

EDINBURGH TRAM (LINE ONE) BILL COMMITTEE

Monday 5 September 2005

Session 2

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EDINBURGH TRAM (LINE ONE) BILL COMMITTEE **11th Meeting 2005, 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)

*attended

THE FOLLOWING ALSO ATTENDED:

Craig Connal QC (Counsel for SecondSite Property)

Laura Donald (Counsel for the Promoter)

Marysia Lewis (Counsel for CALA Management Ltd)

Ian Mowat

THE FOLLOWING GAVE EVIDENCE:

Mark Bain (Transport Initiatives Edinburgh Ltd)

Myra Barnes (Salisbury Jones Planning)

Rahul Bijlani (Bircham Dyson Bell)

David Bird (Savell, Bird & Axon)

Tom Blackhall (Transport Initiatives Edinburgh Ltd)

John Brown (DTZ Debenham Tie Leung)

Professor Brian Evans (Gillespies)

Will Garrett (City of Edinburgh Council)

Roger Jones (Transport Initiatives Edinburgh Ltd)

Mrs Alison Joy

Stewart Macintyre (SecondSite Property)

Scott McIntosh (Mott MacDonald)

Raymond McMaster (Dundas & Wilson CS LPP)

Steve Mitchell (Environmental Resources Management)

Andrew Oldfield (Mott MacDonald)

Archibald Rintoul (Scotland South East Valuation Office)

Karen Stevenson (City of Edinburgh Council)

David Todd (Dublin Street Residents Association)

Stuart Turnbull (Jacobs Babbie)

Gary Turner (Mott MacDonald)

Alan Welsh (New Town, Broughton and Pilrig Community Council)

CLERK TO THE COMMITTEE

Jane Sutherland

LOCATION

Committee Room 1

Scottish Parliament

Edinburgh Tram (Line One) Bill Committee

Monday 5 September 2005

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

Edinburgh Tram (Line One) Bill: Consideration Stage

The Convener (Jackie Baillie): Good morning, everyone and welcome to the 11th meeting in 2005 of the Edinburgh Tram (Line One) Bill Committee. I know that I speak for colleagues when I say that summer has flown by in anticipation of resumption of our consideration of the bill.

If members will bear with me, there are a number of matters that I require to put on record. First, as members will be aware, Jamie Stone resigned from the committee at the end of June. On behalf of my colleagues, I thank him for his contribution to the committee's work. Under standing order 9A.5.2, the committee can continue with four members. Needless to say, the committee remains committed to rigorous and fair scrutiny of the bill.

We are now at the consideration stage, in which we consider the detail of the bill. Our job is to consider the arguments of the promoter and the objectors and, ultimately, to decide between any competing claims. I put on record the committee's thanks to the objectors, the promoter and all the witnesses for their written evidence, which will be invaluable to us as we hear oral evidence. I reiterate that written evidence is of equal value to any oral evidence that we take.

At today's meeting, the committee intends to complete evidence taking on 12 groups of objections. For five of those groups, oral evidence will be given on behalf of the objector. The objector groups attended a timetabling meeting in May, at which the procedure for oral evidence taking was explained and the order of evidence taking agreed.

For each objection, the committee will hear first from all the witnesses for the promoter and then from all the witnesses for the objector. The promoter and lead objectors have also brought representatives who will, in some cases, ask questions of their respective witnesses and cross-examine the other side. Following the completion of each group's oral evidence, the committee will give the promoter's representative a maximum of five minutes to make any closing comments that she may have and we will then give the objector's

representative five minutes to make any closing comments that he or she may have. The closing statements should not introduce any new issues or evidence.

We have the written evidence before us—files of witness statements and rebuttals—as well as copies of the background documents that are referred to in that evidence. The committee will not tolerate the provision of written material at the meeting as that would be discourteous both to the opposing side and to the committee. In addition, the committee may rule out discussions on documents that were published immediately prior to the committee meeting and which neither the committee nor the opposing side has had time to consider.

I remind all witnesses and representatives that there is no need to repeat points that have been made previously in written evidence unless that is required directly to answer questions that are posed. I expect and require today's oral evidence to focus on the areas of disagreement. We have all the written evidence and it will all be taken into consideration when we reach a decision. I am sure, therefore, that we would all welcome clearness and brevity in both questions and answers. The committee will be fair to both the promoter and the objectors and it expects all parties to act respectfully to one another and, indeed, to the committee.

Finally, the committee is aware that negotiations will have continued after the submission dates for witness statements and rebuttals. Should objectors or the promoter wish, during oral evidence, to update the committee on the current state of those negotiations, I strongly recommend that that information is provided in response to questions as part of the evidence-in-chief of the appropriate witness.

I ask everyone to ensure that mobile phones and pagers are switched off.

We move to consideration of evidence in respect of group 21, which is Mr and Mrs Joy. Before we begin oral evidence taking in relation to the group, I have to comment on a couple of issues. First, the committee agreed at its meeting on 17 May that it did not wish to take evidence from the objector on the financial viability of the tram, on which topic I note that the objector proposes to speak. The committee has already taken evidence on the issue at the preliminary stage and I do not propose to revisit it today. Therefore I indicate to Mrs Joy that she must not address that issue in her comments.

In addition, the group has indicated in its witness statement the amendments that it would propose. Again, the committee agreed at its meeting on 17 May that, as the amendments are the natural

consequence of the group's evidence, it does not propose to take specific evidence on the amendments, although it expects witnesses to refer to them in the relevant part of the oral evidence on the issue. I note that the objector's witness statement mentions an alternative route via Leith Street. That issue was not contained in the original objection and therefore the relevant parts of both Mrs Joy's witness statement and the promoter's rebuttal witness statement will be ruled out with the scope of the objection. Are members content with that?

Members *indicated agreement.*

The Convener: In that case, no further evidence will be taken on the alternative route and we will disregard the written evidence on that issue.

In addition, the promoter has expressed concern about the comments in Mrs Joy's witness statement regarding the stop location. Having reviewed her original objection, and noting that the stop would fall within the limits of deviation that are proposed by the bill, I am content that the questions about the current placing of the stop that Mrs Joy raises in her objection are appropriate for discussion today.

Finally, I have been informed by the promoter that Aileen Grant is unable to attend today and will be replaced by Karen Stevenson for groups 21 and 24 and by Will Garrett for group 29. I understand that both of the replacement witnesses have adopted Ms Grant's witness statements and rebuttal witness statements in full and can therefore respond to questioning on that basis.

There are four witnesses for the promoter for group 21: Professor Brian Evans, Stuart Turnbull, Steven Mitchell and Karen Stevenson. Before we commence oral evidence taking, I invite the witnesses in turn to take the oath or make an affirmation.

PROFESSOR BRIAN EVANS, STUART TURNBULL *and* STEVE MITCHELL *took the oath.*

KAREN STEVENSON *made a solemn affirmation.*

The Convener: The first witness will be Professor Evans, who will be questioned by the representative of the promoter, Laura Donald, and then cross-examined by Mrs Joy. The witness will then be re-examined by Ms Donald.

Laura Donald (Counsel for the Promoter): Professor Evans, could you summarise briefly for the committee your role in the development of the design guide and in the tram project as a whole?

Professor Brian Evans (Gillespies): In my capacity as a partner of Gillespies, I was an adviser on urban and landscape design with respect to the environmental assessment process for tramline 1. I also convened a group of

representatives of the promoter, the planning authority and agencies such as Historic Scotland and the Edinburgh World Heritage Trust to consider the design issues that would arise from the tram system and to co-ordinate with my colleagues in Gillespies and the entire team the production of the first edition of the design manual dated March 2004.

Laura Donald: One of the issues of concern to Mrs Joy is the loss of the trees in Picardy Place, as well as outside the cathedral. What could be done about those trees if the tram project were to proceed?

Professor Evans: We have to recognise that design work is at a conceptual or feasibility stage and that what is being sought is parliamentary approval for a centre line and limits of deviation. As part of the detailed design, the promoter has undertaken to replace any trees that may require to be removed on a one-for-one or like-for-like basis. However, it might not be possible to replace those in situ; if it were, there would be no need to remove them in the first place. The issue is not so much the removal of a number of trees and their replacement somewhere in the system but the need for a designed response to the space as a whole to accommodate all the requirements that need to be introduced into the space.

Mrs Alison Joy: You note that it is the promoter's intention to replace trees that have to be felled on a one-for-one basis. You acknowledge that that may not be in situ. Does that mean, for example, that we could lose a number of mature trees at Picardy Place and they could be replaced in Leith somewhere, or would they be replaced within the area?

Professor Evans: I do not know the answer to that question, because it is a matter of detailed design. The promoter has given a commitment to replace trees. I imagine that that would be done with guidance about where trees could best be located to achieve best effect and to provide most aesthetic and amenity benefit.

10:30

Mrs Joy: In one of your rebuttal statements, you emphasise the importance of the Picardy Place area in both strategic and local terms. Why has no detailed environmental and townscape design been done for this important area? There appear to be very detailed plans for the proposed road and tram layout.

Professor Evans: I am not sure that I agree entirely with the first part of the question. There has been evolving consideration of a variety of issues relating to engineering and system requirements. My colleagues, who are better placed than I am to answer such questions, need

to take things to a certain level in order to demonstrate feasibility. At earlier stages of the work, we advised that, when the point of detailed design is reached following approval, there needs to be consideration of the space as a whole and of all the elements in the space: the movement of people, vehicles and the tram. We must consider the particular circumstances of this space, which is a hinge between Edinburgh's first new town and Leith Walk. In my written statement, I stress that it is a strategic location, as well as an area of local importance.

Mrs Joy: Do you agree that the townscape design, including vegetation and trees, is likely to be of higher quality if it is integrated at a very early stage?

Professor Evans: I agree that it is always appropriate to think of the aesthetic considerations early in the process. To a certain extent, such issues have been considered. In our review, we were asked whether it was possible to introduce the elements to which you refer and to produce a composed response to the space as a whole. We said that that was possible.

Mrs Joy: Excuse me for asking my next question: were you present for the site visit to Picardy Place? It was a rush on the day, so I do not remember.

Professor Evans: I do not think so, although obviously I have visited Picardy Place on many occasions.

Mrs Joy: In your most recent rebuttal, you say that the loss of some trees may open up views. How would views be improved by the loss of a dozen mature trees at Picardy Place?

Professor Evans: It is a factual statement that trees contain or screen space, and that taking them away may open up views and vistas. Those views and vistas may need to be redefined or contained in a different way. I did not mean to imply that one thing was better than another. However, if the spatial configuration changes, we must consider the opportunities that that presents, as well as any disbenefits that may arise from it.

The Convener: Much of your witness statement appears to be aspirational and to be dependent on things that will happen either outwith the build process or as part of a public realm strategy. I am keen to establish whether, if there is a policy of replacing trees, we will ever be in a position to say that the trees at Picardy Place will or will not be replaced at Picardy Place.

Professor Evans: There is space at Picardy Place for trees to be replaced, but I would not seek to do that gratuitously.

Phil Gallie (South of Scotland) (Con): You said that you "imagine" that the trees would be

replaced somewhere that would create community benefit. However, I gather that you are the adviser on these matters for the tramline route, so have you not already advised on the trees in Picardy Place?

Professor Evans: We were the advisers on these matters until the submission for parliamentary approval was made. We have not been advisers from that point onwards, but I was asked to act as a witness for our work.

To try to be precise in my wording, the design process is a continuous one, so one would seek to understand the set of circumstances that pertain in any particular place around tramline 1 and then, at the appropriate point in the process, design a response to that. If parliamentary approval is given, a design process will be initiated that will require to respond to the circumstances that were identified through the appraisal of the system by the environmental assessment—for example, the Scottish transport appraisal guidance process.

Phil Gallie: Correct me if I am wrong, but you seem to be saying that we must place our trust in those who will come along later. I doubt whether it is worth stating that the trees will be relocated somewhere. That seems to me to be a meaningless statement.

Professor Evans: I think that that statement expresses the promoter's aspiration to show its commitment to the Edinburgh environment. However, my own view as a designer is that the statement is a bit of a red herring because the most important thing is designing each space to accommodate its requirements—the existing and proposed uses. There is a series of existing uses in the strategic townscape location and junction of Picardy Place that relate to strategic issues for Edinburgh. Picardy Place is an important place, in which one moves from one neighbourhood of Edinburgh to another. Picardy Place is a place where people meet, but it is also a strategic transport junction. In addition, people live and work and spend their daily lives in the area. The design challenge is to reconcile the strategic requirements for Edinburgh as a whole with the detailed requirements of those who live and work in the Picardy Place area. That is the challenge for the designer of this space, if Parliament gives its approval and the detailed design takes place.

Helen Eadie (Dunfermline East) (Lab): On the issue of the trees, I note that the document that you submitted states:

"The use of avenue planting will be considered. Existing planting will be reinstated where there is sufficient space".

In your opinion, will sufficient space be left in the Picardy Place area once the tramline has been established?

Professor Evans: I am trying to be as clear as I can in order to help you. In my opinion, there will be sufficient space, but what is put into the space, if it is to work well for Edinburgh and for the local people, will be predicated largely on the way that it is composed. We cannot just say that we have a recipe whose ingredients are traffic movement, a tram, public space and trees. The design process must cook those ingredients and make them not only palatable but enjoyable. Therefore, the issue is not just whether there will be sufficient space. What will make Picardy Place a successful place in central Edinburgh, as opposed to being just a space, is how the elements of the space are composed. I am sorry—does that help?

Helen Eadie: Yes.

The Convener: I think that we are going to christen you the Delia Smith of the design. Ms Donald, do you have any follow-up questions for Professor Evans?

Laura Donald: Yes. Professor Evans, do you know whether the council has a one-for-one replacement policy for trees?

Professor Evans: I do not.

The Convener: There being no further questions for Professor Evans, I thank him for giving evidence. The next witness is Stuart Turnbull, who will be addressing the issue of the tram alignment in Picardy Place as well as transportation and traffic issues.

Laura Donald: Mr Turnbull, could you describe, in short terms, the area around Picardy Place both before and after the proposed tram work?

Stuart Turnbull (Jacobs Babbie): The junction at Picardy Place, encompassing the roundabout and the parking and servicing area, has been taken into account in the design work. The proposal, which has been developed in consultation with other members of the design team and the City of Edinburgh Council, would involve some modification to that junction, encompassing reconfiguration of the roundabout and the use of the parking and servicing area on Picardy Place.

Laura Donald: One of the concerns that were raised by Mrs Joy relates to the proposed configuration of the junction and the proposal that the road travel closer to the buildings on Picardy Place. Will further consultation be required before that is done?

Stuart Turnbull: Yes. As Professor Evans has explained, the design is an evolving process and, as I have explained in my witness statement, work was undertaken prior to the bill being lodged to demonstrate to the roads authority that the junction proposed would perform satisfactorily from an operational perspective. However, as the

design is taken forward and more detail is added, more consultation will be undertaken. The necessary consultation processes that are associated with traffic regulation orders will involve the local neighbourhood.

Laura Donald: Does that mean that Mrs Joy will have a further opportunity to comment?

Stuart Turnbull: Yes.

Laura Donald: In your statement, you comment on the way in which the junction solutions were considered. Mrs Joy has raised a concern about traffic grinding to a halt and queuing outside her property. Could you outline the way in which junctions generally operate?

Stuart Turnbull: It is important to realise that, in urban centres, a signalised junction works with adjacent signalised junctions as part of a network to facilitate as smooth a movement of vehicles through the network as possible. Mrs Joy has raised a concern about a short stretch on Picardy Place that would be between two sets of traffic signals. The traffic signals will be configured so as to maintain a free flow of traffic through such short stretches of road in order to make the junction operate satisfactorily.

Laura Donald: In your statement, you discuss the reduction in traffic flows following the introduction of the trams and mention a figure of 8 per cent. Is that reduction based on current traffic flows?

Stuart Turnbull: It takes account of the predicted flows under the central Edinburgh traffic management scheme proposals.

Laura Donald: So the figure relates to the situation that will pertain after the CETM scheme is implemented.

Stuart Turnbull: Yes.

Laura Donald: Do you have any comments on Mrs Joy's point about the loss of privacy for the residents in the flatted properties in Picardy Place?

10:45

Stuart Turnbull: Mrs Joy raised the issue of double-decker buses stopping on Picardy Place. As presented, the plans make no provision for having a bus stop located on Picardy Place; it is proposed that the bus stop would remain in York Place. I fully accept that traffic will be travelling closer to Mrs Joy's property and that that will involve some double-decker buses. However, the intention in designing the junction to maintain as free a flow as possible is for those double-decker buses to move through the junction rather than stop as they would at a bus stop.

Mrs Joy: You mentioned that if the traffic flow is brought closer to our house, there will be two pedestrian crossings, which I presume will give access to the proposed tram stop. The committee and other witnesses are probably aware that the stretch of street in question is quite short. Do you have any idea of the frequency with which those pedestrian crossings will operate? That is what I mean by traffic grinding to a halt on a regular basis at two points on the slip road.

Stuart Turnbull: As you say, there will be facilities to enable pedestrians to access the tram stop. There will be eight trams per hour in each direction. It is not an exact science, but the fact that there will be 16 trams running through that location every hour gives an indication of how often people will wish to cross to access the stop.

Mrs Joy: Given the fact that there will be two pedestrian crossings within a relatively short stretch of road, do you agree that, although no bus stop is proposed for Picardy Place, buses will stop reasonably frequently due to the pedestrian crossings?

Stuart Turnbull: Inevitably, any traffic using that link will be required to stop at the pedestrian crossings.

Mrs Joy: I will ask a couple of questions on junction design, if I may. In your most recent rebuttal, you drew an impression of a potential Greenside Place stop within the limits of deviation. Was that drawn over the junction layout that is proposed at present?

Stuart Turnbull: Yes. The purpose of that drawing was to indicate the impact on the alignment of the tram rather than on the potential reconfiguration of the junction, to demonstrate what I believe would be the significant issues associated with the tram alignment if it were to stop at Greenside Place.

Mrs Joy: If the Greenside Place side of the limits of deviation were to be considered in future as a possible location for the tram stop, would you expect some parts of the junction to be redesigned accordingly?

Stuart Turnbull: Yes. It is likely that a fairly extensive exercise would be required to reconfigure the junction if it were to accommodate a tram stop at Greenside Place.

Mrs Joy: If that were the case, some of the issues that you raise that could be problems with the Greenside Place stop might disappear with the reconfiguration of the junction.

Stuart Turnbull: It might be possible to mitigate the effect of some of the issues through the design process. However, there would still be significant engineering issues involved in running the tram almost at right angles as it left the Greenside

Place stop and turned into York Place. It would not be possible to mitigate the effect of those issues.

The Convener: Thank you, Mrs Joy. Do committee members have any questions?

Members: No.

The Convener: You have been let off very lightly, Mr Turnbull. Ms Donald may have some follow-up questions.

Laura Donald: I have nothing further to ask.

The Convener: There being no further questions for Mr Turnbull, I thank him for giving evidence.

The next witness is Steve Mitchell, who will address the issues of noise pollution, vibration and mitigation.

Laura Donald: I have nothing to lead on with this witness.

Mrs Joy: Mr Mitchell, in your rebuttal, you state that people noise is often masked by traffic noise and that you would expect that to be the case here. Is that statement based on the fact that traffic noise will be moved immediately in front of our door under the proposed layout?

Steve Mitchell (Environmental Resources Management): No, I think that I was talking about the current situation in which traffic noise levels are already quite high. It is a simple fact that if there is one noise and another noise is introduced, one noise may prevent the other from being heard clearly.

Mrs Joy: One of our concerns is the two pedestrian crossings that are proposed across the road and the traffic flow that will go immediately past our door. We are thinking about such things as traffic braking and starting again. Would you say that sudden noise of that type—for instance, one of the local buses coming to a halt—would be more intrusive than general continuing background noise?

Steve Mitchell: Mr Turnbull has given us a flavour of the extent to which vehicles would stop. By its nature, traffic stops and starts and there is a series of peaks. When one perceives traffic noise, one does not hear a constant sound signal; one's ear picks up a sequence of peaks. I accept that the characteristics of those peaks could change. As I have said, the noise level will go up at Mrs Joy's house. The air pollution levels could go up, as well. If her property is devalued as a result of those factors, or as a result of increased vibration from road traffic, she would be eligible for compensation in the same way as anybody else would be. All those physical factors would be considered in a compensation claim, if Mrs Joy decided to make one.

Phil Gallie: I have two points to make. Most pedestrian crossings these days have audible alarms, which can be quite intrusive. How will such an alarm affect Mrs Joy's property?

Steve Mitchell: Such alarms would be another source of peaks in the existing noise environment—they would be a new kind of noise and an additional characteristic of the noise. However, it is important to remember that there are all sorts of intermittent noises at her property at the moment. For example, vehicles pull off from scratch there; engines are started in Picardy Place, where vehicles are parked. Motorcycles are started and there is intermittent and peak noise associated with that.

Phil Gallie: I understand that. I was concentrating on what can be a very intrusive noise from pedestrian crossings. You acknowledge that there would be an added effect.

Steve Mitchell: There would be an added effect that would add to the mix of the dynamic noise environment that is already there.

Phil Gallie: Thank you.

There was a discussion about moving the tram stop and I think that Mr Turnbull referred to a requirement for a right-angled turn to be applied on the tramline if that were to happen. What effect would that have on noise levels and on Mrs Joy's property?

Steve Mitchell: An answer with respect to noise levels in general may be different from an answer with respect to Mrs Joy's property, because the tram stop would be some distance from her property. The stop would be at the far side of the junction, and there would be rather a lot of road traffic between the two. I could not comment on whether the bend would create any particular noise because I am not aware of an engineering design. We do not know any details of the bend or about any difficulties in negotiating it. Mr Turnbull merely stated that it would be a difficult bend to design and that it would slow down the tram considerably. There are other difficulties, one of which could be noise; however, I cannot comment on that without knowing the detail of it. A range of measures can be used to address the possibility of wheel squeal. If that was a concern, we would have to consider it when there was a design before us.

The Convener: We will pursue the question of compensation with Karen Stevenson later. I return to the frequency of trams. If I am accurate in working out what Mr Turnbull said would happen, a tram would pass Picardy Place once every four minutes. If we assume that passengers will be getting on and off at the two pedestrian crossings, that means that those pedestrian crossings are likely to be in operation once every two minutes.

Would that be general background noise or would it be more intrusive than the existing noise levels at Picardy Place?

Steve Mitchell: With respect, I am not sure about those numbers; for example, I do not know whether people will be crossing on every occasion on which a tram stops, whether people will cross in groups or whether the road will be clear, for example because of signals further up the road. I suspect that that is the case with buses stopping and starting. They will be stopping elsewhere and they may get a clear run through Picardy Place. As Mr Turnbull told us, these days the signalling of junctions is very clever in order to allow vehicles to pass through those sorts of stops. I do not know about the exact number of events.

Does your question follow on from Mr Gallie's comment about the sound of the pedestrian crossings or was it about the sound of the people?

The Convener: The question was about a combination of the two and their frequency. Given your comments about the general level of noise at Picardy Place, would that noise be subsumed by the general level of noise or would it constitute something more intrusive?

Steve Mitchell: I think that the crossings would be an additional source of noise in fairly close proximity to some of the properties. However, a number of the existing noises there at the moment are probably more intrusive. When I have been to the area in the evening recently, very loud music has come from the far side of the road. That would be far more annoying to me personally than the sound of a pedestrian crossing, which one would become more used to. People become used to those kinds of noises in the street.

However, I accept that the crossings would probably be a new kind of noise. We need to remember that we are talking about a lively part of town where there are all sorts of odd noises at the moment. The additional noise should be considered in that context.

Helen Eadie: I notice that Mr Mitchell's evidence states:

"The changes to the junction layout will also affect traffic speeds and the amount of queuing."

Does that mean that the traffic speeds will be faster or slower? Do you anticipate that the queuing will be much greater than it is at present?

Steve Mitchell: I did not mean to imply any of that. My colleague Mr Turnbull is anxious to answer the question—

Helen Eadie: It is not an implication; it is written down in your statement.

Steve Mitchell: The reason why I put that in my statement was that that was where I talked about

air quality. The potential change to air quality will depend, probably to a greater extent, on speeds and queuing in particular because emissions are much more sensitive to road traffic speed. That is why I said in my witness statement that I think that the air quality will probably be worsened, but it will depend on the factors that I mentioned. It is a rather complicated process to calculate and model that. With noise, however, the simple fact that its source is closer is more likely to mean an increase in noise.

Helen Eadie: You have still not really answered my question. I asked you what the impact will be. Will there be slower speeds, greater queuing or will there be faster speeds at that point?

Steve Mitchell: I honestly cannot give a detailed answer to that. All that I know for sure is that those factors will change. Mr Turnbull might be able to answer the question. I know that the factors will change, but I do not know how they will affect air quality and that is why I mentioned them in my statement. I am not trying to avoid answering the question; I just do not know for sure the details of the answer, although I know that there will be changes.

The Convener: Before I let you go, Mr Mitchell, I am advised that I should pursue the question of compensation with you, rather than with Karen Stevenson. I see Karen Stevenson smiling, so somebody is happy. If I picked you up absolutely correctly, you said that Mrs Joy is entitled to compensation. The reason why I am keen to explore the matter is not in relation to Mrs Joy's individual circumstances, but to discover whether the scheme offers sufficient mitigation. Have I picked you up correctly?

Steve Mitchell: I believe so.

The Convener: For the purpose of the record, in your view, is Mrs Joy entitled to compensation under the scheme?

Steve Mitchell: She is entitled to claim for compensation. I cannot comment on how successful a claim would be, but my understanding from the district valuer is that she would be entitled to put in a claim for compensation.

The Convener: There being no further questions, I thank Mr Mitchell for giving evidence this morning.

The final witness will be Karen Stevenson, who will address the issues of streetscape, visual impact and design.

Laura Donald: Will Ms Stevenson update the committee on the funding bid for the public realm design?

11:00

Karen Stevenson (City of Edinburgh Council): The council is currently bidding for funding from the Scottish Executive's cities growth fund, which has a deadline of—I think—October. Our bid is currently with the council management team, so it has got to the top layer. A decision on how to take the bid forward will be made in October.

Laura Donald: Will you also update us on the "Edinburgh Standards for Streets" manual?

Karen Stevenson: The "Edinburgh Standards for Streets" manual is the update of the council's planning guidance "Edinburgh Streetscape Manual". The updated manual was presented to the planning committee on Thursday 1 September, where it was approved for a consultation exercise.

Laura Donald: What will that consultation exercise consist of?

Karen Stevenson: The consultation will last for two months, but it is likely that it will not commence immediately, because the executive committee will need to view the document. Once it has seen the document and made further comments, the document will go out to formal consultation for two months.

Laura Donald: Who will be consulted?

Karen Stevenson: The consultees will be statutory and non-statutory bodies and members of the public. As well as making the document available on the council's internet site, we will send out letters to people so that it is available for everybody to view.

The Convener: Does Ms Donald have any further questions?

Laura Donald: Sorry, I was trying to compare the two different papers.

Will Ms Stevenson comment, on behalf of the planning department, on the realignment of the junction around Picardy Place? How will that be dealt with by the planning department?

Karen Stevenson: The realignment of the junction will be dealt with through the planning process, which will look at a more comprehensive public realm proposal for that junction. The planning department has identified that it would like to look at that arrangement and that it would require it to be reviewed as part of the on-going process in conjunction with the tram development.

Laura Donald: Will there be opportunities for consultation of the public on the realignment?

Karen Stevenson: Yes. If the council pursues a public realm proposal for that space, there will be an associated public consultation. As Mr Turnbull commented previously, the traffic orders will also allow an opportunity for comment.

The Convener: Does Mrs Joy have any questions?

Mrs Joy: How much funding is being sought for the tram public realm project?

Karen Stevenson: At the moment, funding of £1 million is being sought.

Mrs Joy: Is that for the whole of Edinburgh?

Karen Stevenson: It is for design work and implementation, so there are two parts to it. At the moment, we are focusing on the design stage.

Mrs Joy: How much of that sum might be allocated to Picardy Place? I appreciate that you will not have exact figures, but can you give us the general proportion or a round figure?

Karen Stevenson: I do not have an answer to that question: we have not yet undertaken an exercise on that level of detail.

Mrs Joy: Given the current stage of the general trams project, how much of the funding has been secured?

Karen Stevenson: Through this particular bid, no funding has yet been secured for design work. A small amount of money has been attributed to the tram contribution process, but I do not have a figure for it.

Mrs Joy: Ms Grant has stated that it is important to the council for the townscape design to be holistic. If that is so, why were parts of the townscape design such as trees, pedestrian spaces and provision for statues to be moved—the statues in Picardy Place are well known and liked—not incorporated into the traffic and tram layout at an earlier stage?

Karen Stevenson: The traffic and tram layouts that are currently before us were prepared by Transport Initiatives Edinburgh Ltd. The planning authority's role is not to prepare such layouts but to seek to achieve the optimum design solutions and to raise concerns about layouts. That was why the planning authority felt that it was appropriate to look at that space. Obviously, certain parts of the trams system warrant more detailed design consideration than others—Picardy Place was one of those. As other witnesses have said, the layouts that are currently before us set out the function of the traffic circulation and the trams, but they do not consider wider pedestrian movement and the general amenity of the space. That would come out in a more detailed design. Professor Evans has outlined what that would mean and has described the overall design approach that we would need to take to that space.

Mrs Joy: Am I right in thinking that no design for that area, whether in detail or in general, is yet available for the public to look at?

Karen Stevenson: There is not a design, as far as I am aware—certainly not from the planning authority's point of view.

Mrs Joy: Thank you, Ms Stevenson.

The Convener: I invite questions from committee members.

Helen Eadie: Could you clarify whether the area is within the world heritage area?

Karen Stevenson: Yes, it is.

Helen Eadie: So will particular regard be given to all aspects that are required to protect that environment?

Karen Stevenson: Yes—that is part of the planning policy and process. The tram design manual also alludes to and sets out those aspirations.

Helen Eadie: I note that in the papers and witness statement that he submitted Professor Evans expresses some concern about funding for the design. Given that you do not have a detailed design in place for the public to see, that is something that also concerns me. Would you like to comment on that?

Karen Stevenson: In respect of the wider design for Picardy Place, we are talking about wall-to-wall design. The tram itself obviously does not involve design for a wall-to-wall approach, but traffic circulation will have to be considered as part of the design, and that will take up a considerable amount of the design of the space. As part of the process, there will have to be consideration of the transport layout; the wall-to-wall design will be a layer on top of that. That will ensure that, if we have to provide funding, we will know exactly what parts are involved and what amount of material or design detail the council will have to include in order to supplement that design in the future. I still think that there will be a design outline that will consider transport and pedestrian movement as part of the proposal.

Phil Gallie: My understanding is that there is £375 million for both tramlines, but you are saying that, for aesthetic reasons connected with the provision of the tramlines, the City of Edinburgh Council is going to find another source of funding. Is that right?

Karen Stevenson: Yes. If the tram is going to affect certain spaces, we want to ensure that we can supplement that so that we have a wall-to-wall design response rather than just having the tram features and the road design renewed while leaving certain sections of pavement unrenewed. We are trying to look at the matter in a comprehensive way.

Phil Gallie: From the bid that you have made, it appears that you feel that 0.3 per cent of the

overall costs will be sufficient to look after those matters. Is that a realistic appraisal?

Karen Stevenson: That is an initial bid, but we do not know what total fund we need to achieve because we have not been through the detailed exercise yet.

Phil Gallie: You have made the bid, but you have no guarantee of getting that cash, so once again we are talking about an act of faith.

Karen Stevenson: Quite possibly, but there will certainly be moneys available from other sources as well. The council has a maintenance budget and there are other sources of funding, but that bid was pitched at a fund for one specific end use.

Phil Gallie: I might be straying off the point, but that suggests that there could well be an added cost for City of Edinburgh Council rates payers.

Karen Stevenson: I could not answer that.

Phil Gallie: If there is another source of funding available to the council, that suggests to me that rates payers will bear the cost.

Karen Stevenson: The council would obviously not be able to do some of the wall-to-wall work. It would have to leave that for a future stage if funding for the work was not available.

The Convener: Could I ask a supplementary question? Let us suppose that you did not get the funding. Would the planning department then insist that the works that you think are required be carried out as part of the design manual for the tram?

Karen Stevenson: No. There is an undertaking that only the public realm of the tram corridor will be delivered to fit with the design manual aspirations for what the council aims to do. The design and layout will obviously meet our approval, but the physical implementation of certain footpaths or links with existing areas would have to follow on.

Laura Donald: Have you been successful in seeking funding for work in the public realm before?

Karen Stevenson: Yes.

Laura Donald: So funding is available.

Karen Stevenson: Yes.

The Convener: As there are no further questions for Ms Stevenson, I thank her for giving evidence.

We move on to take evidence from the objector's witness. As Mrs Joy does not have a questioner during her evidence, she can make a brief opening statement in which she will address any issues that arise from the promoter's rebuttal

of her statement or from her rebuttal of the statements by the promoter's witnesses. Ms Donald will then cross-examine Mrs Joy before she makes her closing statement.

MRS ALISON JOY *made a solemn affirmation.*

Mrs Joy: Am I right in thinking that I should go through my evidence subject by subject, following the order in my statement?

The Convener: Absolutely.

Mrs Joy: I begin with the issue of noise. It is useful to know that compensation would be available. That is great but, from our point of view, it is much more important that we preserve the amenity not only of our home, but of what we consider to be our community area.

I disagree slightly with Mr Mitchell's statement that traffic noise levels may not increase. Because the east-bound traffic will run right by our door rather than several feet away from it, as is currently the case, noise nuisance will certainly increase.

Mr Turnbull acknowledged that up to a quarter of the traffic that passes through the junction will go past our door and windows. In relation to Mr Turnbull's rebuttal, I clarify that we have not argued that the trams will increase the traffic, but that the traffic increase that the central Edinburgh traffic management scheme will cause will be moved closer to us by the proposed layout.

A further point is that we do not hear noise from any pedestrian crossings at the moment. There is a crossing up by the St James Centre and another down by the Playhouse Theatre, from which we suffer no noise nuisance.

Mr Mitchell has said that Picardy Place is busy with pedestrians. It is certainly a busy area, but at the moment it is an area through which people pass en route to somewhere else—Broughton Street, Leith Walk or Leith Street, for example. We fear that the tram stop will draw large numbers of people throughout the day and night. Our experience—which may differ slightly from Mr Mitchell's professional experience—is that sudden isolated noises, such as braking, traffic starting again or late-night rows and shouting at tram stops, are much more intrusive. Under the present proposals, the stop will be very large indeed and we feel that it will draw a large number of people.

With reference to noise from the junction design, if the Greenside stop was considered, I do not think that there would necessarily be a problem with wheel squeal and so on on a very sharp right turn because there seems to be, within the limits of deviation, a great deal of room to run a tramline that could go on a fairly wide sweep; there would not need to be extreme curves close to the current kerb line.

Under the layout that is proposed at the moment, there is quite a large central space that appears to be underused. In my view, it would be possible to take the tramline closer to the Greenside deviation limit, but still to draw it on a much softer sweep or a much more general curve leading back into Queen Street, rather than use the more exaggerated curves that Mr Turnbull suggested.

Those are my points on noise.

The Convener: Please proceed with the entirety of your statement. We will then come to Ms Donald.

11:15

Mrs Joy: Vibration pollution was more or less covered under noise. We have received a response on that issue.

The next issue is loss of amenity, specifically vegetation such as trees and so on. Professor Evans made the point that our use of the phrase “green belt” was simply figurative and was not meant in any way to refer to the statutory planning term. Paragraph 5(B) of the design manual states that there is a presumption against felling or even pruning mature trees. Unfortunately, we still have not been given any indication that any effort has been made to design around the trees, to reduce the number that may have to be felled or to replant in the immediate vicinity. We also think that the suggestion that felling of trees will open up views is a bit of a red herring. New St Andrew’s House is not a thing of beauty, and I am not sure that any of us will benefit from better views of it.

We have received a detailed response on the issue of privacy.

The next issue is visual amenity. Our assumption that the tram stop will be large and intrusive is based on the preferred layout that Mott MacDonald has proposed. As far as we are aware, no townscape design is available at present for the public to consider. Mott MacDonald’s environmental statement acknowledges that the impact on Picardy Place will be major and adverse. Karen Stevenson mentioned that an holistic design process is hoped for, but the public realm design is separate from that. If the preferred traffic layout is promoted without integrated design—which must await future funding and traffic regulation orders—an important opportunity to design the space as a whole will be lost. We hope that by “holistic”, the council means designed for residents and people on foot, as well as for travellers passing through the junction.

Karen Stevenson and Aileen Grant stated that the tram and traffic alignment cannot be considered as fixed until prior approval has been

given. We are concerned that, if the alignment is not fixed, it may be possible for some of the issues that we have raised to be sidestepped. We also have a great deal of concern about the somewhat nebulous state of funding.

To sum up, we go with paragraph 2.24 of the design manual, which states:

“Good Enough is Not Enough”.

It is not enough for the council to aspire to good design, if and when it gets the necessary funding. We are not just passing through this junction—we live there. We will have to live with and look at whatever is eventually approved for a very long time.

Laura Donald: In your rebuttal, you mention that there are several flats in each of 2, 6a and 14a Picardy Place. Do you know how many flats there are?

Mrs Joy: There are about a dozen. There are five flats at number 6a and a similar number at numbers 14a and 2. You will find the details in the rebuttal.

Laura Donald: Do you know whether any of those flats’ residents have objected to the tram proposals?

Mrs Joy: I do not. However, when the proposals were first made, none of us received notification of what was happening. I asked quite a few people in flats and businesses in Picardy Place, and to my knowledge none of them received any notification from either TIE or the council that this major development was to take place right on our doorstep.

Laura Donald: Did you speak to all the residents to confirm that they had not received any information?

Mrs Joy: Obviously I did not speak to every person on the street, but I spoke to as many as I could, including quite a few people in businesses and a couple of people in the flats.

Laura Donald: You wrote to your MSP about the matter.

Mrs Joy: Yes. I also wrote to several councillors.

Laura Donald: The same route was open to your neighbours.

Mrs Joy: Yes.

Laura Donald: Following your letter to your MSP, you received a letter of information from TIE.

Mrs Joy: Yes. That was the first communication that I received from TIE.

Laura Donald: You received it in February 2004.

Mrs Joy: Yes—that is about right.

Laura Donald: How long have you lived at your current address?

Mrs Joy: Seven years.

Laura Donald: Were you aware that, before the current road configuration was put in place in the early 1990s, the road ran down the slip road that we are discussing?

Mrs Joy: Yes. I believe that the change to the current roundabout was part of the previous council's plans for a system that was to take flyovers over the Meadows.

Laura Donald: Are you referring to the change to the current roundabout?

Mrs Joy: Yes. The roundabout is there because there was going to be an inner ring road that would zoom through the town centre and take a flyover across the Meadows. That is why there was all that demolition in the first place.

Laura Donald: Mrs Joy, do you accept that you live in a city-centre location?

Mrs Joy: Yes, of course.

Laura Donald: You said in evidence that it is quite busy, although you talk about it being busy with through traffic.

Mrs Joy: Through pedestrians rather than through traffic. There is little through traffic, because the road is a slip road.

Laura Donald: But you have the roundabout and a fairly large junction close to you.

Mrs Joy: We do, although as you will know the route that the junction takes eastbound from Queen Street going towards the roundabout is angled away from the Picardy Place slip road, so we have somewhat more privacy and less noise intrusion at present.

Laura Donald: On the basis of road traffic.

Mrs Joy: Yes.

Laura Donald: What about pedestrian traffic? Is it quite busy?

Mrs Joy: Fairly, during the day. At the moment, it is through traffic.

Laura Donald: What about at night time? You have the Omni centre and the theatre close by and restaurants round both corners.

Mrs Joy: The restaurants round the corner are at the top of Leith Walk, which is not on Picardy Place, and on Broughton Street. Again, we do not get noise from round the corner. The Omni centre is across the full width of the junction, so we do not get any noise from that. The same applies to the Playhouse theatre, which is on the far side of the junction at Greenside.

Laura Donald: So you do not get noise from those areas or places, but do you get noise from through pedestrian traffic heading for those areas?

Mrs Joy: Occasionally, yes.

Rob Gibson (Highlands and Islands) (SNP):

In general, the tram development is expected to increase the noise in your area, both from traffic and from the tram. Mr Mitchell pointed out that there is noise from the other side of the street. How much of the noise that you hear from your house comes from the immediate traffic or from the surrounding area?

Mrs Joy: Are you referring to noise from the Omni centre?

Rob Gibson: Yes. You referred to loud music in particular.

Mrs Joy: We are not aware of any noise from the Omni centre, because it is quite a long way across the junction—it is on the opposite side and the kerbs are quite wide—and presumably because it is a modern building.

Rob Gibson: Mr Mitchell referred to noise from loud music. What proportion of noise that you experience in your home results from loud music and other social noises in the surrounding area?

Mrs Joy: We are not aware of anything of that nature from any location in Picardy Place. Occasionally in the summer when windows are open we get some music noise from Broughton Street, which is okay, because we acknowledge that we live in the city centre. With that type of music noise, it is possible to redress the problem by applying to the council over issues such as licensing, which means that nuisance can be managed should it occur.

Phil Gallie: Do the trees that you referred to act as a sound baffle with respect to the music across the road?

Mrs Joy: Obviously, I am no professional, but our feeling is that they act as a sound baffle to the traffic. They certainly do not act as a sound baffle for noise across the road, because we do not get any noise from music in the Omni centre. As I said, the Omni centre is a modern building and I presume that all the nightclubs are downstairs. To clarify, we are not aware of any noise nuisance from the Omni centre—it is simply too far away, because it is on the other side of the junction. However, the trees help with the traffic noise.

Helen Eadie: You said that you did not receive notification of consultations. When and how did you first become aware of the proposals?

Mrs Joy: I read something in the newspaper, but the proposals were at a relatively advanced stage by then. Understandably, I was horrified. Even at that stage, the only information in the

public realm was that there would be a Broughton Street stop. There was no detailed indication of how the scheme would affect the junction layout or of the fact that the traffic would come closer to us. Even at the stage of TIE's public consultation, we did not have the details to enable us to respond effectively. As I said, we did not get any initial consultation or notification at all.

Helen Eadie: You mentioned the need for an holistic approach. The documentation that you sent us states:

"The wider wall to wall design should now be taken forward as a major element of the public realm design".

You state:

"it is clear that the tram project will not deliver the streetscape improvements which will be needed if the tram is to fit seamlessly and successfully into its urban context."

However, you go on to acknowledge:

"It is only through [Tram Public Realm Strategy] that the aspiration of wall to wall streetscape improvements can be delivered".

Mrs Joy: Those are direct quotes from the design manual. My understanding of the council's documentation is that those responsible for the tram project, who I understand include the council and TIE, will simply deliver the tram and the associated infrastructure within the tram corridor, which is presumably the two lines, the associated stops, the overhead wires and so on. The tram public realm project—that is, the wall-to-wall design, the townscape, the streetscape and so on—will have to be delivered separately with separate funding. I believe that that is what Ms Stevenson was discussing.

The Convener: Before I let Mrs Joy make her closing statement, I indicate that at the consideration stage we are not taking evidence on the efficacy of the consultation. The committee took a lot of evidence on that at the preliminary stage. I point that out—not just for Mrs Joy's benefit but for the benefit of future groups who will be in this room—to send a signal that I am not interested in the consultation at this stage. I invite Mrs Joy to make any closing remarks.

Mrs Joy: I think that we have pretty much said what we wanted to say. I would not want to detain you any longer. We have made the points that we think need to be made. We hope that the issues that we have raised will be considered further and that we can all come to a good solution.

The Convener: Thank you for giving evidence today.

We move on to the formal closing remarks. Ms Donald has up to five minutes to make any closing remarks that she wishes to make about the evidence relating to this objection. I will then come back to Mrs Joy, who will have the same amount of time.

Laura Donald: I will wind up briefly in relation to the objection points. It is noted that a large part of the objection relates to noise and other nuisance as a result of the traffic being brought closer to Mrs Joy's property. Of course, the roads authority could at any time have chosen to reconfigure the junction, as it did in the early 1990s. Under such reconfiguration, Mrs Joy might not have been entitled to the compensation or insulation that she may be entitled to in this case if she makes an application.

The point is made on the understanding that Picardy Place is a fairly busy area of the city centre. It is appreciated that it is a through area, as Mrs Joy has pointed out. It already carries a large volume of traffic—at a distance from Mrs Joy's property—and that will, no doubt, increase with the advent of CETM. It is clear that residents in the area already choose to live with a higher level of noise than others may.

As we heard from Mr Turnbull, the tram proposal will slightly reduce the amount of traffic. It is recognised that Mrs Joy will suffer some loss of amenity, but Mr Mitchell's evidence was quite clear. If the loss is substantial, Mrs Joy may be eligible for an element of compensation. Mr Mitchell was unable to say whether she would be eligible, but she is able to apply for compensation for noise, vibration and pollution.

We heard from Mr Turnbull about the workings of the junction, about the fact that work can be done to ensure that as far as possible there is free-flowing traffic past the property and about the general reduction in traffic flow that I have touched on. Those factors are all positive and they can assist in dealing with some of the issues in the objection.

11:30

The evidence before the committee shows that the planning authority is working on the design of the public realm and will continue to do so to allow the holistic approach that Mrs Joy mentioned. In relation to landscaping, specifically vegetation, the trees were planted only in 1991; Professor Evans gave evidence that like-for-like or one-for-one replanting is envisaged.

I will briefly touch on the various amendments to the bill that Mrs Joy has proposed. She said that the tram stop should be removed to a position outside the Omni centre but, although that might have been an option if the tram route was up Leith Street, it is not technically an option in relation to the route that we are discussing, as we heard from Mr Turnbull. Notwithstanding the fact that the promoter considers that there might be impacts on Mrs Joy's property, those impacts can be mitigated—progress is being made at this early

stage to do that and to ensure that the area is considered as a whole and that the design enhances the area in so far as is possible.

Of course, Mrs Joy has a continuing opportunity to make representations as part of the process. She has been invited to make representations in relation to the consultation on the design manual and the planning authority has written to all objectors for their comments. Further, she will be able to make representations in relation to the traffic regulation order that will be required as a result of the junction reconfiguration.

Mrs Joy: In a previous rebuttal, Ms Grant acknowledged that the council accepted that the current townscape design is not optimal in terms of making the best use of public space. We simply hope that TIE and the council are willing to re-examine the proposals for the area, although our concerns about the funding for that design remain.

The Convener: I thank all the witnesses. That concludes oral evidence on group 21. The next group on which we were to take oral evidence was group 22, with Land Securities Trillium Ltd, but, as the objection has been withdrawn, we now move to group 28, with CALA Management Ltd.

Before a host of witnesses appears at the table, let me say a couple of things. Having reviewed the papers, I find that I am slightly unsure about the purpose of taking oral evidence on this group. Although I can see that there might be some questions about the compensation process, the bulk of the written evidence appears to be about whether the promoter will be purchasing the whole or part of the site and, to an even larger extent, about the amount of compensation that is due. In my view, that is a matter for the promoter and the objector and, if there is disagreement, the Lands Tribunal for Scotland. Do members agree?

Members indicated agreement.

The Convener: I welcome the witnesses to the table. From my reading of the rebuttals, it appears that the witness statements of Andrew Oldfield and Rahul Bijlani are agreed with, in which case I do not see any reason to call those witnesses for questioning. Is that agreeable to the promoter and the objector?

Laura Donald: Yes.

Marysia Lewis (Counsel for CALA Management Ltd): In part. I will not be putting any questions to the latter witness, who deals with human rights. On the other hand, Andrew Oldfield comments on land use and planning and it is in respect of those that I would like to ask him one or two questions. I take the convener's point regarding other issues but, bearing in mind that I have a planning witness with me, I believe that land use and planning are important in this context.

The Convener: What will you be trying to achieve with that line of questioning?

Marysia Lewis: It is important that the committee is made aware of a number of issues. The first relates to the background and the acquisition of the site. I appreciate that a lot of that appears in Mr Whitaker's statement, which is very detailed, but it is important that the committee understands the context in which the site was acquired. We move on to the matter of what CALA and Forth Ports hoped could be achieved on the site. That is where we come to the planning aspects and the planning witness. In his statement, Mr Oldfield describes what he believes will happen to the site in future, as do Mr Rintoul and Mr Murray. My witnesses take a contrary view and I think it only prudent that several questions be put to Mr Oldfield. There is a tension in the evidence.

The Convener: Why do we need to understand the context, given that we have a wealth of detailed written evidence that helpfully gives us the background? Secondly, why do we need to have a further discussion about planning?

Marysia Lewis: I was not at the earlier hearing, so you have to bear with me on that. You mentioned in your introduction the extent of the land take required and whether it was the whole or part of the site. That is part of the problem for my client: it does not know whether the land take required is all or part of the site. If part of the site is surplus to the requirements of the council and TIE, what happens to it then? Will sufficient land be left over to enable some form of development? The plans seem to indicate an issue of landlocking, of which the committee needs to take cognisance.

The Convener: I refer you back to what I said earlier. The question whether all or part of the land is being acquired is not one for the committee; it is more properly for negotiation between you as the objector and the promoter and, in the event of disagreement, it is a matter for the Lands Tribunal. I am being quite firm in saying that you will not get that in today. I accept that you were not here for the earlier hearing, but we wrote to your firm of solicitors on 15 July 2005, setting out all these matters and indicating clearly the approach that the committee was likely to take. We gave you a kind of heads-up on what we were going to do today. Unless there is anything further, I intend to proceed as I originally suggested—I hope that Ms Lewis feels that she has had the consideration of the committee. I will check with my colleagues that they are so minded.

Members indicated agreement.

The Convener: Thank you. Let me therefore proceed on the basis that we will not require Andrew Oldfield or Rahul Bijlani, although it is nice

to see you both again—we are saving you for later. Kevin Murray, Kevin Whitaker and Anthony Thomas have provided us with sufficient written evidence for us to understand the background to the objection, so further oral evidence is not necessary. Kevin Murray's statement appears to reiterate the compensation provisions and guidance already available and as such it has not been rebutted, so I do not propose to call Mr Murray, either. I propose to take evidence only from Archie Rintoul and John Brown and only on the compensation process.

Having reached those conclusions with the support of my committee, for group 28, I call Archie Rintoul as the only witness for the promoter, to be followed by John Brown. I ask John Brown to make his way to the table and for the other gentlemen, Andrew Oldfield, Rahul Bijlani and Kevin Murray, to stand down. Mr Rintoul will address the compensation process.

ARCHIBALD RINTOUL *took the oath.*

Laura Donald: I have no questions for the witness at this point.

The Convener: That was quick.

Marysia Lewis: Mr Rintoul, you read the statement that was lodged by Mr Brown prior to this hearing. He describes in some detail the processes that he perceives will be followed in connection with the project and how it will affect the CALA site. Do you take issue with anything that he mentions in his statement?

Archibald Rintoul (Scotland South East Valuation Office): By and large, no, although in my rebuttal statement I drew attention to a few points with which I was in dispute.

Marysia Lewis: What are they? It would be helpful for you to go through them for me.

Archibald Rintoul: First, I did not accept that in the absence of the scheme, planning consent would necessarily have been obtained for residential use. That is an important consideration in terms of the amount of compensation. The assumption appeared to be that in the absence of the scheme, planning consent would certainly have been available for residential development. I do not know whether that would have been the case. I would consult and seek the advice of the local planning authority on whether residential development would indeed have been permitted.

Marysia Lewis: So you are not in a position to provide any assistance to the committee in connection with that matter.

Archibald Rintoul: It is a planning matter that would have to be raised with planners.

Marysia Lewis: Other than that point about the eventual land use, or the use that could have been

achieved, is there nothing else in Mr Brown's precognition with which you disagree?

Archibald Rintoul: On valuation, I certainly cannot say that I agreed with Mr Brown's suggestion that the value of the site would be £2.55 million. That figure depends on the assumption that residential development would have been permitted.

Marysia Lewis: I have no further questions for the witness on the basis that he is not a planning expert. It would get me nowhere and waste your time, convener.

The Convener: Thank you. There are no questions from committee members and as Ms Donald has no follow-up questions for Mr Rintoul, I thank him for giving evidence this morning.

We move on to evidence taking from the objector's witness.

JOHN BROWN *took the oath.*

The Convener: Mr Brown will address land valuation and the compensation process.

Marysia Lewis: Mr Brown, in the detailed precognition in the rebuttal statement that you lodged, you proposed certain views in relation to processes that should be followed through from here on and about how compensation would be assessed in relation to the site. You have read the rebuttal statements that were lodged by Mr Rintoul and his colleagues. Is there anything in them that gives rise to concern and which you would like the committee to take into account today?

11:45

John Brown (DTZ Debenham Tie Leung): My major concern is about process. Mr Rintoul was clear in his rebuttal statement and in his understanding of the job that he has to do, which is really set down by statute.

At issue are various points of valuation, which we will need to agree on at a later date. For compensation, a compulsory purchase procedure would normally have a date by which valuation would be agreed, known as the valuation date or vesting date. However, in this case, we do not have a valuation date, as the date has been moved to the point at which we will finally discuss valuation. Otherwise, we would need to agree the date on which the valuation should be based. As a general rule, that applies to almost all the issues of compensation that have been presented to the committee by ourselves and others.

As far as I am concerned, the valuation will be based on what the site might be worth at the time that we agree to discuss it. The valuation that I prepared looked towards a settlement at or around the time that the bill was first envisaged. That

valuation looked at the prices that a reasonable person who considered the development framework in Edinburgh might place on this particular site, given its place in the planning framework and how it might be seen in the general marketplace. That is how the valuation was undertaken. It was done on a residual basis of value.

Marysia Lewis: Earlier, Mr Rintoul said that planning issues are partly what drive the valuation of the site. Can you assist the committee by saying something about planning in so far as it relates to the site?

John Brown: Mr Rintoul was absolutely right in his evidence. The value of every site—wherever it might be—is based on its present-day value, which involves the planning assumptions that can be made now or in the future. On that basis, the planning assumptions that can be made are vital to the valuation of the site. We need to aspire to understand those assumptions.

Marysia Lewis: Your principal statement concludes that it would not be appropriate for the site to be divided. Why did you reach that conclusion?

John Brown: As can be seen in the CALA statement, what is called a 2-acre site was originally a 1-acre site. The reason for that is that, originally, CALA provided TIE with a 1-acre site for the tram depot. However, that would have meant that the tram depot would have been behind the site and almost the whole frontispiece of the site would have been taken for additional tram works. That would have left an incongruous area, which I do not believe would have any development status. With tramlines directly in front of it and a tram depot directly behind it, the area in question would have been so lost in its place that its potential use and development would have been compromised. Therefore, I believe that the whole site would require to be taken. Under the compensation acts, it would be land held with land taken and subject to compensation for injurious affection. I am sure that Mr Rintoul will discuss that with me.

Marysia Lewis: I have no further questions.

The Convener: I seem to recollect saying that I did not want a discussion about whether whole or part of the site needed to be acquired, but Mr Brown has nevertheless managed to sneak that issue in.

Laura Donald: I was going to cross-examine Mr Brown on that; perhaps I will not do so now.

Mr Brown, you indicated that your valuation was based on prices at or around the time that the bill was first envisaged.

John Brown: I tried to take a reasonable view when we assessed the value of the site. That view

was based on the valuation date that I accepted in my precognition as a reasonable date. It is very difficult for the date to be bouncing around until such time as we agree what it is. I took a fair stab at the matter, based on the date that I suggested in my precognition.

Laura Donald: What was that date?

John Brown: It is stated somewhere within the papers. I am sorry that they form a slightly lengthy document.

Laura Donald: That is why I was asking you. It is your evidence.

John Brown: It is indeed. I am sure that I can read it all out line by line, if I can find it.

Laura Donald: Just to assist, Mr Brown, there were several dates within your precognition. Am I to understand that the date in question is January 2004?

John Brown: That is probably exactly it.

Laura Donald: I do not want to put words in your mouth.

John Brown: I refer you to paragraph 9 of my paper, which states:

"I have been asked to consider the market value"

of the site. The valuation date required to be agreed, so paragraph 9 continues:

"For the purposes of my assessment, I am taking this to be the date of service of the NOTICE 1398 (28. 01. 2004)."

Laura Donald: Thank you. As I said, I did not want to put words in your mouth.

You mentioned that you took into account the attitude to prices then.

John Brown: For the purpose of the assessment, yes.

Laura Donald: Am I to understand that you valued the site as one that would be granted permission for residential use?

John Brown: Absolutely.

Laura Donald: Did you look at the valuation of the site were it not to be granted such planning permission?

John Brown: Yes.

Laura Donald: How did that work out?

John Brown: The use value of the site as per its current zoning would be based on the local plan of 1998, in which the site has an industrial classification. However, many of the classifications in the 1998 local plan have changed from industrial to housing under the changing framework in the Leith area. For example, since 1998 many of the sites under the ownership of

Forth Ports have moved forward from industrial use to a built environment of housing, and land that is coming through will also be used for housing. The Leith design framework points to that circumstance, which suggests that that might favour having housing on this particular site as well. Anybody who visited the site would see that it would form a natural bookend to residential development in this corridor.

Laura Donald: How did you value the site as it is currently zoned?

John Brown: If it is valued as it is currently zoned, there would have to be agreement with the planning department about what scale of industrial use would be appropriate for it. The land next door has a small industrial estate of nest units—low, single-storey units—that J Smart & Co (Contractors) developed some years ago, but I do not think that such use would be right for this site. I also think that it would be a matter of finding a user first before we could deal with the site's use.

Laura Donald: What would the site be valued at?

John Brown: The value of the land would depend on the exact industrial zoning that would be allowed on the site, given the area. Values in the area swing around and how the site could be physically used in terms of height—for example, eave storage height—would be vital. However, up to £150,000 an acre would not seem inappropriate.

Laura Donald: Thank you. Does that assume a use for the site that would be similar to the nest units next door?

John Brown: It assumes that the use would have to be defined. For example, if there was a potential user who particularly needed a roundabout site as a distribution point for their industry or whatever they proposed to deal with there, the site would have a special function for them and therefore they could pay considerably more for it. A case could also be argued for the site having a business use. There is a casino on the land on the other side of the road, which no doubt had an industrial use previously. Therefore, there is potential for commercial use on the site, which could be argued through the planning case. Given the site's proximity to what would be a tram depot and the large numbers of people who would get on and off the trams, I suggest that something like a Burger King for the site might well be of interest to the commercial markets. Therefore, I do not think that the site is industrial. The site has great potential and is a very important one for this part of Leith. It requires to be treated with respect architecturally as much as for its use.

Laura Donald: Is it fair to say then that your evidence is that we do not know what the site will be used for in the future?

John Brown: We do not know what the site will be used for in the future, unless evidence from the planners provides us with such information.

Laura Donald: Thank you.

The Convener: Do committee members have any questions?

Phil Gallie: It strikes me, with respect to TIE, that there is council involvement. Is the council riding two horses at the same time, given that it is the council that would ultimately grant the planning applications, but it also has an interest in the use of the site?

John Brown: That is a relevant point. I would like to think that, if required, the Lands Tribunal for Scotland could settle the matter. It would be seen as an independent chamber of review for valuation and compensation.

Phil Gallie: The other thing that strikes me is that, to a degree, the land is protected for as long as we are thinking about giving consent to a specific project. During that time, and depending on the ultimate use to which it is put, do you think that the value of the land will rise or fall?

John Brown: I could be a rich man if I knew. I think that the answer is that the Leith framework is looking forward to what Edinburgh is trying to do with mass housing at the waterfront, and we can expect strong, continuing interest in enabling development in that area. The site has a specific place in that framework. I am concerned about the loss of time while we go through that process. There are issues over planning blight and concerns that the site is sitting there doing nothing at the moment, and there is obviously a loss of opportunity for development. If the planning department suggested that future development might be allowed on the site, if we win, if the site is allowed for development and if TIE moves the proposed route, the site would be a strategic one and would be of great interest to the local market. If that does not happen and we are obliged to go with the route as proposed, it is only fair that CALA should receive fair compensation for the land, for the potential that it now has and should have had in future.

Phil Gallie: How important would it be to a company such as CALA, with respect to its ongoing financial planning and commitments, to have early decisions made and implemented on such a matter?

John Brown: I am not a member of CALA; I am a professional acting for the company in the matter. It is fair to say that any business that has money tied up in something will consider that important. The site was acquired by CALA, as the documents state, and the company has embarked on a lot of expenditure on the site in the past,

encouraged by the planning department. As you are probably aware, the site formed part of a larger landholding acquired by CALA. The site has already had sums exceeding £400,000 spent on it to enable shared work on all three of the sites that CALA first acquired, on top of its acquisition costs and its general costs. That does not include its management time or the time that has been applied to presenting evidence today. You can see that the costs that are being employed are considerable, and that capital is not being repayed in the fundamental thing that CALA does, which is to build houses in Scotland.

The Convener: I have allowed a degree of leeway in some of the questions and answers. I clarify again that, if the promoter and objector cannot reach agreement, the matter will end up at the Lands Tribunal for Scotland. The last time I looked, that was not annexed by any local authority at all.

Ms Lewis, do you have any follow-up questions for Mr Brown?

Marysia Lewis: No. Your colleague asked everything that I was hoping to ask but was not allowed to.

The Convener: I shall tell him off afterwards.

There being no further questions for Mr Brown, I thank him for his evidence.

Ms Donald, you have up to five minutes to make any closing remarks that you may have.

Laura Donald: It is our view that the outstanding issue relates purely to compensation, which is a matter to be dealt with in detail at a later stage, perhaps by discussion between parties or at the Lands Tribunal. It is relevant to note that any compensation paid would come from public funds. I have nothing further to add to the evidence already provided to the committee.

The Convener: Ms Lewis, you have the opportunity to take five minutes for any closing remarks.

Marysia Lewis: I am grateful to you and your colleagues for your time this morning. Everything that you need to know is contained in the paperwork and I see no point in taking up any further time.

The Convener: I am grateful to you. That concludes the evidence on group 28. We shall move on next to group 24, which concerns the New Town, Broughton and Pilrig community council. We shall take a short break to allow Professor Evans, Steve Mitchell, Andrew Oldfield, Stuart Turnbull and Karen Stevenson to take their places at the table, together with representatives from the New Town, Broughton and Pilrig community council.

12:00

Meeting suspended.

12:05

On resuming—

The Convener: I am grateful for that short break.

I draw the attention of witnesses and questioners to the decisions that the committee made at its meeting on 17 May, when it agreed that it would allow only limited questions on the central Edinburgh traffic management system. I expect questions on that system to relate specifically to the tram project.

I remind everyone that the committee examined issues such as patronage and modal transfer at the preliminary stage. The committee may revisit such issues later on in the consideration stage, but I do not expect those issues to be raised today as general issues. In addition, I expect comments to be limited to the impacts of tramline 1.

The promoter has questioned whether the Leith Street alternative could be raised by the objectors in their witness statement. I have considered the original objection and agree that the Leith Street alternative route is inadmissible because it was not raised in the objection and therefore should not be discussed during today's meeting.

Finally, Aileen Grant was not proposed as a witness for this group in the promoter's original witness summary, which was an omission by the promoter. I have agreed that a late witness statement may be submitted. As we heard, she is not here today, but Karen Stevenson has stepped into her place and has adopted her witness statement and rebuttal.

I invite Andrew Oldfield to take the oath or make a solemn affirmation.

ANDREW OLDFIELD *took the oath.*

The Convener: The first witness is Professor Evans, who will address the impact on the world heritage site.

Laura Donald: Professor Evans, there have been two versions of the design manual so far. We have heard that the first draft of the manual was published in the early part of last year; I think that the second version was published earlier this year.

Professor Evans: That is correct.

Laura Donald: You were involved in the preparation of the first draft, but not in the second.

Professor Evans: That is correct.

Laura Donald: Should any questions on the second design manual therefore be addressed to Karen Stevenson?

Professor Evans: Yes.

Laura Donald: The current tram proposal is, of course, based on there being overhead electrification. Are you qualified to comment on the technical feasibility of any alternatives?

Professor Evans: No. Questions on the technical performance of systems need to be directed to my colleague, Mr Oldfield.

Laura Donald: Paragraph 5 of your witness statement refers to consultation with the

“statutory consultees and the objector as part of the detailed design and construction processes.”

You state:

“the promoter undertakes to consult”.

What do you mean by that?

Professor Evans: I understand that the promoter intends to carry out extensive consultation on the detailed design process. In all the discussions that I was party to that formed part of the preliminary consideration of the proposals, it was always mentioned that consultation would be a continuing part of the detailed development process, if consent is granted.

Laura Donald: I think that Karen Stevenson can give us more information about that if it is required.

Professor Evans: Indeed.

Laura Donald: Thank you.

The Convener: I welcome Mr Mowat to the committee. Do you have any questions for Professor Evans?

Ian Mowat: Yes.

Professor Evans, I see that you have great experience as a chartered town planner. What is the main east-west route for road traffic through central Edinburgh?

Professor Evans: I am not a traffic planner, but I understand that Queen Street is the principal east-west traffic route in the new town.

Ian Mowat: Is it your understanding that that route includes York Place?

Professor Evans: Indeed.

Ian Mowat: Paragraph 4.4 of your statement starts with alignment, but goes on to address visual intrusion, which I suppose is part of alignment. You state that it is important that care is “taken to ensure that important visual axis are not broken. This is of particular relevance given the long vistas afforded along Queen Street, leading into York Place and Picardy Place and the setting of the Scottish National Portrait Gallery.”

The Convener: Before you respond, Professor Evans, I reiterate the ground rules. My

understanding, Mr Mowat, is that your questioning is on matters that you raised in your rebuttal statement, and that that matter was not raised.

Ian Mowat: I thought that I raised long vistas.

The Convener: I will let that go, but I am keen to keep it tight and focused on the rebuttal statements, in fairness to the witnesses and to yourself.

Ian Mowat: I am sorry. There was a mistake. The issue was in the tramline 2 rebuttal, but was removed in error.

The Convener: But we are tramline 1.

Ian Mowat: I know, but the issue was removed in error, because of course it is still relevant to tramline 1.

The Convener: Okay. I hate to say this to you but, although I accept that you made an error, the issue is not before us today, so we cannot consider it. Could you move on to questioning on stuff that is in your rebuttal statement?

Ian Mowat: To be honest, I was not going to pursue the question of overhead cables with Professor Evans. I have asked all that I was going to ask him, so that is the end of my questioning.

The Convener: On the basis that I ruled the question out, Professor Evans is not required to answer. There being no further questions for Professor Evans, I thank him for giving evidence this afternoon—we have now gone past noon.

The next witness is Steve Mitchell, who will address issues of air quality during construction and noise impacts during operation.

Laura Donald: Can you update the committee on the noise insulation scheme?

Steve Mitchell: Yes. To recap, the noise and vibration policy, which was published in March, is a complete policy statement. Section 4.4 refers to a noise insulation scheme as part of the obligation to noise management and noise control to which the promoter commits. I am afraid to say that the scheme is still not completely finalised. However, it has been agreed at the technical level with officers in the environmental and consumer services department. In my written submission I referred to the essence of that noise insulation scheme, but the final wording is still to be approved.

Ian Mowat: Table 13.8 of the environmental statement for tramline 1 lists the locations of possible curve-related noise. I am most concerned about the areas from North St Andrew Street into Queen Street and York Place, and from North St David Street into Queen Street. The curves are listed as having radii of 35m. The receptors in those areas—I take it that that means the people who live or work there, who would hear any noise

that might be occasioned by the curves—are listed as commercial. Do you accept that there are several residential properties at the top of Dublin Street that could be affected by any noise that was caused by trams going round those curves?

Steve Mitchell: Yes.

12:15

Ian Mowat: Good. In that case, are extra measures necessary to minimise the impact of that noise, because there is a residential situation, rather than just a commercial one?

Steve Mitchell: In addition to what?

Ian Mowat: In addition to what you propose.

Steve Mitchell: In the environmental statement or in the evidence that I have given you since?

Ian Mowat: Either.

Steve Mitchell: Since the environmental statement was produced, we have gone some way to give you extra clarification about the measures that can be included in the scheme, in particular to avoid wheel squeal on those bends and to provide noise insulation, on which I was asked to update the committee. Since the environmental statement was produced, we have given extra information on those matters.

Ian Mowat: In relation to noise insulation, I understand that all that can be done for residents of the street is interior glazing, because planning reasons prevent double glazing and world heritage reasons prevent other barriers from being placed outside. Am I right in thinking that that is the only measure?

Steve Mitchell: Are you asking me about the details of noise insulation or a broader question about mitigation measures?

Ian Mowat: Surely it comes to the same thing. I am asking about mitigation measures. My memory from evidence on the Edinburgh Tram (Line Two) Bill is that the only usable measure to deal with noise that will stem from trams going round the curves is interior glazing, because the area is part of a world heritage site and because of the nature of the 18th and 19th century buildings. Is that not a noise mitigation measure?

Steve Mitchell: Yes, but it is certainly not the only one that we intend for the area.

Ian Mowat: What else do you intend?

Steve Mitchell: First, I will deal with noise insulation and listed buildings. Paragraph 4.11 of my witness statement clarifies what the council's planning department allows for noise insulation. The idea that a listed building cannot be fitted with noise insulation is a misunderstanding. The

planning department's development quality handbook has a section called "Replacement Windows and Doors" that makes it clear that a second sheet of glass can be fitted inside a window, because it does not affect a building's appearance. I am sorry—I am repeating my evidence. Noise insulation is an option for those properties.

I will address the broader question of what noise mitigation measure is proposed in that area. I listed in my witness statement the four or five design measures that will be undertaken to avoid wheel squeal as far as we can in the design process. My witness statement also covers four or five measures that we can take in the tram's operation in the unexpected event that wheel squeal should occur.

Ian Mowat: Your position is that wheel squeal is not expected on the curves that have been designed. In reading Mr Oldfield's statement—he has yet to give evidence—I was interested that he was concerned that wheel squeal would be a problem under the Leith Street alternative. I do not propose that as an alternative; I simply say that the concern in his evidence that the curves there would create wheel squeal was interesting. When Mrs Joy's objection was discussed this morning, you were concerned that wheel squeal would result from a fairly tight curve if your stop had to be moved to Greenside from Picardy Place. Surely those curves are of similar tightness to those at North St Andrew Street and North St David Street.

Steve Mitchell: You make several points. First, this morning, I did not say that I was concerned about wheel squeal in the Picardy Place area, because we do not have an engineering design. Secondly, the question does not concern just the radius of the bend. Other factors must be considered.

It is worth my reiterating the design measures that can be taken to avoid wheel squeal, which has happened on other systems. The committee may have had the opportunity to experience it. However, I believe and understand that it is largely due to poor design and poor operational practice. In fact, some of the bends that the committee might have experienced in Nottingham have since been remedied.

The design measures that we can take to avoid wheel squeal are, first, the accurate alignment of the rail, its geometry and the track, and secondly, careful matching of the wheel profile and the railhead shape. Thirdly, the wheels of the tram vehicle can be fitted with a resilient vibration-dampening pad, which is mentioned in the environmental statement. Finally, the tracks can be hardened and polished to a smooth surface.

After that, if we are unlucky enough to experience wheel squeal in these locations, we will move to operational measures. The first of those is careful driver technique, particularly with regard to speed, accelerating and braking, all of which can affect wheel squeal. Drivers can be trained to optimise those elements. Secondly, tram wheels can be lubricated. With modern trams, it is very easy to provide the option of directly lubricating wheel surfaces. Thirdly, the rail itself can be lubricated by a system mounted in the road. Again, such a system is quite common and has been used to great effect. Finally, the wheel surfaces of the rail in that area can be maintained and polished. I believe that, with all those measures, we can avoid wheel squeal in this case.

Ian Mowat: By taking such measures, have other UK tram systems avoided wheel squeal?

Steve Mitchell: Yes.

Ian Mowat: Can you name any?

Steve Mitchell: There are all sorts of bends on all sorts of systems. For example, bends in George Street in Croydon that have a very similar radius to the bends that we are discussing do not produce wheel squeal.

Ian Mowat: I am aware that, if allowed, one of my witnesses will give evidence that he has certainly heard—and is very much concerned by—wheel squeal on the Manchester tram system.

Steve Mitchell: Examples of wheel squeal exist. However, I can name just as many examples of bends of similar radius where there is no wheel squeal. For example, in the Nottingham system, there is a much tighter bend that does not produce wheel squeal.

Ian Mowat: You mentioned rail polishing. Is that similar to rail grinding?

Steve Mitchell: Yes.

Ian Mowat: In your statement, you indicate that local residents will be notified of any rail grinding. I take it that the process is reasonably noisy.

Steve Mitchell: Absolutely. Rail grinding is a noisy activity.

Ian Mowat: At what time of day do you envisage the process being carried out?

Steve Mitchell: I think that this has all been written down. It is expected that the activity will occur at night when the tram is not operating. It could cause some disturbance, which is why the City of Edinburgh Council has ensured that, in our noise policy statement, we have made a commitment to notify residents and the council well in advance. I should add that the frequency of rail grinding will be over years, not weeks or months. Such activity is very rare and has a very

useful benefit for the long-term maintenance of the system.

Ian Mowat: However, it might be more common if you are trying to alleviate wheel squeal on a curve.

Steve Mitchell: I said earlier that polishing is similar to grinding. However, it is not; it uses a different machine. I knew that you were heading towards the point that rail grinding will be needed from time to time. I am sure that polishing is a quieter activity that uses less mechanical equipment.

Ian Mowat: Dublin Street residents are concerned about the effect on the old railway tunnel that runs underground from close to Waverley station to Scotland Street. In your statement, you suggest that there is no need to carry out a detailed study into the possible effects of tram construction or operation on the tunnel, despite the fact that it has been notorious for causing subsidence in the houses in Dublin Street. Why do you think that there is no need to look into the question?

Steve Mitchell: Despite asking colleagues who, unlike me, have more local knowledge of Edinburgh, I have not been able to find out where the subsidence that you have mentioned occurred. If you could clarify that roughly, it would help me to answer your question.

Ian Mowat: From witnesses who have given evidence, I understand that there has been subsidence at numbers 8, 10 and 14 in the top half of Dublin Street. Further down, there has always been difficulty with Scotland Street and major work has been done there in the past. I do not think that any of my experts has evidence on that subsidence; however, its occurrence is fairly well known, and I would think that the people in the council who have had to deal with it over many years would be able to answer your questions. Perhaps the problem has been resolved—I do not know. It is simply a relevant concern of local residents.

Steve Mitchell: I think that I can answer the question now. The Scotland Street tunnel starts in the area of Canonmills and runs for approximately 960m to a point near Waverley station at an incline of about 4 per cent. Along Scotland Street, it is effectively a tunnel that was dug and covered over with fill. That fill may settle over many years and it will potentially cause subsidence. I think that that is what you are referring to.

When we enter Dublin Street, there is a steep slope. On the occasions when I have walked up and down Dublin Street I have noticed that the road is grooved, presumably to prevent people slipping in the snow. By the time we get to the area where the tram will be constructed, the depth

of the tunnel is approximately 19.5m. To put that in context, its depth below the ground is about the same as the height of a six-storey building above the ground. That tunnel was dug; it was not overfilled with fill that might compact and subside over the years. The chances of the tunnel subsiding in that area are much lower than the chances of it subsiding in the area further north to which you referred.

Finally, the question that we should be talking about today is probably whether the tram construction works could cause subsidence. The works to lay the tram will be rather like digging up the road to lay utilities and putting it back again. I wonder how many times that has happened since the tunnel has been there and on how many of those occasions buildings have subsided. In my witness statement I did not reject the possibility of subsidence, although you said that I did. I merely said that it has not been dealt with at this stage. I am sure that the contractor will want to check, for his own peace of mind, that there will not be subsidence. I am pretty confident that there will not be.

Ian Mowat: That is reassuring.

Lastly, I notice that, in relation to noise mitigation, TIE is required to use the best practicable means test, which involves certain financial implications. The financial cost is taken into account in that test, is it not?

Steve Mitchell: Section 72 of the Control of Pollution Act 1974 defines best practicable means as:

"having regard ... to local conditions and circumstances, to the current state of technical knowledge and to the financial implications."

The test considers costs, but it has been used in a substantial body of case law and under it there are many examples in which contractors and operators have had to do substantial mitigation works during construction and operation of rail and light rail systems. It is not something that I or TIE invented. It is a well-embedded test for noise and vibration control measures.

Helen Eadie: I notice that in your statement—primarily in paragraph 6—you describe the noise and vibration policies that have been developed by the City of Edinburgh Council's environmental and consumer services department. You go on to cite other tram promoters in the UK who have noise and vibration policies. My concern is that the authority that develops the policy is also the authority that promotes the scheme. If there is found to be noise, who enforces the policy? Who is the arbiter if there is disagreement with members of the public who complain about noise when the tramline is developed? How can the outcome be independent?

Steve Mitchell: The environmental and consumer services department has an obligation to investigate claims of noise nuisance. Different authorities have different names for their environmental health departments, but they are the first port of call for residents who are aggrieved about noise and there is a statutory requirement on them to investigate. As I said, the policy draws out the measures that were committed to in the environmental statement and clarifies them in a succinct document. Environmental services officers are required to enforce and police it on behalf of the public for whom they work and whom they represent.

12:30

Helen Eadie: If it is found that there are grounds for complaint and that concerns need to be addressed, what sanction can be imposed on the operator of the scheme? If there is found to be noise and a complaint is proved to be justified, can a prohibition notice be slapped on the operator, as would happen in respect of health and safety issues? How will the problem be controlled?

Steve Mitchell: The noise and vibration policy is clear and makes fairly cast-iron commitments to mitigation and dealing with noise. The document provides the test of whether noise is acceptable or whether it should be mitigated. Officers will scrutinise the document to ensure that the operator is complying with it.

Helen Eadie: You see the point at which I am driving. Who is the arbiter? Are the rules judged by the people who set them? If those people decide that a complaint about noise by the residents of Edinburgh is justified, what ultimate sanction can be brought to bear on the operator? Can an enforcement notice be slapped on it to prevent the continuation of noise and squeal?

Steve Mitchell: The environmental services officers to whom I have spoken—my colleagues in the noise policy section of environmental and consumer services—are not part of the tram promoter team in the council. They belong to a different department, and they have on-going obligations to deal with noise. It is not quite true to say that the same people will make and enforce the rules. Enforcement will be carried out by a different department of the council, which is subject to statutory requirements to investigate noise problems.

Phil Gallie: You mentioned road-level lubrication and polishing of the lines. As far as I can tell, at Dublin Street other forms of road transport will cross the lines at certain points. Will the means of mitigating noise to which you have referred be a hazard to other traffic, such as motor bikes, cars and bicycles?

Steve Mitchell: I understand that, as long as the correct procedures are used, there will be no hazard. The same kinds of mitigation are used widely on other schemes. At the far end of Shipstone Street in Nottingham, there is a tight bend. When I last visited the Nottingham scheme, that bend was wet, although it was a dry day. I guess that the water that was on the rails was stopping wheel squeal noise, because I did not hear any. I understand that the lubrication systems are compatible with road traffic. Some systems have many bends that are shared by trams and road traffic, but they coexist happily with those measures in place.

The Convener: As there are no further questions for Mr Mitchell, I thank him for giving evidence. The next witness is Andrew Oldfield, who will address the alternative route that has been proposed.

Laura Donald: I refer you to the rebuttal that was lodged. Can you update us on the Bordeaux tram system, which is held up to us as a shining example of ground rail electrification?

Andrew Oldfield (Mott MacDonald): I can do so to a certain extent—the experiment is on-going. There are reports that the reliability of the Bordeaux system has improved. I have seen a newspaper article that mentioned that it had a reliability rate of between 97 and 99 per cent. However, it must be pointed out that that is a recent turn of events and that 97 to 99 per cent reliability is rather poor in comparison with the reliability of other tram schemes. A reliability rate of 97 per cent would be equivalent to about six trams a day failing to meet their targets or breaking down. It is not clear what those reliability figures are based on; we are trying to establish that.

The question whether wire-free technology can be employed is still under review. The fact that, in Bordeaux, problems have been experienced in wet and cold conditions is especially relevant to Edinburgh. The period for which the recent reliability figures were obtained did not include the wet season, so it will be interesting to find out what happens then. I understand that, more recently, problems have also occurred in hot weather.

The nature of the breakdowns in Bordeaux has been such that delays have been lengthy rather than short—I understand that they have sometimes lasted for a number of hours.

In the *Roe v Sheffield City Council* case, an issue emerged about the safety of the system that is deployed in Bordeaux. The tram system in Bordeaux is not used in conjunction with rubber-tyred traffic. In Sheffield, a review of that case has led to guidance being applied to the effect that the upstand to the metal plate or the rail in the road

should not be more than 10mm, but in Bordeaux it has to be 12mm. That means that, on safety grounds, there are questions about whether the system that is used in Bordeaux would be allowed to be run in the United Kingdom.

Laura Donald: You mentioned that a reliability rate of 97 per cent was equivalent to six trams failing per day. Does that relate to the operation of eight trams per hour in each direction? In other words, were you referring to Edinburgh?

Andrew Oldfield: Yes. A scheme with a reliability rate of 99 per cent is something like 70 times less reliable than the existing Nottingham scheme.

Laura Donald: Are you aware of whether Historic Scotland has objected to the tram proposals relating to the area that we are concerned with?

Andrew Oldfield: No, I am not aware of that.

Laura Donald: Are you able to respond to the comments that Mr Mowat made in his rebuttal on the use of the existing rail route between Haymarket and Waverley?

Andrew Oldfield: Yes.

Laura Donald: Please do so.

Andrew Oldfield: A number of technical difficulties are associated with the use of that line, which I have detailed in my evidence. It would not provide the same accessibility to the city centre that the proposed route would provide. There are considerable technical difficulties, which I will not repeat unless you particularly want me to, as well as issues to do with the interface of a tram system and a heavy rail network, which are mostly about capacity and space. Network Rail has indicated that it would not be possible for the tram scheme to coexist with the heavy rail operation at that location. There is also the question of where the light rail scheme would go from Waverley. How would it regain an alignment that provided accessibility around the route?

Laura Donald: I want to clarify the distinction between light rail and heavy rail. Is it right that the trains that travel between Edinburgh and Glasgow count as heavy rail, but the tram is light rail?

Andrew Oldfield: Yes.

Laura Donald: Is the docklands light railway light rail?

Andrew Oldfield: Yes.

Laura Donald: We will need to know that later on.

Ian Mowat: I would like to ask Mr Oldfield some questions about what we might call the heavy rail alternative, or at least the alternative for running

the trams between Haymarket and Waverley and out east on the existing network. Was not one of the objectives of the tramline to provide what one might call joined-up transport—although I am sure that there is a better word for it—such as good connections between trams, trains and buses? Is not the present proposal, which has no stop particularly near Waverley station, at a great disadvantage compared with, for example, a tram that would run right into the station?

Andrew Oldfield: The objective of the tram scheme, which is set out in the STAG report, is to provide a good and attractive service to a large number of people and to attract people out of cars. There are a number of other objectives relating to social inclusion, accessibility and integration. It was not an objective of the tram scheme per se to integrate with heavy rail at Waverley station.

Ian Mowat: What you seem to say in your rebuttal is that, although it would be quite difficult to run trams through the city centre on a heavy rail line, it would not be impossible. You list the works that would have to be carried out:

“additional traction equipment; train warning protection systems; additional signalling; possible increase in tram stop construction costs and mitigations; the re-instatement of Calton Tunnel”.

I think that Calton tunnel is one of the two tunnels that go through Calton hill; it has in some way become blocked. There were also other issues about signalling. However, you seem to indicate that, if those works were carried out, it would be possible to go ahead. My question is whether there are not also significant difficulties in running the tramline along the main east-west route in Edinburgh, which is Queen Street. Would that not cause equal problems? Should you not have considered the other option more carefully as a result of the difficulties that have been mentioned? In other words, all routes have difficulties.

Andrew Oldfield: The technical difficulties of a joint operation of heavy rail and tram in that location are considerable. As I said, the reaction of Network Rail to the possibility of deploying trams in that section of heavy rail alignment was negative—Network Rail does not believe that it would be feasible. Notwithstanding all the considerable problems that we would have, we have not yet determined whether it would be feasible. You suggest that I seem to think that it would be feasible. We have not bottomed out that issue, but we have sufficient information based on the evidence that I have given to be able to say that we do not feel that it is a suitable alternative.

Ian Mowat: I know that I am going to get into difficulties the moment that I mention the Leith Street option, but you comment in paragraph 3.8 of your rebuttal on one of the difficulties that engineers would have with the Leith Street option.

You say:

“to negotiate the junction of Leith Street/Waterloo Place and Princes Street would lead to complex co-existent horizontal and vertical alignment of the tram, with consequential impacts on the operation of the tram and increasing the likelihood of wheel squeal”.

You were sitting here when we heard Mr Mitchell say that there are methods that can remove wheel squeal completely from even tighter curves than are proposed in the Edinburgh system, such as those in Nottingham. What is the position? Can wheel squeal be alleviated or does one have to be very careful about which alignment one picks to avoid it?

12:45

The Convener: Mr Mowat is absolutely right in thinking that I am not allowing questions on the Leith Street alternative. I will, however, allow Mr Oldfield to answer on the general issue of wheel squeal.

Andrew Oldfield: Unfortunately, the statement was made in the context of the Leith Street option. The only relevant point is that the measures that Mr Mitchell described to address the issue of wheel squeal would be implemented elsewhere if necessary. If the issue would have to be addressed in one place, it would have to be addressed in other places.

Ian Mowat: Were you at all involved in the selection of the proposed route through York Place and Queen Street?

Andrew Oldfield: Yes.

Ian Mowat: Is it your view that the present route is better than the alternatives that were considered?

Andrew Oldfield: Yes.

Ian Mowat: Do you think that it is better in terms of engineering a tram route in order to avoid noise and in terms of avoiding congestion?

Andrew Oldfield: I am not sure that I understand your question.

Ian Mowat: Let me deal with the issue of noise first.

The Convener: That is not an issue that is dealt with in the rebuttal, so I ask you to deal with it briefly.

Ian Mowat: I am interested in why you consider the present route to be better.

Andrew Oldfield: There is a range of issues relating to accessibility in particular and the ability of the route to provide a service that will be attractive to people and which they will use.

Ian Mowat: Did you not consider that the route's failure to serve Waverley station—or, indeed, the Scottish Parliament, which the route through Waterloo Place would have come close to—was a loss?

Andrew Oldfield: It is impossible to serve everything in Edinburgh; the tram cannot go everywhere. I think that the objectives of the scheme are best served by the route that is proposed.

The Convener: There being no further questions for Mr Oldfield, I thank him for his evidence.

The next witness will be Stuart Turnbull, who will address the issue of congestion during construction and operation.

Laura Donald: In the rebuttal, the objectors ask that the identity be released of the junctions where an increase in traffic of more than 5 per cent is predicted. Can you give us that information?

Stuart Turnbull: In my witness statement, I say that I believe that changes in traffic flow of up to 10 per cent are within what would be called daily variation and are, therefore, insignificant. I also state that there are three locations in which the increase is predicted to be greater than 10 per cent. One of those is the junction of York Place and North St Andrew Street, where a 13 per cent increase is expected in the morning peak and a 12 per cent increase is expected in the afternoon. The second one is the junction of Manor Place and Shandwick Place, which is expected to see an increase of 11 per cent in the morning and 5 per cent in the afternoon. The third is the junction of Waterloo Place and Leith Street, which is expected to see an increase of 11 per cent in the morning and 4 per cent in the afternoon.

Laura Donald: It is stated in the rebuttal that construction impacts have not been properly identified and that there is no mention of road closures. Can you help us in that regard?

Stuart Turnbull: The environmental statement sets out the predicted impact of construction in terms of traffic volumes and so on. It also sets out the process that will be required to mitigate any construction impact, such as road narrowing and traffic management. That process is much the same as that which would take place in relation to any construction work.

Mr Mowat's rebuttal points out that we have not specifically identified which roads would be closed. However, given the stage that we are at in the process, we believe that it would be premature to do that. As is clearly stated, the traffic management strategy that the contractor will be required to produce and which will outline proposals for managing traffic during construction

will have to meet with the approval of the roads authority. Only at that point—because there are different methods of construction, there are different options for dealing with particular stretches—will it be relevant to set out the exact measures that will be introduced.

Laura Donald: Would traffic regulation orders be required for road closures?

Stuart Turnbull: Temporary traffic regulation orders would be required.

Laura Donald: TTROs.

Stuart Turnbull: Yes, TTROs.

Laura Donald: Will you specify the modal split assumptions that you have made?

Stuart Turnbull: In his rebuttal, Mr Mowat asks what assumptions we have made with regard to modal split. The modal split is an output from the modelling process. When all the considerations are taken into account, we have not assumed a reduction in traffic of X per cent as a result of the tram. The modal split is a function of the modelling.

Laura Donald: Thank you. Finally, will you summarise the work that has been undertaken to show that the tram is compatible and works with the central Edinburgh traffic management scheme?

Stuart Turnbull: I set out in my witness statement the fact that the initial design work was undertaken prior to the approval of the CETM scheme. However, quite rightly, discussions have been held since then with the City of Edinburgh Council on how the principles of the CETM scheme fit with the principles of the tram scheme. Various discussions have taken place and some preliminary design work has been undertaken in an attempt to ensure that the principles work together. The on-going design process will continue to look at that in detail. I believe that the work that we have carried out demonstrates that the principles of the layouts that have been presented to date are still appropriate, taking cognisance of the CETM scheme.

Ian Mowat: Let us start with the concerns about congestion being increased during construction. As I have said, I compared with interest the environmental statements that were prepared for tramlines 1 and 2. The environmental statement relating to tramline 2—which is relevant, as both tramlines run along Queen Street—assumes that construction of the loop around St Andrew Square will take six months and looks at impacts of construction, identifying the impact of closure. It states:

"Closure of one or more lanes on Queen Street would result in increased delays for all vehicles using this route.

Queen Street runs parallel to Princes Street and operates to some extent as an alternative east west route."

That was written pre-CETM. It continues:

"Delays may be exacerbated if ... similar lane closures occur on both streets at the same time."

I understand that it would be highly sensible, if traffic could still flow from east to west along Princes Street, not to build on Princes Street while you were building on Queen Street. However, Princes Street will now be unavailable for through traffic in either direction. How do you plan to deal with the impact of lane closures in Queen Street and York Place?

Stuart Turnbull: I cannot answer how that will be dealt with, as I am not going to construct the system. The environmental statement and the draft code of construction practice set out the process that the contractor will have to go through to demonstrate that his traffic management proposals meet the requirements of the authority to allow traffic passing through the city centre to continue to flow as freely as possible. There will, undoubtedly, be some disruption, as there is with any traffic management measures. The CETM proposals had to demonstrate a traffic management strategy for dealing with construction and the tram project will be no different.

Ian Mowat: Surely TIE wants to be confident that it will get the orders that it needs from the council to construct the tramline. It would be a disaster if, having got the bill passed and done a lot more work, you discovered that you could not construct the tramline because you could not get the road closure orders that you needed.

Stuart Turnbull: TIE is no doubt aware that numerous tram systems have recently been satisfactorily constructed in urban areas in the United Kingdom that are as busy as central Edinburgh. We are not reinventing the wheel; there is best practice out there, which has been successfully adopted elsewhere. I am sure that TIE has the comfort of that. The contractors on board will be required to take cognisance of best practice and to apply it appropriately in the setting of central Edinburgh.

Ian Mowat: So despite being involved in choosing the route, you do not consider it to be your responsibility to consider those impacts.

Stuart Turnbull: Our team has many members and my responsibility is more concentrated on demonstrating that the junctions will operate satisfactorily. However, the team considered the potential impacts of construction and the environmental statement sets out the projected flows—

Ian Mowat: With respect, I have just read you the environmental statement in relation to tramline

2—it was written earlier this year—and it does not take account of the closure of Princes Street to all private traffic. The environmental statement is nonsense in that regard. I have seen nothing that takes that issue into account.

Stuart Turnbull: To clarify, you asked me about tramline 2.

The Convener: The key question here, without introducing tramline 2, is why no account was taken of potential road closures for tramline 1 at that stretch. I ask that we keep the questioning focused, because we are rapidly running out of time.

Stuart Turnbull: To reiterate, we have focused on ensuring that, at the appropriate time prior to construction, a traffic management strategy will be in place that will adequately deal with traffic.

Ian Mowat: Having heard that answer, I will move on. You indicated in your statement that the tram route will be completely segregated from bus and other motor traffic where appropriate. You expect the tramline to be segregated from York Place and Picardy Place down to McDonald Road. Is that correct?

Stuart Turnbull: That is the current proposal, yes.

Ian Mowat: How many lanes for traffic flowing either way—east-west and west-east—will that leave in York Place?

Stuart Turnbull: Two lanes.

Ian Mowat: Each way?

Stuart Turnbull: It is two lanes westbound on this plan. Bear with me. It is two lanes in either direction.

Ian Mowat: What about Queen Street, at the Scottish National Portrait Gallery?

Stuart Turnbull: Two lanes westbound and one lane eastbound, over a short stretch.

Ian Mowat: That means that all cars and buses will be in the same lane eastbound.

Stuart Turnbull: As currently shown, yes.

Ian Mowat: Regarding signalling, you have indicated that you hope that at as many junctions as possible the tram will have priority 4, which is the highest priority that can be accorded to it. Is that right?

Stuart Turnbull: Yes, the principle of the system is to achieve as great a level of priority as possible, taking cognisance of other road users.

Ian Mowat: That priority would seem to me to be an automatic signal change when the tram approaches to allow it to go through.

Stuart Turnbull: If it can, yes.

Ian Mowat: If there is nothing in the way. Are there any junctions in the stretch between St Andrew Square and Picardy Place where you would have to settle for less than priority 4?

Stuart Turnbull: We have heard the discussion this morning on the configuration of Picardy Place, which is a key junction in the city centre. It has to cater for considerable vehicle, pedestrian and cycle movements. It may not be possible in the detailed design to give the tram absolute power at that location.

13:00

Ian Mowat: As Ms Donald said in her question, we do not believe that the assumptions that are made about the change in traffic use are correct. Does your model allow you to try different—

The Convener: I specifically excluded questions on modal matters. I did that earlier, so I shall not allow such questions now.

Ian Mowat: Mr Turnbull, it is your job to check the operation of the line. From a traffic point of view, do you acknowledge that a difficult part of the system is to run the tramline into Queen Street and down York Place, which you accept is the major east-west route for traffic? Would not the other possibilities offered—heavy rail use or a line down Waterloo Place—have been better from a traffic point of view?

Stuart Turnbull: From a traffic perspective, I agree that Queen Street is the main route for east-west traffic. That is a busy stretch of the route and it will no doubt take a great deal of care in the design process to ensure that the tram can be integrated. If you are asking me to compare a stretch of shared running, where traffic mixes with tram, against an option of complete segregation, the segregated arrangement, which has no mix of traffic and tram, would obviously be preferable from a traffic point of view. However, that is a hypothetical comparison.

Ian Mowat: I shall leave it there.

The Convener: Thank you, Mr Mowat. Do committee members have any questions?

Phil Gallie: It seems to me that some thought must be given to that single stretch in Queen Street. It appears that there will be blockages there. Although TIE will address that in due course, it does seem to be a genuine problem.

Stuart Turnbull: I take your point. There are a number of things that can be examined in detail. You will see that traffic heading east from Queen Street or out of St Andrew Square will also be held at traffic signals. One of the mechanisms is, in effect, to hold traffic at that point so that the short

stretch always runs freely. It is likely that the signals will all be linked together.

Phil Gallie: I referred to backing up. I see backing up as being a problem.

Stuart Turnbull: On Queen Street?

Phil Gallie: Yes.

Stuart Turnbull: One of the mechanisms that can be introduced to prevent traffic from backing up is to stack the traffic before it gets on to that short stretch, so that it never backs up on the short stretch. That is an option that is used throughout the city centre. There are other examples of short stretches between junctions where traffic flows freely because it is held at other points in the network.

The Convener: Ms Donald, do you have any follow-up questions for Mr Turnbull?

Laura Donald: No.

The Convener: There being no further questions for Mr Turnbull, I thank him for his evidence. The final witness for this group is Karen Stevenson, who will address the issue of the design manual. Before she does so, I should point out that, as Aileen Grant's witness statement was not rebutted, we can cross-examine only on issues in the rebuttal statement concerning St Andrew Square. I hope that that is clear.

Laura Donald: Ms Stevenson, could you update us on the design manual and the consultation process involved with that?

Karen Stevenson: The design manual is currently out for public consultation—the consultation period ends on 9 September, at the end of this week. That consultation is open to all members of the public. We have been receiving consultation responses and we shall review those responses once that period is completed.

Laura Donald: Was the consultation process open to all?

Karen Stevenson: Yes.

Laura Donald: On the use of Queen Street and St Andrew Square, which we have been discussing, will you indicate whether there is a reserved transport corridor in the local plan for those areas?

Karen Stevenson: Yes. The local plan has a reserved corridor through St Andrew Square and on to Queen Street.

Laura Donald: Would there have been consultation on that local plan?

Karen Stevenson: Yes, there was.

Laura Donald: And on the route's inclusion in the plan?

Karen Stevenson: Yes. It would have been an integral part of that.

Laura Donald: Was any response received from the objector that we are dealing with now in relation to that proposed reservation?

Karen Stevenson: As far as I am aware, no.

Laura Donald: Thank you.

The Convener: Mr Mowat, do you have any questions?

Ian Mowat: When was that corridor supposed to have been reserved?

Karen Stevenson: The central Edinburgh local plan process identified a light rail corridor.

Ian Mowat: When was that?

Karen Stevenson: That was back in 1998, I think.

Ian Mowat: In 1980-something?

Karen Stevenson: No, in 1997.

Ian Mowat: Is it not the case that, at that stage, the central Edinburgh traffic management proposals had not come out?

Karen Stevenson: That is correct.

Ian Mowat: I have no further questions.

The Convener: Committee members have no questions. Ms Donald, do you have any follow-up questions for Ms Stevenson?

Laura Donald: No.

The Convener: There being no further questions, I thank Karen Stevenson for giving evidence.

I am conscious that it is now 6 minutes past 1, so I propose that we resume after a 40-minute lunch break with evidence from the objectors. I expect people to be back here at quarter to 2.

13:06

Meeting suspended.

13:48

On resuming—

The Convener: I welcome everyone to the committee's afternoon session. We are about to take evidence from the objectors' witnesses. Before we commence evidence taking, I invite Alan Welsh and David Todd to take the oath or to make a solemn affirmation.

ALAN WELSH and DAVID TODD *took the oath.*

The Convener: Mr Welsh will address the issues of the construction impacts of noise, air quality and congestion, as well as visual,

congestion and air quality impacts during the operation of the tram. He will also address the alternative route that has been proposed. Mr Welsh, I understand that you are adopting Mr Mowat's witness statement.

Alan Welsh (New Town, Broughton and Pilrig Community Council): That is correct.

Ian Mowat: I understand that you speak on behalf of the New Town, Broughton and Pilrig community council.

Alan Welsh: That is correct. I was a member of the New Town, Broughton and Pilrig community council for seven years and was chairman for five years. I had to stand down in May this year for personal reasons. I am aware of all the issues that the transport sub-committee discussed and agreed in detail. Those points were approved by the full community council.

Ian Mowat: I understand that you were the chairman when the original objection was lodged.

Alan Welsh: That is correct. I can amplify a little what I have just said. My personal background is that of an engineer of 36 or 37 years' standing. I have worked on transport systems and my firm, GEC, was involved in the initial stages of the docklands light railway system down in London. I worked on the Jubilee line extension and on transport systems in Seoul, South Korea. I also have experience as an availability, maintainability and reliability engineer, so some of the subjects under discussion are familiar to me.

The Convener: Those comments are helpful, but the committee commends brevity.

Ian Mowat: Can you briefly explain what area of Edinburgh the New Town, Broughton and Pilrig community council covers?

Alan Welsh: The New Town, Broughton and Pilrig community council, as presently constituted, covers the area from Shandwick Place, along the entire length of Princes Street to the former general post office and Register House, down Leith Walk to McDonald Road, and from Queensferry Street to the Water of Leith in the north. We cover the whole city centre, apart from the west end to Haymarket.

Ian Mowat: In your original letter of objection, you say first that you are concerned that the proposals do not take into account the restraints and restrictions arising from the designation of Edinburgh as a world heritage site.

Alan Welsh: It is important that, when considering this tram proposal, we take cognisance of the fact that none of the trams that have been put in place in the United Kingdom since the second world war—in Manchester, Nottingham and other places—have involved a

world heritage site. The Edinburgh system is unique in that respect, so particular care must be taken over its visual impact and its impact on the physical infrastructure—the buildings—of the world heritage site.

Ian Mowat: You express many more specific concerns. Among the greatest is your worry that the proposals will lead to increased congestion in the city centre. Would you like to address that point?

Alan Welsh: The committee may or may not be aware that the centre of the city of Edinburgh is fairly heavily residential—the city is unique in that respect. Edinburgh city centre does not consist just of shops and offices—there are many residents. The New Town, Broughton and Pilrig community council is concerned about the congestion and disruption that will be caused not just during the operation of the trams but during their construction. The community council is worried by the fact that in our patch—the central on-street run-in from the west end to McDonald Road—the tram will run over what I would describe as heritage streets. Such streets are within the world heritage site, but they are constructed on a rather different basis from normal streets. They are usually constructed in an elevated arch system, which means that the substructure of the services—the sewers, the water mains and so on—were put in during the construction of the streets. As the committee may be aware, the construction of a tram system would involve relocating any services from underneath the tram tracks, where they would be inaccessible once the tram tracks were put in. Such services would need to be dug up and displaced or removed to a different location. That would involve moving water mains, gas mains and electricity cables, which would be a momentous engineering problem. We are concerned that that would involve an awful lot of disruption to the city centre during construction. We are particularly concerned about the Queen Street-York Place corridor which, as we all heard in evidence, is currently the major east-west traffic corridor.

The Convener: I offer just a gentle word of guidance to Mr Mowat to address his evidence entirely to what is in the rebuttals and not to information contained in the written evidence that has already been submitted to us. Having listened carefully, I think that many of his points have already been made in writing. We will pay particular attention to the written evidence, which will be treated on the same basis as oral evidence. Therefore, I want gently to guide Mr Mowat to focus on what is in the rebuttals.

Ian Mowat: In his evidence today and in his rebuttal, Mr Turnbull has suggested that full account has been taken of the difficulties that both

construction and operation would pose for CETM and that plans were in place to deal with those difficulties. Let us deal with construction first. Did you feel satisfied with Mr Turnbull's answer?

Alan Welsh: I appreciate that the planning process has mechanisms for dealing with construction, but the committee has heard quite a lot about traffic displacement being a major problem. If a road is of a certain width, it cannot take more than that width will allow. If a road is to be dug up so that it can take a segregated tram track, the capacity for that road to carry other traffic will be limited. We cannot squeeze more traffic on to a road than it can physically take. Much of our concern is that, during the construction process, traffic will be diverted on to other routes, either to the north—to what is technically known as the second new town—or to George Street, which is supposed to be traffic and bus free and pedestrian friendly. That would seem to be a step backwards, which would cause major problems.

Ian Mowat: Let us move on to operation. We heard today that York Place will continue to have two lanes in either direction for road traffic, but that motor traffic in one direction—from west to east, I think—on Queen Street would be reduced to one lane for both buses and cars. Is that satisfactory, or will that cause the congestion that you are concerned about?

Alan Welsh: As a city-centre resident who does not have a car and spends a lot of time walking and using public transport, I think that the proposals for Queen Street are a major problem. I agree that York Place is wider, but it has the problem of the bus station. Our evidence highlights the number of buses that use the station and that would need to cross the tracks of the tram route. That is another major problem.

We are also concerned that, although it may be technically possible to prioritise the trams at the intersection lights, the combination of the intersection and the segregated tracks will mean that we will need to keep our fingers crossed that the trams will flow freely. That might be an optimistic assumption, given the present state of traffic flow on Queen Street. We are very concerned about that.

Ian Mowat: If the trams are to be given complete priority so that the lights change when a tram appears, why is it optimistic to think that the trams will flow freely?

14:00

Alan Welsh: Buses that go into the bus station, for instance, would need to turn across the tracks. It happens that Edinburgh's long-distance bus station is at this particular location.

Ian Mowat: I am trying to understand. Is it your concern that the tram will not flow freely or that other traffic will not flow freely?

Alan Welsh: I am concerned that the other traffic will back up and that there will be increased congestion and pollution, to the detriment of the amenity of the area.

Ian Mowat: In your statement you suggest that the situation might be alleviated if the tramline were brought down North St Andrew Street rather than North St David Street, so that the tram would not run in front of the Scottish National Portrait Gallery or along Queen Street at all. Is that right?

Alan Welsh: If I may, I will crave the committee's indulgence. There is one aspect of the other tram system that impinges on this question, which is that the tram will turn around there. That is why the plans show trams going down one street on to Queen Street and back up the other street. With regard to tramline 1, which we are discussing, there is no reason why both tram tracks should not go down the east side of St Andrew Square, which would alleviate many problems. The design specification for the minimum curve allowed on the tram system is 24m. The curve in the bill is 25m, which is close to the limit. The curve is also on an incline.

Ian Mowat: Which curve is this?

Alan Welsh: The curve from North St David Street into Queen Street and from North St Andrew Street into York Place. The curves are very tight.

Ian Mowat: Am I right in thinking that there will be three curves?

Alan Welsh: There will be a curve coming back up—

Ian Mowat: Which will be for tramline 2.

Alan Welsh: Yes. That is a major problem, because it is a delta intersection with traffic going in three directions. It is almost the most technically complicated of the intersections on the tram system.

Ian Mowat: I understand that you are concerned that those curves will cause what is known as wheel squeal.

Alan Welsh: I was recently in Manchester, Sheffield and Nottingham. In Manchester, where the tram comes out of Piccadilly railway station—it is not a tight curve, but it is on a slight incline, as will be the situation in Edinburgh—there is quite a lot of wheel squeal.

Ian Mowat: Can you describe this wheel squeal?

Alan Welsh: It is a high-pitched screech as a tram goes round a bend. Because the

intersections from St Andrew Square on to Queen Street are on the incline, I am led to believe that technically a third rail has to be installed so that the tram does not jump off the tracks when going down a steep incline and round a corner. The third rail is raised slightly above the level of the road surface, and it will be on a road on which traffic is going up and down. We have heard that the promoter wants liquid to run over the rail to ameliorate the squeal. So there will be a raised rail to stop the tram jumping off and water running around. It is a technically difficult problem.

Ian Mowat: One MSP asked about the liquid, and was told that there would be no difficulty. Given that you have some engineering experience of rails, do you consider that answer to be correct?

Alan Welsh: The solution is technically feasible, but it is messy. Widening the radius of the curve to lessen its sharpness would be much more sensible.

Ian Mowat: You explained that wheel squeal is a high-pitched squeal. We have heard that the city centre is a noisy place, with fairly high noise levels during the day in particular. Would the squeal be heard clearly above that?

Alan Welsh: Undoubtedly, because the tram is to operate from the early hours of the morning until fairly late at night. Although there would be less other traffic in the area, the squeal and the noise of the trams would be there from the beginning of operations to the end. We know the number of trams that it is proposed to operate on tramline 1. We will not mention the other system. There will be quite a lot of traffic movement, therefore the squeal will occur on a regular basis.

Ian Mowat: You have suggested a more radical alternative to simply moving the track away from Queen Street—that of running the tram through the current rail network in the city of Edinburgh. You have seen Mr Oldfield's rebuttal and heard that doing so would cause many engineering problems, of which you will have been aware. Do you accept that such an alternative is not feasible?

Alan Welsh: We have all read Mr Oldfield's presentation, which is obviously highly competent. He covered many issues that would and should have been raised at the beginning of the design process.

The New Town, Broughton and Pilrig community council looks after the interests not only of residents, but of the retail business. We discuss matters with retailers and the police and are consulted by planners and licensing authorities on a variety of matters. Therefore, we are aware that, over the years, various transport corridors have been protected from development under the various city plans and structure plans because they can be put to future use, possibly as transport

infrastructure. Unlike Glasgow, Edinburgh lost most of its suburban lines, but the routes remain and are in place. Under the tramline 1 proposals, the Roseburn corridor route would be used—that is a separate issue of which the committee will be aware—but there are many other preserved routes. The New Town, Broughton and Pilrig community council is concerned that overlaying a tram system on a successful bus system could have detrimental effects. There would be competition with an existing transport system when no competition is needed. We are worried about the impact of the proposals and concerned not only about congestion, but about pollution.

The committee may be aware that the City of Edinburgh Council has had to set up an air quality action plan to deal with locations on the tram route—specifically Queen Street and McDonald Road, where pollution from traffic has reached the legal upper limit. We are concerned that that limit will be breached if congestion arises as a result of imposing the trams. Technically, the City of Edinburgh Council would have to close those streets to traffic in order to meet its legal obligations with regard to air pollution. We think that that is relevant to the tram plans and urge the committee to look at the papers on that—I am sure that it has already done so. Our residents are obviously concerned about walking around the city if pollution increases. People would gasp and would have to sit down—that has happened to me.

Ian Mowat: We must be clear. Most people think that transferring passengers from a bus with a noisy diesel engine to an electric tram would reduce pollution.

Alan Welsh: Until now, TIE has liked to use the mantra that trams are nicer and sexier than buses. That may be, but—

The Convener: Will you please deal with the rebuttal statement?

Ian Mowat: I was trying to get at the apparent suggestion that far from alleviating the congestion that is the main cause of air pollution, trams might increase it.

Alan Welsh: I am sure that that would be the case, given the current traffic layout in Edinburgh.

Ian Mowat: We have covered noise and the problems that arise from congestion. There are also world heritage issues. Do you wish to comment on any other issues that have been dealt with in today's meeting?

Alan Welsh: The New Town, Broughton and Pilrig community council is particularly puzzled by the fact that every other tram system that has been put in place in the United Kingdom since the second world war has been integrated with major rail routes. We are disturbed that the present

scheme does not integrate with Edinburgh's main railway system. We are puzzled about why that should be. In Manchester—

Ian Mowat: Could you explain that for the benefit of anyone who does not understand it? I imagine that the committee knows where Waverley station is, but where is the nearest proposed tram stop?

Alan Welsh: It is at the entrance to St Andrew Square. Waverley station is under redevelopment. They are going to put in new escalators and high-level elevators, but when people get to street level the tram will not be there. To us, it seems rather remiss that there is no integration into a major transport hub, whereas in Manchester, Sheffield, Nottingham, Croydon and even Dublin the tram systems are integrated into the main railway hub. They connect railway stations to railway stations. Why do we not do that here in Edinburgh? I cannot understand why.

Ian Mowat: Can measures be taken to alleviate the problems that you have with the present route or do you think that it will cause so many problems that the proposal should be rejected?

Alan Welsh: I am concerned about the number of construction problems, the possible cost overruns and the disruption to the city centre and retail businesses such as shops on Shandwick Place and Princes Street. The knock-on effect on retail businesses alone will be horrendous. I point out that the railway system in Dublin does not go down main shopping streets or main bus streets. It goes down side streets, but even so the disruption during construction was horrendous. We are not against trams but we think that the current scheme is a major problem.

Ian Mowat: Do you think that I have covered the main issues, given the restriction that we now have whereby we may deal only with what is in the statements and rebuttal statements?

Alan Welsh: It is important to note that consultation is a two-way process. Even during the run up to today's committee meeting, certain things have been taken on board by TIE and by Transdev, which will operate the system. Mr Andy Wood said many months ago that there would have to be more segregated running, and now there will be. The tram will be segregated down to McDonald Road. That is a positive step, but a lot of things should have been taken on board in the early stages, even by the Scottish Executive. John Ramsay is the civil servant who advises the minister on the system.

The Convener: I have tried to be exceptionally patient but even I am starting to fail. That issue is not in your rebuttal statement. Mr Mowat, if you have a specific question, please ask it. If not, let us not go on any more fishing expeditions.

Ian Mowat: I think that I have dealt with the specific issues that I was concerned about.

The Convener: Thank you, Mr Mowat.

Laura Donald: Ms Baillie, I must apologise, but the technical issue of the third rail was not put to my engineering witnesses, so I had no foreknowledge that it was going to come up. I wonder whether I might ask for a five-minute suspension simply to discuss the matter with my engineering witnesses before I cross-examine the present witness. My engineering witnesses are present in the room, so it would take only five minutes.

The Convener: Alternatively, the committee may wish to rule that out because the opportunity was available to Mr Mowat to put questions to those witnesses.

Laura Donald: If the committee wishes to rule it out, I will not ask any questions.

The Convener: I will take advice. If you wish to proceed with the substance of what is before us, I will come back to you at the conclusion of that to confirm whether we go into a five-minute recess or whether we are ruling that out. Please proceed.

Laura Donald: Mr Welsh, you have given the committee details of your previous experience with tram and rail construction. Can you please give me some more detail on that? I am sorry—I missed the name of the firm that you worked with.

14:15

Alan Welsh: I worked with the company that was made up of GEC, Associated Electrical Industries and English Electric—it became Marconi plc.

Laura Donald: Did you say GEC?

Alan Welsh: Yes.

Laura Donald: I am sorry—I noted that down wrongly.

You said that you were involved in the Jubilee line system.

Alan Welsh: That is correct.

Laura Donald: What was your involvement in that system?

Alan Welsh: We were involved—

Laura Donald: No, I am asking about your involvement.

Alan Welsh: I was involved in setting up a training system for the drivers. As a result, we had to have advance technical knowledge of what the system involved.

Laura Donald: Were you involved in the construction of any tram or rail line?

Alan Welsh: No. We were involved in the setting up of training facilities—in other words, the modelling of the cab and the track.

Laura Donald: So you have not been involved in the design of a tramway.

Alan Welsh: No.

Laura Donald: In your evidence-in-chief, you mentioned that tramline 1 does not connect with the heavy rail system.

Alan Welsh: I appreciate that the tramline 1 system goes through or close to Haymarket station.

Laura Donald: So it connects with the heavy rail system.

Alan Welsh: It does at Haymarket, yes.

Laura Donald: Thank you.

Do you appreciate that the proposed tram stop in St Andrew Square is halfway between the bus station and the rail station?

Alan Welsh: Yes, I appreciate that.

Laura Donald: Are you aware whether the Edinburgh World Heritage Trust has objected to the tram proposals?

Alan Welsh: As far as I understand it, the trust has put its major effort into consultation with the relevant authorities on the design manual. It has not objected to the tram system or the routes, but it has been very concerned about the design.

Laura Donald: The trust has involved itself in the consultation process.

Alan Welsh: Yes.

Laura Donald: But it has not objected to the proposal. Is that the case?

Alan Welsh: I believe so.

Laura Donald: What about Historic Scotland?

Alan Welsh: As I understand it, Historic Scotland had major reservations on two matters, the first of which related to the use of overhead cables. It would have preferred—and indeed would still prefer—a subrail system. It was also concerned that, in the early days, there was not enough protection for historic sites that were covered by very tight legislation. That was with regard to a bridge in the Leith docks area.

Laura Donald: Is Historic Scotland currently objecting to the tram proposal?

Alan Welsh: I am not aware whether it is or not.

Laura Donald: You touched on congestion and traffic management. Do you have any traffic management experience?

Alan Welsh: Only in so far as I have lived in the city centre for 30-odd years and have seen what has happened there.

Laura Donald: But you do not have any professional traffic management experience.

Alan Welsh: No.

Laura Donald: I would like to explore the catchment area of the community council. You have already discussed the geographical limits with Mr Mowat. Can you give me any numbers for the membership of your community council?

Alan Welsh: Do you mean within the area?

Laura Donald: Yes.

Alan Welsh: I am afraid that I do not have those figures to hand.

Laura Donald: Can you hazard a guess or make an assumption?

Alan Welsh: There might possibly be 150,000 to 200,000 people. The whole area is highly residential.

Laura Donald: And they are all members of the community council.

Alan Welsh: They can, as a matter of course, attend our meetings. The community council also contains ex officio members of many of the residents organisations that are part of the council.

Laura Donald: So membership is provided by dint of residency in the area.

Alan Welsh: That is correct. We also have very close ties with the police, planning authorities, licensing authorities and transport authorities. Indeed, we have to have such ties; under the law, we have to be consulted on licensing, transport and planning issues.

Laura Donald: Would you be consulted on local plans?

Alan Welsh: Of course.

Laura Donald: I think that you mentioned Shandwick Place as forming part of the community council's geographic area.

Alan Welsh: No, I said that our area ends where Princes Street meets Shandwick Place. Shandwick Place is not in our area.

Laura Donald: I beg your pardon. Shandwick Place is in the area of the West End community council.

Alan Welsh: That is correct.

Laura Donald: It is not objecting to the tramline proposal.

Alan Welsh: I am not aware whether it is or is not; I think that it is.

Laura Donald: You can take it from me that it is not. The committee will be aware of that.

Let us explore the mechanisms within the community council for canvassing the views of its 150,000 constituents.

Alan Welsh: We have public meetings once a week at which all our topics are discussed. Because of the workload in the city centre, we have a variety of sub-committees—planning, transport, environment and licensing—that deal with specific issues. They come back to the full community council and present their reports on what has happened since the previous meeting. The reports that they present are open to discussion and that discussion includes members of the public who turn up at the meeting as well as the elected and ex officio members of the community council. The local councillors are also present and they are able to contribute to those discussions.

Laura Donald: I will not go any further down that line.

The Convener: Excellent.

Alan Welsh: Is it possible to do so?

The Convener: No, not at this stage.

Laura Donald: I simply wanted to establish what the sub-committees are and how they relate to the full community council. I appreciate the latitude that I have been offered.

Mr Welsh, you have adopted Mr Mowat's rebuttal as your rebuttal. Did Mr Mowat produce that in an official capacity?

Alan Welsh: Certainly. Mr Mowat is the convener of our transport sub-committee. Everything that he has produced has been discussed by the transport sub-committee with the approval of the full community council.

Laura Donald: In your evidence today, you have proposed a slight change to the route that would take the tram across a third side of St Andrew Square and down South St Andrew Street—I keep getting them the wrong way round. Is that the case?

Alan Welsh: That was the case with regard to the other proposals; it is not particularly relevant to this one.

Laura Donald: It is not relevant to this matter. That is what I was trying to get to.

Alan Welsh: It is not relevant to tramline 1. However, we can see a case for running both tramlines down the east side of St Andrew Square, which would cause considerably fewer problems on Queen Street.

Laura Donald: But that is not relevant to this particular tramline at this point.

Alan Welsh: Well, yes. That would be.

Laura Donald: Are you proposing a route alteration to tramline 1 or not?

Alan Welsh: It would be up to the transport sub-committee to discuss that. As I have explained, I have not technically been a member of the community council since May.

Laura Donald: Okay. Can I take it—for the committee's benefit—that that route proposal has not been discussed by the transport sub-committee?

Alan Welsh: I have not been to meetings since May, so I do not know.

Laura Donald: It has not been reported to you.

Alan Welsh: As I am not a member of the community council, no.

Laura Donald: So, there is no one here to give evidence on that.

Alan Welsh: Not as far as I know.

Laura Donald: Thank you. That leads me on to the issue of the third rail. I would appreciate some guidance from the convener on that.

The Convener: I have discussed the matter with colleagues while listening to the evidence that has been given and we have decided to allow for questioning of witnesses on that subject in order that we are fully informed. Given the fact that the objectors have raised the issue, it is only fair that the promoter can come back on that issue. You can have a five-minute recess now or you can take it before closing remarks. Do you have any preference?

Laura Donald: I am happy to go along with whatever the committee would prefer.

The Convener: My preference is to take the break before closing remarks, so that we can continue the flow of questioning just now.

Laura Donald: That is absolutely fine. Do you intend to take evidence from the promoter's witnesses on the issue?

The Convener: Yes. The intention is to take such evidence, but we reserve the right not to do so. We will have a five-minute recess followed by the opportunity to ask questions if we wish to do so, and then we will move to closing remarks.

Laura Donald: Thank you.

The Convener: Okay. That is clear.

Committee members have the opportunity to put questions to Mr Welsh.

Helen Eadie: In his statement, Mr Mowat talks about the Bordeaux tram system. We heard Mr Oldfield say that the underground cabling of that

tram system had led to delays of several hours. Is that statement accurate? To what extent has the Bordeaux tram system continued to have teething problems due to the cables being placed underground?

Alan Welsh: I understand that the Bordeaux system runs through a world heritage site. The mayor of that city said that he did not want overhead cables, so engineers considered the possibility of laying underground cables. The technology had not been used for many years, so it had teething problems, which I understand have to a major extent been sorted out. As members have heard, the system now runs at a pretty reliable rate.

Any engineering system operates on what is technically known as a bathtub curve. Problems are experienced at the beginning and then the system irons itself out and runs wonderfully until it worsens towards the end. As an engineer, I would say that the Bordeaux system had teething problems but that it is now considerably better. My professional opinion is that the problems have been solved. That is as much as I can say about the Bordeaux system.

Phil Gallie: You referred to the business community, to the retail community and to the effects on Princes Street. It is strange that no objections have been made from Princes Street. Why do you feel that you can speak for those people if they have not spoken for themselves?

Alan Welsh: To start with, community liaison groups were an issue, of which the committee may or may not be aware. In the scheme's early days, community liaison groups were established to bring local communities into the consultation process. I understand that business liaison groups were also established. Groups were established early for the west end of Edinburgh and for Leith Walk. The city centre was never subject to a community liaison group. I understand that the business liaison groups were set up only recently.

As a community council, we spoke to representatives of the Glasshouse Hotel, the Hallion Club on Picardy Place, John Lewis and the George Street association. Many of those people were not aware—even at a fairly late stage—that the tram would have an impact on their businesses or that the displacement of traffic because of construction could have a major effect. They are aware of that now. Through their business liaison groups, I hope that they will be brought into the frame and that TIE will consult them heavily. To be honest, only the community council's efforts flagged up the matter in the early stages.

The example of Castle Street is very relevant. Members may be aware that Castle Street was

recently resurfaced—it was just resurfaced; the major subsurface services were not taken up—and the process cost much more and took much longer than expected. Two or three businesses went out of operation and the city was forced to establish a compensation package for the remaining businesses. That affected only a short part of a street that abuts Princes Street, as members know.

The community council is concerned that businesses are not aware that, during construction, when Princes Street is closed either totally or in sections and all the buses are removed, their trade will suffer.

Phil Gallie: I am a bit surprised that major businesses—some of which are major international companies—are not more aware of their financial interests in such matters, but I thank you for the explanation.

The Convener: As members of the committee have no further questions, Mr Mowat may ask Mr Welsh any follow-up questions that he might have.

14:30

Ian Mowat: When you were asked about the workings of the community council, you said that it met weekly—

Alan Welsh: I beg your pardon; I should have said monthly.

Ian Mowat: The point might be irrelevant, but I happened to know that it does not meet weekly.

The Convener: For the record, one objection is one objection to us, irrespective of how many people are represented by it.

Alan Welsh: Thank you very much, madam.

The Convener: I did not invite comment, Mr Welsh.

Alan Welsh: I beg your pardon.

Ian Mowat: As I understand it, the suggestion that lines 1 and 2, which are the same line when they go through St Andrew Square and on to Queen Street, be moved was in your witness statement of April 2005 and thus—as I understood it, although this is perhaps contrary to what you said under cross-examination—represented at least one proposal out of two that would alleviate the problems of transport on Queen Street. You said that that was not relevant, but it seems to me that it is, given that it was a community council proposal.

Alan Welsh: Yes, the community council proposed that, instead of having both tramlines running along Queen Street, one, at least, could run along the north side of St Andrew Square.

Ian Mowat: That was in relation to tramline 2.

Alan Welsh: Yes. That would reduce the impact that the trams would have on the Queen Street section of the Queen Street-York Place corridor.

Ian Mowat: I do not know whether the committee understands clearly that, in effect, it is proposed at present that both tramlines should use exactly the same track at Queen Street. However, under your proposal, which would allow the trams on tramline 2 to use the north side of St Andrew Square to turn around, tramline 1 need never be on Queen Street as it could come down into York Place from North St Andrew Street. As we have heard, York Place is wider than Queen Street and can take two lanes of traffic in both directions.

Alan Welsh: That is correct; that would be a better engineering solution.

The Convener: I also understand that those comments have been put to the Edinburgh Tram (Line Two) Bill Committee.

Alan Welsh: Yes.

The Convener: There being no further questions for Mr Welsh, I thank him for his evidence.

The final witness for group 24 is David Todd, who will address the issues of vibration, congestion, air quality and noise during the construction and operation of the tramline.

Ian Mowat: Mr Todd, I understand that you speak on behalf of the Dublin Street residents association. Could you explain what residents of Dublin Street are part of that association?

David Todd (Dublin Street Residents Association): The Dublin Street residents association was set up in 1985, when the top two blocks on Dublin Street—the ones that abut Queen Street—were refurbished. The association was set up primarily to deal with internal matters of the management of the building but, in recent years, it has dealt with external matters.

Ian Mowat: How many people live in the top two blocks?

David Todd: There are 18 flats.

Ian Mowat: Are you a resident of one of those blocks?

David Todd: Yes.

Ian Mowat: Do you have rooms facing Queen Street?

David Todd: Yes. A number of the flats are on the corner of Queen Street and Dublin Street. My flat has windows looking on to Queen Street, but most of the flats have windows that look on to the

junction of Dublin Street, Queen Street and North St Andrew Street.

Ian Mowat: We have heard a lot about that junction already.

I know that noise is one of your major concerns. It has been said that measures have been taken to ensure that there is no wheel squeal at that junction and that, if there were wheel squeal, further measures could be taken. Does that satisfy you?

David Todd: I already have secondary glazing in my flat and I can hear traffic noise, so I am not sure what else could be done to help me. Residents of flats without secondary glazing that had such glazing installed would obviously notice some improvement, but it is not clear what other measures are available, given the location.

Ian Mowat: What about the scheme for making complaints? Are you happy with what you heard about that?

David Todd: I have two points on that. The first is about the best practical means. The promoter says that it will do everything that is technologically and financially possible to put things right, but if the wheel squeal is there and the council cannot do anything about it and says that it has no money left to do the scheme differently, we will be stuck with the noise. Under the scheme, all that the council needs to say is that it does not have enough money to sort out the problem.

On maintenance, we heard that the grinding of the rails will not happen very often, but the fact that warning will be given will not make the noise any better when it comes—it will still disturb a night's sleep. What sanctions will we have? Will we be able to say that we do not want maintenance to take place on a particular night because a resident who is an airline pilot has to fly the next day? The fact that a warning will be given does not really solve the problem.

Ian Mowat: I take your point.

What about congestion? Does what you have been told, especially in Mr Turnbull's rebuttals, make you happier about your concerns?

David Todd: When I look out my drawing-room window, I see five lanes of traffic going in two directions along Queen Street. As a layperson, I cannot imagine how putting a tramline down the middle of the street will not cause more congestion. It seems common sense that there will be more congestion, as the street is already extremely busy.

Ian Mowat: I think that you also mentioned in your statement that you were worried about the effect on air quality.

David Todd: Yes. We have heard that some of the limits are already being approached. If there is more congestion and more vehicles are forced to sit and wait, additional problems will be caused. If the council runs the trams and is responsible for enforcing the air pollution rules, who will the arbiter be? We have not had an answer to that. Who will citizens go to to get help?

Ian Mowat: Another matter on which the Dublin Street residents association expressed concern was vibration. In that regard, a particular worry is the fact that there is an old railway tunnel that runs between what was Canal Street station near Waverley station right under Dublin Street to Scotland Street. Mr Mitchell took that on. He said that the tunnel under Dublin Street was pretty deep and that he did not expect it to be a problem. Does that satisfy you?

David Todd: That was certainly a much better answer than the one that Mr Mitchell gave us previously, which was that he did not think that the situation was worth investigating. I remember that, before I moved to Dublin Street, it had a building that was at an angle, which was supposed to have been caused by subsidence resulting from the existence of the tunnel. When the street is dug up—which I imagine will cause a lot of congestion, if every service is to be moved out of the way of the tramline—it will surely be possible to ascertain whether there is any danger. However, that will not help the congestion.

Ian Mowat: I think that that concludes my questions to my witness.

Laura Donald: Mr Todd, do you accept that living in the city centre means accepting the fact that there will be a certain amount of noise and putting up with that?

David Todd: Yes.

Laura Donald: In your original objector statement, you mentioned various trigger levels for noise. Where did you get them?

David Todd: The original objection was written by Michael Dawson, who is the chairman of the Dublin Street residents association, and I understand that he got the trigger levels from the local authority.

Laura Donald: Do you know what the current noise levels are at that junction?

David Todd: No. My concern is that we are told that when more noise is added it is covered by the existing noise but, as a layperson, I cannot believe that if we keep adding noise to an already noisy place it will not make it worse.

Laura Donald: But you do not have any professional qualifications in relation to that.

David Todd: No. I am not claiming to be a professional; I am a layperson, and I do not understand how adding noise to existing noise does not make more noise.

Laura Donald: You indicated in your evidence your concern that every single utility will require to be moved when the tramline is laid. Do you know that for a fact?

David Todd: No.

Laura Donald: Is it an assumption that you are making?

David Todd: I cannot remember where I read it. There has been quite a lot of paper around. However, it does not surprise me, because once a tramline has been laid it is unlikely that it will be taken out to check a water main.

Laura Donald: You indicated that the Scotland Street tunnel has been a matter of concern to you, particularly because of the subsidence several years ago in Dublin Street. Do you know when that subsidence was?

David Todd: No. It was more than seven years ago.

Laura Donald: Before you moved in.

David Todd: Yes.

Laura Donald: Do you know what caused the subsidence?

David Todd: No. The issue there is that TIE originally refused to investigate. It has now said that it will keep an eye on the matter.

Laura Donald: Thank you.

The Convener: There are no questions from members and Mr Mowat has no follow-up questions. Mr Todd, thank you for giving evidence; there being no further questions you got off relatively lightly.

14:42

Meeting suspended.

14:49

On resuming—

The Convener: For the benefit of my understanding as well as that of the rest of you, Ms Donald will now have an opportunity to examine Mr Oldfield—[*Interruption.*] I am informed by the clerk that we will start with cross-examination by Mr Mowat of Mr Oldfield. There will then be a re-examination by Ms Donald who will also have an opportunity to examine Mr Welsh. There you go—I got it right eventually.

Ian Mowat: I am grateful for this opportunity. My understanding is that TIE proposes to use some

kind of third rail on the tighter curves to ensure that the tram stays on the track. Is that correct?

Andrew Oldfield: No, that is not correct.

Ian Mowat: Will you explain where the third rail comes in?

Andrew Oldfield: A third rail is a heavy rail detail. It has probably emerged from Mr Welsh's background in the heavy rail industry. What happens in tram schemes—in every tram scheme in the UK to date—is that the rails that are incorporated for trams have a check within them that means that there is no requirement for a third rail to prevent the wheels from slipping off the tram rail. A vertical check is built in and holds the wheel flange in position on tight radii, should that be necessary.

Ian Mowat: Does that mean that the check, as you call it, protrudes more above the road surface where the tramline runs on road surface than would happen if the tramline just ran in a straight line?

Andrew Oldfield: No. I referred to the Roe v Sheffield case earlier on. My understanding of what will emerge from that—it is almost law now—is that there will be a law that states that the rail must be level with the adjacent ground. What happens with the check is that the wheel flange protrudes downwards into the check, so the check is recessed into the surface of the rail.

Ian Mowat: And that does not cause more noise.

Andrew Oldfield: No.

Ian Mowat: Has that method been tried in other systems?

Andrew Oldfield: It exists in other systems in the UK today.

Ian Mowat: Those are my questions; I feel that I have got the issue out.

Laura Donald: I have no questions for Andrew Oldfield.

The Convener: Do you have any questions for Mr Welsh?

Laura Donald: I do. Mr Welsh, you have heard Mr Oldfield's evidence on this point. What are your comments?

Alan Welsh: I have seen trams jump off tracks and crash into buildings. That is not unknown; it does happen. In the particular area that we are discussing, the tram comes out of St Andrew Square down a fairly steep incline and then goes round a curve whose radius is as close to the minimum that is allowed technically by the design specification. It is a very tight curve that is also on an incline.

We have heard that because of prioritisation on the intersection and the need to get the tram through the intersection, it will not dilly-dally or sit around because it will know that the traffic lights have given it the opportunity to drive through. The tram will want to get through the lights. I expect that given such a technical problem, it is possible that a tram can jump the rails.

Laura Donald: Perhaps I will stick to closed questions. Do you have experience of a tram system in Britain in which a third rail is used?

Alan Welsh: No.

Laura Donald: Do you have experience of a tram system anywhere in which a third rail is used?

Alan Welsh: No.

Laura Donald: You said that the curve at the foot of the hill was close to the minimum allowance, but it is no less than the minimum allowance.

Alan Welsh: No. The minimum that is allowed is 24m and as I understand it, the design within the build is 25m, which is pretty close to the minimum.

Laura Donald: But it is not less than it. Thank you.

Alan Welsh: It is not less.

Laura Donald: Thank you, madam convener. I am grateful for that opportunity.

The Convener: There are no questions from committee members. Does Mr Mowat have any follow-up questions, specifically on the third rail?

Ian Mowat: Yes. I need to try to understand something. Has Mr Welsh come across the vertical groove that Mr Oldfield described?

Alan Welsh: No.

Ian Mowat: So, as far as you are concerned, that might well be an effective alternative solution that you were not aware of.

Alan Welsh: That is correct.

Ian Mowat: Am I right in judging that, although you raised the concern because of your engineering background, you accept that the matter ought not to be a concern now that we have heard what Mr Oldfield said about the matter?

Alan Welsh: That is correct.

Ian Mowat: That might help the committee.

The Convener: That is very helpful, Mr Mowat.

I thank Mr Oldfield and Mr Welsh for returning to give evidence. I now give Ms Donald up to five minutes to make closing remarks about the evidence in its entirety for this objection.

Laura Donald: Madam, I hope not to take that long. The issues between the parties appear to be: the design process; the use of Queen Street as opposed to the north side of St Andrew Square; noise; and traffic issues.

On the question of design, Ms Stevenson's evidence today suggests that the New Town, Broughton and Pilrig community council can be involved in the consultation on the design manual. The community council will have a further opportunity to be involved and consulted on design, should the matter proceed.

We heard some evidence about rerouting the tram proposal along the north side of St Andrew Square, but it is not clear to me whether the objectors adhere to that as a proposed amendment to the bill. I simply invite the committee to prefer the evidence of the witnesses for the promoter.

On traffic, Mr Turnbull was quite clear that any traffic issues will be able to be dealt with. Whatever traffic management is in place at the point of delivery of the proposed tram route, the situation will be reviewed and detailed options will be considered at that stage. The impacts of traffic at that time will be taken into account.

We heard from Mr Mitchell about noise and the Scotland Street tunnel: I invite the committee to prefer his professional evidence on that. In his evidence, Mr Mitchell said that wheel squeal, which appears to be a main concern, is not expected but, if it occurs, mitigating factors can be taken into account. Those can be provided for, in the first instance, in the design and by provision of measures such as grinding and lubrication of the rail and, thereafter, by provision of the noise insulation measures that he discussed. Mr Mitchell was quite clear that the tram route should not affect the Scotland Street tunnel or subsidence around that area.

In the circumstances, I invite the committee to conclude that the New Town, Broughton and Pilrig community council has raised no issues that might lead the committee to consider amending the bill.

The Convener: Mr Mowat similarly has up to five minutes to make closing remarks.

Ian Mowat: The main thrust of the objections from the New Town, Broughton and Pilrig community council and from the Dublin Street residents association is that the routing of the tram down South St David Street into Queen Street and along York Place raises a number of serious issues for local inhabitants, the wider Edinburgh public and businesses. Specifically, the three curves that will be involved in the project—the first will be between South St David Street and Queen Street; the second will go up St Andrew Street as the line splits; and the third will be tramline 2—all

have potential for wheel squeal. That could be simply avoided, at least partially, by the suggestion that was made by Mr Welsh. I know that I am not giving evidence, but my understanding as transport convener is that at least a partial proposal is being made.

What we are saying is that this is a bad route for tramline 1. From our point of view, it would be better if the route did not go along Queen Street and York Place but went either on certain other routes that we have not been allowed to mention, or used the heavy rail option. Other routes were discussed. In particular, the proposed route will leave out Waverley station. Although it will provide a tram stop not too far from Waverley station, the tramline will not go alongside the station, as would have been achieved using other routes.

Most of all, it is a bad route because, as Mr Turnbull conceded, the tram will be routed down the busiest east-west street, which is the route through which the central Edinburgh traffic management scheme has directed all east-west city centre traffic. TIE should have told the council that, if it wanted the tram, it might have to reconsider CETM. I know that it is not the committee's purpose to do that. Nevertheless, it seems to me that TIE has failed to answer the question of how it will construct the tram route through the centre of Edinburgh within CETM as it stands. The committee should not let TIE get away with effectively saying—as Laura Donald suggested—that the issues can be worked out in detail later.

15:00

Roads cannot be recreated where they do not exist. I suspect that the council would be loth to reopen roads to traffic, albeit temporarily, when it had just gone through a considerable process to close them. That, above all, is the concern. If traffic was run in a different way in Edinburgh, perhaps this particular tram route would be a sensible one. However, we must assume that the traffic flows will continue as they are. Certainly, there has been no suggestion that TIE has modelled anything else. Mr Gallie asked exactly the right question: What would be the situation with backing-up on Queen Street and North St David Street if Queen Street was reduced to one lane? Imagine Queen Street reduced to one lane.

The proposal as it stands is crazy. In my and the community council's view, TIE must reconsider the appropriateness of the proposed route or come up with much greater amelioration measures. Furthermore, TIE did not consider the fact that there are residents in the area. It has done so belatedly and what it has said has been helpful to some extent.

The construction problems would probably occur anywhere, but the real problem is tied in with the city centre grid and the absence of other possible roads. In our view, that makes the proposal an unfortunate one. We do not think that the committee and Parliament should let the proposal through as it stands.

The Convener: Thank you. That concludes the evidence for group 24. I thank all the witnesses for the promoter and the objector.

We move on to group 31, which is SecondSite Property Holdings Ltd and Port Greenwich Ltd. I invite Rahul Bijlani, Raymond McMaster, Mark Bain and Scott McIntosh to the table.

Having read the objection, the witness statements and the rebuttals, the key issue seems to be the extent of land take and whether it is required for constructing and operating the tram, and its impact on the site's development. I thank group 31 for its extensive background written evidence on the planning situation and the agreements, but I want to focus the oral evidence on the reason for the extent of the land take and on its impact.

I invite the promoter and the objector to use this opportunity to update the committee on the current state of negotiations and ask them to indicate whether they wish to cross-examine all the witnesses.

Laura Donald: I was going to invite one of my witnesses to update the committee. He was at a meeting just last Thursday, at which matters were extensively canvassed.

The Convener: Is that acceptable to you, Mr Connal?

Craig Connal QC (Counsel for SecondSite Property): I have no objection to that—whatever suits the committee. However, the short summary of the current situation is that agreement has not been reached, despite last-second efforts to do so. As committee members will know from the statements, that is what lies behind much of the objection.

The Convener: In that case, I suggest that we just go through matters and see what progress we make. First, it appears that there is no dispute over Scott McIntosh's witness statement. Therefore, as members have no questions for him, I do not propose to call him. You have been let off lightly, Mr McIntosh.

It is my view that the detailed background to Morrisons' agreement is not directly relevant to the committee's deliberations, except in relation to the objector's contention that development is being constrained. I therefore ask that the promoter and objector reflect that in their questioning.

I invite Rahul Bijlani, Raymond McMaster and Mark Bain to take the oath or make a solemn affirmation.

RAHUL BIJLANI and MARK BAIN *made a solemn affirmation.*

RAYMOND MCMASTER *took the oath.*

The Convener: The first witness is Rahul Bijlani, who will address the compulsory purchase powers that are being sought.

Laura Donald: I have nothing for this witness.

Craig Connal: In the light of the availability of other witnesses, I would be content to put my questions to them, because I can cover everything with them more conveniently.

The Convener: Excellent. Thank you very much. Do committee members have any questions? They are silent. Ms Donald, I am required to ask whether you have any follow-up questions for Mr Bijlani.

Laura Donald: Thank you, but no.

The Convener: Excellent. My goodness, Mr Bijlani, I do not know what you have done to them, but I thank you for giving no evidence today.

The next witness is Raymond McMaster, who will address section 75 agreements.

Laura Donald: Mr McMaster was at the meeting last week. I invite him to update the committee on the extent of the negotiations to date.

Raymond McMaster (Dundas & Wilson CS LPP): I am happy to do that. The meeting was held last Thursday evening between TIE and its representatives and SecondSite and its legal advisers. Prior to the meeting, there was an exchange of a draft side agreement—a legal agreement—that we hoped would address the concerns that were raised by SecondSite and Port Greenwich Ltd. The meeting discussed the reaction of SecondSite and Morrisons to that side agreement, because Morrisons has a deal with SecondSite to develop in the area, and it is important to the objector that its concerns be taken on board. As a result of hearing the revisions that SecondSite and Morrisons were looking for, a revised side agreement was forwarded to SecondSite's legal advisers on Friday by TIE's legal advisers.

As far as I can see, we are close to agreement. Only two issues remain between us, the first of which concerns land value. Currently, a section 75 agreement provides for a 7m wide strip of land for the tram project. Unfortunately, that strip of land is not quite in the right position and is not quite wide enough in places to accommodate the tram. SecondSite is willing to reach agreement with us to transfer the land that is needed for the tram

through a section 75 agreement, provided that the value of the extra land that it is prepared to offer us is put in the bank against future developer contributions that might arise from the tram project. TIE is fairly happy with that principle, but the outstanding issue is what the land is worth. SecondSite believes that the land should be valued at development value and is looking for that to be reflected in the agreement. I understand that that is the only outstanding issue on that point.

The second issue concerns the possibility of attaching fixings to the future Morrisons development. The building will be relatively close to the tram corridor, and there are a number of ways in which the overhead line equipment could be accommodated. I think that SecondSite's and Morrisons preference is for poles. Poles or fixings on to the building could be appropriate. At this stage, we are unable to commit definitely to one or the other, because ultimately that will be a matter for the planning authority. Assuming that the bill is passed, the authority will have to give prior approval for poles or building fixings, or a mixture of the two. We are unable to give an absolute commitment to SecondSite that we would not put fixings on the building. To the best of my knowledge, those are the only differences between us.

Laura Donald: There was a difficulty with the limits of deviation for the tramline, which overlap with the Morrisons site. Has that been resolved?

Raymond McMaster: It has been resolved in the sense that we are clear about what we want to do. All that remains is for us to reach a legal agreement on the issue. We are satisfied that, in terms of compulsory acquisition, we can pull back the limit from the present overlapping area to one that accords with the planning application boundary. In technical terms, there is no difficulty.

Laura Donald: So TIE has agreed to pull back the limit of deviation.

Raymond McMaster: That is correct in respect of compulsory acquisition.

Laura Donald: Have you had any involvement in the planning application that Morrisons has made?

Raymond McMaster: The application is a joint application by Morrisons and SecondSite. I have the job of responding on behalf of TIE to planning applications that may affect the tram project. In this instance, I made a response in May that I know was given to the committee in the evidence that the objector provided. The response set out the concerns that TIE had at that stage about the development. It is important to stress that we were not objecting to the development. We said that we had no objections, subject to a number of

conditions being attached. Since May, there have been extensive negotiations between us. Our response to the planning application would now be revised to accommodate the changes that have happened since May. We have alerted the council to the fact that we are still in negotiations and that we will wish to change our comments to reflect the agreed position, in due course. We have been advised by the case officer who is dealing with the application that we are not holding it up, because the council is awaiting further information from the applicant.

Craig Connal: In accordance with the convener's direction, I do not propose to ask the witness about the details of the Morrisons application. Likewise, the details of what has or has not been negotiated and of what is or is not included are not matters with which the committee can properly concern itself, so I do not propose to cross-examine witnesses about who said what or what point has been reached on any of a number of detailed issues. As you probably appreciate, such agreements can contain many provisions, and I am keen not to take up the committee's time on those.

Mr McMaster, I want to concentrate on understanding where we are and why we are there. You are a planner by profession.

Raymond McMaster: That is correct.

Craig Connal: So you are aware what a section 75 agreement is.

Raymond McMaster: Yes.

Craig Connal: Have you seen the section 75 agreement in this case?

Raymond McMaster: I have seen the existing section 75 agreement that is linked to the outline planning permission.

Craig Connal: Is it correct to say that it is intended that section 75 agreements be voluntarily entered into and binding on both parties?

Raymond McMaster: Yes. Section 75 agreements are agreements between the planning authority and the landowner.

Craig Connal: So the planning authority would expect the landowner to comply with the terms of the agreement.

Raymond McMaster: That is correct.

Craig Connal: That is often why such agreements are entered into.

Raymond McMaster: Indeed.

Craig Connal: In this case, an agreement was entered into between the promoter—the City of Edinburgh Council—and the developer, covering a range of matters.

Raymond McMaster: I do not mean to be pedantic, but there was an agreement between the council as planning authority and the landowner, which covered a number of issues.

15:15

Craig Connal: Was that agreement entered into at a time when the forthcoming bill or order was known about?

Raymond McMaster: It was entered into in October 2003. The answer to your question is that we were in the process of developing the bill, but it had not yet been introduced in Parliament.

Craig Connal: The bill was introduced shortly thereafter, in January 2004. Is that correct?

Raymond McMaster: Yes—that is correct.

Craig Connal: In fact, section 75 specifically links into the proposed system by providing for transfer of land on royal assent.

Raymond McMaster: Section 75 has a back-stop date, the council has to ask for transfer of the land after royal assent and—I believe—there are also tests to secure proof that the scheme is going ahead. However, generally speaking, the answer to your question is yes.

Craig Connal: So, by late 2003, there was an agreement—entered into voluntarily—that provided a range of things to do with land transfer and activities that are or are not allowed on what is described as the reserved route.

Raymond McMaster: That is right.

Craig Connal: For example, the developer is allowed to do certain things, provided that it does them with the tram in mind and, in the meantime, building is prevented on that route. Is that correct?

Raymond McMaster: Yes—that is correct.

Craig Connal: It will be obvious from that agreement that the developer is getting on with other parts of the scheme for the wider area that the tram route runs through.

Raymond McMaster: Yes. That would be right.

Craig Connal: The scheme was for regeneration and received the approval of both the local authority and the developer.

Raymond McMaster: That is right.

Craig Connal: A simple question occurs to me. As it entered into that agreement as recently as October 2003, why should not the local authority be in the same position as a developer would be in; that is, bound by what it has agreed subject to anything else that can be negotiated?

Raymond McMaster: The council has two roles as promoter of the bill and as the planning

authority. The council cannot legally fetter its discretion to produce something different—or, rather, to promote a bill that is identical to the section 75 agreement.

Craig Connal: Has it not just agreed, wearing one hat, a whole range of provisions dealing specifically with the route in this area?

Raymond McMaster: The council agreed to a section 75 agreement to transfer land linked to the planning application. That is correct.

Craig Connal: Let us jump ahead so that I can put the matter in context. From reading the rebuttal statements, it seems to me that TIE's position is that there should be no changes to the bill but that everything should be done within agreements. Is that correct?

Raymond McMaster: That is something that we believe can be achieved, yes.

Craig Connal: So, you would not accept, for instance, the proposed amendment by the objectors whereby the relevant section would be removed from the bill altogether because you already have an agreement for acquisition.

Raymond McMaster: The difficulty is that the proposals from SecondSite and Morrisons, as set out in the evidence, make it clear that a footpath is to be provided adjacent to the building line. That footpath will take up some of the land that is in the section 75 agreement for the tramline. As things stand, that proposition would not be acceptable to the promoter or to the planning authority because the land in the section 75 agreement is no longer the land that the objector wishes to see being developed for the tram project.

Craig Connal: In which case, a new agreement can be negotiated.

Raymond McMaster: Our suggestion is the simplest way of dealing with the matter. As the objector correctly points out, the existing section 75 document is a very complicated document that deals with a multitude of matters. We are talking about an agreement to deal with one small issue.

Craig Connal: I am interested in the timing, given that we are at the committee today and the matter is unresolved. The section 75 agreement was concluded as late as October 2003, at which point one might have thought that the council was already thinking about the bill. Is that a fair comment, given that the bill was presented to the Parliament in January 2004?

Raymond McMaster: I imagine that that was the case, yes.

Craig Connal: Can you tell us when the council first approached the developer to point out that some renegotiation would be required?

Raymond McMaster: The first approach to the developer would have been in November or December last year.

Craig Connal: That is, in 2004.

Raymond McMaster: Yes.

Craig Connal: So the objector has the section 75 agreement, then the bill comes out and, of course, they have to object to it if they wish to maintain their position.

Raymond McMaster: That is correct, but it is also worth pointing out that the planning application was lodged in the summer of 2004. It became clear that there was a conflict only when we examined the terms of the planning application.

Craig Connal: Are the matters relating to the Morrisons application the only issue between the parties?

Raymond McMaster: No. The issues relate to the land that is required for the tram project and the ability to fix things to the building. As I understand it, those are the only outstanding issues.

Craig Connal: Is it not the case that TIE wants to take further land, beyond that which is specified in the section 75 agreement?

Raymond McMaster: There are two aspects. First, there is a need to reposition the land required 2m to 3m eastwards. Secondly, there is the land in front of the Scottish Gas building, where the tram stop would be located. As things stand, the current section 75 agreement does not provide for transfer of that land for the tram stop.

Craig Connal: That also emerged after the section 75 agreement was agreed.

Raymond McMaster: Yes.

Craig Connal: Is it fair to say that we are here today because TIE—or the council—has not progressed matters satisfactorily to reach a conclusion well in advance of today's committee meeting?

Raymond McMaster: We are here today in spite of efforts to try to address the concerns that have been raised by SecondSite and by Port Greenwich. We have had negotiations, which have lasted for some months now; there is a draft agreement that is almost agreed, subject to the two points that I mentioned.

Phil Gallie: Mr McMaster, you made the comment that there are tests that would determine the outcome of the section 75 agreement and of the scheme—tests with respect to the scheme going ahead before compensation is paid.

Raymond McMaster: The issue does not relate to compensation. The purpose of the section 75

agreement is to ensure that the land is transferred to the council at no cost to build the tram corridor. The general approach of landowners in the area—not just SecondSite, but others—is to hold on to the land until they are convinced that the tram project is going ahead. There are trigger points in the agreement that will result in the land being transferred. The council has a date by which it must have reached the trigger point and asked for the land. The process is designed so that the land does not transfer until the council requires it but equally until the landowner is satisfied that the land is being transferred for the tram project and that the project will be implemented.

Phil Gallie: So even if the committee and the Parliament cleared the bill, there could well be a block on the council taking the land if a clear commitment and finance were not in place to allow the tramline 1 project to go ahead in its entirety.

Raymond McMaster: No. The transfer of land would be linked to trigger points such as royal assent and the award of contracts or demonstrable commitment to the construction of the scheme. If the section 75 agreement is not capable of being implemented, there is always the possibility of a fallback to compulsory purchase powers, but the purpose of the section 75 agreement is to give comfort and certainty to both parties so that the land can be delivered where it is needed at no cost and so that the tram will be delivered.

Phil Gallie: This might be a rather foolish question, but does giving royal assent for the line guarantee absolutely that the line will be built in its entirety?

Raymond McMaster: Those are the powers that are sought.

Phil Gallie: Does it guarantee that the project will go ahead?

The Convener: That is perhaps not a question for this witness, but a much larger question that the committee will examine in great detail, Mr Gallie. Do you agree?

Phil Gallie: No. I suggest, convener, that the matter is important, given that we are talking about effective sterilisation of land. A lot of consideration has been given to the bill and ultimately an agreement has been made, but it looks to me, on the surface, as if one department at the council is about to renege on that agreement. In that respect, it is important to clarify whether, if the bill goes through, the project will be provided for.

The Convener: I suspect that the question is much wider and is for the promoter as a whole, rather than for a senior planner. If you want to make a planning response, Mr McMaster, I shall allow that.

Raymond McMaster: All that I can say is that, from a planning point of view, tramline 1 is a planning project designed to support urban regeneration in the north of the city. There are developer contributions that take the form of land and other financial contributions that have been secured through the planning permissions linked to that regeneration project. Royal assent is required for the proposed tramline to be built; it certainly cannot be built without royal assent. However, as far as the business case or other issues are concerned, I would not like to comment.

The Convener: Ms Donald, do you now have any follow-up questions?

Laura Donald: I have one or two questions. Mr McMaster, it was suggested that TIE and the council have not addressed the concerns of the objector with all due haste. You indicated that you met last Thursday evening.

Raymond McMaster: Yes.

Laura Donald: And the draft agreement was back out on the Friday.

Raymond McMaster: It was indeed.

Laura Donald: Do you know when on the Friday?

Raymond McMaster: It was around 9 o'clock on Friday morning.

Laura Donald: Prior to the meeting on Thursday, when was the previous draft sent to the objector?

Raymond McMaster: I do not know the exact date, but it was a matter of some weeks previously.

Laura Donald: And the meeting on Thursday was to address the revised draft.

Raymond McMaster: It was indeed.

Laura Donald: Have you had any response to the further draft that was sent out at 9 am on Friday?

Raymond McMaster: I am not aware of one.

Laura Donald: You have been here all day, of course.

Raymond McMaster: Yes.

Laura Donald: Is it your view that a new section 75 agreement is necessary?

Raymond McMaster: A section 75 agreement is not necessary to secure the land that is required for the tram project, because if the bill receives royal assent there would be compulsory purchase powers to secure the land. Nevertheless, it is preferable to use a section 75 agreement, because that gives certainty both to the promoter and to the landowner.

Laura Donald: In a spirit of compromise.

Raymond McMaster: Exactly.

Laura Donald: Thank you.

The Convener: There being no further questions for Mr McMaster, I thank him for giving evidence. The final witness will be Mark Bain, who will address the issues of land required, limits of deviation and future development, as well as issues raised in his three rebuttal statements.

15:30

Laura Donald: Mr Bain, one issue that has been raised previously is the proposed maintenance regime for the building. Can you provide us with an update about what has been discussed—if not agreed—in relation to that?

Mark Bain (Transport Initiatives Edinburgh Ltd): Yes, I can. On the basis of the information that the objector's advisers have supplied, the promoter is content that a width of 1.75m, measured from the building's façade, would be sufficient to access the building's façade for maintenance purposes by the means of access that have been outlined. Three means have been proposed: an automated lifting platform, abseiling and a cradle lift. The promoter is content with the information that the objector's advisers have put forward.

Laura Donald: Thank you. Does the objector know that we are content?

Mark Bain: As far as I am aware.

Craig Connal: Mr Bain, I am anxious not to go over ground that I have just gone over with Mr McMaster and will try not to repeat myself—I do not doubt that somebody will stop me if I do. I want to be clear. For the reasons that I have given, I will not ask you questions about negotiations.

For convenience, I refer to the conclusion of your rebuttal to David Bird's witness statement. On behalf of the promoter, you agree that the bill

"shows potential acquisition beyond that agreed within the Section 75 Agreement,' which would potentially '... have a direct impact on the Morrisons development site'"

and you understand the objector's concerns. You propose

"to redefine the extent of land that would be subject to CPO powers".

Mark Bain: I said that on behalf of the promoter.

Craig Connal: You have given a narrative to the committee on behalf of the promoter.

Mark Bain: That is correct. However, that was only in respect of the acquisition powers. Obviously, there are other powers in the bill that will extend to the wider limit of deviation.

Craig Connal: Yes. There is something about measuring up road levels so that they equal out and so on.

Mark Bain: Yes. Road realignment is required.

Craig Connal: Is there any reason why there cannot simply be an amended section 75 agreement and why the area cannot be taken out of the bill altogether?

Mark Bain: As far as I am aware, we would still require the powers in the bill in order to construct and operate the tram system.

Craig Connal: But you do not need the compulsory purchase order powers except to the extent that you have indicated.

Mark Bain: That is correct.

Craig Connal: Has the difficulty arisen because the CPO powers that the bill seeks extend beyond the land that was agreed in the section 75 agreement?

Mark Bain: That is correct.

Craig Connal: I have no further questions for the witness.

The Convener: Committee members have no further questions. Does Ms Donald have any follow-up questions for Mr Bain?

Laura Donald: No, thank you.

The Convener: Great. As there are no further questions, I thank Mr Bain very much for giving evidence.

There will now be a swap. I invite the objector's witnesses—David Bird, Myra Barnes and Stewart Macintyre—to the table. Before we commence evidence taking, the witnesses are required either to take the oath or to make a solemn affirmation.

DAVID BIRD and STEWART MACINTYRE took the oath.

MYRA BARNES made a solemn affirmation.

The Convener: Mr Bird will address the issue of land take and other issues in his rebuttal witness statement.

Craig Connal: Mr Bird, is it correct to say that you have been advising objectors on what might be described as the technical transport aspect of the proposal?

David Bird (Savell, Bird & Axon): Yes.

Craig Connal: As your qualifications are set out in your earlier statement, we need not go into them today.

There has been an acceptance of why we are where we are and I do not want to ask you about that. However, a little earlier, someone asked

about the extent of land take at what is described as the station. Has that issue come up for discussion only fairly recently?

David Bird: Yes. TIE has sought to introduce a third line through the open square that can be seen to the south of the Scottish Gas headquarters building to allow trams to terminate. As a result, the line runs either side of one of the platforms. Although I cannot specify exactly when the proposal was introduced, I can say that it happened in recent months, not years ago.

Craig Connal: Is TIE seeking additional land take around that location?

David Bird: That is certainly the case. The proposal for the additional line means that there is a desire to take land beyond that set out in the section 75 agreement. If we leave aside the question of the additional land that will be required at curves, taking a straight third line south of the Scottish Gas building will clearly require additional land.

Craig Connal: In your rebuttal statement, you deal to some extent with the issue that has arisen as a result of the Morrisons development site by saying that it should be possible to work within the type of area that was envisaged in the section 75 agreement. Is that correct?

David Bird: That is right. In the section 75 agreement, the reservation that was set aside for the tram was 7m. However, that was in the context of a total width of 12m between the Morrisons site and the curve of the road running from north to south. That 12m has stayed the same. All that has happened is that the 7m reservation has moved across by 3m—actually, the distance is 2.75m, but 3m is needed to allow for a footway next to the Morrisons site. As a result, the overall width that is available for the tram, the footway and the landscaping strip remains the same; it has just been reoriented.

Craig Connal: Thank you. I have no further questions.

Laura Donald: Has that reorientation taken place at the request of the objector or of the promoter?

David Bird: It is difficult for me to answer that question precisely, because I do not recall fully and probably was not personally involved in all the discussions at the time—many discussions took place. It is fair to say that it was done by mutual agreement. The most helpful answer to the committee might be that the objector was certainly in favour of the move.

Laura Donald: So the proposal was reached as a compromise between parties.

David Bird: Yes.

The Convener: Committee members have no questions. Does Mr Connal have any follow-up questions for Mr Bird?

Craig Connal: I have nothing further, thank you.

The Convener: As there are no further questions, I thank Mr Bird for giving evidence.

The second witness for group 31 is Myra Barnes, who will address planning, access, post-construction remediation and issues that are raised in her rebuttal statement.

Craig Connal: Many of the issues were covered with other witnesses or in the documentation, so I will concentrate on central issues. The question why we are where we are emerged earlier this afternoon. You will have heard the questions that were put to Mr McMaster about whether the latest draft of the agreement was sent on the Thursday or Friday before this Monday committee meeting. I will first ask a general question. Who has taken the initiative in trying to resolve these matters—the promoter or the objector?

Myra Barnes (Salisbury Jones Planning): Primarily the objector has pushed hard to have meetings to try to resolve the issues.

Craig Connal: Is it fair to say that some meetings took place in 2004?

Myra Barnes: I do not remember exactly when the first meeting was. Ray McMaster said that it was probably in November or December 2004 and I have no reason to disagree. Probably the key meeting was on 27 May this year, when the various parties agreed the key aspects of any resolution and agreement. It took a long time from then to produce a draft agreement.

Craig Connal: Is that set out in your rebuttal statement, in which you maintain that rebuttal statements from the promoter have not touched on some issues?

Myra Barnes: That is correct.

Craig Connal: The dates are all set out in your statement. Is that correct?

Myra Barnes: That is correct.

Craig Connal: You have not yet reached agreement. Is that correct?

Myra Barnes: That is correct.

Craig Connal: Were you involved in the section 75 agreement discussions?

Myra Barnes: I was.

Craig Connal: Was that exercise short or long?

Myra Barnes: The exercise was very long, in my experience of dealing with other similar section 75 agreements. We took well over two years to

conclude the agreement. The tram issue was raised about halfway through that process; it was not raised when the council granted a resolution to approve, subject to a section 75 agreement. No aspect of the tram was discussed; it was a later issue.

SecondSite and Port Greenwich agreed voluntarily to incorporate the matter in the section 75 agreement. The width and location of the reservation were the subject of much discussion before the section 75 agreement was approved and agreed.

Craig Connal: We heard that that agreement provides for the reservation to be plotted on a plan and thereafter for transfer that is linked to royal assent to any bill. Is that correct?

Myra Barnes: That is correct. The only trigger in the section 75 agreement is that the

"Proprietor shall convey to the Council within eight weeks of Royal Assent being granted for a Parliamentary Order for the construction of the tram system on the LRT Land".

That is when the transfer would take place.

Craig Connal: Thank you. I have nothing further for the witness.

The Convener: Thank you. Ms Donald?

Laura Donald: I have no questions, thank you.

The Convener: Do committee members have questions?

15:45

Phil Gallie: I will pick up that final point. I stress that I am a layman, not a professional. After royal assent has been given, the council has eight weeks to indicate that it will go ahead with construction. Does such an intimation from the council guarantee that construction will go ahead?

Myra Barnes: When the clauses of the section 75 agreement were formulated, we sought to come to some agreement with the council on what the trigger to release the land should be. It is clear that the landowner did not want to release the land until there was a level of certainty that the tram scheme would go ahead. It was agreed that the granting of royal assent would probably give that level of certainty, but there is no further guarantee that says, for example, that the funding will be available. Although the clauses in the section 75 agreement do not indicate that, at the time it was thought that royal assent probably would not be granted unless the funding was available. In other words, it was likely that construction would proceed following the granting of royal assent.

Phil Gallie: I hear what you say. Under the section 75 agreement, would there be any comeback on the council for those whom you represent if, at a later date, it was seen that the

land had not been put to the use that was intended?

Myra Barnes: There is a clause that says:

"The Council shall only be permitted to use the LRT Land for the construction and operation of a tram system".

That is probably the key safeguard. I am not a lawyer, but I presume that if the land were not used for that purpose, it would have to revert back to its original owner. However, I do not know whether that is the case; you would have to get legal advice to find that out.

Phil Gallie: That was helpful.

Helen Eadie: That prompts me to ask another question. I have read in the press about such situations, in which the land that the council had acquired was sold back to the original landowner at an inflated price. That obviously has an impact on the public purse. Do you want to comment on that?

Myra Barnes: There is a legal issue in relation to that. In the UK, the Crichton down rules apply. My lawyer would be better able to answer that question.

The Convener: It would not be common practice to allow Mr Connal back in until I have clarified whether committee members have any more questions but, as they have no questions, I will bring him in. Do you have any follow-up questions for Ms Barnes?

Craig Connal: I might be able to assist the committee. Ms Barnes is trying to explain the position by reference to the terms of clauses of the section 75 agreement, which are there for all to read—exciting as they are. With the convener's permission, the easiest way to deal with the matter is simply to say that clause 8.1.3 provides for the conveyance of the land to the council within eight weeks of royal assent being granted. As Ms Barnes said, there is a provision that the land is to be used only for what is described as the LRT scheme. There is a long-stop date of 2020, by which time, if the council has not got on with the scheme, the land will be conveyed back to the original owner at no cost—in other words, it will be transferred at the cost at which it went in the other direction under the agreement, subject to the costs of the transfer.

That might mean that I do not have to ask any supplementary questions.

The Convener: Indeed. That was most helpful. As there are no further questions for Ms Barnes, I thank her for giving evidence.

The final witness is Stewart Macintyre, who will address the impact on redevelopment proposals, as well as issues in his rebuttal statement.

Craig Connal: Mr Macintyre, I suspect that we have probably done to death most of your rebuttal statement by now, so I will ask about just two things. Your rebuttal statement concludes by claiming that the promoter has delayed the development of part of your site by objecting to a planning application. Is that correct?

Stewart Macintyre (SecondSite Property): Yes. It certainly has not helped.

Craig Connal: You heard Ms Barnes tell us about the progress of negotiations and who was driving those. Do you agree with the account that she gave?

Stewart Macintyre: Yes. There is no suggestion that TIE has been obstructive in any way. As the date of today's committee meeting loomed, the speed of negotiations picked up. That was most helpful and most gratifying. We are close to reaching an agreement but, as the committee is aware, the problem is that we have no fallback. That is why we are here.

Laura Donald: I have a brief question concerning the planning application. Mr Macintyre, I think that you heard Mr McMaster say in evidence that he understood that the planning application was no longer being held up, if it ever was, by TIE but was being held up by other matters. Do you accept that?

Stewart Macintyre: No, I do not. As far as I am aware, TIE has not withdrawn its request to City of Edinburgh Council that certain conditions be attached to the planning consent. The matter will, I am sure, be resolved imminently.

Laura Donald: Do you accept that the planning application is perhaps being held up by other matters in addition to the comments that were made by TIE?

Stewart Macintyre: Quite.

The Convener: There being no further questions, I thank Mr Macintyre for giving evidence this afternoon.

I will now give Ms Donald up to five minutes to make any closing remarks about all the evidence relating to the objection.

Laura Donald: I am much obliged, madam convener, but it will not take me that long to draw the matter together.

It is my submission that there are on-going discussions between the parties and that Mr Macintyre and the promoter appear to be in agreement on most issues that were raised in the original objection. It is appreciated that no legal agreement is in place.

The question of land take is, I submit, capable of being resolved. The limits of deviation can be

drawn in so that they abut the development site—that is, the site of the proposed Morrisons building—as opposed to conflicting with it. In addition, the promoter is prepared to agree the extent to which it exercises compulsory purchase powers under the bill. It has also confirmed that the maintenance regime proposed for the buildings is appropriate. As I said, all that is lacking is the legal agreement.

The final issue that Mr McMaster indicated was unresolved is the question of poles, as opposed to building fixings. However, that is simply not within the promoter's gift at this stage.

I invite the committee to adopt the bill.

The Convener: Mr Connal likewise has five minutes to make any closing remarks.

Craig Connal: For similar reasons, I will be brief.

The objectors maintain the lines of objection that were set out at the outset, as they must, given the way that things stand as at today's committee meeting. I submit that the committee should take account of those objections. Of course, I accept that there exists the prospect of some solution and, if that happens, it will be well and good. No doubt the committee will be the first to hear if some solution is reached.

Beyond that, I have nothing to add at this stage, other than to commend to the committee that, in due course, it agree to several of the proposed amendments from the objectors. Without going into detail, I mention in passing the amendment that suggests that, given the objectors' concerns that private contractual arrangements might ultimately not be upheld elsewhere, any agreement entered into with the promoter should be given the same status as an amendment to the bill. It also suggests that, in light of the way in which matters have proceeded, the promoter should pay the cost that objectors have incurred in the negotiations to protect their position, which have arisen for the reason that was conceded by Mr Bain.

I have nothing further to add.

The Convener: I thank all the witnesses, both those for the promoter and those for the objector, for their contributions in what has been a helpful and focused evidence session. That concludes evidence for group 31. The committee will be delighted to learn soon that matters have been resolved. If they are not resolved, I am sure that we will return to the detail of today's evidence session.

As the final seven groups for oral evidence taking today have all chosen to rest on their original objections, there will be no cross-examination from the objector. Nor have the

objectors put forward their own witnesses. However, committee members may ask questions of any of the witnesses in the absence of the objector. I encourage members to do that.

The first of those groups is group 29, which is the Constitution Street area group. However, we will have a short break to enable Scott McIntosh, Steve Mitchell, Professor Evans, Roger Jones and Archie Rintoul to take their places at the table.

15:55

Meeting suspended.

16:01

On resuming—

The Convener: I call us back to a semblance of order.

SCOTT MCINTOSH and ROGER JONES made a solemn affirmation.

The Convener: The first witness is Scott McIntosh, who will address the issue of the depot.

Laura Donald: I propose to take the witnesses in turn through the further evidence from objector group 29. Simply for convenience and brevity, I would like to ensure that all witnesses have a copy of the evidence before them, as that should help to speed matters up.

The Convener: Absolutely; that would be helpful. I have a copy of the evidence, which was sent to all committee members, who should therefore have a copy in their papers.

Laura Donald: Mr McIntosh, have you had an opportunity to consider the amendments that the objector proposes to the bill?

Scott McIntosh (Mott MacDonald): I have.

Laura Donald: I will take you through the amendments that are relevant to your evidence, the first of which is under paragraph 3.1 and concerns the alteration of the route of the tramway to Ocean Terminal along Great Junction Street. Briefly, what is your response to the proposal?

Scott McIntosh: That alignment was examined as one of the options early on in the study and it was concluded that penetration further into the site would be useful. Of course, the alignment that is proposed in the bill takes the route past the depot site that has been identified.

Laura Donald: Thank you. The next relevant amendment is under paragraph 3.2 in which the objector proposes that the tramway be used only for the carriage of passengers and their bags and not for the carriage of goods. In your experience, would that be appropriate?

Scott McIntosh: A provision is usually put into tramway bills to cover the carriage of passenger luggage. A weight limit is normally applied, but that is often up to 28 or 30kg. There is no proposal that the Edinburgh tram should carry goods, although it has to be admitted that a number of other tramways in Europe do that successfully, providing an environmentally friendly method of moving goods around the city and, particularly, collecting rubbish at certain times of night.

Laura Donald: One thing that occurred to me was to do with postmen getting on and off the tram.

Scott McIntosh: Certainly. However, including post in the definition of luggage could be difficult. The bags that postmen carry are obviously not their personal luggage; rather, they are goods.

Laura Donald: Paragraph 3.3 refers to the code of construction practice, which was yet to be published when the objector's document was written. The paragraph says that the committee should scrutinise and approve the terms of the policy carefully and that the policy should be contractually binding on all contractors. Do you have a comment to make on the code or on that point?

Scott McIntosh: I am sure that the committee has had ample opportunity to read various sections of the code of construction practice. We would certainly welcome that members read it further if they wish to. We believe that we already have an undertaking from TIE that the document will be contractually binding on the contractors.

Laura Donald: In paragraph 3.8, there is a suggestion that there should be

"a weight restriction on the allowable weight of trams at no more than the weight of an empty double decker bus."

Scott McIntosh: I fail to see the value of that provision. I suspect that it might be to do with the objector's belief that weight might have some impact on noise and vibration. I will leave my colleague Steve Mitchell to talk about that. However, I will say that noise and vibration are more a function of the circularity of the wheels and the smoothness of the rails and that, further, unlike a diesel bus, trams do not have a reciprocating engine that generates noise. For information, a bus weighs about 12 tonnes, with the rear axle carrying between 7 and 8 tonnes. The average weight of a tram is around 10 or 11 tonnes on the axle but, of course, the weight is spread over a far wider area: the rails and the sub-base of the track spread the load over a far wider area than is the case with the concentrated point loads that occur with a bus or a heavy goods vehicle.

The Convener: Do committee members have any questions for Mr McIntosh?

Helen Eadie: All my questions have been answered.

Rob Gibson: I have a question about safe working and maintenance in relation to the way in which properties are affected by the overhead line equipment attachments. Is that all contained in the contract?

Scott McIntosh: The information about safe working next to fittings has been published by TIE—I believe that it is on the website already and will be available, when it is finalised, to all frontagers who are affected in that way. That covers the issues of safety requirements, clearances and so on as well as information and help that the operator of the system will provide to frontagers. The requirement to provide that help will be contractual.

The Convener: In the absence of any further questions for Mr McIntosh, I thank him for his evidence.

The next witness is Steve Mitchell, who will address the issue of noise and vibration.

Laura Donald: Paragraph 1 of the proposed amendments is headed “Written Evidence”. Is it fair to say that you have dealt with those points in your witness statements?

Steve Mitchell: Yes. Section 4 of my witness statement responds to paragraph 1.1.1 and section 5 responds to paragraph 1.1.2. A combination of those sections responds to paragraph 1.1.3.

Laura Donald: Paragraph 3.4 deals with valid complaints alleging breaches of the line 1 code of construction practice and says that the authorised undertaker should take into account the nature of the complaint, for example construction noise at night in breach of the policy. Do you have any comments to make on that proposed amendment?

Steve Mitchell: The suggestion is that there should be a requirement that a complaint be investigated within 24 hours. In fact, that is the exact requirement that we have included in the code of construction practice—you should bear in mind that the amendment was proposed before the code was published. I am afraid that I cannot find the section to give you the reference number, but it is the exact same requirement.

Laura Donald: Paragraph 3.6 is on the operation and maintenance of the tramway in accordance with the noise and vibration policy.

Steve Mitchell: The objector has seen the noise and vibration policy. In fact, I met him to explain it to him. Clearly, he thinks that it is a good thing and that it requires to be abided by. He also suggests that the levels of and standards for noise and vibration should be at least as good as those for

tramways in England. As I confirmed in my evidence, the policy is consistent with best practice elsewhere.

Laura Donald: Paragraph 3.7 is on insulation against noise.

Steve Mitchell: The objector asks that the promoter should post notices along the route referring to the noise insulation scheme. That is not how we intended to proceed. First, once we have finalised the noise insulation scheme and submitted it to the committee, we will write to all objectors to confirm that the scheme is available and telling them where they can see it. Secondly, in effect we are copying the regulations in England and Wales, regulation 10 of which explains how eligible properties should be notified in writing. We will follow the same procedure. Anyone who is eligible will be notified.

Laura Donald: Finally, in light of what Mr McIntosh said, can you comment on paragraph 3.8, which relates to the proposed weight restriction?

Steve Mitchell: The issue is not just the weight on the axle—it is how the dynamic force implied from the weight transfers into the ground and potentially into buildings as vibration. As Mr McIntosh said, underneath the rail is a large piece of concrete, which spreads the load supplied by the rail over quite a large area—across and up and down the tracks. The load from the tram on the axles—which is something like 12 tonnes—is spread out over a large area, whereas in the case of a bus it is spread through the small area of contact with the tyre. It would be wrong to imply that just because the axle load is heavier vibration will be more of a problem.

The Convener: Do committee members have any questions? If not—and I assume that you do not need any follow-up questions, Ms Donald—I thank Mr Mitchell for his evidence this afternoon.

The next witness is Professor Evans, who will address the visual impact of overhead line equipment. Ms Donald, do you have any questions?

Laura Donald: I have no questions.

The Convener: Does the committee have any questions? If not, there will be no follow-up questions either. Professor Evans, thank you for saying nothing this afternoon.

The next witness is Roger Jones, who will also address the visual impact of overhead line equipment.

Laura Donald: I have no questions.

The Convener: Do committee members have questions? I should probably ask one. In relation to listed buildings such as those in the Constitution

Street area, will Historic Scotland have a role in discussions on overhead line equipment? If so, what do you envisage its role being?

Roger Jones (Transport Initiatives Edinburgh Ltd): Historic Scotland will be involved in the design working group that will operate following discussions on the design manual process. I am not aware of its direct interests along Constitution Street. I think that only four buildings have been identified there. The approach to the design of the overhead line equipment along that section will be to have initial discussions so that we can set the detail designers off in the right way to achieve a coherent solution along the section as a whole. We intend to do that for each of the sections along the route.

The Convener: Excellent. So the objectors can take some comfort that you will be back in touch.

Roger Jones: I hope so.

16:15

The Convener: As there are no questions from committee members and no follow-up questions from Ms Donald, I thank Mr Jones for his evidence this afternoon.

The next witness is Archie Rintoul, who will address property values.

Laura Donald: I have one question for Mr Rintoul. In paragraph 3.5 of the further evidence from the objector, the compensation scheme is discussed

"in respect of any reduction in enjoyment of property during the construction phase".

Do you have any comment on that?

Archibald Rintoul: In general terms, if a claimant has any land acquired and there is a reduction in value of the properties as a result of the scheme, they will be compensated. If a claimant does not have land acquired, but the value is affected by the physical factors associated with the scheme, such as noise, vibration and fumes, again they will be entitled to claim for compensation under the Land Compensation (Scotland) Act 1973.

Laura Donald: Do you have any comment on the time limit of three months suggested by the objector?

Archibald Rintoul: Generally, no time limit as such is laid down in an act of Parliament for that, but the claimant would get interest on the compensation agreed from the date of valuation.

Phil Gallie: You referred to the 1973 act. Where is that act incorporated in the bill? Is it incorporated or is it just taken without comment that the act will apply?

Archibald Rintoul: The Land Compensation (Scotland) Act 1973 and the Land Compensation (Scotland) Act 1963 will both apply in all cases where compulsory purchase powers are used by acquiring authorities.

Phil Gallie: So there is no need to give the 1973 act special focus.

Archibald Rintoul: There is no need to incorporate it specifically in the bill.

Helen Eadie: Will there be some sort of benchmarking exercise to enable those property owners who are objectors to measure whether their properties are devalued by the scheme and then claim compensation?

Archibald Rintoul: We will certainly look at the property values in the areas round about. We will compare the movements in values of properties around the scheme with the movements in values of properties within the scheme.

The Convener: As there are no further questions from committee members or follow-up questions from Ms Donald, I thank Mr Rintoul for giving evidence again.

We will now do a further swap of personnel in front of us to allow Will Garrett, Gary Turner and Rahul Bijlani to take their places at the table.

GARY TURNER and WILL GARRETT took the oath.

The Convener: The first witness is Mr Garrett who will discuss attachments to listed buildings.

Laura Donald: Mr Garrett, on the further evidence provided by the objector, I would like you to talk about the proposed amendment to part 2 of schedule 10 to the bill. The objector suggests that the paragraph should be amended to include the listed buildings at the even numbers on Queen Charlotte Street and 94 Constitution Street. What buildings are contained within schedule 10?

Will Garrett (City of Edinburgh Council): Schedule 10 contains 44 listed buildings that would not go through the prior approval process but would go through the normal planning and/or listed building consent process. They are identified because their appearance is of particular interest.

It is probably worth setting the scene by saying that there are 320 listed buildings around route 1 and there are 40-odd listed buildings in Constitution Street. Clearly, it is not appropriate to include in schedule 10 all those listed buildings. Schedule 10 is a list of buildings on which the local authority would rather not have fixings, including statues and monumental buildings. In fact, 25 per cent of the buildings included in schedule 10 are statues and the sort of fixings that would be likely to be put on a statue would be quite inappropriate.

Laura Donald: Is it therefore appropriate that 28-42, or the even numbers, of Queen Charlotte Street, and 94 Constitution Street, are not included in schedule 10?

Will Garrett: The building is a perfectly decent B-listed building of the domestic type. As I said before, it would be very difficult to include all the listed buildings in schedule 10. Indeed, if the committee was to look at a plan of Constitution Street, it would find that at least 75 per cent of the street's frontage is covered by listing. The buildings included in schedule 10 tend to be individual buildings. There are five schedule 10 buildings along Constitution Street, three of which are churches in their own grounds that are set back from the building line. The other two have a monumental, classical or even civic appearance and design, which justifies their inclusion on the list. The building in question is a tenemental building which is perfectly decent but, along with many of the other listed buildings that are not in schedule 10, it should not be in schedule 10.

The Convener: As there are no questions from the committee, and no follow-up questions from Ms Donald, I thank Mr Garrett for his evidence.

The next witness is Gary Turner, who will address loss of parking and access.

Laura Donald: Mr Turner, I propose to lead you on the amendment contained in paragraph 3.11 of the paper on group 29. It indicates that

"The Bill should prohibit Edinburgh Council from introducing new parking permit areas around the route of the tramway and oblige the Council to provide alternative parking for the residents of Constitution Street."

Gary Turner (Mott MacDonald): I understand that City of Edinburgh Council has not proposed to introduce any controlled parking zones associated with the tram scheme. The introduction of trams will change the format in which parking currently occurs on Constitution Street. In the preliminary proposals that have been developed, some parking of a formal nature will be retained and the parties impacted upon by that will have an opportunity to comment during the traffic regulation order process.

Laura Donald: I am forgetting that others might not know what you mean. Please explain the term "parking of a formal nature".

Gary Turner: Some areas within the city centre have nibs adjacent to the kerb that mark a formal parking space and there tends to be an indication as to how long someone can park there. There are other areas that generally have no yellow lines and are classed as areas that could be parked upon. Sometimes that happens where the road is of a reasonable width and where cars can park wholly within the road. Occasionally, where the road is a bit narrow, cars tend to bump up on to

the footpath. Generally, what we call informal parking is where there are no yellow lines restricting parking.

The Convener: Are there any questions from committee members?

Phil Gallie: You used a word that politicians use. You said that the council had no proposals to extend its parking charges. Of course, councils may change—or councils may stay the same but change their intentions. The residents asked us to include something in the bill to protect their parking interests. Why should we not do that?

Gary Turner: To expand on my first statement, I should say that there was no requirement to develop controlled parking zones as part of the development of the tramline. Having said that, any traffic regulation orders will be developed following royal assent, if the scheme is successful.

With regard to the second part of your question, on why we should not introduce provisions on parking into the bill itself, it is difficult at this time, without having developed the detailed design, to know what other incentives the City of Edinburgh Council might have. If parking provisions are not introduced as part of the tram scheme, the council may wish to introduce other initiatives. I am not party to deliberations on such initiatives, so I cannot answer that question.

The Convener: I have to point out that parking is outwith the scope of the bill. That was an interesting exchange.

Ms Donald, do you have any follow-up questions?

Laura Donald: No. You have just made my point for me.

The Convener: There being no further questions, I thank Mr Turner for his evidence.

The final witness for group 29 is Rahul Bijlani, who will also address compensation, planning and listed building controls.

Laura Donald: Mr Bijlani, paragraph 3.9 of the objection is relevant to the scope of your evidence. It states:

"The Bill does not currently make a general provision for compensation (all compensation provisions are linked to compulsory purchase). The Authorised Undertaker shall be obliged to pay compensation to the owners and occupiers of buildings for any reduction in value to their property and/or reduction in enjoyment of their property".

Do you have any comments to make on that?

Rahul Bijlani (Bircham Dyson Bell): The point has already been made. The bill applies the general law so that where someone's land is acquired they are compensated for that. Where the value of their land is reduced by any of the

physical factors that have already been discussed—noise, vibration, pollution and so on—the 1973 act applies as it would apply to any other such development, and a compensation claim can be made under that act.

The Convener: Are there any questions from committee members?

Phil Gallie: The point that I was asked to make I made earlier to Mr Rintoul.

The Convener: There are no other questions from committee members, but I would like to ask one. One of the objectors is concerned that the bill bypasses the usual planning controls. Would you say that the private bills process is part of our general system of planning control, or is it an alternative form of planning control?

Rahul Bijlani: It is somewhere between the two. A number of objectors have been concerned that the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (SI 1992/223) grants deemed planning permission for a development authorised by private act. The general permitted development order is part of the general planning law of Scotland and it recognises that development authorised by private act has a certain special status, because it would not be appropriate for Parliament to authorise the construction of a specific project only for that to be thwarted by a failure to obtain planning control at local planning authority level. However, there are safeguards within that mechanism of planning control, in that the details of the development of any building or formation of a road access have to be approved by the local planning authority.

The promoter is not seeking to avoid planning. There are sound reasons for seeking authorisation of a tram project by private bill, and we are applying the general law as regards planning during the private bill process.

16:30

The Convener: Let us be clear. Does the same system of rules and requirements apply in this case as would apply in the case of a council planning application?

Rahul Bijlani: They are not quite the same. In this case, Parliament is the decision-making body, not the council, and it is free to make the decision on any basis that it likes. What it authorises is the development in a general sense, as specified in the bill, in the plans and sections. However, there is a subsequent level of control in that the detail of that development, as it is implemented, must be approved by the local planning authority as regards such things as buildings and road access.

The Convener: Okay. That is helpful. There are no further questions from committee members. Ms

Donald, do you have any follow-up questions for Mr Bijlani?

Laura Donald: No, thank you.

The Convener: Thank you very much, Mr Bijlani. There being no further questions for you, I thank you for your evidence this afternoon.

Ms Donald, you have up to five minutes in which to make any closing remarks that you may wish to make in relation to this objection.

Laura Donald: We have dealt with the proposed amendments to the bill that have been submitted by the objectors, and we have demonstrated, in evidence, that the amendments have either already been included or dealt with or that they are inappropriate or unnecessary. The one proposed amendment that we have not touched on is in paragraph 3.12 of the further evidence that I have provided, which relates to the provision of

“tickets providing free onward bus transport”.

That issue was dealt with at the preliminary stage under the heading of integration. It is intended that, as part of Transport Edinburgh Ltd, the tram and bus services will be integrated in the extended one-ticket scheme.

The committee has all our evidence and has heard all the witnesses today.

The Convener: Thank you. That is helpful information. That concludes our oral evidence taking on group 29.

We now turn to group 23, which is the Leith Walk area group. I invite to the table Professor Evans, Scott McIntosh, Steve Mitchell and Archibald Rintoul. The first witness will be Professor Evans, who will address visual impacts.

Laura Donald: It might help if I say at the outset that I have no questions for these witnesses. There are no updates to be given in relation to the group since the evidence was lodged. It is perhaps just a matter for the committee.

The Convener: There are no questions to any of the witnesses from the promoter. Do committee members have questions for Professor Evans on the issue of visual impacts?

Members: No.

The Convener: Professor Evans, you have been let off again. Thank you for coming to the table.

The next witness is Scott McIntosh, who will address wire-free trams, building fixings, property values and construction. Ms Donald has no questions for the witness. Do committee members have any questions for Mr McIntosh?

Rob Gibson: I have a short one with regard to the residents of Elm Row. During the construction

process and operation, how will access to Elm Row be achieved?

Scott McIntosh: The requirement is that, if there is closure of the road for construction, the arrangements for access will be agreed with City of Edinburgh Council. However, my understanding is that the existing access into and out of the car parking area at Elm Row, especially off London Road, will not need to be obstructed during that work unless some minor work is necessary to adjust the road levels and the finishing off of road surfacing after the other works have been carried out. It will be a very minor problem, and access arrangements will have to be agreed with City of Edinburgh Council before any work is undertaken.

Rob Gibson: Thank you. That is fine.

The Convener: There are concerns, in group 23, about the possibility of unsightly overhead line equipment. How has the promoter determined the most sympathetic arrangement for the world heritage site?

Scott McIntosh: As Mr Jones said earlier, there will be discussion and a design group, which will involve a large number of groups, including Historic Scotland. The design manual is fairly aspirational at the moment, and the task will be to turn it into something more precise and detailed. There are good precedents for high-quality overhead gear with minimum visual intrusion. There are a number of excellent examples, some of which I have quoted in my evidence.

The Convener: My final question is about safety byelaws. The promoter will be seeking powers to make safety byelaws regulating the maintenance of buildings to which equipment has been attached to ensure that such buildings are safe. Are those byelaws to be made under section 59 of the bill or will you need to seek further powers?

Scott McIntosh: It is my understanding that they will be made under the normal byelaw-making powers in section 59.

The Convener: Thank you for that confirmation. Ms Donald, do you have any follow-up questions?

Laura Donald: No.

The Convener: That being the case, I thank Mr McIntosh for his evidence this afternoon. Moving swiftly on, the next witness is Steve Mitchell, who will address noise and vibration. Are there any questions from committee members?

Members: No.

The Convener: In that case, I thank Mr Mitchell for being at the table this afternoon. The next witness is Archie Rintoul, who will address compensation. Are there questions from committee members?

Members: No.

The Convener: Thank you for being at the table this afternoon, Mr Rintoul. Gentlemen, I ask you to leave—just for the moment.

I ask Stuart Turnbull, Gary Turner, Tom Blackhall and Les Buckman to take their places.

I ask Mr Blackhall and Mr Buckman to take the oath or make an affirmation.

TOM BLACKHALL and LES BUCKMAN took the oath.

The Convener: The first witness is Stuart Turnbull, who will address congestion and traffic flow.

Laura Donald: I have no questions for these witnesses.

The Convener: Do committee members have any questions for Mr Turnbull?

Members: No.

The Convener: Thank you for being at the table, Mr Turnbull. Gary Turner will address road width, bus lanes and parking. Are there questions from committee members?

Members: No.

The Convener: Mr Turner, thank you for being at the table. The next witness is Tom Blackhall, who will address the re-siting of utilities. Are there questions from committee members?

Phil Gallie: In earlier evidence it was suggested that no utilities will lie beneath the tramway. Was that a statement of fact?

Tom Blackhall (Transport Initiatives Edinburgh Ltd): That is incorrect. If you wish I can give you an update on where we are on buy-in with the utility companies, on our procurement strategy and on our efforts to reduce the unnecessary movement of utilities.

Phil Gallie: I am happy to know that the earlier statement was not factual.

Helen Eadie: Will the single framework contract procurement policy lead to less disruption on Leith Walk? How will that happen?

Tom Blackhall: The policy will apply not only to Leith Walk; it will be the procurement strategy for the whole tramline. The prior information notice will be called a MUDFA: a multi-utility diversionary framework agreement. When we leave the selection of the name of a contract to our lawyers that is what we get.

We aim to go down the single framework contract route so that we minimise the number of times that we enter each street. The overall duration of the project to move the utilities or to allow them to remain in situ will be 18 months. The

project will be set out one year prior to the start of the main programme. We will minimise the disruption to one or maybe two passes on each street.

The Convener: My understanding is that you have yet to agree a heads of terms agreement with five utility companies. Could I have a quick update on where you are in that process?

Tom Blackhall: The negotiation of the heads of terms is complete with four of the remaining five utilities—we are at the point at which one or other party has the document to be signed. In those cases, either the City of Edinburgh Council or the public utility company is going through the process of signing the agreement. However, at present, we are still in negotiations with Scottish Power.

The Convener: As there are no follow-up questions from Laura Donald and no questions from committee members, I thank Mr Blackhall for his evidence.

The final witness for group 23 is Les Buckman, who will address traffic flow. In the absence of questions from Ms Donald, are there any questions from committee members?

Members indicated disagreement.

The Convener: I hear silence. In the absence of any questions, I thank Mr Buckman for attending.

Laura Donald now has up to five minutes to make any closing remarks about the evidence relating to the objection.

Laura Donald: I am not quite sure where to begin. In summary, all the issues that group 23 raised were perfectly appropriate and fair, but they have been dealt with in our written evidence, which the committee has. I do not propose to take up any further time on the matter, unless I can help you on a particular point.

The Convener: No; the matter is fairly straightforward. That concludes oral evidence taking on group 23.

We move rapidly on to evidence taking on group 26, which is Norman, Downie and Kerr Ltd, and group 27, which is Alexander Latto (1986) Ltd. I propose to take the groups together, as both have the same promoter witnesses. Therefore, I ask everybody to identify clearly to which group any questions and comments relate. I invite Steve Mitchell and Scott McIntosh to join Gary Turner at the table.

The first witness is Steve Mitchell, who will address noise and vibration.

Laura Donald: I have no questions for the witnesses, but it would perhaps be helpful if I gave an update as to where we are with the objectors.

The Convener: It would indeed.

Laura Donald: In relation to Norman, Downie and Kerr, which is group 26, the promoter has tried to arrange further meetings with the objector in the past week to find out what further comfort the objector wants from the promoter to allow it to withdraw the objection. The objector was unable to meet last week, but we have arranged a meeting for tomorrow to see what comfort we can give.

On Alexander Latto (1986), which is group 27, the promoter met with the objector on Friday and previously to that. Again, the aim was to find out what comfort the objector requires from the promoter. Further comfort about access and the alignment at Constitution Street was given to that party. The promoter is seeing the objector again tomorrow to continue the discussions in an effort to allay the objector's fears or concerns.

The Convener: So discussions are on-going. As Laura Donald has no questions for the witnesses, I ask members whether they have any questions for Steve Mitchell.

Phil Gallie: I have a question that follows on from Laura Donald's comments. Obviously, quite serious noise issues have been raised, especially those of short-term noise during construction. One question would be what "short term" means for the buildings concerned.

For my second point, I return to one of Ms Donald's comments. It seems that great efforts are made to hold various meetings and clear up issues before the committee meets. That might be commendable, but I would like to think that such meetings will not come to lose their importance and that undertakings can be given by those who are before us that some meetings will be held in the near future.

16:45

Laura Donald: Absolutely: meetings are on-going. Meetings have been held over the past 10 months. Last week, updating meetings were held because of the matters coming before the committee today. There is no intention at all to lose sight of those meetings. My understanding is that we will not lose sight of them; we will continue with them.

Phil Gallie: That is good enough for me.

The Convener: I did not think that it was necessarily appropriate for Mr Mitchell to answer that.

Phil Gallie: I felt that it was better for Ms Donald to answer it. I am happy with that; Mr Mitchell has already answered many points.

The Convener: I thank Mr Mitchell for his attendance this afternoon.

Scott McIntosh will address compensation and building fixings. We are aware that the promoter may seek to amend the bill to impose a fee on those who require the tram electrical system to be switched off during non-operational times for such purposes as access and maintenance. Would such a fee be levied on those who, because of the use of overhead line equipment, must switch off the power to carry out maintenance?

Scott McIntosh: It is my understanding that, according to the discussion between the operator and the promoter, the fee will be charged for the process of turning off the electrical power. Turning it off is the easy part; it is the safety measures to ensure that nobody touches the line when the power is turned back on that take time and effort. Those measures require some staff time, and my understanding is that the operator is seeking recompense for that. However, that will apply only in the limited circumstances where the overhead line has to be discharged and made safe.

The Convener: Who will the operator charge for that?

Scott McIntosh: It will charge the person who requires the power to be turned off so that maintenance work on the building in question can be carried out.

The Convener: I thank Mr McIntosh for his evidence.

Gary Turner will address road width and access. In the absence of questions from the promoter, I invite questions from committee members.

Helen Eadie: You indicate that access to the masonic lodge will be maintained through the use of—

The Convener: I am sorry, but that question relates to group 25. We are still on group 23.

Helen Eadie: I beg your pardon.

The Convener: I am sorry—we are in fact on groups 26 and 27. I stand corrected. I have a question on group 27. Access to group 27's garages could be viewed as integral to their ability to function as car breakdown and recovery services. What provision is there for alternative garage provision should access to those garages become disrupted for any significant period?

Gary Turner: During the operation of the tram, we do not envisage that there will be any disruption to access. The tram will operate as any other road vehicle would in the location concerned. During construction, there might potentially be the opportunity to hold discussions with the parties concerned so that, if there is any disruption, alternative arrangements can be made. That has already been touched on with those parties in a general sense, but the details are not

being discussed until we know the full requirements and when the construction period that might impact upon the parties will be. In general terms, arrangements have been made to hold such discussions with the parties involved.

The Convener: Thank you very much for your evidence, Mr Turner.

Ms Donald has up to five minutes for each group, should she choose to use that time, to make any closing remarks.

Laura Donald: The objections of groups 26 and 27 are fairly straightforward. They are concerned about noise, parking and access. All our evidence has been produced in writing, and I am happy to rest on that evidence.

We have received brief updates from a couple of the witnesses, so the committee has all the evidence in front of it.

The Convener: That concludes oral evidence taking on groups 26 and 27. We move to group 25, which relates to the Edinburgh Masonic Club. The only witness for group 25 is Gary Turner, who will address the issue of permanent acquisition of land and impacts on access.

Laura Donald: I have no lead question for Mr Turner. There has been no update in this case since the evidence was lodged.

Helen Eadie: You indicate that access to the masonic lodge will be maintained through the use of left-in, left-out traffic movement. How will the promoter facilitate the easy manoeuvrability of cars travelling in the opposite direction that wish to access the masonic lodge?

Gary Turner: We have taken the left-in, left-out approach because traffic approaching the Edinburgh Masonic Club that initially required to make a right turn and was sitting in a traffic lane that faced northwards would have had to traverse two tram tracks, as well as the opposing traffic. On grounds of safety, because there is not enough space to insert a safety refuge in which vehicles could wait and watch oncoming vehicles, the intention is for all access to and egress from the masonic lodge to be left in, left out. The detail of how those manoeuvres would be made by people who would normally have made a right turn will have to be developed as part of the detailed design of the works. It is anticipated that vehicles would go beyond the entrance of the lodge to a convenient point, where they would turn around. They would then approach the lodge by making a left turn.

The Convener: As there are no follow-up questions, I thank Mr Turner for his evidence. Laura Donald has up to five minutes in which to make any closing remarks on group 25.

Laura Donald: The issue that was identified in the objection was the requirement for permanent land acquisition and the impact on access to the Edinburgh Masonic Club, which has been discussed. The promoter has given written undertakings that it will not be required to acquire the land compulsorily and that access will not be stopped up. In the circumstances, I invite the committee to set aside the objection.

The Convener: Group 20 relates to Police Box Coffee Bars. There are two witnesses for group 20. The first is again Gary Turner, who will address the issues of limits of deviation, land to be acquired or used and business impacts.

Laura Donald: I have no lead question for the witness. Again, there has been no update since the evidence was lodged.

Rob Gibson: Police Box Coffee Bars is a small business, so it is very concerned about any disruption resulting from the temporary or permanent acquisition of land for the purposes of constructing the tramway. Should it be concerned at present? Will the business be disrupted by the construction of the tramway?

Gary Turner: The simple answer is no. Police Box Coffee Bars should not be concerned. The land will not be acquired permanently. The promoter has made several attempts to contact the parties that own and promote Police Box Coffee Bars, but has received no formal response. The promoter has undertaken to confirm to the parties that they should have no concerns. It has given an undertaking that the land that they occupy will not be acquired permanently and that the services that feed into the coffee box will not be unduly disrupted. Those assurances have been given, but I understand that, to date, the promoter has received no formal response acknowledging them.

Rob Gibson: I do not want to be pernickety, but “unduly disrupted” can be a broad term.

Gary Turner: The tram will not impact on the services that feed into the coffee box. However, we cannot speak for the service providers. That is why we say that services will not be unduly affected.

Rob Gibson: Will customers of Police Box Coffee Bars be affected by the process?

Gary Turner: This is speculation on my part, but I anticipate that, when royal assent is received and the tram is constructed, patronage of Police Box Coffee Bars will increase. The tram proposals will have no impact on footfall on pedestrian routes.

The Convener: I thank Mr Turner for giving evidence.

The final witness in the group is Scott McIntosh, who will address the issue of loss of custom. As

Ms Donald has no questions, do committee members have any questions for Mr McIntosh? Do you have any questions, Helen?

Helen Eadie: No.

The Convener: I think that she is saving herself for putting questions to the next group. I thank Mr McIntosh for attending.

Ms Donald has up to five minutes to make closing remarks on the objection.

Laura Donald: The promoter has given an undertaking to the objector that confirms that it will not acquire the land that is occupied by the objector and that existing services will be maintained throughout the construction period. It is difficult to see what more the promoter could do to assist without further contact with the objector. In the circumstances, we rest on our written evidence and the evidence that has been provided this afternoon.

The Convener: Thank you very much. That concludes group 20’s oral evidence.

Today’s final group is group 41, from Alastair Harkness. I do not intend that the committee should take a short break; instead, I invite Mr Rintoul to join Mr McIntosh and Mr Mitchell at the table.

The first witness is Mr McIntosh, who will address the issues of construction and property values. Ms Donald, do you have any questions for Mr McIntosh?

Laura Donald: I have no questions. Thank you.

The Convener: Do committee members have any questions for Mr McIntosh?

Helen Eadie: I do. Mr McIntosh, will you confirm that access to the objector’s property will be maintained at all times?

Scott McIntosh: We intend to maintain suitable access at all times—the code of construction practice requires that. Such access will be maintained at all times unless there is a disastrous problem for which we have not planned.

Helen Eadie: May I ask another question, convener?

The Convener: Absolutely.

Helen Eadie: What impact could construction of the tram have on the objector’s cellar?

Scott McIntosh: Cellars are a particularly difficult issue, but they will certainly be examined. Cellars are treated as part of the property. Therefore, there are the same rights for repair and compensation if any damage is incurred to the cellar as there are for any other part of the property.

Helen Eadie: You have answered my next question, but I have another question. How will the potential risk of the tram operating over or near the objector's cellar impact on the property's value?

Scott McIntosh: Obviously, the constructors of the tramway have the same requirement to ensure the stability of the road and therefore of the cellars as they have to ensure the stability of any other part of the building. Any instability in the building would have to be remedied by the promoter, and there could be claims for compensation in respect of cellars in the same way that there could be claims for any other part of the property. As I said, cellars are a particular problem. That is because they are often constructed to a lower standard than that to which the building is constructed. Particular care must therefore be taken to ensure that the ground is consolidated around them.

The Convener: I thank Mr McIntosh for giving evidence.

Steve Mitchell will address the issue of noise and vibration. As Ms Donald has no questions, I turn to committee members.

Phil Gallie: Table 1 in your response to the objector shows noise in addition to the current ambient levels. Why would there be no real impact on the overall noise levels in West Maitland Street?

Steve Mitchell: I have predicted a noise increase of around 0.2dB, which, as you say, is very small. I am talking about the L_{Aeq} noise level that is accumulated over the whole day. There are two reasons why the noise increase would be very small. The trams will run down the centre of the road past the property, so there is separation distance. The other reason is simply that Shandwick Place is already a very noisy road.

I may not have put this point to the committee before, but as a rule of thumb a tram makes about the same level of noise as a bus. It depends on the type of bus, the type of tram and the speed, but in general terms that is the noise level that a tram produces. Many buses pass up and down the road at the moment. Only eight trams will pass up and down per hour, so we can see that the increase in noise will be very small.

17:00

Phil Gallie: We have already referred to the cellar. What effect will noise and vibration have on usage of the cellar?

Steve Mitchell: In the noise and vibration policy, there are commitments to the vibration standards that will apply to occupied buildings. In the design process we will need to establish the use of the cellars—they might be stores or they might be occupied in a greater sense. The vibration

standards to which we are committed cover different uses. British standard 6472 tells us what good vibration levels are. By saying that we will apply that standard, we have covered the matter. The standard will cover cellars in the same way that it covers other parts of buildings.

Phil Gallie: You suggest that monitoring of usage of the cellar will take place. Will the proprietor of the building have continuous access to the monitoring figures? How will the monitoring be carried out during the construction phase?

Steve Mitchell: Mr McIntosh told us that cellars can be problematic during construction. In the code of construction practice we have a requirement to monitor vibration where we think that it could approach levels that are dangerous to structures. The objector's property could well be one of the sites that are picked up for such monitoring. The City of Edinburgh Council environmental and consumer services department will decide which sites should be picked up and, assuming that the occupant will grant us access, we will put in equipment to monitor levels against safe limits throughout the works.

Phil Gallie: In paragraph 4.7 of your statement you indicate that, during construction, noise may be mitigated. What mitigation work will you be able to do to cover noise during the construction period?

Steve Mitchell: Shandwick Place is already a very noisy site. We heard earlier that more noise means more noise—that is true, but it matters whether the increase in noise is detectable and significant. In this case, construction noise could, on occasions, exceed the road traffic noise levels that are already there, so the occupant could experience more noise. However, it is worth bearing in mind that the properties will probably have taken steps already to defend themselves against the high level of road traffic noise. I have not inspected the properties, but they might have noise insulation already or they might use different parts of the building in different ways.

That is something of a defence, but nonetheless there is a possibility of disturbance for short periods of time during construction on many sections of the route. The measures to which we are committed are outlined in the code of construction practice.

The Convener: Ms Donald, do you have any follow-up questions?

Laura Donald: I am content with Mr Mitchell's evidence.

The Convener: On that basis, there are no further questions for Mr Mitchell. I thank him for giving evidence this afternoon.

The final witness today is Mr Rintoul, who will address the issue of compensation. In the

absence of questions from Ms Donald, are there any questions from committee members?

Members indicated disagreement.

The Convener: On that basis, I thank Mr Rintoul for being in attendance this afternoon.

Ms Donald, you now have up to five minutes to make any closing remarks that you wish to make in relation to the objection.

Laura Donald: Once again, the objector has raised in his objection perfectly proper and appropriate queries, with the added peculiarity of the cellars outwith his property, which I think is something new to us. He should be reassured by the contents of the code of construction practice, to which Mr Mitchell and Mr McIntosh have referred. As Mr Mitchell pointed out, in this case, the objector lives in an area that already experiences a high level of ambient noise and the predicted changes to noise levels will be imperceptible. As for the vibration in or on the cellars, Mr Mitchell has already given evidence that such matters can be monitored.

As the promoter is quite confident that any impact on the objector will be minimal and considers that the objection can properly be met by protections that are already in place, such as the code of construction practice and the noise and vibration policy, I accordingly invite the committee to set aside the objection.

The Convener: That concludes oral evidence taking for group 41 and, indeed, for today's meeting. I thank all those who have appeared before the committee. I do not propose to take a break; instead, I want to press on and therefore ask anyone who is leaving the committee room to do so quietly.

The next item of business is preliminary consideration of objections and consideration of the adequacy of the supplementary accompanying documents for proposed realignments. Today we are considering five objections to the proposed alignment amendments to the Edinburgh Tram (Line One) Bill which, as members will recall, relate to Newhaven and Haymarket. We agreed that there was merit in considering the realignments; however, as they went outwith the limits of deviation and the land to be acquired or used as set out in the bill, standing orders require the promoter to undertake an objection period of 60 days to afford anyone who is newly affected the opportunity to object to the proposed amendments.

That objection period closed on Tuesday 30 August and five admissible objections were lodged. Under standing orders, we are required to give preliminary consideration to all admissible objections and are charged with satisfying

ourselves that each objection is based on a reasonable claim that the objector's interests would be adversely affected by the bill. If we are not satisfied on that point, we must under standing orders reject the objection. However, if we cannot decide whether an objection demonstrates a clear adverse effect, we can offer an objector the opportunity to provide further written information or to be heard at a future meeting.

Members have been issued with copies of all admissible objections and I am sure that we have all taken the intervening time to review the objections in preparation for the decisions that we will now take.

By way of guidance—and, indeed, given the time—I have reviewed the admissible objections to the detail of the bill and am satisfied that, in all cases, they demonstrate a clear adverse effect. It is reasonable to claim that properties on the tram route might experience noise and vibration and other potential impacts on, for example, access to property. Do members have any comments?

Phil Gallie: My only question is whether we can consider whether the objectors can come forward and give further evidence at a later date.

The Convener: We are simply agreeing to the objections today. Is that okay?

Phil Gallie: Yes.

The Convener: Let me put that into a form of words that will allow me to seek the committee's agreement on it.

I invite members to agree that the objections to the specified provisions of the bill are based on reasonable claims that the objectors' interests would be adversely affected and should therefore proceed to consideration stage. Is that agreed?

Members indicated agreement.

The Convener: The clerks will write to the objectors to inform them of the next steps. We will then consider their objections as part of our current consideration of the bill. Of course, at the moment, we are going through the bill's consideration stage.

At a future committee meeting, we will want to consider the timescale of any written evidence and deadlines for the five new objections. Members might recall that we agreed to consider objections in relation to the Haymarket area on 1 November. In case we need it, we have arranged a back-up on the morning of Wednesday 2 November, but it is likely that the new objections will be considered as part of the evidence taking on 1 November.

In addition to giving preliminary consideration to objections, we are required to consider the adequacy of any supplementary accompanying documents that the promoter has provided. For

ease, I will take each of the documents in turn and check that members agree to them.

The first supplementary accompanying document is the explanatory memorandum and its annexes, which detail the accompanying documents that will need to be reviewed as a result of the amendments. The memorandum also addresses the scope of the amendments and provides information on the notification and advertisement that the promoter has sent out. Having reviewed the documents that are set out in annexes B and C, do members agree that the explanatory memorandum and annexes are adequate?

Members indicated agreement.

The Convener: The explanatory memorandum contains information on where and at what cost the supplementary documents would be available. This information, along with the information on the notification and advertisement, make up the promoter's statement. Are members agreed that the promoter's statement complies with the requirements of standing orders as they relate to the proposed amendments?

Members indicated agreement.

The Convener: The next supplementary accompanying document is the promoter's memorandum, which sets out the objectives of the proposed amendments and the reasons why they are necessary. It is certainly my view that the promoter's memorandum complies with standing orders. Do members agree?

Members indicated agreement.

The Convener: As members will recall, the environmental statement is important in considering the objections at phase one of the consideration stage. As a result, the supplementary environmental statement on the proposed amendments was reviewed by our adviser, Bond Pearce. The final paragraph of its report, which is set out at annex E, helpfully states its view that the supplementary environmental statement is adequate in assisting our consideration of the proposed realignments. On that basis, do members agree that the supplementary environmental statement meets the requirements of standing orders with regard to the proposed amendments to the alignment?

Members indicated agreement.

The Convener: The final supplementary documents are the book of reference and the maps, plans and sections. The promoter asserts that both documents have been updated and that the maps, plans and sections are available on its website. Do members agree that the maps, plans and sections and the book of reference comply with the Presiding Officer's determination as it relates to the proposed amendments?

Members indicated agreement.

The Convener: Excellent. That concludes this item of business.

The next item on our agenda is our discussion in private of the oral evidence that we have taken today. I invite members of the public, witnesses et al to leave as quickly and as quietly as possible.

17:12

Meeting continued in private until 17:32.

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