

EDINBURGH TRAM (LINE TWO) BILL COMMITTEE

Wednesday 3 November 2004

Session 2

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EDINBURGH TRAM (LINE TWO) BILL COMMITTEE

† 7th Meeting 2004, Session 2

CONVENER

*Bill Aitken (Glasgow) (Con)

DEPUTY CONVENER

*Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

COMMITTEE MEMBERS

*Marilyn Livingstone (Kirkcaldy) (Lab)

*Kate Maclean (Dundee West) (Lab)

*Alasdair Morgan (South of Scotland) (SNP)

*attended

THE FOLLOWING GAVE EVIDENCE:

Andrew Callander (Transport Initiatives Edinburgh)

Lesley Clark (Weber Shandwick)

Barry Cross (City of Edinburgh Council)

Geoff Duke (Transport Initiatives Edinburgh)

Mike Gillespy (FaberMaunsell)

Jacky McKinney (West Edinburgh Residents Trams Action Group)

Gordon Mitchell (CGM (Edinburgh) Ltd)

Ashley Parry Jones (LandAspects)

Stuart Reid (Norwich Union Linked Life Assurance Ltd)

Angus Walker (Bircham Dyson Bell)

Craig Wallace (Norwich Union Linked Life Assurance Ltd)

Hazel Young (West Edinburgh Residents Trams Action Group)

CLERK TO THE COMMITTEE

Graeme Elliott

LOCATION

Committee Room 1

† 6th Meeting 2004, Session 2—held in private.

Scottish Parliament

Edinburgh Tram (Line Two) Bill Committee

Wednesday 3 November 2004

[THE CONVENER *opened the meeting at 10:12*]

Interests

The Convener (Bill Aitken): Good morning, ladies and gentlemen. I remind members to switch off mobile phones and pagers. No apologies have been received for the meeting, because we have a 100 per cent turnout.

I welcome Alasdair Morgan as a new committee member and record our appreciation of Stewart Stevenson's contribution. I invite Alasdair Morgan to declare any interests. The declaration of interests is a statutory requirement, as has previously been intimated to other committee members, all of whom have made such a declaration.

Alasdair Morgan (South of Scotland) (SNP): I am not aware of any relevant interests to declare.

The Convener: I am obliged.

Item in Private

10:13

The Convener: I propose that the committee should move into private session at agenda item 4 to consider the timetable, topics and witnesses for consideration of the Edinburgh Tram (Line Two) Bill's general principles. That is standard procedure. It will enable a fuller discussion of evidence that the committee has received, potential witnesses and a timetable for taking oral evidence. I intend to publish the agreed timetable, topics and witnesses following our discussion. Do members agree to that?

Members *indicated agreement.*

Edinburgh Tram (Line Two) Bill: Preliminary Stage

10:14

The Convener: Agenda item 3 is evidence on the adequacy of the accompanying documents. We will hear from several panels of witnesses, so I ask the public and witnesses to bear with us, because people will move to and fro during the meeting. We will deal with that as efficiently as possible.

The first aspect that we will deal with is the bill's scope, on which we will hear from Barry Cross and Angus Walker, whom I welcome to the meeting. Do you wish to make an opening statement on the bill's terms and scope?

Barry Cross (City of Edinburgh Council): We do not wish to make an opening statement.

The Convener: In that case, it will be in order for us simply to proceed to questioning. Section 70 of the bill refers to article 3 of, and class 29 in part 11 of schedule 1 to, the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. So far as I understand it, by virtue of those provisions, planning permission will automatically be granted for development authorised by the bill, except for the erection of buildings and bridges and the formation, laying out or alteration of a means of access to any road, which must be subject to planning approval in the conventional sense and be dealt with by the local authority. Can you confirm for the record whether that is correct? It would be helpful if you could talk me and my colleagues through the types of work that will be subject to planning approval.

Angus Walker (Bircham Dyson Bell): What you say is not exactly correct. It is true that, in general, development authorised by the bill will be given deemed planning consent, but the exceptions that you gave do not have to go through the full planning process; they require only an approval. If you are familiar with the planning system, you will understand when I say that it is a bit like the bill granting outline permission and then reserved matters—the detail—being agreed with the local planning authority, which is the council.

The Convener: What would be the scope for someone to object?

Angus Walker: The list that you gave is correct, and is as listed in the permitted development order. In section 70, for the avoidance of doubt, we deliberately clarified the definition of what is a building, so that people know in advance that particular items will be subject to final approval. For example, section 70(4) states:

"buildings shall be deemed to include substations and poles ... extensions to buildings shall be deemed to include attachments to buildings."

In other words, substations, poles and attachments to buildings will all be subject to approval by the council, rather than automatically getting full permission.

The Convener: Would you care to define "attachment"?

Angus Walker: That is covered by section 15, which is on the power to attach cables and so on to buildings.

Alasdair Morgan: In section 15(1), you list various types of attachments. Could that include telecommunications masts, if you decide to install a system to enable your depot to be in contact with trams? If not, why not?

Angus Walker: I do not think that it was envisaged that it would cover telecommunications masts.

Alasdair Morgan: I am not asking whether that was envisaged, but would such masts be included?

Angus Walker: I am looking at the words. The categories are

"brackets, cables, wires, insulators and other apparatus required in connection with the authorised works."

As far as I know, no telecommunications system is proposed, but

"other apparatus required in connection with the ... works"

could include something like that. However, I do not think that it is proposed at all.

The Convener: Do you have any other questions, Alasdair?

Alasdair Morgan: Yes. The positions of tram stops are indicative at the moment. What further discussions will you undertake with the City of Edinburgh Council with regard to their final locations?

Angus Walker: I will start with what the bill provides and hand over to Barry Cross to talk about how the system is being developed with certain locations in mind.

The bill allows stops to be placed within the limits of deviation anywhere on the plans. However, the business case and environmental statement have been assessed on the basis of particular locations for stops.

Barry Cross: Stops are particularly important to the system, and in terms of the impact of the system on individuals and frontagers. For that reason, although the powers that will be conferred under the bill will enable stops to be located anywhere within the limits of deviation, the planning process that Angus Walker outlined effectively carries with it the detailed consent for those locations. The City of Edinburgh Council

has, for its interest, already approved locations, which the team developing the project are not at liberty to move unless consent is sought from the council, both as the sponsor and as the planning authority. Effectively, three tiers of approval are required for stop location.

You asked about the public input to that part of the planning process at that stage. Our planning colleagues and the planning authority have given considerable attention to that, given its importance. The planning authority has produced and approved a protocol, which involves advising interest groups and the public at large of applications in detailed terms before decisions are made. Although the powers under the bill allow for stops to be located anywhere within the limits of deviation, the planning process will step in at the locational level. It will also deal with what the stops look like, the materials that they are made of and other issues that are likely to interest individuals.

Alasdair Morgan: In other words, when the detail of tram stops appears, people in their immediate vicinity will be consulted and will have the opportunity to object.

Barry Cross: Yes, they will have an opportunity to object.

Alasdair Morgan: How does that compare with the process that applies to bus stops? I am referring to bus stops that have a substantial shelter, not just those with a pole.

Barry Cross: At the moment, there is no statutory requirement to consult frontagers on bus stops or on bus shelters. The council has a protocol that involves consulting frontagers, although it does not go beyond frontagers. If there are outstanding objections, they are taken to the appropriate local development committee. That is an extra process, which the council has put in place despite there being no formal statutory requirement to do so.

Angus Walker: The promoter is very conscious that particular care needs to be taken with the design of stops and other apparatus and has produced a design manual, copies of which have, I believe, been given to the committee. The contractor building the system will be held to that. The design has been undertaken in discussion with Historic Scotland and other amenity bodies to ensure that it is of a high enough standard.

The Convener: We turn now to the role of Historic Scotland.

Marilyn Livingstone (Kirkcaldy) (Lab): You have gone a long way towards covering some of the questions that I was going to ask, and I am pleased to hear Barry Cross talk about the City of Edinburgh Council's protocol. How will the public be made aware of the protocol, so that they know

what rights they have under the planning process? How will you ensure that the views of such agencies as Historic Scotland will be taken on board?

Barry Cross: I will deal first with the question of Historic Scotland. Angus Walker has already mentioned the production of a design manual, which is the bedrock of the design. Historic Scotland was closely involved in the production of that design manual. I have outlined the protocol for the planning process following any granting of powers. Historic Scotland is involved in that process. The protocol is built around a series of routes involving a parallel system to that which would pertain if this process were an ordinary planning application. Applications appear on a weekly list, which is widely disseminated—it is available through the council portals. The process is then similar to that which applies for planning consents. For simple applications that conform to the design manual, a delegated powers route is proposed. For more substantive items that are defined or for items that differ from the design manual, there is a process that involves a planning committee.

If the committee is particularly interested, we are producing a note on that protocol that has been approved by the council for the Edinburgh Tram (Line One) Bill Committee and we will be more than happy to make it available to you if you think that that would be useful.

Angus Walker: Remember that the series of controls that Barry Cross outlined will apply to all attachments to buildings of whatever nature.

The Convener: Thank you. We now turn to questions about the reasoning behind the use of the private bill procedure.

Kate Maclean (Dundee West) (Lab): I want to dig down a bit into why the private bill procedure is being used. Some of the objectors suspect that the procedure could circumvent people's usual democratic rights to protest and that it could make things easier for the undertakers rather than give people genuine rights.

Part 2 of the bill gives authorisation for compulsory purchase and for temporary possession of land to be taken during construction. I understand that those powers are already available to the council under current legislation. Why have you chosen to go down the private bill route rather than use the powers that are already available? Perhaps that question is for Angus Walker and then I have a specific question for Barry Cross.

Angus Walker: I will first give the general reasons why we chose the private bill route and then I will deal with compulsory purchase, if I remember about it—remind me if I do not.

We need a private bill because we propose to interfere with public rights—mainly rights of way down roads—to build and operate the tram, which will be in the middle of the street. We need various other approvals, such as listed building consent. We have already dealt with planning consent today. It is true that procedures are available to apply for those consents, but it is convenient for the objectors as well as for the promoter that everything happens in a single transparent process, namely through the Scottish Parliament. Otherwise, objectors would have to check all the different bodies from which approvals were sought. They would have to object to different bodies, using different procedures, and appear at different times, whereas in the proposed process, one tram system is being applied for with as many of the associated consents as possible being applied for at the same time. Potential objectors can see what is going on and they have the opportunity to object—we are not circumventing any such opportunity.

Although the council has compulsory purchase powers, they are for particular purposes, which do not currently include the construction of a tram. Although the normal compulsory purchase procedure is being used in the bill, explicit provision must be placed in the bill for the specific purpose of building a tram.

Kate Maclean: Are you saying that the council could not use its existing compulsory purchase powers?

Angus Walker: Not as I understand it. The council has such powers for regeneration, for example, but we are dealing with a specific transport system that is not covered by those existing powers.

Kate Maclean: I have a question for Barry Cross. Why is the council seeking powers to allow for the permanent stopping up of roads and to enable buses to share roads with trams, given that it already has those powers?

10:30

Barry Cross: The answer is almost a subset of Angus Walker's answer. If the tramway requires certain measures, it seems appropriate that those should be dealt with as a single entity through the parliamentary process. If we took the alternative route of securing the minimum necessary powers through the bill and allowed traffic regulation and stopping-up powers to be secured using the means that the council already has at its disposal, it is not clear that we would not fetter the council in its assessment of objectives. We would have a bill that gave the council powers to build a tramline, although it could not do that because it would require other powers for some of the measures.

When the council received a proposal to stop up a road, would it have any choice? How would it respond to objectors, given that it desired to build a tramline for which powers had been sought elsewhere? It is legitimate to consider in one forum the objections to each of the components that make up the tramway, because that allows due cognisance to be taken of all the objections.

Angus Walker: If we needed a series of consents, another problem would be that we might end up in a catch-22 situation in which one authorising body would not authorise a piece of work until consent had been granted from another body, and vice versa. We might end up with bodies waiting for one another to give consent.

Kate Maclean: That is often the case in the planning process for major developments. Are you saying that it is simply more convenient for the promoter to deal with the issue through a private bill than to the powers that already exist?

Angus Walker: No. I hope that I explained that it is necessary to have a private bill for the basic construction and operation of the tram. Although one or two other powers are being sought that could be obtained by other means, as Barry Cross said, some of the powers would come from the council—the promoter—so it makes more sense for a body external to the council to make the application for powers. That also means that the process is more transparent because the committee, the objectors and the promoter can understand the whole process.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I have no doubt that the process will be transparent. We acknowledge that the compulsory purchases that will be needed for the tramline require the Parliament's involvement. Have you estimated the time that it would take if the other powers were taken through the council's conventional planning mechanisms?

Angus Walker: I have not estimated how long that would take, but it would take a long time.

Jeremy Purvis: If you have not considered the alternatives, why did you come to the conclusion that it would be more efficient to seek the required powers, other than the compulsory purchase powers for the tramline, through the parliamentary process?

Angus Walker: We do not seek additional planning powers. We are using the existing legislation to which the convener referred in his first question, under which it is deemed that planning permission is granted for any act of the Scottish Parliament that specifies particular works. It is common sense that if we had to make a series of applications to many bodies, each depending on the other, that would take longer than a single process in the Scottish Parliament.

Jeremy Purvis: Marilyn Livingstone mentioned Historic Scotland, the evidence from which states that no monuments will be affected by the bill. Why do you seek exemption from section 2 of the Ancient Monuments and Archaeological Areas Act 1979?

Angus Walker: You are referring to section 69 of the bill, which deals with ancient monuments. There is an ancient monument out at Gogar, which the proposed alignment of the tram skirts. We do not believe that the tram's route impinges on the ancient monument. If discussions with the engineers and Historic Scotland reveal that it is possible for the tramline to be constructed without scheduled monument consent—which would not normally be required—it may well prove to be possible to remove section 69 during the consideration stage. However, we are still in discussion with Historic Scotland and our engineers need to be satisfied that it is possible to build the tramline without affecting the monument.

Jeremy Purvis: In relation to Gogar fort and the surrounding enclosure and field system, Historic Scotland's evidence states clearly that

"tram line two will have no direct impact on the protected area of this monument".

Paragraph 23 of its submission states:

"There has been no prior discussion with Historic Scotland over this part of the Bill, despite our role on behalf of Ministers in the administration of the 1979 Act."

Why was there no prior discussion? Why are discussions being held only now that section 69 has been included in the bill?

Angus Walker: There was no prior discussion because we do not believe that the tramline goes near enough the fort at Gogar. However, we must be absolutely sure of that and when the bill was being drafted, we were not absolutely sure of that.

We discussed the design manual with Historic Scotland. We would have thought that it would have been aware of the application for the bill. I am not sure whether the discussions extended to ancient monuments per se.

Jeremy Purvis: Historic Scotland is saying that they did not.

Angus Walker: Yes, but Historic Scotland also says that it did not hear about the bill until six months after it was introduced.

Jeremy Purvis: As you know, Historic Scotland has a statutory role on behalf of ministers in the administration of the 1979 act, from which you are seeking an exemption.

Angus Walker: Yes. In effect, by seeking an exemption, we are seeking the committee's authorisation for any works to ancient monuments that would be required. As I have said, if it turns

out that no such works are necessary, we will seek to remove section 69.

Jeremy Purvis: Although the appendix to Historic Scotland's submission states,

"HS's assessment is that the works permitted by this Bill will have no direct impact on any scheduled monument",

it also says that

"Conversely if that assessment is incorrect the onus rests on the Promoter to clarify precisely what those impacts are."

Are you aware of that and do you agree?

Angus Walker: Yes, certainly.

Jeremy Purvis: Does that not make it even more questionable that you are seeking exemption from section 2 of the 1979 act?

Angus Walker: I do not think that it follows that it is questionable that an exemption is being sought. When it comes to the bill's consideration stage, we will certainly produce evidence to justify the use of section 69, if it is required.

Jeremy Purvis: You say that you are not clear about whether an exemption is being sought.

Angus Walker: I am clear that an exemption is being sought.

Jeremy Purvis: You are clear that an exemption is being sought.

Angus Walker: An exemption is being sought at the moment, but it is quite likely that it will be possible to remove section 69.

Jeremy Purvis: I will leave it at that. I am sure that we will return to the issue.

Angus Walker: No doubt.

The Convener: Yes—in all probability, we will revisit it.

Let us turn to panel 2. We will now take evidence from Ashley Parry Jones, James Walker, Mike Gillespy and Mr Angus Walker. Good morning, gentlemen, and thank you for your attendance. We will now deal with aspects of the bill on which we have been provided with a lot of documentation.

I will open the questioning. You will be aware of recent difficulties with the Waverley Railway (Scotland) Bill, when a number of notifications that should have been served were not served. What assurances can you give the committee that such a situation will not arise in the notification process for this bill?

Ashley Parry Jones (LandAspects): I am aware of the Waverley issue but the tramline scheme is quite different because it is half rural and half urban. Looking at the Waverley project was very much part of the learning curve for this

particular bill process; we have gone through that process on quite a few occasions and provisions have been made in the methodology—relating to the line-referencing issues that generate the notices—to ensure that the Waverley problems do not arise again.

The Convener: I am obliged to you for that answer. Will you please explain LandAspects' role?

Ashley Parry Jones: Certainly. LandAspects is the referencing contractor for the Edinburgh Tram (Line Two) Bill. That work involves identifying lands that are within the limits of deviation—the lands to be acquired or used—as supplied by the engineers. It also involves identifying the legal interests in those lands and ensuring that those interests are then served with the appropriate notices that describe the powers that are being sought.

Jeremy Purvis: I want to ask about the questionnaires that were used to gather information on property. Can you explain the contents of the questionnaires?

Ashley Parry Jones: There are several stages in the land referencing process. The first starts before the exact route alignment is known. Clearly, during the consultation process the route alignment varies as members of the public are consulted and are able to give their opinions. As the engineering develops, the corridor of the route will be refined. At that stage, the land referencing process involves the examination of certain documents that are available publicly. Those documents include, among others, the land register of Scotland, the Register of Sasines and the electoral roll. Following the consultation process, we will talk to landowners to be sure that they have established their land interests and that we have understood them. That process includes the land interest questionnaire, which I believe is the questionnaire that you refer to.

Where possible, we gather information by site inquiry, by letter and by telephone, until we are satisfied that we have as much information as we can gather. We then write to everybody who has been part of the process and whose interests have been uncovered and ask them to confirm that we have listed their interests correctly. Notices are then served as the bill is introduced.

Jeremy Purvis: In how many areas was there uncertainty as to ownership of heritable land?

Ashley Parry Jones: The land referencing process depends on the co-operation of the people being referenced. Generally speaking, we have had a great deal of co-operation. In one area that is geographically quite large we were not provided with the information that we asked for. However, I do not believe that that has prejudiced

the landowners concerned. We knew who they were and, if anything, we have overnotified rather than undernotified by including people who may have no interest. If you like, we have overegged the pudding.

Jeremy Purvis: Have you covered owners of land or property that abuts the area of the scoped works?

10:45

Ashley Parry Jones: Yes. We are obliged to notify people who have heritable interests in properties that would be affected by the works. As a result, we sent out landowners' notices and included in the book of reference the people whose properties are within the limits of the scheme.

The guidance that was provided to us on the definition of "affected" was that it should include whatever someone decided was affected. The project decided that a fair and reasonable interpretation of the word "affected" would include the people who have interests in properties that abut the widest limits of the scheme. The individuals and properties were referenced and notices served on the owners and occupiers of all those properties. I believe that about 1,200 such notices were served.

Jeremy Purvis: After the discussions that were held with the promoter of the Waverley line, did you review your work on this project?

Ashley Parry Jones: Yes.

Jeremy Purvis: Did you also review your procedures?

Ashley Parry Jones: Yes. The procedures were revised at the commencement of this work.

Jeremy Purvis: Was the route of the line reviewed?

Ashley Parry Jones: The route?

Jeremy Purvis: Well, your scoping work was effectively reviewed on the same basis as the supplementary work that you undertook on the Waverley project.

Ashley Parry Jones: We have examined what we have done and are satisfied that reasonable inquiry was made. Just over 3,500 notices were duly served for the project. The Post Office returned some of them to us—I think that it was just over 300. The notices had been served by recorded delivery and the majority of those that were returned were not called for at the Post Office. We carried out further research to ensure that the notices had been correctly addressed, after which all the returned notices were duly re-served. They remain served in that they have not been returned to us.

Jeremy Purvis: So none of them was returned to you?

Ashley Parry Jones: All the notices that were returned were re-served successfully.

The Convener: There may have been an omission on my part, but I cannot trace our receiving a copy of your questionnaire. I am sure that you will appreciate that the papers are voluminous to say the least, but it would be useful if you could supply the clerk with a copy.

Ashley Parry Jones: Certainly.

Kate Maclean: Your response of 20 September to the committee's questions contains a number of statements that the issues relating to individual objectors' comments on the accuracy of maps, plans, sections and the book of reference were "being investigated further". Can you provide us with an update on your investigations?

Ashley Parry Jones: On certain occasions, we have been asked questions about the documents you describe and, where possible, we resolved the issues there and then. However, some of the questions related to what is, in effect, the engineering as it appears in the plans and sections and not to issues of notification. Those questions are matters for the engineers and the project in general.

Kate Maclean: Obviously, the committee is concerned that the documents are accurate. It would represent a significant failure on the ability of the promoter to depict exactly the impact of the development if documents were not accurate. Given that you said that matters were "being investigated further", could you write to the committee to give us more detail of what stage the investigation is at, or to give us the outcome, if the investigations are complete?

Ashley Parry Jones: Certainly.

The Convener: We would be interested to see the information.

Alasdair Morgan: The response also said that the project would have to do on-site inspections to check that the Ordnance Survey data were up to date. Can Ashley Parry Jones say anything further on the subject?

Ashley Parry Jones: Yes. The project used the most up-to-date Ordnance Survey mapping available at the time. In certain areas we noticed that development had taken place since Ordnance Survey had carried out its survey. Where it appeared that such development was significant to consideration of not only what was within the limits of deviation but what could be adjacent to them—we are notifying people who are adjacent—local surveys have been carried out or alternative mapping has been sewn into the Ordnance Survey

mapping, if you like, to present a more accurate picture on the ground.

Alasdair Morgan: On how many occasions was that done?

Ashley Parry Jones: I think that, on line 2, it was done only two or three times.

Alasdair Morgan: Was that work undertaken along the entire route?

Ashley Parry Jones: I believe so.

Mike Gillespy (FaberMaunsell): For example, there is an area at the end of the route at Newbridge where a lot of redevelopment is happening at the moment. New industrial units have been built but although they are not shown on the OS plans we have obtained details of them in topographical surveys and information from the planning process. That allows us to insert the buildings into the background plans.

Marilyn Livingstone: On Crown consent, you are aware that under rule 9A.13 of the Parliament's standing orders, any bill that affects hereditary revenues or private interests of the Crown cannot be passed unless appropriate consent has been signified. Are you aware of any property that would come under that rule?

Angus Walker: Not on the route of line 2.

The Convener: We now turn to our next group of witnesses—Hazel Young and Jacky McKinney. Good morning and welcome to the committee. I am sorry that the meeting is taking so long this morning, but that is inevitable with such a complex matter. You represent the West Edinburgh Residents Tram Action Group—WERTAG for short. I will invite you to make a brief opening statement shortly, but it might be useful for you to know that last week the committee did a site inspection of the route and were in the area that you represent. Who is going to lead off?

Jacky McKinney (West Edinburgh Residents Tram Action Group): I guess that I will. Hazel Young is our chairperson, but because of her circumstances she feels that it would be best if I were the opening speaker. I am not sure what you expect of us. We have never done this before, so it is all new to us. Our subject this morning is the consultation process. Our views about how the consultation experience was for us as a community are clear. We felt that the information given at the very beginning in the "Talktime" brochure, which was distributed city-wide—allegedly—was scant and sanitised. Residents of the three streets in the community that we represent did not even receive a brochure at the outset. At the beginning of the process three routes were up for selection by the public and could be voted on. I live in Whitson Road and I discovered that my property was on the routes that

were being voted on when I visited my mum and saw the exhibition, rather than by getting the brochure through my front door. You can imagine that the experience of residents along the three streets that we represent was similar, so we were disappointed by the consultation initially.

As the consultation has gone on, we feel that we have been drip fed information. We have had to seek it actively, rather than having it made readily available. The information has been very much in favour of the promoter and not the occupants of, mainly, Baird Drive and Whitson Road—the issue of Stenhouse Avenue West has fallen by the wayside a bit since route C was selected.

For further information, please feel free to ask. As I say, we have made much of our experience of the consultation in our objection, so it is difficult to know what you want us to say this morning.

The Convener: We will give you the opportunity to amplify that evidence. Miss Young, do you have anything to say at this juncture?

Hazel Young (West Edinburgh Residents Trams Action Group): There is nothing that I would like to add.

The Convener: Right. We will proceed to questioning.

Kate Maclean: A lot of the questions that we were going to ask have probably been answered in your written evidence and in the brief introduction that you have just given. When did you first hear about the line 2 proposals and how did you find out about them?

Jacky McKinney: My mum lives just next door to Saughtonhall United Reformed Church, which is one of the buildings where there was an exhibition about the trams project. I just happened to be visiting one day and popped in. There, I spoke to a supposed technician or expert who informed me—when I looked at the plans it was clear—that one of the options would have taken up a large part of my back garden. That came as quite a shock. When I pointed out that that could not be right, as that was my property and I lived there, he said, “No, it is right.” When I pressed him about how much property he was intending to purchase compulsorily, should option B be selected by the public, he informed me that it would be 18ft. That ballooned to an alarming 36ft when I attended a public meeting a few days later.

I met Hazel Young a few days subsequent to that. At the time, there were three options on the go and the final choice had not been pegged down. I met a few of my neighbours from Whitson Road at the Tynecastle public meeting, and their experience had been the same as mine. It had come as a bit of a shock to them, as the brochure had not been available. They learned of that public

meeting through word of mouth and through noticing a bit in the paper, not through any direct communication from the promoter that the development was happening and would impact very much on their properties. Hazel Young can confirm that her experience was similar to mine.

Kate Maclean: So you heard about the development by accident and it came as a complete shock. When was that?

Jacky McKinney: That was in May last year, when I visited the exhibition. I believe that the public meeting at Tynecastle was held in June.

Hazel Young: My experience was the same. I am round at the church quite a lot, as my daughter attends things there. I noticed that there was an exhibition on and I went in to have a look. I was absolutely horrified when I saw the drawings. I spoke to the engineer who was present and was a bit worried by the information that he gave me—or, rather, having looked at the drawings, I did not feel that the information that he was giving me was complete or true. I had been used to looking at planning drawings and such things in the past. The things that he told me about the distances that were required, the space that would be left and so on just did not ring true when I looked at the drawings.

I got telephone numbers from the engineer and contacted Transport Initiatives Edinburgh, which I got to send me a lot of leaflets. I then went round knocking on people's doors, asking whether they had heard about the proposed development. A lot of them had not. I gave them leaflets and tried to encourage them to respond to the leaflets and to get round to the exhibition if they could, although I think that it was over by that time—it was spread out over a few dates.

That was my experience of it. I told TIE that I was disgusted that people had not been sent leaflets, but it said that all the leaflets had definitely been sent out. After that, there were some more leaflet drops, but by then the process was already up and running.

Kate Maclean: You may not be able to answer this question—it does not matter if you cannot—but do you know which of your neighbours had heard about the project? You said that a lot of them had not heard about it. Do you know how those who had heard about it found out?

Hazel Young: The majority of them, like me, saw the exhibition at the church. The news was then passed on by word of mouth, by meeting people in the street and asking whether they had heard about the project. Most of them heard about it in that way.

Kate Maclean: Do you think that the promoter has made an effort to publicise the project and to

ensure that residents are able to participate in the consultation?

11:00

Jacky McKinney: The promoter has subsequently set up a community liaison group, through which people from the community or their representatives can participate, and we have been invited along to the meetings of that group.

Much has been made of public support for the bill. The public's opportunity to object has pretty much passed; we lodged our objection in time, but information has been drip fed to us. Indeed, we are still finding things out. We have simply not received all the information we need about the tramline and the specific, dreadful impact that it will have on the properties in Hazel Young's street and the financial and other impacts that it will have on the wider community. For example, information about the rail link from the airport is only coming to light now; that was not available widely at the time. As a result, people were asked to comment on a bill with very limited information and that opportunity has now passed.

We heard only last night about the concerns of Ron McAulay, who is part of Network Rail's senior management. He has pointed out that running the tramline alongside the railway line will affect the electronic communications systems, which might have a dreadful, disastrous impact. For example, two trains might find themselves running towards each other on the same line. I am shocked when I read the information that is coming to light only now. However, people across the city have missed the opportunity to lodge objections or make comments. TIE's statistics on the consultation process and the level of public support that the project allegedly has are simply not true. The public were not presented with all the facts. As far as the funding is concerned, it appears that £375 million is a figure of the past, but the public do not have the opportunity to say, "If we had known this information at the time, we might have said something different".

Marilyn Livingstone: You said that you attended an exhibition about the project. How many public meetings, roadshows and displays were held? How much information was available to you and how were your questions dealt with? What feedback did you receive from the promoter about how your group's views had been taken on board?

Jacky McKinney: An exhibition was held for the wider community at Saughtonhall United Reformed Church. People from our area might also have had access to exhibitions at the Gyle and other places. The specific public meeting for our area was held at Tynecastle High School and

the people I know who attended that meeting learned of it through the newspaper. After I talked to the technician at Saughtonhall Drive about what would happen to the side of Whitson Road nearest the railway line, I carried out a door-to-door because I was shocked at and exasperated by the implications.

We have subsequently had a lot of contact with TIE representatives, particularly Geoff Duke, who is the line's project manager, and Gavin Murray from FaberMaunsell. We have found those gentlemen very fine to deal with; they have always been very courteous and helpful and have been very forthcoming with answers to our questions and requests for other information.

However, we are concerned that what we say does not really matter. For example, the group asked Mr Duke, Mr Murray and other representatives from their organisations to come to Hazel Young's house for an informal chat about our concerns. During that very productive meeting, we offered solutions in order to reach a compromise that would allow the tramline to go ahead while ensuring that we could live with it. For example, we asked whether it would be possible for them to operate a single line in the section directly behind Baird Drive. We felt that that was a reasonable compromise; after all, it would not have a negative impact on speed because the trams would have to slow down anyway for the stop at Balgreen. However, it was completely overlooked. At the time, it appeared that those involved in the project were being driven more by the timetable for starting the bill's parliamentary process than by any realistic consideration of our opinions. We were trying to work with them because we did not want to stop the whole project, but it seemed that nothing that we said would ever be taken on board. That is not necessarily the fault of TIE or FaberMaunsell; they have been driven by the City of Edinburgh Council and by the project's very specific timetable and agenda.

The Convener: I would like to narrow things down a little. The discussion is extremely interesting, but the committee will enter consideration stage further down the line, when that issue will be particularly pertinent. However, this morning we are considering the adequacy of the documentation.

Marilyn Livingstone: The witnesses describe some of the consultation material and information as "misleading". Can you explain in what way you believe that to be the case?

Jacky McKinney: A brochure was delivered in the various streets concerned—although I would have chosen to have it delivered citywide. It was indicated that, under option A, I would lose property and that, under option B, there would be an impact at the back of Hazel Young's property—

those were described as having “some impact” and “slight impact”. Under option B, 12 houses will have to be knocked down. At the back of Baird Drive, a tramline will be running at the foot of people’s gardens. There will be noise and the embankment is to be wiped away, so the people who live there, who already suffer train noise, will have both tram and train noise with no barrier. We feel that, if ordinary householders like us had access to that information, they would think, “Crikey, would I like that at the foot of my garden?” and would say no and vote for option C, which would thread the project through an area of derelict ground, which would affect nobody.

We put that argument to the operators, who said, at the very end, that option C—the third option that they had put forward for a public vote—could never really be considered, because of the impact on infrastructure, including bridges, and the cost. However, all the way through the consultation process, when people were being asked for their views at public meetings, the operators said that the cost differentials between the three options were negligible. We feel that that was a misrepresentation of the truth because, ultimately, the operators said that the cost differentials were huge. That was not ever made clear in the brochures or at the public meetings, when the operators were pressed on the matter.

Jeremy Purvis: Are you aware of the consultation report done by the consultants to the promoter, the public relations company, Weber Shandwick?

Jacky McKinney: No.

Jeremy Purvis: So you have not seen it and you were not aware that it had been put together. You were asking before whether the assumptions about popular support had been challenged. In any case, you are not aware of the document.

Jacky McKinney: I am not aware of it. The paperwork is voluminous, and—

The Convener: I am sorry—I did not catch that. Could you repeat that?

Jacky McKinney: The amount of paperwork attached to the process is huge. We might well have given something a scant reading, but I am not especially aware of the document to which Jeremy Purvis is referring.

Jeremy Purvis: I turn to the paper that you gave us and the subject of the community liaison group meeting involving Stenhouse community council. Have you had other links of that sort? I presume that that is your local community council.

Jacky McKinney: It is my local community council. Hazel Young’s area abuts Murrayfield, so people in her street are on the borderline.

Jeremy Purvis: Very early on in the discussions, were you in contact with your local councillor or with the local community council?

Jacky McKinney: Yes. I attended my local councillor’s surgery after I had spoken to a technician and had attended a meeting at Tynecastle. When I put all my specific concerns about Whitson Road to him, the information that I got back was quite astounding, which is why I have chosen not to have much to do with him during this whole process. He gave me a potted history of transport proposals through the ages. He rolled his eyes and said as much as, “This has happened before. Just you leave it with me. It will all blow over.” When I pressed him and asked him whether he was saying that the project would roll on and on but would eventually come to nothing, despite all the money that had been spent, he just nodded and said, “Let’s wait and see.” I did not feel that that was a very constructive approach to the situation. Apart from anything else, if the proposals did come to nothing, a huge amount of time, effort, money and stress would still have been gone through, all for nothing; so, I circumvented him.

I went along to Stenhouse community council and, initially, when the three options were still in play, I attracted a lot of interest. When the option to put the line alongside Carrick Knowe golf course and along the back of Baird Drive was chosen, the community council’s interest seemed to drop. I think that part of that was due to the fact that Councillor Milligan, who is the councillor for the area, does not attend community council meetings there; rather, Councillor Burns, whose ward is adjacent to Stenhouse and Whitson and who is, as the committee knows, the city’s transport convener, attends them. I could well be wrong, but I think that the people who run the community council are so keen to have councillor representation at their meetings that they do not want to offend or upset Councillor Burns, who obviously has a great deal of vested interest in transport developments in the community at the moment.

We went to Stenhouse community council a couple of times. The council offered us facilities to photocopy information to disperse on the streets, but it withdrew them after the choice was made to run with the other line, so we have not gone back to it.

Hazel Young: I had the same experience. I, too, went along to Eric Milligan’s local surgery and was given more or less the same information that Jacky McKinney was given when she met him. When I pressed him on the matter, he said that the corridor had been targeted again and again and that, even if the proposals did not go through, it was inevitable that it would be targeted yet again

some time down the line, and that I must have been aware of that when I bought my property. Obviously, I came away from the meeting thinking that there was no support there and that I would certainly not turn to him for support in the future.

I was at a meeting of Stenhouse community council after the three options had been presented and after it was decided that option B would be followed. I attended the meeting with another person who is a member of the group. When I tried to bring up the subject of trams, the response was, "Yes, well, we've dealt with that in previous meetings and we're not dealing with it now." After the meeting, I approached a member of the community council and asked what was going on and whether people were not interested because the line would not be going down Whitson Road. She basically said that that was the case. Obviously, the photocopying experience showed that people were not interested any more.

Jeremy Purvis: You have said in your note that you are going to have no further contact with TIE.

Jacky McKinney: There is no point, as the community liaison group is on-going. At the moment, we want to participate in the parliamentary process and to find out whether the bill will go ahead. If it does, only then will it seem pertinent to spend our time having an input to the construction. The issue is not that we do not want the tram project to go ahead; it is that we want the embankment at the rear of Baird Drive to stay intact. TIE does not see any way in which that can happen, so there is no point in talking about that until we can become involved in the issue again during the various mitigation processes to limit the impact on residents.

Alasdair Morgan: Which community council area do you live in?

Jacky McKinney: Whitson Road is part of Stenhouse, but Baird Drive is on the border between Stenhouse and Murrayfield, so it dips into both. Councillor Milligan, for example, is the councillor in the Stenhouse ward, but Murrayfield has an interest. There is a boundary line and a grey area.

Alasdair Morgan: But you must be on one side of the boundary or the other. Do you know which?

Hazel Young: I think that there is a boundary on Balgreen Road, but Baird Drive would appear to come under Murrayfield community council, whereas Whitson Road does not. However, the councillor covers both areas.

Alasdair Morgan: In your submission, you say that you requested a hard copy of the environmental statement, but that the request was declined. From whom did you request a copy?

Jacky McKinney: At the time, the stakeholder manager was a lady called Nicola Rainy-Brown,

who I think has left TIE. We asked her for a copy of the environmental statement, because it is a huge document and it would have cost us £70-odd—she said—to get a hard copy of it. We are a small group with no funds, and to download it from our computers was an impossible nightmare, so we asked whether we could have a copy for the group. I think that she said that there were legal reasons for her being unable to supply it to us and that, if she supplied it to us, it would almost set a precedent for supplying it to other people. Eventually, we got hold of it in dribs and drabs from other people, but we were told at the beginning that we could not have it.

Alasdair Morgan: Did you have it on compact disc?

Jacky McKinney: No. We managed to get it ourselves by allocating little bits of it to people to download from their computers.

Alasdair Morgan: Okay, but am I correct in saying that the problem was not that it was not available to you, but that it was not available to you at no cost?

Jacky McKinney: Yes.

Hazel Young: Obviously, we are just the ordinary Joe Bloggs in the street.

Alasdair Morgan: I understand that. I just wanted to be sure that nobody refused to give you the statement, even at a fee.

The other issues that I wanted to raise have been dealt with.

11:15

The Convener: I thank the witnesses for coming—the session has been extremely useful.

The next panel of witnesses are from CGM (Edinburgh) Ltd and Norwich Union Linked Life Assurance Ltd. The companies are represented by Gordon Mitchell and Cameron Walker, and Karen Gribben and Craig Wallace respectively. I thank them for coming. Some of our questions will be for both organisations and some will be addressed individually. I will begin with one of the common questions. Both companies claim in their objections that they were not properly consulted. When and how did you hear about the initial proposals?

Gordon Mitchell (CGM (Edinburgh) Ltd): I am a director of CGM (Edinburgh) Ltd, which is the owner of a new office block at Haymarket called Citypoint. The promoter's memorandum for the Edinburgh Tram (Line Two) Bill explains the consultations that were undertaken. Paragraph 28 states that "a widespread consultation" on the two proposed lines took place between May and July 2003. We have the leaflets that were distributed to

the public as part of the consultation exercise, which showed the proposed alignment for the route of the tram, with alternative options at certain points. At Haymarket, the alignment was understood to be alongside the railway line. The leaflets asked whether the route in general was supported. Citypoint was unaffected by the proposed alignment and we did not respond to the consultation.

On 29 January 2004, we, as the owners of Citypoint, received formal notification, dated 27 January 2004, of the proposal to introduce the bill. It was clear from that notification that there had been a late change in the alignment at Haymarket. The notification stated that it was proposed to acquire the whole of the Citypoint car park, the light well for the building and other land.

Paragraph 33 of the promoter's memorandum states:

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

but that is simply not the case. At no stage prior to receiving the formal notice of the bill of 27 January 2004 were we told that our property might be directly affected by the alignment. As no attempt was made to find out what the consequences might be for us, we assume that the change was made without any consideration of the consequences. At no stage prior to the introduction of the bill were we given an explanation for the late change in the alignment at Haymarket. We regard the consultation exercise as having been inadequate and the memorandum to be misleading.

The Convener: Thank you. You went beyond the terms of the question, but we would have got around to asking you for the further information that you supplied.

I see that one of the witnesses from NULLA, Karen Gribben, has metamorphosed into Stuart Reid.

Stuart Reid (Norwich Union Linked Life Assurance Ltd): I will be speaking, if I may. We have a brief opening statement that we hope will assist the committee.

The Convener: It might resolve our questions.

Stuart Reid: Indeed.

Craig Wallace and I represent Norwich Union Linked Life Assurance Ltd, which owns and controls vast pension funds for United Kingdom pensioners. Those funds total billions of pounds and a significant proportion of them is invested in property in Edinburgh. NULLA owns Rosebery House on Haymarket Terrace. The building is an asset in a pension fund. It is a large commercial

property that is leased to commercial tenants and it sits immediately adjacent to the proposed tramline.

NULLA considers that the consultation on the alignment of line 2 has been inadequate; I will explain why. In May and July 2003, the promoter undertook a form of consultation on the original proposed alignment of line 2. That original proposed alignment can be seen in the diagram that we have distributed to committee members—diagram A. The alignment is shown as option 1. It did not impact significantly on Rosebery House: it swept to the rear of the building, was at a reasonable distance because of the car park, and did not block any access rights.

That was the original alignment on which the promoter carried out its public consultation. However, the problem is that, sometime in December 2003, although we do not know the precise date, the promoter changed the alignment. Diagram B in the bundle that we have given you shows the new proposed alignment—which is also shown on diagram A as option 4. The new alignment impacts significantly on NULLA. It runs along the front of Rosebery House and wraps around it. It is the new alignment that now appears as one of the accompanying documents to the bill. Crucially, there was no public consultation on the new alignment and no private consultation with the parties directly affected by the changed alignment, including Norwich Union. No explanation was given of why the change was implemented and, as far as Norwich Union is aware, no advance public warning was given that the original alignment was going to change.

The current alignment differs significantly from the original alignment. At the 11th hour, just a month or so before the bill was introduced to Parliament, we have a change in the alignment of line 2—without warning, without explanation and without consultation. Norwich Union considers that there is now a significant difference that will have a profound effect on the value of its property and on the day-to-day management responsibilities of NULLA as a landlord to its commercial tenants. The change impacts on capital value, on rental income and on obligations to tenants. I could give details if that would assist.

We acknowledge that today's hearing is not about compensation but about consultation. Proper consultation would have allowed the impact—including the financial impact—to be identified. It would have allowed parties to determine how to mitigate the impact and would have allowed the promoter to take an informed view in balancing competing interests. NULLA has been denied the opportunity to contribute to that.

In our submission, we respectfully suggest that it is simply not acceptable to make such a drastic change shortly before the introduction of the bill.

The first time that the fund manager with responsibility for the pension fund was alerted by the promoter to the change in the alignment was in a letter dated 4 March 2004.

Quite apart from the impact on Norwich Union, which is significant, the new alignment incorporates an element that is likely to be of wider public significance and interest, thus meriting wider public consultation. The alignment incorporates a proposal for a tram halt outside Rosebery House. It is our respectful view that that represents a significant lost opportunity to integrate physically the proposed local tram structure with the national rail infrastructure to create an integrated transport hub at Haymarket. The lack of any clear integration is inconsistent with, for example, the National Audit Office recommendations. The issue has not been consulted on and, if it had been consulted on, one wonders whether public opinion might not have been very strongly in favour of physical integration. The lack of physical integration was the source of—

The Convener: I must interrupt you, Mr Reid. What you say is useful, but you must appreciate that the purpose of today's meeting is somewhat narrow, so perhaps you could confine your remarks to the basic subject of today's meeting.

Stuart Reid: I am obliged, convener.

Consultation with NULLA should have taken place, because it is a directly interested party. There are very few large commercial interests in the area. It would have been easy for the promoter to have identified, approached and consulted the large commercial interests, but it did not do so.

I will illustrate my point. The notification of the proposed introduction of the bill that was apparently sent in January 2004 was not received by Norwich Union. That shows the deficiencies in the random, leaflet-drop form of consultation that was adopted. In that respect, the consultation was deficient. There should have been a more direct and immediate approach. The promoter knew who the large commercial interests were.

NULLA welcomes the project and the benefits that it would bring. However, consultation is an essential part of the process and, prior to the introduction of the bill, there was no consultation on the realignment. NULLA simply requests that it be allowed proper time to consult on the alignment as it affects NULLA and the public generally and, if necessary, to come back to the committee to address other aspects of the bill, including compensation.

The Convener: We are obliged for that statement, which has pre-empted a number of the questions that we might have asked. Do members have any questions?

Kate Maclean: From what has been said and from the written evidence, it is clear that the witnesses were not happy with the initial consultation. I ask the representatives of both NULLA and CGM (Edinburgh) Ltd how they feel that the continuing consultation is going. Following the consultation for line 2, the promoter's consultants, Weber Shandwick, produced a consultation report, which I think Jeremy Purvis referred to when we were asking questions of the previous panel. Has either organisation seen the document or been informed of its production?

Stuart Reid: My colleague Craig Wallace will answer that.

Craig Wallace (Norwich Union Linked Life Assurance Ltd): We are certainly aware of the document's existence and of the initiatives that Weber Shandwick undertook to publicise the scheme. As my colleague has mentioned, the key issue is the lack of a direct approach by TIE to Norwich Union prior to the bill's introduction. On the on-going consultation with TIE since the introduction of the bill, we have been contacted a number of times, largely as a result of the formal objection that we submitted as part of the bill process. We have had a couple of meetings with TIE to discuss the opportunities for further investigation of and change to the detailed route alignment in relation to Rosebery House. It is clear that we are dealing with a defined limit of deviation, which offers little room for manoeuvre around the building. We are faced with a single route to the front of the building, which, as has been highlighted, delivers many disbenefits as a result of the severance of the public road from the entrance to our building. It is our understanding that, at this point, there is limited opportunity to change that. That is why we are asking for a further opportunity to discuss the detail of the route with TIE so that we can come to an agreeable compromise.

The Convener: Mr Mitchell, will you or Mr Walker answer that question for CGM (Edinburgh) Ltd?

Gordon Mitchell: We have heard nothing about the Weber Shandwick report. However, we have had extensive discussions with TIE mainly to resolve the car parking issue. Those discussions have taken a long time and are still on-going, but we hope that the matter will now be resolved very quickly.

11:30

The Convener: We have no further questions. I am obliged to you, gentlemen, for your evidence.

For our final evidence session, we are joined by Lesley Clark, Geoff Duke and Andrew Callander, who are representing the promoter. As we have

already heard, you maintained a website on the project during and after the consultation. How and when have you have updated that site? What information does it carry? Have people been made aware of its existence? How many hits has it had? We heard that people knew about the site, but perhaps you could expand on that matter.

Lesley Clark (Weber Shandwick): The website, which was meant to introduce people to the concept of trams, was set up before the consultation began and its address was included with the freepost and freephone numbers in the initial documents that were issued pre-consultation. The website was updated throughout the process; when the consultation began, the consultation documents and other information were uploaded to it and documents were uploaded when the consultation ended. Indeed, as we have gone through the process, any publicly available documents that we have produced—such as the accompanying material to the bill or documents that were submitted to the council as part of the process—have also been uploaded. For example, the design manual, the environmental statements, the financial statements and all maps, plans and sections are available for viewing on the website.

The Convener: How many hits has the site received?

Lesley Clark: During the consultation, the site received between 30,000 and 50,000 hits a week. I do not have any figures for the number of hits since then, but I can certainly provide those to the committee.

The Convener: How did you actively encourage the public to provide information?

Lesley Clark: We used a number of different mechanisms throughout the consultation. At the very beginning of the process, we were asked to plan a consultation that would reach as many people as possible and give them as many mechanisms as possible for responding to us. As a result, we put together an integrated consultation in which people did not have to rely on one specific source of material for information.

As the committee has heard, we advertised in local newspapers and *The Scotsman* throughout the consultation. We also held two exhibitions. The first, which could be found in the council chambers in Cockburn Street, was static throughout the consultation; the second, which was a roving exhibition about line 2, visited four different venues. Both the exhibitions were advertised in the local newspapers and in the leaflets that were distributed. Forty-five thousand leaflets on line 2 were produced and distributed by various means, including household drops and drops to businesses. Stock was also available to community councils. The leaflet was sent to

councillors and it was made available at doctors' and dental surgeries, local libraries, council buildings—including leisure centres and theatres—major supermarkets along the route and shopping centres. The leaflets gave information not only about the scheme, but about the exhibitions and public meetings. Public meetings were held, including one in the city centre, covering lines 1 and 2. Two public meetings were held specifically with regard to line 2.

People could respond using various mechanisms, for example by using the tear-off strip on the leaflet or the freephone number that was included on all advertising and materials. They could make a written response or, if they preferred, use a tick-box facility to request a copy of the leaflet. In the same way, people could fill out a reply slip or submit a written response via the website. There was a free postal address to which people could submit their comments. All those means were also available at the exhibitions, at which engineers were available to answer more detailed questions, so that people would have enough information to be able to respond fully.

Kate Maclean: That all sounds very impressive, so I presume that you were very disappointed to learn that, according to a lot of objections—I take it that you have a copy of them all—the consultation has been seen to be quite poor. Some people feel that they have had no initial consultation. Are you disappointed by that? Can you explain why that is the case?

Lesley Clark: The original objective of the consultation was to inform people and give them a mechanism by which to respond. The underlying objective is to create a public debate about the proposals, to encourage discussion and to encourage people to come forward for more information. I think that we succeeded in that.

We were quite pleased to receive two awards in the past couple of months, from both the public relations industry associations: the Public Relations Consultants Association and the Institute of Public Relations. Those awards were made specifically for the tramline consultation. The associations examined the methods that we used and the outcomes that resulted.

Alasdair Morgan: My question is along the same lines. Were the leaflets that were delivered to households delivered through a commercial organisation?

Lesley Clark: The leaflets that were delivered to households and businesses along the route of the line were delivered through a commercial organisation.

Alasdair Morgan: I suspect that those who will have most interest are those whose properties abut one of the proposed routes. Was any

particular effort made to ensure that the commercial companies that delivered the leaflets actually covered the streets concerned? Most of us know from our own history of delivering leaflets that it is quite easy to miss out streets if we do not know the area well.

Lesley Clark: The brief that we gave to the company that delivered the leaflets included all the council wards that the route went through. The commercial companies in the area were also given a copy of the detailed route.

Marilyn Livingstone: Lesley Clark has given a detailed response on the consultation that has taken place. What actions has the promoter taken in consideration of the comments that have been made, taking into account all the feedback forms and all the different types of consultation? What action has been taken to address some of the issues that have arisen?

Geoff Duke (Transport Initiatives Edinburgh): We took considerable regard of the responses that we received. In some cases, that resulted in the route being amended or stop locations being moved slightly. I will run through a list. One of the main cases was in the city centre, where it is technically achievable to build the line on George Street or Princes Street. There was huge public support for the Princes Street route and significant heritage organisations had great concerns about the route through George Street and Charlotte Square. Cognisance was taken of those opinions.

We have just heard from one of the objectors about changes to the line 2 route, which came about as a result of consultation on Haymarket station with Network Rail. My colleague might want to fill in the details of that issue—although it may not be pertinent to the scope of today's meeting—but there were good reasons for adjusting the route at that location. We heard earlier from Jacky McKinney and Hazel Young about the options for the Carrick Knowe to Roseburn section, which is further out on the route. Although some people did not get what they wanted, the information from the way in which the public voted was useful. We worked closely with the planning authority and with Historic Scotland to ensure that the route around the area of the scheduled ancient monument at Gogarburn was adjusted to take cognisance of their concerns. Finally, the route at Newbridge was adjusted to take cognisance of comments and feedback from people there.

Alasdair Morgan: You say that the Haymarket rerouting came about as a result of the first round of consultation. If the new route affected somebody who did not think that they were affected by the first choice, did you not have an obligation to re-consult?

Andrew Callander (Transport Initiatives Edinburgh): I will pick up the story about Haymarket. We have had two project managers for line 2. Geoff Duke is the project manager at present, but at the time of the consultation last year, I was responsible for that area of work and I am here to answer any relevant questions on that.

The objective of the consultation was to inform the team so that a decision could be taken on the preferred route. The original consultation leaflet showed a route going through the Haymarket yards area, with a stop there. The brochure, which members may have seen, also clearly highlighted that work was

"currently underway to prepare a master plan for Haymarket Station. Plans are to integrate the tram line with any future development."

It was clear in the consultation brochure and in our meetings that the final exact alignment at Haymarket still had to be developed in line with the development of Haymarket. At the time of the consultation, we had a preferred alignment. When anybody discussed that matter with us, we showed it to them, with the caveat that it was our current best estimate of what the route would be. That is the route to which previous witnesses referred, which ran alongside the heavy rail in the public transport corridor there.

During the consultation, it became apparent from the responses that we received from interested parties who were aware of the matter that Network Rail could potentially introduce heavy rail sidings or lines as part of the development of Haymarket and Waverley stations. It was not clear at that stage whether that development would be to the north or south of Haymarket, but there were to be extra rails on one side of the existing platforms at Haymarket. That information was not clear, but it was a response to the consultation and, as with all other information from the consultation, we considered it so that we could make a preferred alignment on which the council could take a decision, which was the objective of the consultation.

On the advice of our engineers, we came up with an alternative that met the objectives of enabling the redevelopment and future integration of transport at Haymarket and of allowing the tramline to go ahead. That was the alignment that we put to the council and on which the decision to proceed was taken. The alignment that our consultants recommended ran down the road, close to office buildings. All the way round the route, the line passes close to commercial and residential buildings. Our technical advisers examined the option and said that any issues that arose from it would be resolvable and could be dealt with. They said that it was the only option with which to go forward.

11:45

Alasdair Morgan: That was not really my question. My question was about somebody who did not object to the original plan because they thought that it would not affect them too much. They would not have been consulted when the new route moved the line in such a way that it did affect them. You say that the plan is just indicative and that we have to take account of full integration at Haymarket, but people could not reasonably have foreseen that the process of integrating the tramline with the railway would end up moving the tramline further away from the railway. There is no way that they could have thought that the line would move to the other side of Rosebery House.

Andrew Callander: At the first stage, we were not consulting on the route. We were consulting and seeking parties' views on the preferred route, which passed through the Haymarket yards. We were cognisant of the fact that we were receiving information in order to take matters forward. On the point about reopening the consultation, we would be concerned about being fair to everybody if we consulted on the results of the consultation. We had received the information and we made a recommendation on the preferred route. We were aware from the advice of our consultants that there was no other option and that any issues could be resolved, as indeed has happened. The bill has gone forward and we have entered into detailed consultation with people on the issues that have arisen.

Alasdair Morgan: Sorry—are you saying that there are no issues to be resolved? If so, I wonder why the objectors were in front of us half an hour ago.

Andrew Callander: There are issues to be resolved all around the line about trams passing in front of premises, but we are confident that those issues can be resolved and we are working with the objectors to resolve them.

The Convener: Nonetheless, it is understandable that some of the objectors think that the goalposts have shifted.

Andrew Callander: We do not think that the goalposts have shifted. We sought views in the Haymarket area; we highlighted the development and it has been well publicised. It is known that there will be major redevelopment at Haymarket. It is quite clear in our brochures that that issue is being taken into consideration. Also, this is the only viable option with which to go forward.

Alasdair Morgan: That is what any developer says when they have a preferred route option. However, the people who were before us earlier thought that they should have been consulted on that option and it is clear that they have not been.

Andrew Callander: We and our advisers were confident that we had received all the necessary information to take that decision, which was then discussed with the council. At those meetings, other people made representations. There were council meetings that led to the final decision, on which we went forward.

Kate Maclean: How many one-to-one meetings have taken place between owner-occupiers and either TIE or Weber Shandwick on behalf of TIE? Were those meetings instigated by TIE or by requests from objectors?

Geoff Duke: In general, we would not have been having one-to-one meetings with householders. Jacky McKinney and Hazel Young referred to a meeting that we had with them at their request at a stage of the consultation when their concerns were growing. They asked us to go to their house to speak to them and it seemed appropriate to do so. At that time, they did not like the method of our public meetings, at which we stand before a crowd talking. They preferred the more intimate surroundings of a house because they felt more comfortable there. That is the only instance in which we had a one-to-one meeting with a household.

Kate Maclean: Have meetings been requested but refused? I am talking not necessarily about one-to-one meetings, but meetings with small groups of residents.

Geoff Duke: Not that I am aware of. I cannot think of a reason why we would refuse to speak to someone. As Lesley Clark said, the purpose of the consultation process was to make people aware of the scheme and for us to receive their comments. It would have seemed wrong not to go along and meet them if they had requested a meeting.

Kate Maclean: I will ask the TIE witnesses the question that I put to Lesley Clark. Are you disappointed that people who will be directly affected by the scheme found out about it by accident? How did that happen?

Geoff Duke: We are disappointed. Given that we put a large amount of planning and resources into the consultation process for a significant scheme, it is disappointing that some parties have reason to complain about or object to the process. We dealt with the problem by immediately re-leafleting in the area and carrying out back checks to ensure that people had received the leaflet. Our objective was to ensure that people knew about the scheme and I think that we achieved a situation in which all the people whom we wanted to know about the scheme knew about it.

Kate Maclean: It is surprising that the Weber Shandwick consultation report was not more widely distributed. I think that I asked all today's witnesses whether they had received the report or

heard of it. Some witnesses had heard of the report, but I do not think that anyone had received it. Why is that?

Geoff Duke: The report is not normally known as the Weber Shandwick report, which might explain why people have not heard of that. Weber Shandwick acts as a consultant to TIE. We asked the company to prepare the report, which was passed to City of Edinburgh Council, where it came before the planning committee at a meeting on 2 October. The papers for such meetings are made public in advance and the report mentioned the consultation process and its outcome.

Kate Maclean: Do the answers that the witnesses gave me just reflect confusion about the report's title? Are you saying that everybody has received a copy of the report—or heard of it—but that it has a different name?

Geoff Duke: There might be confusion. I cannot say whether the witnesses have seen the report. The report is quite large and we certainly did not distribute it to everyone along the route. However, the report was made to City of Edinburgh Council and the papers are publicly available. Indeed, there was a press release in advance of the planning committee meeting, to make people aware of the report.

Kate Maclean: For future reference, when the committee is taking evidence, how should I refer to the report to ensure that I receive answers to my questions?

Geoff Duke: I suggest that you refer to it as the consultation report that was produced for TIE and City of Edinburgh Council at the conclusion of the process.

Alasdair Morgan: That is snappy.

Marilyn Livingstone: During the consultation, you put questions to City of Edinburgh Council's citizens panel and to focus groups. What did you ask and why did you think that those groups were the most appropriate groups to consult?

Geoff Duke: Lesley Clark might be able to help me on the detail of the questions. I presume that you are referring to the early meetings. We recognised that we needed to consult, for example, transport and disability groups and groups that represented heritage or environmental interests. We were aware of a number of groups in those sectors as a result of previous consultations on aspects of the tram scheme and other transport or planning projects, so we knew which kinds of organisations would be interested in the scheme.

Marilyn Livingstone: You answered my question about how you considered the comments that were made, but I am still not clear about your response to Alasdair Morgan's question. When the route of the line was moved after consultation in a

certain area, what was the process for consulting on the revised route? I think that the convener referred to moving the goalposts; I refer to moving the tramline.

Geoff Duke: For some of the locations further up the line—setting aside the Haymarket rerouting—the revised route remained within the interested parties' land boundaries. Those parties became aware of the changes through our consultations with them. When I gave a list of examples, I did not mention the route options around the airport and the Royal Highland showground, which were shown on the line 2 leaflet. The route in those areas changed significantly, but both parties were aware of the changes. There was no need for further consultation, because we were speaking to the parties.

Marilyn Livingstone: If you had felt that there was a need for consultation, what process was in place?

Geoff Duke: We had had on-going discussions with some of those parties. For example, Edinburgh airport is a main destination of line 2, so we had already engaged in discussion with the airport management and with the management of the Royal Highland showground and had a contact mechanism set up to speak to them.

Jeremy Purvis: I congratulate Weber Shandwick on the PR award for its work on the project. What discussions did you have with the Scottish Executive on good practice for consultation?

Lesley Clark: We drew on a number of different areas to put together what we felt was the best form of consultation for the project. There are obviously guidelines, but it was more a case of speaking to the City of Edinburgh Council officers who work on public consultations and drawing from our experience of which methods of consultation and types of materials tend to reach the most people and be most effective. We were keen to ensure that it was an integrated consultation so that if somebody missed one of the tools that we used, they would pick up another. So, for example, if somebody did not see something in the *Edinburgh Evening News*, they might have heard about the consultation on the radio or have come across an exhibition or a public meeting. We strove to ensure that as many people as possible could be involved and that it was easy for them to be involved.

Jeremy Purvis: Did you have discussions with the Scottish Executive on the conduct of the consultation?

Geoff Duke: Yes. You may be aware that the Scottish Executive produced guidance on how to appraise the whole of a transport system. It is

called the Scottish transport appraisal guidance, or STAG, as you may have heard it referred to. Part of that guidance is on public consultation, on which the Executive set out guidelines that suggest that the consulting body should make stakeholders aware of the study. That is what our integrated approach, to which Lesley Clark referred, did. It ensured that all stakeholders had the opportunity to put their views to the team, and we achieved that by using as many ways as possible for comments to be received. The guidance also suggests that we should ensure that the consultation and participation process is as inclusive as possible which, given the broad nature of the media that we used, we also did.

Jeremy Purvis: We have received evidence on one of the public meetings. If you have the promoter's memorandum available, perhaps you will let me tie it up with the evidence. We have been told that a week's notice was given before the public meeting at Saughtonhall United Reformed Church was held on a Friday evening at 6 o'clock, but I do not know the date of that meeting, so I do not know whether it was one of the seven public meetings mentioned in paragraph 28 of the promoter's memorandum.

Geoff Duke: That meeting was on 19 September and was held in response to the comments that were received at the initial, scheduled public meeting to which Jacky McKinney referred. Because some of the leaflets had apparently not been received, some people were not aware of the initial meeting, so we arranged the extra meeting to ensure that they had a fair chance of their say.

Jeremy Purvis: Are you satisfied that a week's notice was sufficient for that?

Geoff Duke: Yes. That meeting had the largest turnout of any of the public meetings.

Jeremy Purvis: You say that you had that meeting in response to claims that leaflets had not been delivered. What procedures and mechanisms did you have in place to investigate why the leaflets were not delivered in the first place? You mentioned back-checking.

Lesley Clark: The company that we use to deliver the leaflets to households and businesses gives us an average drop that it thinks that it will achieve, which is around 78 per cent. Throughout the process and to give us some confidence that it has been out delivering our leaflets, the company back-checks streets that it has been to. By back-checking, I mean that workers knock on doors and ask people whether they have seen the leaflet and whether they would mind signing to say that they have received it. We have done extensive back-checking throughout the consultations for both of the lines, but particularly in the area that we have

mentioned today. When the back-checking showed that there were gaps, we asked the company to releaflet. In one case, the Weber Shandwick team also releafleted.

12:00

Jeremy Purvis: You mentioned that 45,000 leaflets were distributed. How many did you have to backfill?

Lesley Clark: I do not have the figures on me. We sent out 34,000 leaflets through the company. I estimate that we had to backfill 20 or 30 streets.

Jeremy Purvis: Streets can be as long as a piece of string.

Lesley Clark: I would need to check the figures.

Jeremy Purvis: I am not a techie, but I think that hits on the website are quite different from page impressions, which might give us a better idea of how many people have used your website. It might be useful if you could provide that information to the committee. How much did TIE spend on consultation?

Andrew Callander: We will have to come back to the committee with an answer to that question.

Jeremy Purvis: It would be helpful if you could provide that information to date.

The promoter's memorandum indicates that the consultation started effectively with "Edinburgh's Transport Choices" and the issuing of 250,000 leaflets. Is the consultation on the bill part of the overall agreed consultation process that dates back to the publication of the leaflet on congestion charging? Is it part of the same contract?

Geoff Duke: It is not part of the same contract, but it is part of the same approach. The consultation that you mentioned referred to a broad package of measures, one element of which was the tram scheme. The consultation that we have undertaken is appropriate to the size of that project. There will be a similar but slightly different type of consultation, as appropriate, on some of the other projects in the package.

Jeremy Purvis: I am aware that elements of the agreement may be confidential, as you have sought to indicate, but Weber Shandwick is also a public affairs company. Within the overall work, is there a brief to garner support for both congestion charging and the transport choices that were presented in the consultation?

Geoff Duke: I understand that Weber Shandwick's brief is not to garner support but to assist us in the consultation process. That includes setting the tram scheme in the context of the broader package and showing where it fits in.

Jeremy Purvis: So none of the meetings that Weber Shandwick or others arranged between TIE

and councillors, MPs, MSPs or community councils was intended to garner support for the choices programme and the tramlines. Were the meetings designed purely to provide information?

Geoff Duke: Yes.

Jeremy Purvis: Are you certain about that?

Geoff Duke: I am as certain as I can be.

Andrew Callander: TIE gave presentations on the trams and the status of the tram programme.

Jeremy Purvis: Was none of that work designed to gain support for congestion charging and the associated initiatives that could be funded from it?

Lesley Clark: There are no representatives of Weber Shandwick public affairs here, so I will speak for it. The meetings that it set up were intended specifically to allow TIE to speak about the tram project and to provide MSPs with enough information to allow them to pass on information to their constituents and to answer questions about the project.

Jeremy Purvis: So the public affairs side was not taken on to gain support for the initiative.

Geoff Duke: No. That is not to say that if the issue were raised at a public meeting, we would not have given an opinion on it. The issue was raised at some public meetings. However, you asked directly whether it was part of Weber Shandwick's brief to garner support for the project and the answer to that question is no.

Jeremy Purvis: Do you see that there is a potential conflict of interest when an organisation is carrying out consultation on a specific initiative and is paid directly by the initiative's promoter?

Andrew Callander: No.

Jeremy Purvis: Okay.

Kate Maclean: I will go back to the question that Jeremy Purvis asked about leaflets. As far as I am concerned, the most important part of consultation is initially informing people that something is going to happen. That gives them the maximum time and the maximum opportunity to make their views known and to have an impact. I understand that when leaflets are being delivered by a company it can guarantee only that a certain amount will be delivered; I suspect that if the company says 78 per cent, the actual figure might fall short of that.

Were there different levels of consultation in the initial part of the process to ensure that people who are directly affected by the proposals were informed about what is about to take place? Were people notified in the neighbourhoods that will be directly affected? We heard evidence earlier about people whose residential property will be affected. Were specific steps taken to inform such people? For example, were letters posted to people, or

were specific streets and houses targeted, to guarantee that the directly affected households were notified rather than just being treated as households that might or might not get a leaflet as part of the 78 per cent?

Lesley Clark: No, there were not different levels of consultation of the sort that you describe. However, as we saw it, the consultation did not come down just to leaflets. On the first day of the consultation, the *Edinburgh Evening News* carried a double-page spread that provided all the information that was in the leaflet and more, plus the dates and times of all the relevant public meetings and so on that people could attend.

Kate Maclean: Somebody who might lose half their garden and does not or cannot watch the television or read a leaflet could be sitting in their house. Was any thought given to how people who have a sensory impairment could be informed? Usually if people are posted something, that is a way of ensuring that they are able to get the information. It strikes me that not enough effort was made to ensure that people who will be directly affected by the proposals were informed immediately. I know that information being provided on television, in leaflets and in a newspaper can be seen as consulting or informing fully, but a more direct approach to people who will be directly affected could have saved a lot of the criticism that you are now getting and a lot of the suspicion that is contained in some of the objections that we have received.

Lesley Clark: In response to your point about people who perhaps cannot see a leaflet, the leaflet was available from the council in a number of different formats—including Braille, large print and tape. It was also available in several different languages to ensure that it was available to as many people as possible.

Kate Maclean: If people knew about the proposals, they would be able to get those leaflets.

Lesley Clark: Yes, but I would also say that we made a decision that everybody should be treated in the same way and given the same opportunity to respond.

The Convener: This is an important evidence session. Do any members have any final questions? As there are no more questions I thank the witnesses very much for their attendance.

We will move on to item 4, which we have already indicated will be held in private. I thank all the witnesses and the members of the public who have attended for their interest. I suspect that we may well hear from some of the witnesses again, but in the meantime we are grateful for their input.

12:09

Meeting continued in private until 12:20.

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