

# **EDINBURGH TRAM (LINE ONE) BILL COMMITTEE**

Tuesday 9 November 2004

Session 2

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## EDINBURGH TRAM (LINE ONE) BILL COMMITTEE 8<sup>th</sup> Meeting 2004, Session 2

### CONVENER

\*Jackie Baillie (Dumbarton) (Lab)

### DEPUTY CONVENER

\*Phil Gallie (South of Scotland) (Con)

### COMMITTEE MEMBERS

Helen Eadie (Dunfermline East) (Lab)

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

\*Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

\*attended

### THE FOLLOWING GAVE EVIDENCE:

Alan Boyd (Verity Trustees Ltd)

Andrew Callander (Transport Initiatives Edinburgh)

Lesley Clark (Weber Shandwick)

Parma Kataria (TerraQuest Solutions)

Janette Lawrie (Verity Trustees Ltd)

Mrs Odell Milne

Stuart Reid (Norwich Union Linked Life Assurance Ltd)

Professor J Rowan-Robinson (Paull & Williamsons)

Angus Walker (Bircham Dyson Bell)

Craig Wallace (Norwich Union Linked Life Assurance Ltd)

Kristina Woolnough (Blackhall Community Association)

### CLERK TO THE COMMITTEE

Jane Sutherland

### LOCATION

Committee Room 4



## Scottish Parliament

### Edinburgh Tram (Line One) Bill Committee

*Tuesday 9 November 2004*

[THE CONVENER *opened the meeting at 09:44*]

### Edinburgh Tram (Line One) Bill: Preliminary Stage

**The Convener (Jackie Baillie):** Good morning and welcome to the eighth meeting of the Edinburgh Tram (Line One) Bill Committee. I apologise to everybody for the delay in starting the meeting. We had a slight technical hitch with the recording equipment, which I am delighted to say has now been sorted, so every word this morning will be captured. We have received apologies from Helen Eadie and Jamie Stone, who will join us during the meeting.

The only item on the agenda is taking oral evidence for the bill. Members will have had an opportunity to consider the folder of written evidence from objectors and the promoter. The first topic is evidence on the adequacy of the promoter's statement, and specifically the notification that was undertaken by the promoter.

I invite members of our first panel—Janette Lawrie, Alan Boyd, Angus Walker and Parma Kataria—to take their seats. Angus is on a return visit.

**Angus Walker (Bircham Dyson Bell):** Yes—I cannot stay away.

**The Convener:** You will come to regret saying that.

I welcome Janette Lawrie and Alan Boyd, who are representing Verity Trustees Ltd, and Angus Walker and Parma Kataria, who are representing the promoter. Parma Kataria is here in place of John Gannon. We said to you that you would have up to five minutes to make an opening statement. I invite Janette Lawrie and Alan Boyd to speak first, if they wish to do so.

**Janette Lawrie (Verity Trustees Ltd):** Certainly. I am the facilities and building manager for Verity Trustees Ltd, which owns Verity House, 19 Haymarket Yards, Edinburgh, and is better known as the Pensions Trust. The Pensions Trust is the United Kingdom's leading provider of occupational pension schemes for charities, voluntary bodies and not-for-profit organisations. Verity House was bought in 2002 to provide a

modern, spacious working environment for 50 employees.

I am accompanied by Alan Boyd, who is director of public law at McGrigors solicitors. Alan advised us on the objections that we lodged to the bill and he is familiar with the extent of our property ownership at Haymarket Yards.

I am the principal point of contact for notices that are served in connection with our property or any consultations relating thereto. Prior to attending today's meeting, I again checked the detail of the formal notices that were given to us about the proposed tramline and any other correspondence from Transport Initiatives Edinburgh. I reiterate that we do not intend to prevent development of the tramline. However, we are concerned that the full extent of our interests in property in Haymarket Yards has not been recognised. As stated in our notice of objection, we received notices of proposal to purchase compulsorily three areas of ground—plots 288, 289 and 292a on the plan.

However, Verity Trustees Ltd also has servitude and other rights over plots 284a, 286, 287, 290 and 290a. Those rights relate to the right of access for pedestrian and vehicular traffic from Haymarket Terrace to our offices; a servitude over a 2m strip for construction and maintenance of a foul sewer in connection with Verity House; and the right to use and make connections to the electricity substation that is situated on plot 287. As we understand the proposals, the promoter intends to acquire all the land over which we have those vital rights. Without those rights, we would be unable to maintain services to Verity House, nor would access be available by road or on foot.

The promoter has not indicated that we will enjoy those essential property rights after it compulsorily acquires those other areas of ground. Furthermore, we have no acknowledgment that it accepts the existence of those rights. We have with us a copy of our title to Verity House, and the rights that we have described are clearly shown in the plan that is attached to our title.

TIE wrote to our solicitors on 26 April 2004 and stated that it would respond to our objections in due course. It wrote a further letter—which is dated 30 September 2004—to our solicitors in which it stated that it would provide us with a substantive response to the points that we had raised before the consideration stage. It hoped that agreement could be reached that would be sufficient for Verity Trustees to consider withdrawing its objections. Despite the clear terms of our objections and our concerns that TIE has not recognised the full extent of our property interests, we have heard nothing further.

We are pleased to have been invited to give evidence to the committee, and we will do

everything that we can to answer questions and to clarify matters.

**The Convener:** Thank you for being so succinct. Mr Boyd, do you wish to add anything to what has been said?

**Alan Boyd (Verity Trustees Ltd):** No, I have nothing further to add.

**The Convener:** That is great. Thank you.

I want to kick off by clarifying whether I have picked up Janette Lawrie correctly. You said that you had checked the notices that you had received and that you had received only two holding letters from TIE. Did you receive anything else?

**Janette Lawrie:** No, nothing.

**The Convener:** What do you think that you should have received in that period?

**Janette Lawrie:** When the process started, we did not receive any notice of it at all. We found out about it when two men were outside on our land checking sizes and I went out to check what they were doing. I then went on to the internet and found out about the plans.

**The Convener:** So you found out purely by accident.

**Janette Lawrie:** Yes.

**The Convener:** In what way will your rights be adversely affected by the use of plots 284a, 286, 287, 290 and 290a?

**Alan Boyd:** As Janette Lawrie said, those plots provide road access, pedestrian access, a servitude for drainage of the property and a connection to the electricity substation. As I understand the law of compulsory acquisition, if the land is acquired, the servitude rights automatically disappear. If the land is taken by compulsory purchase order, everything that is subservient to it disappears. We hope that that is not TIE's attitude, but at this stage we have heard nothing about the matter, despite assurances from TIE that it would be in touch with us. Naturally, my client is extremely concerned that it might end up with a footprint of a building and a car park but no assurance about anything else.

**Phil Gallie (South of Scotland) (Con):** In part, you have answered the questions that I intended to ask. What effect has the lack of notification had on your company?

**Janette Lawrie:** We do not know where we stand. We are a non-profit-making organisation and we are concerned because the building is part of people's pensions. We do not know what effect the proposals will have. We do not know what would happen if we ever tried to sell the building or

land round it, or whether people would want it. TIE should have notified us properly so that we could check those matters.

**Phil Gallie:** Given that you have stated that you do not want to stop tramline 1 going ahead, how can the situation be remedied?

**Janette Lawrie:** TIE should get in touch with us to tell us what it intends to do physically to the land and whether there is a chance that we will be able to claim some of it back. We would like to know whether the land will be used just to get the building work done or whether it will be taken for good.

**Phil Gallie:** You attempted to make contact with TIE and your complaint is that it ignored you.

**Janette Lawrie:** We have not received anything.

**Alan Boyd:** To clarify, apart from the two letters to which Janette Lawrie referred, which were very much holding letters, we have received no correspondence. I was interested to note that, at the previous meeting of the committee, evidence was given to the effect that questionnaires were issued to all parties who had an interest in land and that follow-up action was taken if the questionnaires were not returned. I assure the committee, as lawyer acting for Verity Trustees, that I am advised by my client that we have received absolutely nothing. I have seen no questionnaire and Janette Lawrie assures me that there has been no follow-up.

We would like to have contact with these people. We would like to understand what the proposals are, how they affect my client and the significant investment that it has made in the property and what the proposals mean in practical terms. We gather that the entire rear of my client's property is to be acquired for the purposes of an alternative access to the car park at Haymarket station, which will create considerable noise and nuisance difficulties. I appreciate that that issue is perhaps for another day when the committee considers the merits of the plans, but nevertheless, if we had been notified and consulted at an early stage, we could at least have aired the issues and had them on the agenda. We need to go back a step before we can go forward. Let us be consulted and let us understand what is happening.

**Phil Gallie:** Given what we have heard from Verity Trustees and given how important it is for TIE to create a good image and carry out its consultation in a way that is acceptable to all those who will be affected, has your confidence in TIE been somewhat blunted?

**Janette Lawrie:** Yes.

**The Convener:** I now invite Angus Walker and Parma Kataria to give a five-minute opening statement. However, before they do, I have to say

that it might be helpful if the four of you talked to one another after the meeting.

**Angus Walker:** We do not have an opening statement, convener.

**The Convener:** That leaves more time for questions.

**Rob Gibson (Highlands and Islands) (SNP):** You will be aware of the recent situation with the Waverley Railway (Scotland) Bill in which a number of notifications that should have been served were not. What assurances can you give the committee that the same situation will not arise with this bill's notification process?

**Parma Kataria (TerraQuest Solutions):** We carried out the referencing exercise as we were instructed to do after initial discussion with Bircham Dyson Bell, LandAspects and other consultants. I believe that all aspects were covered in accordance with standing orders and following procedures.

**Rob Gibson:** I note that one of the promoter's witnesses is a representative of TerraQuest Solutions. What was TerraQuest's role?

**Parma Kataria:** Could you clarify that question?

**Rob Gibson:** One of the witnesses for the promoter is a representative of TerraQuest. Can you explain TerraQuest's role in that relationship?

**Parma Kataria:** Landowners who had an interest that would be affected or that would be acquired within the LOD or LLAU would receive a landowners notice. The research to identify those interests would have been carried out through the register of sasines, the land registry, site inquiries and the electoral register. We also identified the addressable properties and affected parties adjoining the LOD and LLAU through Ordnance Survey mapping and site inspections. Moreover, we reviewed the council register, which sets out all postcodes for adjoining properties, and identified adjoining landowners. For example, if a landowner's land extended beyond the LOD, that would confirm who the adjoining owner was.

**Rob Gibson:** Just for clarification, will you please tell us what the initials LOD and LLAU mean?

**Parma Kataria:** LOD stands for "limits of deviation" and LLAU stands for "limits of land to be acquired or used".

**Rob Gibson:** Sorry?

**Parma Kataria:** Limits of land to be acquired or used.

**The Convener:** We will understand the technical terms eventually.

**Rob Gibson:** It is quite important.

**Angus Walker:** LODs are the limits of deviation. The plans show the land that lies within the limits of deviation for the main works. LLAUs are limits of land to be acquired or used for purposes other than the main works.

10:00

**Rob Gibson:** Can TerraQuest tell us how people with an interest in heritable property that will be affected by the bill but will not be the subject of compulsory purchase were notified?

**Parma Kataria:** They were notified in the first instance by issue of a notice served by hand.

**Rob Gibson:** How was it decided who should receive notification of the introduction of the bill?

**Parma Kataria:** The decision was based on the Parliament's standing orders and involved Bircham Dyson Bell and the results of the consultation involving ourselves and TIE at the beginning of the project.

**Angus Walker:** In essence, two types of notice were served. A landowners notice was served to people whose lands, or whose rights in lands, were to be acquired; and an affected persons notice—a secondary level of notice—was served to people who were to be affected but from whom no land was to be acquired. TerraQuest and my firm—Bircham Dyson Bell—drew up, with the agreement of TIE, a set of criteria for people who should be classed as affected persons. We asked Parliament, but Parliament suggested that we should define the criteria. We have listed the people affected in a written response that we have already submitted to the committee. I can read them out if that would be helpful.

**Rob Gibson:** We are trying to home in on this particular case. Was Verity Trustees regarded as a landowner whose land would be affected? Did it receive a notice as such?

**Parma Kataria:** It received a landowners notice for its affected land.

**Rob Gibson:** It did? In that case, why did you not notify Verity Trustees in respect of its interest in plots 284a, 286, 287, 290 and 290a?

**Parma Kataria:** It was not proposed that the interest would be adversely affected.

**The Convener:** The use of language is important and you talk about interests being "adversely affected". Who decided whether Verity Trustees was adversely affected? Was it you? If so, what criteria did you use?

**Angus Walker:** We drew up objective criteria with the aid of the promoter and TerraQuest. TerraQuest then applied the criteria to the

landholdings to decide who should receive which notices.

**The Convener:** I have a slight difficulty with the phrase “objective criteria” because it is the promoter that is drawing them up. It was the promoter that drew up the criteria that determined who would be adversely affected.

**Angus Walker:** That is right.

**The Convener:** You sent out notices on the basis of those judgments.

**Angus Walker:** We sought guidance from the Parliament, which told us that we should draw up our own criteria. We drew up the criteria first, before considering particular landowners, and then applied the criteria to the particular situations. That is why I used the word “objective”. For example, all properties whose land abutted the limits of deviation or the road along which the tramline was to be laid, and all landowners whose only access would be across the tramline, would receive a notice.

**The Convener:** Can you therefore explain why Verity Trustees did not fit into your criteria?

**Parma Kataria:** As far as the plots that have been mentioned were concerned, we did not propose to affect its interests. Therefore, notification was not required.

**Rob Gibson:** The question relates to the servitude on the plots. The right of access, the electricity supply and the foul-water removal could be affected if the land were in any way altered from its present use. How can you say that the interests of Verity Trustees are not affected?

**Parma Kataria:** For instance, the tram will not affect the subsoil interests. It has been decided that interests in subsoil will not be referenced in the order. Those people who have interests in the subsoil will receive an affected parties notice in any case.

**Rob Gibson:** We are not talking about the subsoil, we are talking about access and existing utilities.

**The Convener:** We are seeking a simple answer. Is it the case that Verity Trustees could end up with a property with a car park but with no access or electricity and so on because you have affected the plots in question as you are developing the tramline? If that is the case, what are you going to do about it?

**Angus Walker:** In our judgment, we are not going to affect those interests, which is why Verity Trustees did not receive landowners notices. Sheet 22 in the plans, which you might have before you, shows that the plots in question are not ones over which the tram is directly running but are off to the side, where access is being laid

out. That relates to access to the car park at Haymarket and is not to do with the central construction work.

**Alan Boyd:** Excuse me, but that is incorrect. As I read the plans, it looks like plot 290 is the main access to the road that is called Haymarket Yards. The tramline runs from Haymarket Terrace, down the opening stretch of Haymarket Yards and takes a right turn behind the existing tenements. Clearly, there are problems with that route.

**Angus Walker:** I think that Mr Boyd is right about plot 290. I am sorry about that.

**Rob Gibson:** Am I right in thinking that we are talking about a situation that might involve compulsory purchase of those plots? In a situation involving compulsory purchase, we are told that the servitudes are removed. What have you done to ensure that Verity Trustees can use the building in future once its servitude rights and so on have been taken away?

**Angus Walker:** The point is that we are not intending to take away its rights. I should point out that plot 290 is a public road and that, therefore, the private interest is subsumed into the public interest. That is why we did not give anyone a notice for that lot.

**The Convener:** I do not want to cut off people's lines of questioning, but given that you have now started detailed negotiations, it is probably much better if you continue that yourselves, get to the bottom of the question whether there is an adverse effect and provide the committee with a report of your conclusions, which we hope will be amicable.

**Angus Walker:** Certainly.

**The Convener:** That would be most helpful.

**Phil Gallie:** I am concerned about many of the things that have been said. There seems to have been a delay in the examination of the complaints that have been made by Verity Trustees and you, Mr Walker, have just highlighted that you had incorrectly interpreted something in the plans. What can you do to assure us that any such delays will be kept to a minimum and that genuine complaints that are raised will be addressed timeously?

**Angus Walker:** We are not the ones who are handling communications with objectors. Nevertheless, I assure you that we are doing our utmost to maintain a dialogue with all of them as efficiently as possible.

**Phil Gallie:** Will you take back the fact that the dialogue has obviously not been very good in this instance?

**Angus Walker:** Yes. In this case, it appears not to have been.



**The Convener:** I thank all the witnesses on our first panel. I hope that you go away and use the opportunity to have that dialogue and get back to the committee in writing.

I invite the witnesses on our second panel to assume the hot seats. It is not that bad, really.

The next topic for oral evidence is the adequacy of the promoter's memorandum, in particular the adequacy of the consultation that the promoter undertook. We have three panels of witnesses to get through. I welcome Kristina Woolnough, from the Blackhall community association, and Mrs Odell Milne, who is here on behalf of Bill Raynal, who is unable to attend this morning. I remind members that we invited the community health action group. Unfortunately, due to unforeseen circumstances, it was unable to attend; however, we have the detail of CHAG's objection and can refer to it when we question the promoter later. I ask the witnesses whether they wish to make an opening statement of up to five minutes.

**Kristina Woolnough (Blackhall Community Association):** Yes, we do—we could not resist. I know that you appreciate not having to listen to statements, but we have not been listened to for 18 months. Shall I just launch in?

**The Convener:** Yes. Absolutely.

**Kristina Woolnough:** Thank you for this opportunity. I am the chair of Blackhall community association, which covers about 2,500 households in the north of Edinburgh. For the purposes of this involvement in the tram, we seem to have accumulated residents from other areas that are adjacent to Blackhall community association as well.

I am attempting to speak for a large number of people. I cannot presume to do full justice to each individual's experience of the consultation process—and, believe me, there are many—but there are common themes. For the record, I state that the consultation process that we believe is ongoing through the community liaison groups suffers from the same negative experiences that we have had. There has been an absence of meaningful consultation, purposeful dialogue and clear results. For example, after five deputations to different council meetings, at which we put our concerns, there was no response. We have been putting the same key questions since June 2003, but they are still unanswered.

Our questions concern why the front entrance to the Western general hospital was not the public transport priority; the space restrictions on the Roseburn wildlife corridor; and the fact that Waterfront Edinburgh Ltd was the driver in the choice of alignment, as evidenced in the Anderson report of 2001, when tramline 1 was called the Waterfront light rail loop. We are also anxious

about the fact that, although the public clearly supported the Craighleith option B, the promoter chose the other option. For us, that was the icing on the cake—or the opposite of that. The results of the consultation were ignored, so what was the purpose of it? Also, cyclists seem to have been disfranchised during the promoter's assessment of the consultation on the basis that the cycleway and walkway might be retained. We think that to disfranchise people is an unjustifiable response.

Seventy-five per cent of all responses to the Craighleith option talked about the Western general hospital. From our reading of the consultation responses, that was the public's clear priority, so why was that not taken on board? As far as I am aware, no changes at all were made to the alignment, but I note from the minutes of the Craighleith public meeting that was held on 19 June 2003 that Alex Macaulay of TIE said:

"If we have got ... the routes wrong then please let us know and your opinions will be taken on board".

10:15

There are also big question marks about how TIE and its agents have summarised consultation responses from individuals, groups and organisations. We have taken the trouble to back-check with some of the groups that have been consulted—I put that word in speech marks—and, overall, the impression is that consultation was a box to be ticked; it was never meaningful or sincere.

We also have no subsequent evidence that local people's views have been taken into account. We feel that we have been patronised. People know what their public transport needs are and know the geography of their own areas better than do experts who are parachuted in. For example, until three weeks ago, TIE's main engineer for tramline 1 had not walked the route, not even the most controversial part of it.

Secondly, the lack of detail has caused considerable frustration. A number of individuals and groups have received written responses that are slow in coming and are copy-and-paste exercises that do not respond to our points. We know this because local people have compared responses and can match them paragraph for paragraph. For example, I wrote a consultation response on 7 July 2003 and finally got a reply on 21 October 2003 with the same generalisations, but only after I had made, with my community association hat on, a public statement, saying that I had received no reply.

I attend two lots of community liaison group meetings—the west end CLG and the Craighleith one—and we continue to feel that consultation with us is a box to be ticked, because no

information that is meaningful or relevant to our questions has emerged from those groups. I also note that, at the Craighleith meeting of 19 June 2003, Alex Macaulay said of the tram project:

"by the time it is submitted to Parliament, the plans will be very detailed".

We still do not have details, so we feel that we have been misled.

Thirdly, the information that has been put before the public has been biased and highly selective. The green "tramtime" leaflet contained inaccuracies and key omissions—I assume that the committee has copies of that leaflet, but if it does not, I have spares. The slogan "Cleaner, Faster, Safer" has been used in newsletters to promote trams without any substantiating evidence, but we challenge that slogan. We believe that an overemphasis on the promotional instead of the informative has occurred because the promoter has failed to declare adequately to the public its vested interest as a property developer at the Granton waterfront. Because of that conflict of interest and because of the inherent difficulties in justifying the environmental benefit, social inclusion benefits, financial viability and public transport benefit—that is, access to hospitals—of the route from Leith to Granton to Roseburn, the promoter has had to resort to spin and propaganda. If there were good answers to our questions, we would surely have been given them by now.

Last, distribution of the "tramtime" leaflet was poor and the delivery of the letters of notice was patchy. I have compiled a survey of directly affected residents—those who should have received the affected-residents notice—in my immediate area. I have copies of the survey, which is quite brief, if members would like to see it. It demonstrates the inadequacy of the distribution of the leaflets and notices. The promoter has been unable to tell me the exact parameters of distribution; I just get the response that 80,000 leaflets were distributed in key areas. I understand the parameters of distribution for the notice, and I asked which households were supposed to receive the leaflet, how household deliveries were made and whether the promoter back-checked deliveries—when somebody uses a supplier to deliver locally, they can make spontaneous phone calls to find out whether people received the leaflet. I also asked whether people got the leaflet timeously so that they could get to the public meetings that were listed in it. Even at the time, Weber Shandwick and the promoter acknowledged that distribution of the leaflet was problematic, and our local evidence is that the most affected residents did not receive the consultation leaflet. That is what my little survey shows.

You will hear in my comments the hurt and anger that the process has provoked in our community. We participated and continue to participate at every level, as volunteers, making a huge commitment of time and energy, but on no occasion have we felt that any of our concerns or our involvement has made any difference to the promoter and its agents. We are a box to be ticked as part of a theoretical paper exercise. We continue to believe that our public interest concerns are justified. That is the primary reason why we have willingly participated to the extent that we have done.

**The Convener:** Thank you. Given that you have waited for 18 months, I allowed you a flexible five minutes. I invite Mrs Odell Milne to make her statement.

**Mrs Odell Milne:** Before I address the committee on the adequacy of the consultation, I mention that I would have liked to make certain comments about notification. I know that I have not been asked to do that, but I have responded to the promoter's responses to my comments on notification and, with your permission, I will pass my response to the committee.

**The Convener:** The committee is aware that you sent us an e-mail at 11.23 pm last night. We have not had an opportunity to consider your points in detail, but we will take the matter away and consider it, as we consider all the evidence that we receive.

**Mrs Milne:** Thank you.

I am speaking on behalf of Bill Raynal, who lives in Wester Coates Terrace, as I do. My remarks are based on his comments, so if I get something wrong because he said something else, I hope that the committee will accept that.

The fourth phase consultation attracted 3,000 responses, which represents less than 1 per cent of the Edinburgh population, despite the fact that the leaflet was purportedly delivered to 20 per cent of Edinburgh residents. It is hard to see how that level of response can be considered as providing a sufficient mandate to the promoter.

Expert reports that I have obtained show that the scheme would result in noise levels that would cause significant sleep disturbance to residents of Wester Coates Terrace, even if acoustic barriers were installed. Such disturbance would be a nuisance at common law and would contravene human rights. I am sure that the committee will agree that in such circumstances an extensive and careful consultation should have taken place. A public inquiry followed by a referendum, in line with the procedure that is being undertaken for the proposed road tariffs, would have been more appropriate. Perhaps the committee will consider asking the promoter why such an approach was

not taken to the proposed tram scheme, the impact of which—in environmental, human rights and financial terms—is much greater.

I have selected several examples that I think are indicative of the inadequacy of the consultation. The plans and details in the press advertisements and the leaflet were so vague that it was impossible to determine the proposed route of the trams. There was no consultation with the public at the stage of determining the route. The promoter cites the number of leaflets that were delivered as evidence that the consultation was adequate, but gives no detail about where and to whom the leaflets were delivered. Indeed, the residents of Wester Coates Terrace, who would be adversely affected by the scheme, did not receive a consultation leaflet until they phoned to ask for one. Moreover, our residents association was not consulted by the promoter—the committee will note that it is not mentioned in appendix B, which lists the residents associations to which the promoter asked to speak.

No public meeting was held last summer in the Roseburn-Murrayfield-Wester Coates area, despite the fact that its residents are among the people who will be most severely affected by the scheme. Residents of the area had to attend meetings in Granton, George Street or Leith. The leaflets stated that people must have a ticket to attend a public meeting, which might have put some people off attending. It took me three telephone calls to track down someone who could tell me that I did not need a ticket.

Publicity for the proposals could easily have been improved by putting notices on lamp posts along the cycleway—that procedure would be used in the case of a compulsory purchase order. Because no notices were put on lamp posts, people who use the cycleway but who do not live adjacent to it knew nothing about the consultation period last July. Notices would have been a cheap, simple and effective way of drawing the proposals to the attention of the people who use that amenity.

The summary of responses that TIE produced on its website following the consultation is misleading. TIE's summary drew too extensively on returns of the tear-off section of the "tramtime" leaflet and did not mention the many concerns and opinions that had been expressed in letters. At the meeting in George Street, there was a lot of support for protecting the Roseburn railway corridor, but that support is not mentioned anywhere. Moreover, the leaflet gave no choice for the Roseburn part of the route, so there was no simple way of voicing an objection. The leaflet asked only for an opinion for or against trams and on option A or B in two specific locations. Anyone who wanted to object to the Roseburn end of the

route had to do so by writing a letter, but even if members of the public took the trouble to write, their opinions were not reflected in TIE's summary of responses. TIE will no doubt claim that it entered into protracted correspondence with many respondents, but as Kristina Woolnough said, its responses were cut-and-paste letters that did not answer the questions in a meaningful way.

TIE claims in appendix A to its responses that it consulted a large number of bodies. Perhaps TIE should be asked to provide more detail about the extent and content of those consultations and to confirm that, when the consultations took place, the consultees were in full possession of all relevant and up-to-date information, to allow informed consultation to take place. In particular, TIE should be asked why, if its consultation with Scottish Natural Heritage was adequate, SNH has pointed to inadequacies in the consultation process and the environmental statement.

TIE should be asked to explain the basis on which it assessed the responses and why it did not offer choices to people along certain parts of the route. TIE should also be asked to explain why the promoter ignored representations that indicated a clear public preference for alignment along Telford Road near the Western general hospital.

Meaningful consultation requires that full information should be available to the parties consulting. It is not possible to deliberate and confer if one party has a lot of information that it does not make available to the other. The first indication that there was to be any meaningful consultation came when the committee sought the views of objectors. On behalf of Wester Coates Terrace action group, I thank the committee for that.

**The Convener:** Thank you. I ask both witnesses to set the scene. When and how did you first hear about the line 1 proposals?

**Mrs Milne:** I first heard about the proposals through newspaper reports in *The Scotsman* in summer 2003.

**Kristina Woolnough:** The same applies to me.

**The Convener:** What are your general impressions of the extent to which the promoter has publicised the tram project and of the efforts that have been made to enable people to participate in the consultation? I know that you have criticisms of the consultation, but my question is about the lead-in to it.

**Kristina Woolnough:** In its evidence, TIE has made statements about advertising on buses, in newspapers and so on. However, it has not made enough of an attempt to engage with local people. In our area, there are two well-established residents groups, the Maidencraig residents

association and the Maidencraig Court residents association, which have been in existence for a number of years. Neither appears on the list of community groups to be consulted. Blackhall community association was formed about a week after the tram consultation period began.

Consultation has been patchy and the promoter has no evidence that it has been successful. When I have asked where leaflets were delivered, which were the crucial areas and what evidence there is that leaflets got through, TIE responds with the general statement that it has delivered 80,000 leaflets, as if numbers, scale and size were enough. The leaflets need to have got through locally. I agree with what Odell Milne said about putting up posters on lampposts in the Roseburn urban wildlife corridor, which is a transit route. When we do litter picks along the corridor, we speak to people who are not local residents and who still have no idea about the tram.

**The Convener:** I am trying to establish whether you think that TIE's approach was reasonable. The consultation may have been slightly patchy, but was it reasonable for TIE to advertise in the papers and to distribute leaflets?

**Kristina Woolnough:** The approach that TIE took was too passive and obvious. It was based too much on large-scale public relations and on the assumption that people read advertising on a bus when it goes past. The promoter was not sufficiently active.

**Mrs Milne:** In June last year, I went along the cycleway with a friend and a bundle of leaflets that we had made. We could not stop cyclists, because they go too fast, but we could stop pedestrians pushing prams. We went along the cycleway on several days, but despite the reports in *The Scotsman* and the leaflets, none of the people to whom we spoke knew that it was proposed that the tram should follow that route. Most of them knew that there were proposals for trams somewhere in Edinburgh, but they knew no more than that. They certainly did not know that it was proposed that the trams should go along the cycleway.

**The Convener:** When the committee took a jaunt down part of the route, we noticed some of your leaflets on the lampposts.

**Kristina Woolnough:** They were mine.

**Rob Gibson:** In its submission, Blackhall community association was especially critical of the way in which the leaflets were distributed, as we have heard. What happened in your neighbourhood? Was what happened brought to the attention of the promoter?

**Kristina Woolnough:** I had a number of telephone conversations with Weber Shandwick in

which I said that leaflets had not been received in my street. From early on, I was fully aware of the proposals. In the event, I collected a number of leaflets. I circulated a newsletter to people and put up notices on lampposts in which I said that in June there would be a big public meeting in Craighleith. Initially, the promoter was resistant to holding such a meeting, but we, along with our elected representative, pressed hard for it. I do not know whether I have answered your question.

**Rob Gibson:** You are setting the scene. What is your experience to date of the community liaison groups?

**Kristina Woolnough:** It has been very depressing. We were fortunate that Margaret Smith MSP chaired the previous meeting. She would concur with our view that in a year we have got absolutely nowhere. It was only under her chairmanship, when she said, "Right—we want action and conclusive answers to people's questions," that we realised that we had not been given answers for the past year. I have to say that I felt a bit of a fool, having gone along for so long and got nowhere.

**Rob Gibson:** Of course, the matter is detailed and it is obvious that liaison groups should be a place—

**Kristina Woolnough:** —to discuss detail. They told us that we were not allowed to discuss the principle of the bill. Whose liaison groups are they? They are certainly not ours.

**Rob Gibson:** I hope that we can discuss the principle here and help to make it understood.

In your objection, you say that the consultation results were overturned by TIE. Will you explain that comment a bit further?

10:30

**Kristina Woolnough:** The majority of responses that were given on the tear-off slip on the "tramtime" leaflet were in favour of the on-road option that went nearest to the Western general hospital. For some reason—I can only assume because the alignment had already been decided—the promoter decided to overturn that majority vote by saying that anyone who mentioned cycling would have their vote discounted because the cycle path would be retained under option A for the Roseburn wildlife corridor and cycleway.

**Phil Gallie:** On the point about the majority vote, I noticed somewhere in the information that has been provided that cost was a factor in the overturning of that vote. Was that intimated to you?

**Kristina Woolnough:** No. In the consultation leaflet there is no qualification, such as, "Would

you like a tram scheme if it would cost you £600 million?" The cost factor was not presented to people in the leaflet as a choice. It was introduced late and was not shared with the public when they were coming to a view on which option to choose.

**Phil Gallie:** I very much approve of your idea of putting up notices along the route. If that had been done and people had applied for information, would the information that you have seen to date have been adequate to allow people to make a sound judgment on what was being presented to them?

**Kristina Woolnough:** We are in a weird position: we are still asking questions and they are still not being answered. We have been saying the same thing for a year and a half and we think that we have a point because it is not being answered. People would not have got more detailed information but they might have got less biased information on the scheme.

On the map in the "tramtime" leaflet, the alignment is shown in a vague way. As Odell Milne said, people did not know where the line would go. It is not clear where the route choices are and key destinations are missed out on the plan. It includes the Northern general hospital, which is no longer there, but not the main campus of Telford College, the police station at Fettes, Sainsbury's and Craighleith retail park, or the Scottish Executive. A number of key destinations should have been featured on the map so that people would know where was being discussed. That is a long answer, but I do not know whether—

**Phil Gallie:** That is fine.

Your association is important; it is a voluntary association that represents many people. What is the community council set-up in your area? Was it consulted and is there a relationship between your association and the community council?

**Kristina Woolnough:** The boundaries are peculiar in our area, which is covered by three different local government wards, so we do not have a community council. In the absence of a community council, we are it.

**Phil Gallie:** Has that led to a lack of consultation, given the role that community councils should play in such matters?

**Kristina Woolnough:** I believe that Murrayfield community council was informed. Its area overlaps with some of our area, but it meets only once a month and the short consultation period did not give people enough time.

**Phil Gallie:** You have commented:

"The public was not consulted on the chosen circular alignment".

I acknowledge the remarks that you made in your opening statement, but will you expand on that comment?

**Kristina Woolnough:** It would have been good if the promoter had asked people where they wanted to go or at least had consulted major transport providers, including Lothian Buses, on the choice of alignment. We understood that the alignment of the circular line was fixed. As far as I am aware, lots of groups were not consulted on the issue—indeed, the public were certainly not consulted on it. In the act of completing their tear-off "tramtime" forms, a number of people indicated where they would like the tram to go; they said that they wanted it to go to the Western general hospital.

More than 7,000 footfalls occur each day at the hospital. Even though people were not asked about the alignment, their responses to the "tramtime" leaflet show that they consider the hospital to be a key destination in our area. Why, then, is the hospital not served by the route? A flavour of what people would have said had they been asked can be found in the responses. As I said, if they had been asked, their response would have been the Western general hospital.

**Phil Gallie:** You referred to the survey that you undertook in respect of the distribution of literature. You will be aware that politicians distribute literature widely; however, come election time, people say that they have not received any of it. How much of the literature that was distributed hit the bucket without people really looking at it? Did your survey highlight that issue?

**Kristina Woolnough:** I accept the point, which is a valid one. People in my area feel strongly about the tram. I circulated our newsletters with the aim of helping people to get access to more information. When we began the process, we were not against the tram; we simply wanted to know more about it. The result of our actions is that we do not know much more; we are not being given answers and so now we are against it.

People feel strongly about the issue. A number of the residents in my area are elderly. They do not get a lot of post, especially official-looking post. They completed my questionnaire, which contained balanced questions including whether people had received the consultation leaflet. I gave people the dates and said what the leaflet looked like.

The results of my questionnaire give a fair overall representation of the situation. Our street is quite hard to find, as is another key street in which people did not receive the leaflet. If someone had just walked about the area, without knowing which properties backed on to the cycle path on the Roseburn corridor, they might not have found

those streets. It was the promoter's business to ensure that key streets were covered, listed and leafleted. We can only trust what people say: if they say that they did not get a leaflet, I cannot see that the situation is anything other than that.

**Phil Gallie:** May I ask a semi-personal question of you, Mrs Milne? In one of your submissions, you refer to the fact that you found some of the documentation difficult to follow. The reason you gave was that abbreviations were used, references were made to statutory documents and so forth. Given that someone of your background found that to be the case, would not it have been difficult for the general public to follow much of the information that was provided?

**Mrs Milne:** It was the documents that were not provided—the ones that we had to ask for again and again—that were difficult to follow. I am referring to the Anderson report and the Scottish transport appraisal guidance reports, which are complicated. I also could not understand the financial case document, although Mr Raynal can.

The "tramtime" leaflet is not difficult to follow; all it seeks to do is to get the response that the promoter wanted to get. The leaflet does not ask people whether they would like trams, guided buses, more ordinary buses or whatever; it asks, "Do you want trams?" It does not ask people what places it would be helpful for the tram to serve or where people want to go; it asks whether they want option A or option B. The leaflet was designed to get the answer that the promoter wanted to get—from that point of view, it is not difficult to follow.

The bill is incomprehensible. Some sections refer to acts, and one needs to look first at that act and then at another act and then at yet more acts. The bill is difficult to understand for anyone who does not have a legal background or without seeking advice from a solicitor. The explanatory notes are also difficult to follow. They include references to the "normal compulsory purchase procedure", for example, although not many ordinary people know what that is. I am not sure whether that response answers the question.

**Phil Gallie:** It does; it makes the point. I am pleased to have brought it out.

My final question is on the promoter's responsiveness to the questions that were posed by Blackhall community association. We heard in a previous evidence-taking session that there is lethargy in relation to the promoter's responses. Given the importance of getting community people on side, do you think that the promoter must address the issue in the not-too-distance future?

**Kristina Woolnough:** Absolutely. Your key phrase was "getting community people on side". There is no question that that is what is intended.

What we are experiencing is a feeling that the tramline 1 project must be got through no matter what—there is no question of bringing us along with it. The action that the promoter is taking needs to be more meaningful and it must be more respectful and less patronising. Local people have valid points to make. They know their area—indeed, they get to know it better all the time. They also know more about transport than they ever wanted to know.

**The Convener:** I am sure that we will hear evidence of that local knowledge in due course. You mentioned a survey; we would be happy to receive further information on that, so if you leave it with the clerks, they will ensure that it is circulated to committee members. Am I right that Mrs Milne attended a public meeting?

**Mrs Milne:** Yes. I attended one in the Assembly Rooms in George Street.

**The Convener:** Were you involved in any of the displays or road shows that were going on?

**Mrs Milne:** There were displays of the plans at the meeting and information was given out at Sainsbury's at one time.

**The Convener:** What was the level of information? If you asked questions were people able to answer them?

**Mrs Milne:** The experts were very good. The people standing in the background who were from Mott MacDonald, or whoever did the plans, were very knowledgeable and helpful. There is no doubt that when we asked them about the plans their answers were very good. In the public session there were few straight answers to comments that the public made. At the public meeting stage, it was very much a case of "this is the line and you will like it." There was no consideration of the route; it was not a matter for discussion at that meeting.

**The Convener:** What kind of feedback have you had beyond the public meeting with the promoter? Has your experience been similar to Kristina Woolnough's, or has it been different?

**Mrs Milne:** It has probably been similar. The most frustrating thing is that we have got bogged down by lengthy letters from the promoter that do not answer any of our questions. We get to the stage of thinking, "I've asked all these questions and I've got five pages back. I could go back again, but I'd probably just get the same five pages." I am not saying that it is easy to respond to hundreds of letters on similar points—it is not—but from a member of the public's point of view it is disheartening to get stock responses to questions they did not ask and no responses to questions that they did ask.

The community liaison groups have been told that they cannot discuss certain things, such as the alignment and the stations. We get to the stage of wondering what we can discuss and why we are here. Perhaps there should have been community meetings before the proposals were made so that we could have discussed the alignment and the route, which would have been helpful. At the moment there is nothing to discuss. Although the community liaison group meetings are well intentioned, they are not helpful.

**Rob Gibson:** My question is for Mrs Milne. In point 2.4.1 of Bill Raynal's submission on the adequacy of accompanying documents, he asserts that, given the extent of the construction work that will be necessary, the consultation to date has been insufficient to proceed reliably with the bill and construction. In what way has the consultation been insufficient?

**Mrs Milne:** Bill Raynal was referring to statistics that he mentioned. Roughly 125,000 leaflets were sent out which, given that Edinburgh's population is about 450,000 to 500,000, covered about 20 per cent of the population. There were responses from only 3,000 people, which is about 1 per cent of the population—I think that that is what he meant—which did not provide a sufficient mandate, given that the construction and impact of the proposal will be so significant.

**Rob Gibson:** I understand that. What further consultation would you like, given the views that you have expressed about the small number of responses?

**Mrs Milne:** I would like the promoter to start again and consult on the route. The promoter should ask people whether they want to go to the hospital, to schools or wherever. They should thereafter give us a route for a tram, or consider buses and other options, then ask the people of Edinburgh what they really want.

10:45

**Phil Gallie:** The people of Edinburgh go to the ballot box during elections. Was the tram not an issue during elections and was it sprung on people between elections?

**Kristina Woolnough:** It was not an issue at elections. The difficulty that we have found is that the central Edinburgh local plan showed a possible light railway route from Leith, up Leith Walk, along Princes Street and out to the airport. That plan was available for the public to consult and to make statutory responses at the local plan stage, but the tramline has come out of the blue. The waterfront route has come out of nowhere as well. It has not been part of any statutory planning process and in terms of public participation—you can hear how annoyed I am getting—we have

been cut out of the picture and have been able to participate in only the most cursory and non-statutory manner. The issue has not come up in elections, but it is now too late for that, because we would have to wait until 2007.

**The Convener:** I wish to return to something that Mrs Milne said, because my understanding of the background is that the City of Edinburgh Council prepared a transport strategy and consulted on an integrated transport initiative. Were you aware of those consultations?

**Mrs Milne:** No. We found out about them only well after the 2003 consultation and after objections went to Parliament this year.

**The Convener:** Do you accept that that might set the context for the bill?

**Mrs Milne:** As we did not know about the consultations on the transport strategy and the integrated transport initiative, we were not able to express our views. If we were not aware of those consultations, I am sure that an awful lot of other people in Edinburgh were not aware of them either. Such consultations are the kind of thing that I would look out for in the newspapers.

**Kristina Woolnough:** "Integrated Transport Initiative for Edinburgh and South East Scotland" and the transport strategy came out earlier this year after the tram, and feature the light railway retrospectively. I participated in the congestion charging public inquiry to try to identify the financial links between congestion charging and the tram. Those strategies were brought out after the tram alignment was chosen. The previous strategy did not mention the alignment.

**The Convener:** I am sure that we will pursue those points with the promoter. Thank you both for coming along; I have no doubt that we will see you both again in the future.

We move to the third panel of witnesses. I invite Stuart Reid and Craig Wallace of Norwich Union Linked Life Assurance Ltd, and Gordon Mitchell and Professor Rowan-Robinson for CGM (Edinburgh) Ltd, to take their seats. Good morning, gentlemen, and welcome.

It would be remiss of me not to welcome my colleague Jamie Stone, who joined us during the course of the last evidence-taking session.

You have an opportunity to make an opening statement of up to five minutes. Do you wish to do so? Perhaps we should start with the Norwich Union witnesses, given that we received an additional submission from you.

**Stuart Reid (Norwich Union Linked Life Assurance Ltd):** I will be brief and I hope that I will be of assistance. My colleague Craig Wallace and I represent Norwich Union which, as you may

know, is a major investor in Edinburgh that manages vast pension fund assets, a large part of which is invested in property in Edinburgh. One of those pension assets is Rosebery House, which sits on Haymarket Terrace adjacent to the line of the proposed tramway. Norwich Union considers that consultation on the alignment of the line was inadequate. I circulated a plan to committee members.

**The Convener:** Yes—we have that.

**Stuart Reid:** Between May and July 2003, the promoter undertook a form of consultation on the original proposed alignment, which is coloured purple, or bluish, and runs down to the bottom of the plan.

**The Convener:** I am sorry; what we have is in black and white.

**Stuart Reid:** Defeated by technology.

I refer to the line that runs down to the bottom middle of the plan. That was the alignment on which the consultation was undertaken, which would not impact significantly on Rosebery House. It runs to the rear of Rosebery House and to the south, and would be kept at a reasonable distance by a car park and would not sever any private rights of access. It was on that original alignment that the promoter carried out the public consultation.

The problem is that sometime in December 2003—the exact date is not known to us—the goalposts were moved; the alignment was changed. The new alignment appears on the plan as the thicker line that, for the most part, runs across the middle of the page. That is the alignment that was presented with the accompanying documents to the bill in January. It is completely different from the original plan. It runs alongside the front of the Norwich Union building and wraps around it. It would permanently sever private rights of access and egress on to Haymarket Terrace and would block off prime car-parking space.

Crucially, there was no public consultation on that realignment. There was no private consultation and no explanation was offered for why the realignment was necessary. There was no advance public notice or warning of it. TIE's leafleting campaign of the summer of 2003 counts for nothing, in a sense, because the goalposts were moved unilaterally a month or so before the bill was lodged in Parliament. The first time Norwich Union was advised by TIE of the realignment was 4 March 2004.

The committee may wonder how the realignment will impact on Norwich Union. It will diminish the investment value of property that is a pension fund asset; it will diminish the leasing

potential of the floors of the property, especially the lower ground floor and the ground floor and it will increase the management's responsibility to the tenants. Norwich Union is seeking a pause for time to work out with TIE exactly what the route is. It is not entirely clear what land will be required through compulsorily acquisition, so we seek time to identify whether there is scope for alternatives. It is believed that there are viable options that are consistent with the costs for the route and with the desire for physical integration with other modes of transport, which all needs time for sensible discussion.

Norwich Union is at a loss to understand why it was not consulted on the change because it is patently obvious that it would be affected by the realignment. Norwich Union is one of the largest commercial property owners in the area—there are very few, of which CGM (Edinburgh) and Norwich Union are two. TIE knows very well who and where we are. It seems that TIE took time to consult Network Rail, so why could it not approach Norwich Union as a directly affected and significant party?

I have discussed the impact on Norwich Union and the pause that is being sought. However, there will also be an impact on the public generally because the realignment incorporates a proposed stop or halt at Rosebery House. We respectfully submit that that represents a significant lost opportunity to achieve physical integration with the national rail network at Haymarket. The committee may be aware that lack of physical integration has been a significant source of public dissatisfaction with tram networks. It was one of the sources of dissatisfaction with the Sheffield supertram and the Midland metro. Physical integration will not be achieved by the current alignment.

We seek a sensible pause in proceedings. Norwich Union is concerned that the bill is developing the momentum of a runaway tram. We want time to clarify the route of the line, the alternatives that exist and the impact that the line will have on Norwich Union and on the public generally, especially given the lack of physical integration with the national rail network. I thank the committee for its time.

**The Convener:** A number of your comments related to the detail of the bill. Objection 91 will be pursued if the bill reaches consideration stage and you will be able to make all your points again, if need be. Thank you for providing us with the information.

I invite CGM (Edinburgh) Ltd to make an opening statement of up to five minutes. The committee will then put questions to both sets of witnesses.



**Professor J Rowan-Robinson (Paul & Williamsons):** Thank you for the opportunity to make representations to the committee.

In the light of what Mr Reid has said, I can cut my statement short because he has covered some of the ground that I intended to cover. I echo his point that the consultation exercise that was carried out in summer 2003 led my clients to believe that the tramline would run alongside the railway line. The leaflets that were distributed contained nothing that indicated otherwise. There was reference to plans to integrate the tramline with any future developments, but that did not suggest that the line would run anywhere other than beside the railway line.

The promoter's memorandum for the bill states:

"Those whose land and rights in land are proposed to be acquired, and those whose rights are proposed to be extinguished have also been kept involved in the consultation process".

That is simply not the case. At no stage prior to receipt of the formal notice of the bill in January this year were my clients told, or given any hint, that their property might be affected directly by the alignment of the tramline. I have never previously come across a case in which compulsory purchase is promoted but landowners have not been the subject of prior consultation.

The promoter ascertained and responded to concerns that were expressed by other interested parties. We understand that it consulted Network Rail and we believe that the late change in the alignment of the tramline was the result of Network Rail's response. My clients have not, however, received the same courtesy. It must be the case that in choosing the final alignment the promoter has taken no account of the effects of its proposals on my client's property or on other properties in the immediate area of the route. My client regards the consultation exercise as having been inadequate and the memorandum as misleading.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** For the record, I offer my apologies for being late. I was stacked in the air for 45 minutes over Stirling.

I will wrap two questions into one and seek an answer from both teams of witnesses. Both Norwich Union and CGM claim in their objections that they were not properly consulted. When and how did you hear about the initial proposals? What is your general impression of the extent to which the promoter has publicised the tram project? You have touched on that issue already, but I would like you to deal with it specifically. What efforts were made to enable affected parties to participate in the consultation?

**Professor Rowan-Robinson:** We first became aware of the tram proposal as a result of the

consultation exercise in summer 2003. There had been talk of it prior to that, but the consultation exercise alerted us to it.

We were concerned about the effect that the proposal would have on our property, but we were led to believe that it would have none. It was not until formal notice of the bill's publication was given in January this year that my clients realised that the line would affect their property. That was the first time that they were alerted to that.

**Craig Wallace (Norwich Union Linked Life Assurance Ltd):** I will respond on behalf of Norwich Union, for which the situation is similar to that which Professor Rowan-Robinson described. The results of the consultation exercise of summer 2003 were sent to Rosebery House. In November 2003, we received a letter from TerraQuest that identified areas of land round Rosebery House that might or might not be required for the tram proposals. The tram bills were introduced in the following year.

No direct consultation took place. TerraQuest addressed Norwich Union directly via Rosebery House's managing agents at the time—Jones Lang LaSalle Ltd—about the potential impact of the tram alignment. Following the change in alignment, no direct contact was made with us or with Norwich Union.

11:00

**Mr Stone:** I understand what you say, but if we move to the present and look ahead, the promoter talks about on-going consultation. Do you have a different story on that front? Are you involved in consultation now?

**Craig Wallace:** As my colleague Stuart Reid said, Norwich Union received a letter on 4 March 2004 from TIE's project manager that identified that issues arose in relation to the alignment in respect of Rosebery House, and invited further detailed discussion between the two parties. That was the first direct contact that the fund manager received on the detailed alignment that is in the bill.

Following that correspondence, we entered discussions with TIE. We had one meeting to talk about the alignment and about the detail of our objection, which we had submitted formally by that time. The key issue is that we are dealing with a defined limit of deviation that does not allow the route to be changed back to the original alignment that was the subject of the initial consultation. We understand that we cannot return to the initial position unless the bill is stopped. Any discussions with TIE would be on the detailed design of the halt that is to be adjacent to our building or on the exact route alignment that will be adjacent to the building. We cannot change the fact that the route

will have a significant impact on Norwich Union's asset.

**The Convener:** That should make TIE quite keen to co-operate with you.

**Professor Rowan-Robinson:** I echo what Mr Wallace said. We are having helpful negotiations with TIE and some of the consequences for the Citypoint block might be able to be mitigated. Our concern is that, as Mr Wallace says, there is no going back on the alignment that the bill proposes. Our concern is that the alignment must have been chosen simply for engineering reasons, but I have no idea how sound those are. The effects on property in the immediate vicinity have not been taken into account, yet the line was changed to the present proposed alignment because of the effect the original line would have had on Network Rail's property.

**Rob Gibson:** For the record, will the Norwich Union representatives restate how the company was consulted about the change in the alignment of the tramline that runs adjacent to Rosebery House?

**Craig Wallace:** The key issue is that we were not directly consulted on the alignment change, which appeared only when the accompanying documents to the bill were lodged with Parliament.

**Rob Gibson:** Was the information that you received about the route change adequate to enable you to assess the change's impact on your property? You said something about a holding company.

**Craig Wallace:** The information was certainly not adequate. We obtained information about the alignment changes only through our own investigation following a letter dated 4 March 2004 from TIE to Norwich Union about potential issues with the adjacency of the building and the alignment.

**Rob Gibson:** So you cannot say that the information was helpful.

**Craig Wallace:** It certainly was not. We know from the book of reference with the bill that TIE was aware that Norwich Union was the property's owner. The current tenants had been listed, but no direct contact was made with any of those individuals to discuss an alignment change.

**Rob Gibson:** Will you explain your experiences of your contact with the promoter, perhaps elaborating on your comment that

"TIE has failed to make all reasonable efforts to inform affected owners of the development nor to engage with them on the issues which the realignment raises"?

In answering the question, you will probably simply reaffirm what you have just told me.

**Craig Wallace:** TIE was very much aware of who and where NULLA was. There was no reason why a direct approach could not have been made to our clients to discuss the impact of the realignment at an appropriate time before it was lodged in the formal process, after which there was not significant opportunity for change.

**Rob Gibson:** There are two things: the original alignment and the final alignment. We are dealing with the final alignment, as laid out in the letter of 4 March. Have there been discussions since then?

**Craig Wallace:** There have been limited discussions with TIE, but as I said, there is limited scope to change the alignment in front of Rosebery House. We need to get down to the detail, such as potential compensation and how we can alter the detailed design to mitigate the impact on our client's building and reduce the financial impact on the investment that is Rosebery House.

**Rob Gibson:** Those are matters of detail, which will be discussed later, but it was worth teasing them out to an extent.

**Phil Gallie:** Professor Rowan-Robinson suggested that there is now no way back and that we are basically stuck with the route that has been determined. What can be done and what are your objectives in further negotiation or discussion with TIE?

**Professor Rowan-Robinson:** Present discussions are focused on trying to mitigate the effects on the building, although it is difficult—because of the lack of detail—to determine some of those effects. Nonetheless, we are having helpful negotiations. As Mr Wallace said, we would ideally like a pause so that the promoter can consider properly what the alignment should be in the area. Rather than simply respond to someone else's concerns and move the route on engineering grounds, TIE should at least respond to our concerns. At the end of the day, TIE may decide that the present route is the best one, but it has not gone through that exercise.

**Phil Gallie:** Given the discussions that we had earlier with other groups, which you heard, do you feel that if there were to be a pause at this point, we would open up Pandora's box? There are difficulties all the way round the route; if an exception was made and a pause was created in the process in respect of Haymarket, it would be logical to think that that pause should be extended to allow for other areas in which there are differences.

**Professor Rowan-Robinson:** I do not know whether there has been the same lack of consultation in other areas. In our area, TIE has not done what it said it would do, which is causing

problems that might have been avoided for my clients and for owners of other properties.

**Phil Gallie:** I have no more questions, but having heard the previous evidence, it seems that you are not alone.

**The Convener:** I thank the witnesses. I point out that at consideration stage—should the bill proceed that far—the committee can move amendments to particular sections of the route. If your negotiations do not go well, we may see you again.

We come to our final panel of witnesses for today. I welcome to the meeting Andrew Callander and Lesley Clark, who will give evidence on the promoter's behalf. I invite them to give a five-minute opening statement.

**Andrew Callander (Transport Initiatives Edinburgh):** We have no opening statement and are happy to go straight to questions.

**The Convener:** Excellent. That leaves more time for questions.

It would be helpful if you could set the context a little. We have already touched on this with the previous witnesses, but could you outline the consultation that you undertook as part of the integrated transport initiative, which resulted in the recommendation of trams as a mechanism for delivering transport improvements, and tell us when that consultation took place?

**Andrew Callander:** We have come prepared today to talk about the tramline consultation. The consultation carried out in 2001 and the "Have Your Say: Edinburgh's New Transport Initiative" consultation in 2002 set the scene for the integrated transport initiative, and it might be best if we came back to the committee with details about them.

**The Convener:** I suspect that we will formally write to not only TIE but the City of Edinburgh Council about those consultations, because I understand that they used citizens juries and a whole range of different mechanisms.

Rob Gibson will ask some questions about the consultation on tramline 1.

**Rob Gibson:** How did the promoter ensure that its consultation methods reflected the best practice that is now recommended instead of following the more traditional planning process consultation?

**Andrew Callander:** I will say a few words and then ask Lesley Clark to pick up on the detail.

The Parliament's standing orders do not contain any obligation to carry out a consultation, but that was obviously not on the agenda. Instead, we followed best practice to ensure that our consultation was consistent with the consultation

that the council had carried out. We also followed Scottish Executive guidelines that are highlighted as part of the STAG process.

**Lesley Clark (Weber Shandwick):** TIE asked Weber Shandwick to pull together an integrated consultation that would provide a balance in people's ability to access information and their ability to respond. A couple of months before the consultation began, we held an information campaign that introduced people to the concept of trams to ensure that plans for such a scheme would not come as a complete shock. At the same time, we established the freepost address, the freephone number, the website and the e-mail address. All those lines of communication were established early on.

We then pulled together an integrated consultation. The idea was to ensure that people had different ways of accessing different types of information. There has been a lot of discussion this morning about leaflets, which was obviously one of the ways in which we tried to get information out to members of the public. As members have heard, we also used newspaper advertisements and other forms of press coverage.

We also advertised on the radio and put posters up on Princes Street that advertised the exhibitions and public meetings and gave out the freephone number that people could call if they needed further information or a copy of the leaflet if they had not received it. Over the 10 weeks of the consultation, there was a static exhibition in the city centre, while roving exhibitions on line 1 looked at the alignment of the line in specific localities. At each of those exhibitions, a Mott MacDonald engineer was available to go into the detail of the line with people who had detailed questions. The detailed route alignment was also available for inspection in those areas. However, we decided not to send out parts of that route alignment because it is very complicated and open to misinterpretation. We felt that by having the books available and an engineer on hand to answer questions people would be able to access the correct information.

As I said, leaflets have been mentioned a lot this morning. I should point out that 80,000 leaflets on line 1 were distributed to areas on the tramline route. The written evidence that we submitted previously contains a list of the areas in Edinburgh that received the leaflets. Those areas were decided by looking at the split of council wards. We used a private commercial company to deliver the leaflets as that was the best option open to us at the time. When we undertook the leaflet exercise, we provided the leaflet company with maps of the alignment so that it could see where the route went and we asked it to back-check as a

matter of course while it leafleted. We back-checked a number of streets in the line 1 area and received signatures from people to say that they had received a leaflet. That is very much common practice when private leafleting companies are used.

As well as delivering the leaflets to households, we provided a number of different ways in which people could get hold of a leaflet. They could phone the freephone number, which I have mentioned. We also distributed a stock of leaflets to community councils; councillors in the area; libraries, though the library information service; public buildings, through the council's distribution service—they would be available in leisure centres and so on; some supermarkets; and major shopping centres along the line.

At the start of the consultation we decided to make every effort to get as many leaflets as possible out there in as many different places as possible. The idea was that if someone did not receive a leaflet they might see something in the newspaper and if they did not see it in the newspaper they might hear about it on the radio. The idea was to use a number of different tools that were available to us within the budget and to get as much information out there as possible. We also mailed some leaflets to businesses throughout the city centre.

I add that we have won two industry awards for the consultation from the two industry bodies that look after the public relations industry: the Public Relations Consultants Association and the Institute of Public Relations (Scotland). The award from the latter organisation came through last week—

11:15

**Rob Gibson:** How were the roadshows advertised?

**Lesley Clark:** They were advertised in the leaflet and in adverts in the *Edinburgh Evening News*. They were also mentioned in the editorial coverage in the *Edinburgh Evening News* and *The Scotsman* and advertised on the radio.

**Rob Gibson:** You say that leaflets were available in shopping centres. Were they in piles on a table or were they handed out by people from the firm that you employed to distribute them?

**Lesley Clark:** People were employed to hand the leaflets out at the venues at which we had an exhibition. In the cases where we did not have an exhibition at the venue we had to go with what the supermarket or the shopping centre would allow us to do; in most cases, we were allowed to put a bin of leaflets in a prominent place.

**Rob Gibson:** Had you finished what you were going to say? I am sorry that I interrupted you.

**Lesley Clark:** I was going to add that the website that I mentioned earlier, which was set up prior to the consultation, was updated throughout the consultation. There was a mechanism for people to respond to us by filling in the response form that was on the leaflet or by e-mailing us.

**Rob Gibson:** Were submissions to the consultation made publicly available?

**Lesley Clark:** I will step back slightly to describe what we did when the consultation finished. We were asked to put together a report for TIE, which it proceeded to take to the council. As part of that report the responses to the consultation were summarised.

**Rob Gibson:** They were summarised, but the—

**Lesley Clark:** They were not all provided in full.

**Rob Gibson:** They were not made publicly available in full.

**Lesley Clark:** No.

**Rob Gibson:** Okay.

You mentioned the website. One would have thought that that might have provided an opportunity for the submissions to the consultations to be shown in full. You ran a project website throughout the consultation and beyond. What updating was carried out on the website and when was that done?

**Lesley Clark:** Updating is carried out at key stages, and the website continues to be updated—it will be updated throughout the process. We clearly had to change the website at the end of the consultation; for example, the tick boxes on the leaflet were not necessarily the right option for people to use to come back to us, but the freepost, freephone and e-mail options were still up and running, as they are today. At every key stage throughout the process—for example, when the preferred route was announced, when the bill was submitted and when new documents were made available—the website has been updated.

**Rob Gibson:** Were people made aware of the website's existence, apart from in the leaflets?

**Lesley Clark:** As far as I can remember, the website's address appeared on every piece of material that we put out. The website's address and the freephone number would be on any advertising that we did.

**Rob Gibson:** We are interested in how well the site has been used. How many page impressions has it had?

**Lesley Clark:** I do not have numbers for page impressions. I have a number for hits.

**Rob Gibson:** We are interested in page impressions, as hits can mean anything. Can you provide us with something in writing afterwards if you cannot give us information at the moment?

**Lesley Clark:** I will need to check and come back to the committee on that.

**Rob Gibson:** It is important for us to get an answer to that question and to know whether people got to the new information that you loaded up.

**Lesley Clark:** We have tried to keep the website simple and easy to use and to label all the information by the stages that the process has gone through. For example, we have tried to be consistent, clear and simple in labelling with respect to the initial background documents that were submitted to the council and the bill's accompanying documents—plans, maps, sections and so on.

**Mr Stone:** You have made some interesting points about leaflets going out, the website and so on, and you have already touched on what I am about to ask you about. I want to look at things the other way round—at the information coming back and the responses to what you have described in some detail. Do you want to say anything more about encouraging people to come back to you with information?

Secondly, you have talked about updating the website. I am interested in what the promoter did about considering the comments on feedback forms, the website and so on. I am interested in the process. What happened to that information? How much can you tell me about the reverse flow? For example, to what extent did such information impact on the website? Was your work on the website only promoter initiated? The process by which people responded is clearly of great interest to the committee. Will you elaborate on that? Do you want to say anything more about pulling responses back and what you did with the responses?

**Lesley Clark:** Through the provision of access by the website, e-mails, freepost, freephone, exhibitions and public meetings, there were many opportunities for people to respond and talk to us—indeed, I was briefed to encourage that throughout the consultation. I probably have to ask Andrew Callander to elaborate on what happened to responses when they came in. As a consultancy, we gathered the information and then passed it to TIE.

**Andrew Callander:** I can say what happened to the information and how we used it. The purpose of the consultation was to obtain feedback in order to inform the recommendation to the council on a preferred route, and ultimately for that recommendation to go in the bill. The comments

that came back from the consultation were therefore captured in a report. There were two objectives in doing that: to inform the promoter, so that it could understand what the feedback was; and to inform TIE, the engineers and the technical advisers, so that they could take the feedback into account in taking forward the routes. The process started as soon as the consultation ended, and the data were used. Everybody who responded to the consultation received feedback. We entered into dialogue with everybody who got in touch with the promoter through the freephone number and with anybody who raised issues with us. So there was on-going consultation and dialogue throughout the whole process.

**Mr Stone:** So you believe that you can demonstrate—in the process and by how things were changed and adjusted—that the information was flowing back and that you were reacting accordingly.

**Andrew Callander:** Yes. The railway corridor has been discussed today. I can offer an illustration of how the process went, if that would be helpful.

**Mr Stone:** That may be for another day.

In paragraph 108 of your response to our questions on the consultation, you indicate that

“both were satisfied with the final proposals”.

Can you elaborate on who “both” were?

**Andrew Callander:** The promoter—the City of Edinburgh Council—and TIE, which took forward the bill.

**The Convener:** I will ask a supplementary question before Phil Gallie comes racing in. You said that the purpose of the consultation was to inform. In earlier evidence, the accusation was made that the whole process felt quite passive. Is that fair? Do you think that the consultation process is intended not just to inform but to enable the promoter to act on responses? Can you highlight one thing that has changed in the bill as a result of something that you heard from the public?

**Andrew Callander:** The brochure makes it clear that the objective of the consultation was to inform and to obtain feedback on the bill. There were two areas where options were presented for line 1: Princes Street or George Street; and Telford Road or the railway corridor. By using the feedback that we obtained, we reached solutions that were based on preferred options. Feedback obtained during the consultation influenced other parts of the route. As a result of such feedback, additional investigative work was done on the shore at Starbank, where there is an area with a restricted pavement, and changes were made to the bill.

**The Convener:** I will return to this issue in a minute.

**Phil Gallie:** You stated that the consultation was designed to set the preferred routes and you just mentioned that there were two options in the consultation. Why was there not an element of openness to suggestions from the public? We might then have had a preferred route that was more in line with the public's thinking than preset routes to which they were given no alternatives.

**Andrew Callander:** It is difficult to strike the right balance between carrying out a consultation that can have a successful outcome and will produce a successful tram system, and doing that at the right stage of the process. We believed that we had worked up the design to the point at which we had enough information to put it before the public and to tell a story. There were some areas where we thought that there was a genuine need for feedback in order to finalise the route. We believed that the correct time to consult was when we did so last year, when the design had reached an advanced stage. At the start of the process, the public needs information on which to base decisions about moving forward.

**Phil Gallie:** I want to clarify the subject of the consultation. In the consultation, were you saying that there would be a tramline system, suggesting the routes that you favoured and asking the public to take it or leave it?

**Andrew Callander:** No. The consultation was based on the fact that we had done some work, and that work identified what we show in the brochure as our best estimate of a tramline. A lot of work went into that. In that context, we asked for comments to be given back to us.

11:30

**Phil Gallie:** It seems to me that the point has been missed. In the context of a consultation, people who live in a local area know a little bit more about what is required and what they want and they might have come up with some good ideas on that proposed route and perhaps changes to it.

**Andrew Callander:** They did, and people voted.

**Phil Gallie:** But when they did, you rejected the outcome for specific reasons.

**Andrew Callander:** Perhaps I could touch on that in more detail. For two of the options—the Roseburn corridor and the railway line—we did not ask people to vote. We said that we were seeking people's feedback on those options and we asked people to identify their preference. We also asked for their comments and the brochure highlighted some of the issues, such as cost and operational matters. In the event, 535 people recommended

that the line should go down the railway corridor. There was also a petition of 49 signatures from residents who recommended using the railway corridor. The other option was chosen by 715 people, plus a petition of 35. A further petition, signed by 23 people, was against using the railway corridor at all, which included the whole strand of that route. In addition to those votes, we got various comments that we categorised and fed into the results. We assessed how to take those views on board. We then discussed that with the council and stakeholders. The process went on in October—

**Phil Gallie:** I am sorry; will you identify the stakeholders?

**Andrew Callander:** The stakeholders are the local community.

We went to the City of Edinburgh Council's planning committee with a report on the consultation. The report identified the need for further consultation on mitigation matters affecting the railway corridor. The planning committee referred the consultation to the council executive.

Later in October, the council executive met and received a presentation from the local community stating its case. The council executive reported on that to the city's environmental scrutiny panel, which agreed that it needed to make a site visit to understand the issues.

Another meeting was then organised with the councillors and the community to discuss the routes. The environmental scrutiny panel then visited the route and the matter went before the full council when again deputations from the local community gave presentations and stated their views.

After that, we held another meeting with the community councils. Our contact with local communities has always been through local councillors; our route has been to consult the local councillor and the community councils, then set up meetings that respond to their needs. There was another meeting and a further planning committee meeting at which it was finally agreed to approve the route, subject to the final council meeting. The final council meeting in December took the decision to adopt the route. At that meeting, presentations were made by Blackhall and Groathill community associations. There was also a presentation from Drylaw community council, which was advocating the other route.

There was therefore a long process of consultation and balancing the issues before we got to the final decision.

**Phil Gallie:** Some of your comments do not seem to balance up with other information that we

have heard today. No doubt we can consider that in due course.

I have one observation. You referred to community councils a number of times, but we have already heard today that a considerable proportion of the area does not have a community council. How did you overcome that problem?

**Andrew Callander:** We set up a community liaison group initiative. In the area that you are talking about there have been seven meetings about the railway corridor. The community liaison group is the starting point. Through the council and the community councils we have tried to be inclusive and make sure that anyone who wants to come along to represent their community can attend those meetings.

**Phil Gallie:** It is interesting that you led on to the community liaison groups, because I was going to ask about their purpose and the actions that have resulted from activity within them.

**Andrew Callander:** There has been a degree of frustration among some of the attendees at the groups' meetings, because the council, on TIE's recommendation, has now taken a decision on the preferred route, so the purpose of the groups' meetings is to discuss mitigation of the impact and the background to how that can be addressed. We want to deal with the concerns that have been expressed. The broader debate about why we are where we are has happened in the process that I have just outlined. At the meetings of the community liaison groups, we have provided quite a lot of information on the preferred route, some of which has appeared on the website and has been submitted to the committee, as members will be aware. As regards environmental mitigation and the likely effects of the route, we are working up the designs all the time.

**Phil Gallie:** I have a question for the consultants. In your presentation, you spoke about putting up posters along Princes Street. Local residents have made to us the good suggestion that posters could have been put up right round the route. Did you do that, did you consider doing that and, if not, why not?

**Lesley Clark:** No, we did not do that. Numerous tools were available for us to use as part of our consultation. One can choose to advertise on television or not and one can choose to put up posters or not. We chose not to put up posters. We felt that the integrated plan that we had put together gave us good coverage of Edinburgh. In fact, the analysis that we did at the end of the consultation on the media coverage that was achieved and the advertising that we placed showed that a citizen of Edinburgh had 14 opportunities, as we call them, to say something about the consultation. Those opportunities gave

information about how to respond. We felt that the plan that we put together, which included the public meetings and the exhibitions, gave us good coverage.

**Phil Gallie:** From what witnesses have told us, many people along the route seem not to have received leaflets. I recognise the difficulties that sometimes arise with leaflet delivery. Was any thought given to the idea of sending addressed letters to the properties and communities that were most likely to be affected? Was that ruled out on the ground of cost or was it not considered to be effective?

**Lesley Clark:** I would need to check whether I have got anything written that shows that that was considered. As far as I am aware, the land referencing had not been done at that time, in which case it was not available to me to use. We hired a company to deliver leaflets in the areas that were most affected—in other words, the areas that the tram was to go through.

**Phil Gallie:** Your response of 20 September to the committee states that hot spots were identified along the route. Where are the hot spots and has consultation in those areas produced any results?

**Lesley Clark:** Do you mean hot spots where it has been shown that there is strong feeling?

**Phil Gallie:** I guess that that is what is meant in your communication—although perhaps it was TIE's communication.

**Lesley Clark:** I think that it was.

**Andrew Callander:** We have illustrated what is happening in a particular area. There are obviously areas in which local residents have concerns. Our main vehicle has been the community liaison groups that we have set up. The groups comprise TIE, the promoter—the council—and the local community and they allow us to engage and to progress matters. The freephone line is still open. We engage with and respond to anyone who gets in touch with us.

**Phil Gallie:** I probably missed this somewhere along the line. Can you recall how many hot spots you identified and where they are on the route?

**Andrew Callander:** I would need to check that and come back to you with an exact answer.

**Phil Gallie:** I would be grateful if you would do that.

**The Convener:** I come from the west of Scotland, so will you clarify something for me? We have heard about the Telford Road option and the Craigleith Road option—are they the same thing?

**Andrew Callander:** They refer to the same area and the same issue.

**The Convener:** Thank you. In that case, you have answered the questions that relate to that area.

**Rob Gibson:** I have some specific questions that objectors raised. How did you undertake consultation on alternatives to the preferred route, including those that were proposed by members of the public, such as the old railway route at Trinity?

**Andrew Callander:** The old railway route at Trinity was not the subject of consultation and was not included in the scheme. Initial work at the preliminary feasibility stage considered a range of routes in order to arrive at the preferred route and dozens of potential options were considered. Obviously, TIE and the promoter had to come up with a viable tram scheme, so we came forward to consultation with a viable scheme. However, we identified two areas in relation to which we thought that there were options that did not have a huge impact on the overall viability of the scheme and which would benefit from detailed public feedback. The railway corridor at Starbank was not one of those areas.

**Rob Gibson:** How did you respond to the members of the public who suggested that you should consider the old rail route at Trinity?

**Andrew Callander:** If we received feedback and issues came up in relation to certain areas, we took people's comments on board. We considered the suggestion that you mention and we produced a small report for the City of Edinburgh Council that explained why that option was not considered viable.

**Rob Gibson:** Did you inform the objectors directly?

**Andrew Callander:** Yes. That was done through the community council. There is a community liaison group and we worked with the council in the area.

**The Convener:** I think that Rob Gibson's question referred to direct contact with the individuals who thought that the suggestion was a good one, rather than to council reports or liaison groups. Did you go back to those individuals to explain why you were not pursuing the suggestion?

**Andrew Callander:** I would have to check on that.

**Rob Gibson:** This question relates to the situation with Norwich Union. What consultation did you undertake with newly affected parties following alterations to the route, such as the Haymarket realignment?

**Andrew Callander:** Perhaps I should clarify something. We have talked about changes to the route. When the consultation went out, the plan for

Haymarket showed a broad route that ran straight through the middle of Haymarket Yards. The plan did not specify where the route would be. A box on the consultation leaflet indicated:

"Work is currently underway to prepare a masterplan for Haymarket station. Plans are to integrate the tram line with any future development."

However, as Lesley Clark said, if anyone asked us about the matter during the consultation, we could identify the route that we thought at that stage was the most likely to be chosen. The route ran down the public transport corridor alongside the railway. It did not form part of the public consultation per se and it was not clear from the leaflet that that route would go forward.

We sought feedback from the Haymarket area and it became apparent that there was a possibility that the major redevelopment of Haymarket station would include the creation of heavy railway sidings, either to the north or to the south of the existing platforms, to add to capacity. Those sidings would be located where the proposed tramline was and would pose potentially significant technical problems. When that became apparent, only one alternative route for the tram was left, to the north of the original route. That is the route that we eventually opted to take forward. The tram would run down the road and into Haymarket Yards, as we heard.

At that stage, our advisers looked at the matter. We were aware that the line passed in front of commercial buildings, as indeed it does all around the route, but we were confident that any issues that arose could be resolved as part of the consultation and negotiation. In a sense, the selection of the preferred route is just a break point in the consultation. We went forward with the preferred route and immediately started consultation with the affected parties.

11:45

**Rob Gibson:** I presume that that was after March this year.

**Andrew Callander:** Everyone was notified in January.

**Rob Gibson:** We heard earlier that there was no discussion—

**Andrew Callander:** There was notification in January. All the affected parties were notified then.

**Rob Gibson:** They were notified, but consultation suggests a two-way process.

**Andrew Callander:** Detailed meetings started in March. With other parties it started earlier, in February. We have been talking to parties throughout the year to address their concerns, within the limits of deviation.



**Rob Gibson:** Can you tell me in rough terms what consultations you have had? How many times have you talked to Norwich Union about the issue?

**Andrew Callander:** I would have to come back to you with the exact number of meetings and letters, but there have been several meetings.

**Rob Gibson:** I would like that information, in general terms, if possible.

**Andrew Callander:** There have been two or three meetings, but I will come back to you with the exact details.

**Rob Gibson:** And the times, please.

**The Convener:** I would like to clarify a point. Earlier, we heard that notification was done by letter on 4 March 2004, but you now say that it was done in January. Some people say that they found out about the proposals only when the bill was published.

**Andrew Callander:** The bill was published in January. In March, we were proactive and in addition to the notification we wrote to say that we would like to talk about the issues.

**The Convener:** Are you saying specifically that you sent notification in January?

**Andrew Callander:** Yes. Everybody who was affected was notified. All affected bodies were notified in January.

**The Convener:** We are receiving evidence that is different from that, so anything that you can do to substantiate your point of view would be helpful to the committee.

**Mr Stone:** I will ask a couple of questions on specific objections. Lesley Clark told us that you won prizes for the consultation process, but I am led to understand that, from the 125,000 leaflets that you sent out, only 3,000 responses came back. Is that what you would expect in such an exercise? Secondly, when you analyse the 3,000 responses, how do you know that they represent what the people of Edinburgh think?

**Andrew Callander:** It is our best guess. We have done our best to establish what the feedback is and what people think. The other point is that people have access to their councillors, to TIE and to the current process to state what they think of the tram scheme. It is difficult to think what else we could have done. The consultation was our best attempt to gauge people's views on the scheme.

**Lesley Clark:** May I add to that? We would probably expect about that level of response. In our evidence, I included a quotation from the Direct Marketing Association on the level of

response that one can expect from a mailing, which is normally about 2.5 per cent.

**Mr Stone:** The response to your consultation works out at about 2.4 per cent.

My second question is about people walking their dogs. People will go some distance to walk their dogs, so some of the corridors are used by people who do not live in the area. How can you be sure that you have captured the views of wider users, such as cyclists, pedestrians and dog walkers?

**Lesley Clark:** As far as we were able, we consulted a number of community groups, such as cycling groups and environmental groups. Through them, we tried to canvass as much opinion as possible. You mentioned cyclists as a specific example. Although Spokes and other cycling organisations were able to take part in the full consultation, such groups were specifically invited to a number of what we deemed special interest meetings, two of which took place at the start of the consultation. Environmental groups, groups that represent certain sectors of the community, specific user groups, private transport groups and commercial groups were all invited to attend to talk about how, in a general way, their membership or peers would feel about the proposals and they were encouraged to respond as much as other members of the public.

**Phil Gallie:** I return to a question that I asked earlier. The term "direct mailing" has been used. To my mind, that implies personally addressed envelopes. The envelopes could have been addressed to households, not necessarily individuals, which would not have been a massive task. Do you have any figures from your professional body that demonstrate whether that would have been more successful than sending out leaflets with the paperboy, which, as happens in many instances, are not always delivered?

**Lesley Clark:** I do not have that information on me. Another route that can be used is the Royal Mail, which I think you are suggesting, but its slots were not available to us. The route that was available to us was to use a private commercial company.

**Phil Gallie:** Why was the Royal Mail not available to you? Was it because of constraints that were placed on your contract or was it because the Royal Mail could not handle your contract?

**Lesley Clark:** The Royal Mail did not have the space to do it. I believe that a number of companies that have used the Royal Mail route are now switching towards using private companies.

**Mr Stone:** I find that surprising, because politicians are in the business of getting stuff out—let us not go into the detail of that—and, if we cannot get a Royal Mail slot, we just wait until we can get one. That is my experience. Perhaps we do things differently in the Highlands.

**The Convener:** I am not supposed to be giving evidence, but in the west of Scotland we, too, use private companies linked to printers, so that approach is not unusual.

**Mr Stone:** Clearly, civilisation stops at Perth.

**The Convener:** I never said that; you did.

In the interest of balance, I point out to my colleague Phil Gallie that there are papergirls as well as paperboys.

I have a general question. Andrew, if you were to design the consultation again, what would you do differently?

**Andrew Callander:** We would adopt the same principles and processes and do the consultation in the same way. Obviously, with hindsight, we are aware of areas of concern. We are confident that we would check those. I think that we would do everything that we have done.

**The Convener:** That is not a fair question to put to you, Lesley, because you have budget constraints.

That ends our meeting today. I thank our two last witnesses and everybody else for coming along. The meeting has been quite lengthy, but it has been hugely entertaining at points.

*Meeting closed at 11:53.*

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