLuckie, Alison Gorlov and Nick Crowther can take their seats.

15:59

*Meeting suspended.*

16:01

*On resuming—*

**The Convener:** The questions to this panel will concentrate on the environmental statement. Iain Smith will start.

**Iain Smith:** Can the witnesses confirm that the environmental statement conforms to what would be required under schedule 4 to the Environmental Impact Assessment (Scotland) Regulations 1999?

**Steve Purnell (Environmental Resources Management Ltd):** It does, yes.

**Iain Smith:** A short, sweet answer—that is what I like.

When will the noise and vibration policy that is referred to in paragraph 27 of the promoter's response be made available?

**Aileen McLuckie (Environmental Resources Management Ltd):** That is currently being developed and discussed with the City of Edinburgh Council, West Lothian Council and others. We anticipate it being available in July or August.

**Iain Smith:** Given that the document might be of considerable use in allaying objectors' concerns, why has it not been provided earlier?

**Aileen McLuckie:** It was developed on the back of the initial EIA. Now that we have details of what the impacts are likely to be and what the receptors are, we can work with the councils that are developing the detail of the policy.

**Iain Smith:** Thank you.

Please elaborate on the aspects of the EARL scheme that will be addressed by the landscape and habitat management plans and when those plans will be made available.

**Aileen McLuckie:** SNH requested that we develop the landscape and habitat management plan, which takes the ecology, landscape and habitat impacts already identified in the ES and develops them a stage further, so that we get an outline landscape plan with details of the management regime that will require to be adopted. SNH has asked to be, and will be, involved in developing that with us.

**Iain Smith:** In your response on the enforcement of mitigation measures, you note that section 46 of the bill imposes an obligation not to worsen the environmental impacts of construction and operation, taking as an acceptable baseline the residual impacts identified in the ES. Please clarify whether you will seek to ensure that the

level of mitigation proposed by the code of construction practice, the noise and vibration policy and the other mitigation plans will not be reduced in light of any changes made after the bill has received royal assent.

**Alison Gorlov:** Yes, that is the intention. At the moment, the bill is limited to the provision that you just mentioned. As the committee knows, we have been in touch with the clerk and explained that we would like to go rather further than that. We would like the bill to provide expressly for the applicability of the COCP, the noise and vibration policy and anything else that comes along in terms of an environmental undertaking, and for all those things to be enforceable. We have also suggested a way in which that should be done, but it is not in the bill as introduced.

**Iain Smith:** Do you intend to lodge amendments at consideration stage?

**Alison Gorlov:** We could provide those to the committee if the committee wants them, yes.

**Iain Smith:** What other stakeholders has the promoter considered including in any formal environmental forum.

**Aileen McLuckie:** The main stakeholders are the mandatory consultees that we have worked with over the past two years. Those are SNH, the Scottish Environment Protection Agency, Historic Scotland and both local authorities. We have also included other groups that want to be involved, such as the badger group.

**Iain Smith:** Obviously, the badger group should be included.

**The Convener:** If members have no further questions on the environmental statement, I will turn to the issue of notification.

How does the promoter respond to the notification concerns of Cala Land Investments Ltd? Is the promoter content that notifications have been served on the appropriate landowner?

**Nick Crowther (LandAspects):** I understand that Cala Land Investments Ltd does not own any property that will be affected by the route but has an agreement—such as an option to buy the land—with the current landowners. As the company was not a heritable notifiable interest, no notification was served on it.

**The Convener:** That seems fair enough.

What approach to notification did the promoter take with landowners whose land either was owned under a different company name or was undergoing purchase by a development company?

**Nick Crowther:** We sought to notify every interest by the correct company name by making inquiries with Companies House, where registered

names and registered office addresses are listed. Where there was a dispute or where it was possible that land ownership was changing, we erred strongly on the side of caution. In some cases where that was applicable, we notified both parties.

**The Convener:** That seems reasonable. As there are no other questions on notification, I thank the witnesses for their evidence.

We are now ready to move on to panel 8. We will take a short break to allow Tony Rose, Roger May, Susan Clark, John Inman and Pat Diamond to take their places.

16:06

*Meeting suspended.*

16:08

*On resuming—*

**The Convener:** We are nearing the end, as this is our penultimate panel this afternoon. We will now consider the estimate of expense and funding statement.

**Mr McGrigor:** In a recent report into the channel tunnel rail link, the Public Accounts Committee at Westminster commented on the role of rising construction cost inflation in driving up the costs of that project. Such rising construction cost inflation had arisen through the additional demand from a number of major infrastructure projects for limited resources. Given that a number of public transport projects have been given the go-ahead in Scotland or are seeking parliamentary approval, how will the promoter address any such rising construction cost inflation to ensure that the cost of the EARL project does not increase?

I apologise for the length of that question.

**Susan Clark:** That is okay.

The first thing to note is that we heard this morning about the work that Transport Scotland is doing to ensure that the construction industry is aware of the projects that are going on in Scotland. We, too, have had dialogue with the construction industry. We know that there is a healthy market appetite for the EARL project. The construction industry is looking to Scotland as a place to do business and is looking to set up resources to respond to the need in Scotland.

We also heard this morning how the estimate of expense has taken into account construction inflation throughout the life of the project. We have built that into the cost estimates before us.

We will continue to work with the construction industry to ensure that market interest is maintained. There is market interest not only from

Scotland, the United Kingdom and Europe, but from the rest of the world. International contractors are particularly interested in EARL because it will involve a flagship tunnelling project.

**Christine Grahame:** In paragraph 636 of your response, you say:

“construction inflation up to contract start is a project risk that would revert to the Scottish Executive up until the point of contract signature.”

Will you elaborate on that comment?

**Susan Clark:** I will start and will hand over to Tony Rose or Pat Diamond.

Agreement with the contractor about the cost of a project is reached when the contract is awarded—that is the point at which the risk can be passed on to the private sector, if the agreement is on a fixed-price basis. Until then, the risk of price increase will remain with the promoter and the key funders. We will obviously do everything that we can to mitigate the risk of price increase. TIE has an open approach to risk management and we are fully involved in understanding the risks and how we can reduce them.

**Pat Diamond (TIE Ltd):** As Transport Scotland said this morning, detailed technical assessment has been conducted of the inflation on the construction elements of the project. We will include that risk in our costs up until the point at which construction begins, when it will be transferred to a third-party contractor under whichever contract mechanism we end up using. Between now and the point at which construction begins, we and Transport Scotland will be exposed to unforeseen movements in inflation.

**Christine Grahame:** I am sorry; I could not quite hear you. Susan Clark said that the promoter would carry the risk but, according to your submission, the Executive will.

**Susan Clark:** The key funder will carry that risk.

**Christine Grahame:** So the Executive will carry the inflation risk until the contract is signed.

**Pat Diamond:** Yes.

**Mr McGrigor:** What assumptions about the timing of the rolling-stock upgrade and the production of BAA's master plan and its surface access strategy have been made to deliver a benefit cost ratio of 2.16 over 60 years?

**Susan Clark:** We have assumed that the rolling stock will be delivered in time for the introduction of EARL. We have used the growth predictions that are contained in the Department for Transport's white paper, which BAA is using to develop its master plan. We are waiting for BAA's revised surface access strategy, which we believe will be available in December.

**Mr McGrigor:** Will the publication of those documents be affected by the new owners taking over?

**Susan Clark:** We will obviously have to speak to the new owners, but we understand that the master plan has been approved by the existing BAA organisation and that it is simply a matter of releasing it, if the new owners decide to do that.

**Mr McGrigor:** What would be the impact on the BCR of any changes in those assumptions, such as a delay in the rolling-stock upgrade or in the implementation of the BAA master plan or the surface access strategy?

**Susan Clark:** I am not sure that we can examine the implications for the BCR of any changes to BAA's surface access strategy, which will be closely linked to its master plan. Last week, the City of Edinburgh Council told us that it will approve the master plan and that it will expect the surface access strategy to demonstrate that BAA seeks to achieve significant modal shift away from the private car to public transport. EARL will facilitate that. We believe that because EARL is in BAA's master plan, it will be in the surface access strategy.

**Mr McGrigor:** In comparison with other projects, how realistic is the 80 per cent figure that has been used to estimate contingencies of £50 million?

16:15

**Pat Diamond:** The 80 per cent treatment follows Treasury guidelines. We broke down the key areas of risk for the project. For the standard civil engineering parts, we took a 44 per cent uplift, which is the maximum recommended for that. For the non-standard civil engineering element, which is the tunnel, we have taken 66 per cent, which is the maximum for such elements in the Treasury guidelines. Overall, the risk reserve plus the incremental optimism bias is about £136 million, which is 37 per cent on top of the base capital costs. We have set aside a substantial sum for the risks that we understand at the moment and the risks that may arise in future.

**The Convener:** What are the sources of funding for the project?

**Susan Clark:** Our estimate of expense details where we expect the funding to come from. As we heard from the Minister for Transport, the Scottish Executive will be the primary source of funding. We also heard about the on-going negotiations with BAA on a funding contribution. John Inman can talk about how we might develop section 75 contributions from developers. Finally, we anticipate funding from the European Community. I am pleased to tell the committee that we have

been successful in securing for EARL €2 million in TENS funding from the European Community. EARL is the first Scottish rail project to secure such funding. We have made a further application for this year and will continue to make such applications. We anticipate receiving further construction funding for the project from Europe.

**The Convener:** What is TENS funding?

**Susan Clark:** It is trans-European network system funding, which is awarded by the European Community. There are strict criteria for the award of such funding that relate to interoperability, connectivity and linking airports into rail networks. The trans-European network sees EARL as a project that complies with those criteria. We have been given €2 million and we expect that to secure further funding in future.

**The Convener:** That is good news on the funding front.

How much do you expect to get from section 75 agreements in the next 30 years?

**Susan Clark:** I am not sure that I can tell you how much we expect. I will hand over to John Inman, who will explain the process and what has been done on the tram project so far.

**John Inman (City of Edinburgh Council):** As members probably know, the City of Edinburgh Council has for a couple of years operated a policy of requiring developers within a certain distance of the tram route to contribute to the cost of the tram scheme. The bill will enable the council, if it chooses and if it is asked to do so, to introduce a similar policy for EARL, to ask developers that will benefit from the accessibility that EARL will bring to the area to make a contribution to the scheme.

**The Convener:** I think that the bill will enable West Lothian Council and the City of Edinburgh Council to seek section 75 agreements in each other's local authority areas. Is that the case?

**Susan Clark:** I do not believe so; I think that they will be permitted to seek such agreements only in their areas, but we will confirm that.

**The Convener:** That is the point that I was going to make. It might just be my reading of the bill, but it seems unusual that a council could get a section 75 agreement in another local authority area.

**Susan Clark:** That would be a bonus.

**The Convener:** It seems a bit odd.

**Mr Gordon:** This question seems familiar. Will you elaborate on whether the procurement of new rolling stock is in any way included in the costs of the EARL project?

**Susan Clark:** As the Transport Scotland witnesses explained this morning, it is unlikely that rolling stock will be funded through a capital element; instead, it will probably be leased. Therefore, we have not included that in the capital cost estimate. However, we have made provision for and taken account of the leasing charges for rolling stock in the overall economic assessment. The benefit cost ratio of 2.16 includes the assessment of the running costs of and leasing charges for the rolling stock. Therefore, even with the additional new rolling stock, we will still have the BCR level of 2.16

**Mr Gordon:** Given the phased approach to rolling-stock upgrades that is identified in paragraph 705 of the promoter's response, what impact will that have on the frequency and reliability of train services in 2011?

**Susan Clark:** We believe that the rolling stock that will be required for EARL in its entirety will be delivered before the EARL infrastructure is ready. We do not believe that the rolling stock that will be required for EARL will be phased in after EARL is introduced; we believe that it will be there in advance.

**Mr Gordon:** You indicated that TIE is continually reviewing the approach that it is taking to mitigate any impact of cost or—to use the ghastly phrase that the clerks have given me—scope creep. Will you update the committee on TIE's most recent cost review? Will the costs that are provided in the explanatory notes at paragraph 250 remain the same?

**Susan Clark:** At present, the costs remain the same. TIE has recently awarded a contract for the next design phase and a strict change control system is part of that process. That system will ensure no scope creep: anyone who wants to change the scope of the project—and therefore add costs—has to go through a proper process for agreeing the change and the additional costs involved. We heard Damian Sharp talk this morning about his prickly chair. I have to go and see him quarterly to justify any changes in the project, including in its scope, costs and programme. Change control is an on-going process that we employ internally, but Transport Scotland will also employ it to ensure that we are controlling costs.

**Mr Gordon:** That sounds like a good idea.

**Susan Clark:** Not when you are sitting on it.

**Mr Gordon:** In considering the patronage forecasts for EARL, what consideration was given to the impact of future forms of public transport such as high-speed rail links?

**Susan Clark:** I cannot hand over to Marwan AL-Azzawi, because he has left. My understanding is

that high-speed rail links were not assumed as part of the EARL project. However, in looking at forecasts for the increase in air passenger numbers at Edinburgh airport, we see that the bulk of the growth will come from international, not domestic, traffic. Indeed, growth in domestic traffic slows towards 2026/2030.

**Christine Grahame:** Will you elaborate on the level of funding that you anticipate may arise as a result of the necessary changes to the franchise agreement post EARL?

**Susan Clark:** We do not have that detail as such. That is part of the work that Transport Scotland will do in developing the rolling-stock strategy, as part of which it will look at the leasing issues that were discussed this morning. Those issues will be factored into the overall franchise agreement as part of the franchise change process.

**Christine Grahame:** This issue may have been addressed earlier when you talked about section 75. Will you explain why section 75 developer contributions have been enhanced in the bill?

**Susan Clark:** I am afraid that I cannot, and I am not sure whether John Inman can. If we cannot, we will come back to the committee on the point.

**John Inman:** It may be that we can give the committee a precise written answer. I understand that the way in which section 75 is drafted in the Town and Country Planning (Scotland) Act 1997 is not sufficient to enable contributions to be collected for a linear piece of transport infrastructure. Some enhancement was therefore required in the bill.

**Christine Grahame:** I see. But you will write to us in more detail on the point.

**John Inman:** We will give you something a little bit more detailed on that.

**Christine Grahame:** Will you advise the committee of the developer contributions that have been secured or identified for the project?

**John Inman:** I cannot; no developers are developing at the moment.

**Christine Grahame:** Have you identified any developer contributions?

**John Inman:** No, we have not yet got to that stage. Before we do so, we have to construct a policy.

**Christine Grahame:** The project appears to provide infrastructure that is to be taken over by other bodies, such as Network Rail and First ScotRail. Does that enable leasing income to be generated to offset costs?



**Susan Clark:** We anticipate that the infrastructure would transfer in its entirety to Network Rail, which may then choose to lease the station on to ScotRail. That is a leasing option that will generate income, as per the standard process, back to Network Rail. We heard from Transport Scotland that overall ownership of the station has not yet been decided, so there may be other options.

**Christine Grahame:** You state that you anticipate funding from contributors to take account of the effect of inflation. Does that mean that you expect all contributions to be index linked?

**Susan Clark:** We would look for the benefits accruing to contributing organisations, so the level of contribution would be commensurate with that benefit.

**Iain Smith:** I would like you to comment on how the fare box revenue was calculated. Is it based only on that part of the predicated ticket sales for which the passenger is accessing the airport station?

**Tony Rose (PricewaterhouseCoopers):** The answer is yes.

**Iain Smith:** Is it based on a premium fare?

**Susan Clark:** No. Definitely, no.

**Iain Smith:** I just wanted to get that on the record.

Please clarify what is meant by paragraph 679 of your response, which states:

"The existing permanent way replacement budget will therefore be split between the new routes and little additional expense incurred."

**Roger May (Halcrow):** That refers to the current franchise. Network Rail already has a budget for maintenance work and on-going renewals, but the new proposal effectively splits some of the existing railways, so some of the existing budget would effectively get split because the traffic splits off, partly on to existing track and partly on to new tracks. That is really what that paragraph was driving at.

**Iain Smith:** Why do you believe that the additional permanent way costs will be more than offset by the regulatory regime requiring cost reduction in real terms, as stated in paragraph 680?

**Susan Clark:** What that paragraph is driving at is that Network Rail has an obligation, set by the regulator, to reduce its year-on-year costs, so we would expect there to be a saving in that respect. That relates back to an issue that Mr Gordon raised earlier about Network Rail increasing costs.

**Iain Smith:** At paragraph 692, you indicate that no railways have achieved level 3 status in relation to operating profit, and that only the Edinburgh to Glasgow line achieves level 2. What level does the promoter anticipate EARL achieving, and why?

**Susan Clark:** I do not know whether any of us can answer that right here and now. We can come back to you with an answer.

**Iain Smith:** Okay.

**The Convener:** There are no more questions for the panel. I thank all the witnesses very much indeed.

Finally, I invite Alison Gorlov, Fiona Stephen, Nick Crowther and Gail Jeffrey to come to the table. They will give evidence on several issues and I would be grateful if members could indicate the topic of their question before asking it, so that the appropriate witness can prepare to answer.

16:30

**Christine Grahame:** My questions are on the European convention on human rights. In paragraph 3 of its response, the promoter explains that the rights in

"article 1 of protocol 1 and article 8 are qualified rights"

that can be interfered with should that

"be 'necessary' in a democratic society",

as long as the interference is

"proportionate to the aim which it seeks to achieve."

EARL would be virtually impossible to operate without the procurement of new rolling stock—to be decided by Transport Scotland—so is it proportionate for Parliament to approve the scheme, given that a third party that is not subject to the private bills process can stop the delivery of the bill's objectives?

That was your starter for 10. I feel as if I have set an exam question.

**Fiona Stephen (Anderson Strathern):** Yes, I am afraid that it was an exam question. I have not considered the impact of the rolling stock on this issue, so I ask for the opportunity to do so, after which I will come back to the committee. The question was quite involved.

**Christine Grahame:** Yes, it was. It would be useful if you could come back to us.

The next question is short. What work, if any, has the promoter undertaken on the indirect impacts of EARL on affected persons?

**Fiona Stephen:** That question probably relates to possible interferences with the right to respect for family life under article 8 of the ECHR. Under that article, everyone is entitled to respect for their

private and family life, but interference with that right can be allowed. For example, in this project there may be environmental impacts on particular individuals, but if those impacts can be mitigated, the bill will be ECHR compliant. The committee has already heard from other witnesses about the measures that are proposed to ensure that mitigation measures will be enforceable and effected if the bill passes through the parliamentary process.

**Christine Grahame:** Would those measures cure any difficulties?

**Fiona Stephen:** If individuals claim that their private and family life has been interfered with, they will have to demonstrate the truth of that. The committee will have to consider each case on its merits.

**Christine Grahame:** Several sections of the bill provide for disputes to be settled by arbitration. Is arbitration compatible with article 6 of the ECHR—which I think concerns the right to a fair hearing and a fair trial?

**Alison Gorlov:** Arbitration does not involve a trial; it involves a hearing before an arbiter to deal with matters of fact. It is not therefore aimed at achieving the same sort of result as a court hearing. At the end of the arbitration proceeding, the arbiter makes his award. If a party is unhappy with that award, there is a right of appeal to the Court of Session under arbitration legislation. Because that right of appeal exists, article 6 is complied with.

**Mr McGrigor:** Previous private bills have authorised safeguarding works only in relation to premises either within the limits of deviation or within 20m of those limits. This bill identifies much wider areas as being within the limits of safeguarding—including land that is some distance from the limits of deviation. Why was that approach taken and how can it be justified in terms of article 1 of protocol 1 of the European convention on human rights?

**Alison Gorlov:** It is a little while since I reminded myself precisely where our safeguarding limits are, but far from being wider than what has gone before, they are in fact considerably narrower. The precedent that you mentioned is having a 20m envelope outside all the limits of deviation. We have not done that; we have identified places where we believe there to be a risk that safeguarding will be required and we have drawn a limit round the relevant area. We do not think that there is a safeguarding risk anywhere else, whether it is 5m, 20m or 50m from our limits, so that land is not within safeguarding limits.

Perhaps the committee should be reminded that safeguarding is not some kind of back-door

compulsory purchase; it is for the benefit of the landowner because it indicates a place where works might cause damage to an adjoining structure and where the authorised undertaker wants to be able to come on to the land to remedy any damage, or better still, pre-empt it. The damage that I am speaking about is not to the authorised works but to somebody else's structure next to the works. Safeguarding is for the benefit of the promoter, who might not have to pay compensation, but it is also for the benefit of the owner of the structure that will not fall down because it has been underpinned or whatever.

**Mr McGrigor:** We note that the bill will authorise the compulsory purchase of exchange land. Land will be taken from one owner to compensate another owner for land that is lost as a result of the scheme. What is the promoter's justification for doing that? How can it be reconciled with article 1 of protocol 1 of the ECHR?

**Alison Gorlov:** There are a couple of plots in the bill that are described as exchange land. It is not land for any old landowner and indeed, in the general run of things, it would not be right to compensate one landowner by taking land from another. There has to be a compelling public interest in the acquisition of the land—for example, because the landowner whose land is being taken is a special body or the land itself is in some way special so that money is not proper compensation for it.

There are lots of precedents for that situation in England, where the basis for common land is slightly different from that in Scotland—the words are different, but the concepts are all the same. Common land is regarded as special. Therefore, it should be compensated for if it is taken compulsorily. The provision of exchange land for common land where open space is desirable in the public interest is a recognised feature of English infrastructure legislation and compulsory purchase legislation.

We must address land belonging to the Scottish Agricultural Science Agency. We understand from that agency and believe it to be the case that its functions are important for securing an element of Scotland's food supply. SASA is a public body with important public functions that exists in the public interest. It conducts field trials on land that has to have certain special characteristics. In particular, the land has to be free of potato cyst nematodes, which are some sort of microscopic worm that devastates the potato crop. Those critters are to be found in most land, apparently. To take SASA's land and give it money by way of compensation is not properly compensation because it cannot be guaranteed that SASA can go off and find another suitable potato patch elsewhere. SASA has identified some land where it is believed those

special characteristics exist and where, in particular, the potato cyst nematodes are not present. That land is therefore included in the limits of land to be acquired or used as land to be acquired as exchange land for SASA simply because there is a compelling public interest in providing SASA with the land that it needs, which is land of a particular character that could not otherwise be acquired. That is the special case in the bill.

It would not be proper for the bill to say, "We rather like this fellow so instead of taking his land off him and paying him, we'll get a field for him off somebody else." That is not what the bill proposes and it would not be proper for it to do that.

**Mr McGrigor:** Thank you for that explanation.

Can you provide us with some examples of exchange land being compulsorily purchased to replace land taken by a scheme? What sort of land use prompted the offer of exchange land? You have given us one example, but do you have any others from elsewhere in the UK?

**Alison Gorlov:** Yes. The standard example in England and Wales is a public open space such as common land or a village green. Such open spaces are the city's green lung and the countryside's space for the common man. When such land is acquired compulsorily, the acquiring authority must provide exchange land or a special procedure makes it more difficult to acquire the land. The concept behind that is that an acquiring authority ought not to reduce the supply of such public land. Therefore, if one is going to acquire a village green, one must make an alternative piece of land available.

**Mr McGrigor:** If one of the requirements for getting an agricultural grant such as the rural development grant relates to something that happens to lie within the land that is needed for the project, would exchange land be used to provide extra land so that the requirement could be met and the landowner could receive his grant?

**Alison Gorlov:** I do not know, as I am not familiar with the grant scheme, but I am bound to say that it sounds unlikely, because what you are describing is an arrangement for the benefit of a particular landowner rather than for the benefit of the public at large. Exchange land is provided when there is a public interest involved.

**Mr McGrigor:** The situation that I describe might arise. A farmer might lose his grant because he does not have the right number of requirements in the land. If one of those requirements were lost as a result of one of your purchases, he would lose his entitlement to grant. I wondered whether the exchange land provision would apply to that situation, but you think that it would not.

**Alison Gorlov:** Such a situation would not justify compulsory purchase of someone else's land, although there might well be other ways of dealing with the matter. It is probably intended that compensation will cover such a situation. One could perhaps negotiate with someone else on a private basis to find the person concerned an appropriate piece of land, but that would have to be done on a private, non-compulsory basis.

**Mr Gordon:** How and when would the land be conveyed from the original owner to the authorised undertaker and then to the owner who would benefit from the exchange land?

**Alison Gorlov:** There are two procedures for acquiring land compulsorily. One involves the service of what is called a notice to treat, which is a notice that states what land is wanted and how much is being offered for it. There are procedures that follow that result in the payment of compensation and transfer of the land. The document that effects the transfer is a transfer or a conveyance, as if one were buying the land on the open market without compulsory purchase powers.

A different procedure is that the acquiring authority, in this case the EARL authorised undertaker, makes what is called a general vesting declaration. There is a series of procedures for serving notices to ensure that everyone knows what is happening to them, but the effect is that, once the declaration has been made, the title to the land automatically vests in the acquiring authority, by virtue of that general vesting declaration.

**Mr Gordon:** We understand that land is to be compulsorily purchased for environmental purposes to enable, for example, relocation of a badger's sett or the replanting of trees. How can that be justified under article 1 of protocol 1 of the ECHR? Can you provide examples of other schemes in which land was compulsorily purchased for such purposes?

**Alison Gorlov:** Various environmental directives require the project to satisfy certain conditions in relation to the environment. Those cover issues such as not disturbing protected species, flora and fauna and many other things. I cannot talk about those at great length, but some of my colleagues can. To satisfy the requirements, it is necessary to relocate the badger's sett or whatever it might be, which sometimes involves acquiring land. That is on a par with acquiring pieces of land for the purposes of relocating utility apparatus. There are examples of that being done. The land that is acquired for environmental purposes is an integral part of the project—just as much a part of the project as the plot of land that is required to lay the track on. That is the justification for the power.

I am sorry, but I have forgotten the other part of your question.

16:45

**Mr Gordon:** Can you provide examples of other schemes in which land was compulsorily purchased for such purposes?

**Alison Gorlov:** Although I cannot tell you of any off the top of my head, I will provide examples later. That will involve looking at different schemes to ensure that I give you the right ones. Virtually every scheme has some element of compulsory purchase for such purposes.

**Mr Gordon:** The experience from other private bills is that, during the consideration of objections, the promoter may reach agreement with a landowner that a specific piece of land is no longer required. If that happens with EARL, will the promoter draft suitable amendments to take such land out of the bill?

**Alison Gorlov:** That could certainly be done where the land in question is a complete plot—I will explain in a moment why it has to be a complete plot—but it is not necessary to do it. If the promoter has agreed with the landowner that a piece of land is not going to be acquired, that is binding on the promoter and the promoter cannot do anything about it. There is no legislative need to amend the bill. However, other bills have expressly provided that named plots of land could not be compulsorily acquired and that could be done in this case.

The reason why that is practicable only where there is a complete plot is simply a matter of being able to identify the land in question. Anything else is going to be identified by a plan, a map or a verbal description that cannot be written in legislative English. There are various ways in which one could deal with that. One could rely on the agreement between the parties, which is what infrastructure legislation that is a great deal older than I am has done for a long time. Alternatively, it would be possible to adjust the provision in the bill that allows for correction of plans in the book of reference. Section 30 contains a procedure whereby one can ask the sheriff to issue a certificate confirming that the plans in the book of reference should be corrected. That applies where there is a genuine error that ought to be corrected or that one of the parties wants to be corrected.

The provision could, however, be adjusted so that it also applies where a landowner who has done a deal to ensure that some of his land will not be acquired wants that to be recorded in the plans in the book of reference, as held in the Parliament's archive. The sheriff would have to be shown what had happened and, if he was satisfied that the verbal description, the plan, or whatever

was lodged with the Parliament, that could be done. It need not be done, but that is what has been done in the case of the Waverley Railway (Scotland) Bill.

**The Convener:** There are no further questions. Before we conclude today's oral evidence, I ask Susan Clark to come to the table and tell us whether she has any brief comments to add in respect of this afternoon's evidence.

**Susan Clark:** Thank you, convener. I will keep this brief. I wish to adopt the evidence that has been given by TIE and its advisers today, as well as the evidence that has been given by others who support the EARL project. Turning to today's comments, I will quickly cover consultation alternatives and the estimate of expense and funding.

TIE and its consultants have consulted widely on the policy objectives and the details of the bill in an open and transparent way. We have consulted core stakeholders, local residents, the general public, the business community and rail and airport users. That consultation exercise has allowed us to influence positively the bill and the development of the project. Where practicable, changes have been made to the bill. A good example of that concerns Burnshot Road. The bill has been amended to allow for the incorporation of speed limits along the length of Burnshot Road.

We are keen to obtain the details of the alternative option that was suggested by some of the residents of Carlowrie today so that we can engage in discussions with them. We have written to request a meeting with them.

Since starting to liaise with Ratho and district community council, we have been in an intensive consultation process. To date, we have documented the options that have been considered by our technical team—including options that were suggested by the community council—and eight options in total have been considered. In parallel, a number of meetings about the grade-separated junction have been held with the residents of Roddinglaw. The latest meeting, which took place on 21 June, was attended by technical and environmental representatives.

Alternative ways of meeting the bill's objectives and the objectives of the rail scheme have been carefully assessed on accepted principles of economic and transport evaluation. The promoter believes that the EARL scheme would best deliver those overall objectives as it would optimise accessibility throughout Scotland while minimising the impact on the existing rail network.

On the estimate of expense and funding statement, the promoter believes that amounts specified in the estimate are robust and that the

risk and contingency elements are also robust. The estimate is based on quantities that were calculated from outline design. Those have been ratified by a number of organisations, including Network Rail, and have been reviewed by Transport Scotland's consultants. Our sophisticated risk register will allow us to monitor and manage risks and, therefore, manage the overall costs of the project. Optimism bias has been calculated using standard Treasury guidelines. Finally, we are pleased that we have managed to secure TENS funding and we will work tirelessly to try to secure further funds from Europe for the project.

**The Convener:** That concludes oral evidence taking for today. I sincerely thank all the witnesses who have given evidence this afternoon.

As we dealt with item 4 when we had a slight hiatus this morning, we will now move into private to give preliminary consideration to objections and to discuss our approach to our draft preliminary stage report. We agreed at our meeting on 20 June that it is prudent to consider those issues in private as our views at this time may not fully reflect the final views that will appear in the preliminary stage report. I ask that the public gallery be cleared.

16:52

*Meeting continued in private until 17:24.*



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