

EDINBURGH TRAM (LINE TWO) BILL COMMITTEE

Wednesday 28 September 2005

Session 2

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EDINBURGH TRAM (LINE TWO) BILL COMMITTEE 12th Meeting 2005, 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 ALSO ATTENDED:

Malcolm Thomson QC (Counsel for the Promoter)

THE FOLLOWING GAVE EVIDENCE:

Leonie Alexander (The Wildlife Partnership)

Rahul Bijlani (Bircham Dyson Bell)

Adrian Hamilton

John Hyde (FaberMaunsell)

Roger Jones (Transport Initiatives Edinburgh Ltd)

Archibald Rintoul (Royal Institution of Chartered Surveyors)

Alasdair Sim (FaberMaunsell)

Mr Robert Smart (Murrayfield Community Council)

James Truscott (ASH Design and Assessment)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 2

Scottish Parliament

Edinburgh Tram (Line Two) Bill Committee

Wednesday 28 September 2005

[THE CONVENER *opened the meeting at 09:36*]

Proposed Alternative Alignments

The Convener (Bill Aitken): Good morning, ladies and gentlemen. I welcome you to the 12th meeting this year of the Edinburgh Tram (Line Two) Bill Committee. We have received apologies from Jeremy Purvis, who is unable to attend today's meeting. I ask everyone who is present to switch off their mobile phones and pagers.

Agenda item 1 is consideration of proposed alternative alignments. The committee will consider a number of witness lists and summaries that we have received from the promoter and certain objectors and will decide which witnesses we will invite to provide witness statements, rebuttals and oral evidence.

The witness summaries relate to the new objections that we have received to the alternative alignments that the promoter has proposed. I point out that we have received no communication from Haymarket Yards Ltd. When such circumstances have arisen in the past, the committee has decided that the objector should be treated as though it has agreed not to provide any further evidence. That would mean that Haymarket Yards would not be able to provide witness statements and oral evidence. Do members agree that we should treat Haymarket Yards in that way?

Members indicated agreement.

The Convener: I remind members that issues that are covered in witness summaries must have been raised in the relevant original objections. I have looked at the witness summary that objector 96—Safeway Stores Ltd and Wm Morrison plc—has provided and feel that it raises several issues that were not mentioned in the original objection. Those issues are compensation issues; the impact of the airport rail link on the tram route; transport issues relating to level-crossings; transport issues associated with temporary tramways; the transport impact of tram prioritisation measures; and consideration of Scottish transport appraisal guidance assessments. I suggest that, because those issues were not raised in the initial objection, they cannot be raised in any subsequent evidence that the objector provides. Do members agree to that suggestion?

Members indicated agreement.

The Convener: Now that I have highlighted my specific concerns about those two objectors, I invite members to indicate whether they are content with all the witnesses that the lead objectors and the promoter propose in their respective witness lists and summaries.

Members indicated agreement.

The Convener: Those witnesses will be invited to provide further written and oral evidence to the committee. The next deadline for the provision of witness statements is 12 October. Thereafter, rebuttals should be provided by 26 October. Oral evidence on those objections that are identical to both tram bills will be taken at a joint meeting with the Edinburgh Tram (Line One) Bill Committee on 1 and 2 December.

Finally, do members agree that any oral evidence taking on the remaining objections—those from Safeway and Wm Morrison, and the Universities Superannuation Scheme Ltd—should be held on Wednesday 16 November?

Members indicated agreement.

Edinburgh Tram (Line Two) Bill: Consideration Stage

09:39

The Convener: Item 2 is oral evidence taking. Members will no doubt be aware of continuing press speculation about the costs of building the tramline and whether it might have to be constructed in stages. We received a paper from the promoter on Monday updating the position on the overall estimate of expenses and funding and clarifying its position in respect of the recent press coverage.

Members will be aware that, in our preliminary stage report, the committee requested various pieces of information from the promoter, which must be provided to the committee very shortly. One of the outstanding pieces of information that we await is an updated estimate of expenses and funding. I therefore think that it would be prudent for the committee to wait for all the outstanding information to be provided prior to deciding what further action to take.

I wanted to draw attention to the matter today to reassure people that we are committed to further scrutiny of the promoter on outstanding issues such as expenses and funding. I echo the sentiments of the Edinburgh Tram (Line One) Bill Committee, which said yesterday that it is unhelpful in the extreme to see continued newspaper speculation about the costs of the tram route. If the promoter wishes to provide an update about the likely future cost or future route of the tram, it should do so to the committee, not to journalists. While we await the further information that we have requested, I will ensure that the paper provided by the promoter is placed on our website.

I return to the agenda before us. We will be taking evidence in relation to two objections today: the first is in the name of Murrayfield community council and the second is in the names of Adrian Hamilton and Judith Sansom. I welcome all the witnesses and questioners who will be appearing before us and thank them for all the written evidence that they have already provided to the committee.

The objectors and the promoter's representatives have attended meetings at the Parliament at which the procedure and order for oral evidence taking was explained and agreed. I will not therefore go into minute detail about the process that we will follow. Suffice it to say that, at this first phase of the consideration stage, the committee will consider evidence from the promoter and objectors and, ultimately, report its decisions on each outstanding objection to the Parliament.

For us to be able to do so, it must be made absolutely clear what the unresolved issues are and what the committee is expected to do to resolve them. We have a busy meeting and I request of all participants that their questions and replies are as clear and to the point as possible.

The committee will take evidence on each objection in turn. For each objection, we will first hear from all the witnesses for the promoter and then from all the witnesses for the objector. The committee can of course ask questions whenever and of whomever it wishes. Following the completion of all the oral evidence taking for each objection, the promoter's representative and the objector's representative will each be given a maximum of five minutes to make any closing comments that they may have. Those closing statements should not introduce any new issues or evidence.

The committee has all the witness statements and rebuttals before it as well as a copy of all background documents that have been referred to. They have been read and studied at length. I remind all witnesses that they should refrain from simply repeating the points that they have previously made in written evidence. However, all issues that are raised in oral evidence must previously have been mentioned in the original objections and subsequent witness statements and rebuttals. Evidence will not be taken on any new issues; it will be taken only on those issues that remain outstanding following the exchange of witness statements and rebuttals.

The committee is aware that negotiations might have continued after the submission dates for witness statements and rebuttals. If witnesses for the objectors or the promoter wish to update the committee on any relevant development, I strongly recommend that they do so when they are first questioned by their questioner.

We will begin by taking evidence in relation to Murrayfield community council. Before I invite the witnesses to the table, I want to discuss one of the issues raised in the community council's witness statements—the use of the surface of Princes Street by trams. The committee agreed at its meeting of 18 May that it might be better for that matter to be dealt with by the New Town, Broughton and Pilrig community council, whose ambit is more relevant. Members will recall that we took evidence on the New Town, Broughton and Pilrig community council's objection on 22 June, extensive parts of which related to Princes Street. Therefore, in my opinion, the committee has already considered the impact on Princes Street. Moreover, although I fully accept that people in the Murrayfield area may make extensive use of the facilities in Princes Street, I am not convinced that that demonstrates sufficiently that their interests

will be adversely affected by the bill. That is the test that the committee must apply. Do members agree with that decision?

Members *indicated agreement.*

09:45

The Convener: Thank you. The committee's decision means that we will not take evidence from any witnesses today on the impact of the tram on Princes Street.

I invite the relevant witnesses and questioners to make their way to the table. The witnesses for the promoter are: Alasdair Sim, Archibald Brown Rintoul, James Truscott, John Hyde and Roger Jones. Alasdair Sim is appearing in his own right and as a replacement for Gavin Murray. When he covers any matters that are contained in the evidence that was provided by Mr Murray, he will be bound by the content of Mr Murray's witness statement and rebuttal.

At this stage, I would normally invite all witnesses to take the oath or to make a solemn affirmation. However, our legal advice now is that witnesses who have already taken the oath or made an affirmation at one meeting need not do so again at future meetings, as they are considered to be still under oath. Mr Thomson, I think that I am correct in saying that only Roger Jones has yet to take the oath or to make a solemn affirmation.

Malcolm Thomson QC (Counsel for the Promoter): That is right.

ROGER JONES *made a solemn affirmation.*

The Convener: Malcolm Thomson QC will question witnesses on behalf of the promoter. Mr Robert Smart is a witness for Murrayfield community council. However, as Mr Smart has not rebutted any of the promoter's witness statements, he will not be permitted to question those witnesses.

Before we hear evidence from the first witness, I will set the scene by briefly clarifying the issues that remain outstanding between the two parties, bearing in mind our decision on Princes Street. The other two aspects to the community council's objection can be summarised as follows: the proposal that the tram will operate with at-grade crossings—or, in normal parlance, level-crossings—over certain roads; and the loss of privacy, disturbance, possible devaluation of property, adverse visual impact and damage to the environment. The promoter's rebuttals make it clear that the promoter feels that most, if not all, of those issues have been resolved. However, correspondence from the community council's witness suggests that that is not the case. As I stated previously, if any of Mr Thomson's

witnesses wish to update the committee on any issue, they should make that clear at the outset.

Malcolm Thomson: I wish to invite Mr Sim to update the committee on a recent meeting with the community council.

The Convener: Mr Sim can now give us that update. He will also address the following issues: the tram crossing on Balgreen Road; alignment options; loss of privacy; construction impacts; and scheme design. Mr Sim, you are still under oath.

Alasdair Sim (FaberMaunsell): Good morning. Transport Initiatives Edinburgh Ltd invited members of Murrayfield community council to a meeting, which was held on Monday 26 September in TIE's offices. Murrayfield community council's secretary, Mr David Daulby, and its chairman, Mr Milton Park, attended the meeting, but Mr Smart declined the invitation to attend, as he preferred to give evidence today.

At the meeting, we discussed options for the alignment of the tramway and whether the high-level option or the low-level option should be used. As we discussed in previous evidence taking, the promoter prefers the high-level option, which includes an alignment along a reformed embankment to the south of Baird Drive along the railway line corridor. That alignment does not include traffic signals or at-grade crossings at either Russell Road or Balgreen Road. That was the preference of the members of the community council who were at the meeting.

We also discussed the construction methodology in that area, in particular the reforming of the embankment to the south of the Baird Drive properties. We discussed how all works would be undertaken within the limits of deviation; how they would not impact on the current garden boundaries of those properties; how a noise barrier would be provided between the tramway and the embankment; and how the landscaping on the embankment would be a mixture of semi-mature planting and new planting.

We further discussed the code of construction practice, including how the document was prepared to suggest timeframes under which construction could take place—timeframes that are a balance between getting the job done quickly and working within reasonable hours of daylight. We mentioned the possibility that some railway possessions would be necessary, given the proximity of the alignment to the railway line in the area. Again, those points were noted by the members of the community council who attended the meeting. Those are the main points that we discussed.

The Convener: Thank you, Mr Sim. It is important for members to know at this point that the promoter's intention is to bring forward an

amendment to ensure that the tram will cross Balgreen Road by bridge and not at street level.

Alasdair Sim: That is correct.

The Convener: Right. I call Mr Thomson.

Malcolm Thomson: My understanding is that, as with the low-level option, the high-level option can be accommodated within the present vertical limits of deviation. The point that you raised, convener, involves excluding something that would be permitted as an option at the moment rather than introducing a power that is not already provided for.

The Convener: Yes. The dilemma is an interesting one. The intention will have to be clear on the face of the bill, however.

Malcolm Thomson: As I understand the position at the moment, the bill was framed in such a way as to accommodate either option. At the drafting stage, the promoter was still in discussion with various objectors as to which method of construction would be the least intrusive. Just about everybody seems now to agree that the high-level option is the preferred one. Certainly, it is the option that the promoter is pursuing. Plainly, further consideration needs to be given to whether the matter should be left on the basis of a statement of intent or commitment—or some other form of undertaking—by the promoter, or whether the bill needs to be amended to exclude the low-level option.

The Convener: We will consider that—*[Interruption.]* I am sorry, but members of the public cannot interrupt the meeting.

Mr Robert Smart (Murrayfield Community Council): The lady cannot hear what Mr Thomson is saying.

The Convener: Would she like to come forward and sit at the table? *[Interruption.]* If she does not, that is entirely up to her. We are attempting to be helpful.

Mr Smart: Perhaps Mr Thomson could speak into his microphone.

The Convener: We will endeavour to speak as loudly as possible. The lady in question is now coming forward; perhaps she should sit next to Mr Smart.

Malcolm Thomson: I suspect that the problem was that I was facing towards you, convener, instead of towards the microphone. I will endeavour to look ahead instead of to the side.

The Convener: Thank you. Do you have further questions for Mr Sim?

Malcolm Thomson: No.

The Convener: Members have no questions for Mr Sim, whom I thank for attending.

The next witness is James Truscott, who will address Baird Drive. You are still under oath. I call Mr Thomson.

Malcolm Thomson: I have no questions.

The Convener: Members have no questions for Mr Truscott, whom I thank for attending. That was reasonably easy.

The next witness is Roger Jones, who will address opportunities to minimise the visual impact, the design process and the visual impact of overhead line equipment. Mr Thomson?

Malcolm Thomson: Again, I have no questions.

The Convener: Members have no questions, so that was fairly easily dealt with.

The next witness is John Hyde, who will address noise and vibration. Mr Thomson?

Malcolm Thomson: Again, I have no questions.

The Convener: Members have no questions, so I thank Mr Hyde for attending.

The next witness is Archibald Brown Rintoul, who will address compensation. Mr Thomson?

Malcolm Thomson: Again, I have no questions.

The Convener: Members have no questions for Mr Rintoul, whom I thank for attending. That concludes oral evidence from the promoter in relation to Murrayfield community council's objection. I allow the promoter's witnesses to leave the table.

The objector's witness is Mr Robert Smart. As Mr Smart does not have a questioner with him, he will make an opening statement that addresses any issues that arise from the promoter's rebuttals of his witness statements. Mr Thomson will be able to cross-examine him, after which Mr Smart can make a statement in response. Does Mr Smart wish to take the oath or make a solemn affirmation?

Mr Smart: I do not mind.

The Convener: You will take the oath.

MR ROBERT SMART *took the oath.*

Mr Smart: I was not aware that I refused to attend a meeting on 26 September for discussions with TIE. I had a meeting with TIE a considerable time ago. I am instructed by the community council that, if trams are to run in the area, the only option to which we would readily agree is the upper-level option. Some confusion is felt about that, because the rebuttal statements are not as clear as the original statements are. One person argues about the lower line; one person suggests—as Mr Thomson did a moment ago—that 10m in either direction is okay; and somebody else says that it will go on the upper line. Yesterday, I was given a

document—it was apparently inadvertently lost—that is dated May 2005. It would have been helpful to have seen that earlier.

The Convener: Will you tell us the name of that document?

10:00

Mr Smart: It is called “Baird Drive High or Low Level Alignment Options: Final”.

All the options could have been sorted out initially long before the committee considered the bill. The issue is not difficult. The trouble with TIE is that it has used liaison meetings to find out what it should have known anyway, given its experience. It became clear that the low-level option would not be seen in a favourable light.

I must have someone accept that, if there are to be trams in the location that has been suggested, they will be on the upper level, because they could be in one of several places. Once that issue has been resolved, the next level of detail is the point that really matters. I refer to the issue that I have complained about. It is interesting that, although I keep being told that the trams are quiet and that they make no noise except for a bit of a swish, a big noise barrier is to be put up. The purpose of the barrier may be to keep the railway noise down.

I am assured that the committee has viewed the railway embankment, which I have known for many years. There is a very thick tree screen. I admit that the trees are deciduous and that in the middle of winter they have no leaves. Nevertheless, given that the embankment carries all the trains from Edinburgh to the west and north of Scotland, the environment is unbelievably pleasant for local people. However, the screen will be destroyed totally. We are told that, at best, it will be 15 years before there is enough tree growth to make the embankment even remotely how it is now. We are absolutely sure that that will devalue houses in the area. I had assumed that TIE was working not just for trams but in the public interest. In the public interest, it should have done something about the valuation of houses in the area, to ensure that the blight that it is causing was taken care of. It has not done so.

My final point will seem terribly niggly, but it is real. Roughly one in five or six of the houses near the proposed construction works is home to nursery or primary school children. I cannot see why the construction workers should start at 7 o'clock in the morning, before knocking off at 9 o'clock to read *The Sun* for half an hour—although I do not know why it takes them so long to do so. The kids do not need to be up before 8 o'clock in the morning. In the Scottish Parliament and at Westminster, people are always talking about education, but the construction works will affect

the sleep of those children for six days a week. That is a bit much.

The remarks that have been made about Princes Street are not acceptable to the community council. You may have heard what we have to say before, but we are objectors and objectors have a right to object. It does not matter how many times you have heard their objections. As politicians, you must understand that, in this country, people should have the right to object to things. I am unhappy about your attitude to the issue of Princes Street. We do not know what other people have said and I do not spend my time looking at websites.

The Convener: Mr Smart, I take the point that you have made, but I do not want to hear anything else about Princes Street. The committee has made a determination on that issue.

Mr Smart: That seems incredibly democratic, if you do not mind my saying so.

The Convener: Proceed with your submission.

Mr Smart: If you deny us the opportunity to object to something to which I am under instructions to object, I cannot do anything about that. I have one more point to make, but I will wait until I get another chance later.

The Convener: You will get a chance to sum up.

Malcolm Thomson: Am I right in understanding that you are the former chairman of the community council?

Mr Smart: Yes.

Malcolm Thomson: Were you aware that the chairman and secretary of the community council were meeting members of TIE this Monday?

Mr Smart: No. I was not aware of that.

Malcolm Thomson: What is the basis for your proposition that the views that you are expressing are mandated from the community council?

Mr Smart: Only one person on the community council does not agree with me.

Malcolm Thomson: Who is that?

Mr Smart: The secretary, Mr Daulby.

Malcolm Thomson: What about the new chairman?

Mr Smart: The new chairman agreed to the initial objections and is probably a bit ambivalent. He does not live particularly near Baird Drive and he is perhaps more concerned about the problems of line 1. Line 2 was discussed three times at the community council when I was chairman and three times it was reaffirmed that we should make our objections in relation to Baird Drive and Princes

Street. I do not know what members of the council say in private when I am not there to discuss it with them.

Malcolm Thomson: Is the community council run by a committee?

Mr Smart: Yes. It is run by the community council. The whole council meets in public. We have occasionally not met in public, but the outcome of such meetings has to be outlined at the next public meeting; we have to tell people what we have been discussing. That is what we do.

Malcolm Thomson: At the most recent full meeting of the community council were your views and the views that you are putting forward today made known to those present?

Mr Smart: I was given the remit to submit evidence, which I did. I did not go into all the details, but the arguments were well rehearsed by the group who were at the meeting.

Malcolm Thomson: I turn to your detailed objection, which is in three parts. The third part relating to Princes Street has been ruled out. Am I right in understanding that your first objection would be solved by the adoption of the high-level option?

Mr Smart: At the first level of principle, yes.

Malcolm Thomson: Your first objection is summarised as being to

“the proposed crossing of Balgreen Road, Roseburn Street, and Russell Road at ground level by the tramway.”

Mr Smart: I am sorry, Mr Thomson, but you are muttering again. I beg your pardon, but I am having difficulty hearing you.

Malcolm Thomson: Your first objection is summarised as being to

“the proposed crossing of Balgreen Road, Roseburn Street and Russell Road at ground level by the tramway.”

Am I right in understanding that the high-level option would mean that that objection was solved in full?

Mr Smart: That is right, yes.

Malcolm Thomson: So the only objection we are left with is the second one, to the effect that

“the running and building of the tramway will cause loss of privacy, disturbance, devaluation of property, an adverse visual impact and damage to the environment.”

Mr Smart: Absolutely.

Malcolm Thomson: Do you accept that the adoption of the high-level option reduces those adverse impacts?

Mr Smart: Not particularly, no. In fact, in spite of our making up our mind by looking at the various

options that were open to us and accepting that the high-level one was the best of the options available, we think that the works are disturbing in any case. It does not make much difference where the line is going; the works are pretty disturbing to the people living there.

Malcolm Thomson: In your elaboration in your written statement on the second objection you say:

“Only by running the tramway beside the heavy rail at the top of the embankment will some of the serious faults of the proposed scheme be mitigated.”

Mr Smart: I was referring to the proposed scheme in total, not the detail. I am sorry, but I am used to dealing with complex problems like this one in a proper sequence, which I do not believe TIE has really done. It has a bigger job. There is first the option of where the tram runs. Does it run on the road, at the back of houses, on the top or on the other side? Those were some of the options given.

We have said that if we have to have this tramway, it should go on top of the embankment. After that come the details of how you construct it and its effect. Some of those were summarised by TIE—at a late date—and I do not find them entirely satisfactory. That does not mean to say that it would then be fine if the option were taken to go along the top. It would then be up to TIE to mitigate all the problems that were created by doing that.

Malcolm Thomson: Let me read on, Mr Smart.

“It appears that the embankment will still have to be shorn of its landscape while works take place. Is it too much to ask that when the work is finished that bushes and mature trees are planted to take the place of those lost.”

Do you accept that that is precisely what TIE proposes to do?

Mr Smart: That is what we are told will happen. I do not have a problem with that as such. I do have a problem with the fact that, as TIE said in its evidence, it will be 15 years after construction has finished before the landscaping is mature enough to make one unable to tell that the work has been done.

Malcolm Thomson: Reading on again:

“The noise and disturbance will still exist but will be less when construction is complete.”

Do you accept that?

Mr Smart: Of course there will be more disturbance during construction. TIE is proposing to work from 7 o'clock in the morning to 7 at night, six days a week, and sometimes on Sunday, for about a year.

Malcolm Thomson: You conclude:

“Tram Line No.2 must be on top of the existing embankment at Baird Drive.”

Do you accept that that is where it is proposed to be put?

Mr Smart: I accept that. That is the third time I have said so.

Malcolm Thomson: Do you also accept that the consequence of shortening the working day would be to prolong the working period?

Mr Smart: No. I am complaining that they are starting at a totally ridiculous time in the morning, as far as residential areas are concerned. An hour later would be reasonably civilised. I do not know who works 12 hours a day, six days a week. I do not think that that is allowed.

Malcolm Thomson: Do you accept the simple logic that if you reduce the length of the working day and the number of working days in a week, you are likely to increase the duration of the works overall?

Mr Smart: I am not reducing the number of days in the week. If you shift the timeframe of 7 in the morning to 7 at night, to 8 in the morning to 8 at night, nothing is lost. I am not complaining about when they work to at night, but I am complaining about what they do in the morning.

Malcolm Thomson: Are you aware that the committee has already heard evidence from west Edinburgh residents trams action group?

Mr Smart: No.

Malcolm Thomson: That body represents the directly affected residents.

Mr Smart: I beg your pardon, yes, I am aware of that, but I do not know what was said.

Malcolm Thomson: Thank you. I have no further questions.

The Convener: Do committee members have questions for Mr Smart? If there are none, thank you for giving evidence, Mr Smart. You will have an opportunity to speak at the end. Is there anything that you want to add at this stage?

Mr Smart: No. If I have a chance to say a couple of words I will do so later.

The Convener: Mr Thomson, your closing remarks, please. You have the usual limit of five minutes.

Malcolm Thomson: In my submission, the only remaining objection is the second one, so far as these objectors are concerned. The matters raised by Mr Smart have been effectively dealt with. The code of construction practice provides a measure of protection so far as the construction work is concerned. We have heard and read evidence from Mr Hyde on the question of noise impact. We have heard and read evidence about the duration of the regrowing to replace the vegetation that will

have to be removed, and the combination of mature and young plants that it is proposed to use.

It is true that complete recovery is unlikely to be effected in less than 15 years, but it will be a progressive process. It is perhaps counterintuitive that foliage, according to Mr Hyde, does not provide the noise protection that one might expect and that that is part of the reason for the proposed noise barrier.

In my submission, there is nothing in the objection that should cause the committee to hesitate. The objection should be rejected in its entirety.

10:15

The Convener: Mr Smart, you have five minutes for your closing address.

Mr Smart: What I find interesting in this exercise is that all these people are working for Councillor Burns, but then it dawned on me that the committee is also working for him. You are giving Councillor Burns the means to introduce his tram system, for which the citizens of Edinburgh refused him the money somewhat earlier.

The Convener: This is some way, Mr Smart, from working for Councillor Burns.

Mr Smart: Well, I know that you are a shrewd politician, so just think about it. It is quite interesting.

Anyway, the situation is that if there are to be works at the back of Baird Drive, there will undoubtedly be serious disturbance. It remains to be seen whether the trams will be useful to the people in Baird Drive, but the noise, the disturbance and the devaluation of their houses are serious matters, and these are not people who are well off. In other parts of Murrayfield, the community council does not have to take quite the same line because we have a vocal middle class that is only too anxious to storm the barricades, as the Edinburgh Tram (Line One) Bill Committee may know. That is fine, but in the case of Baird Drive we have to say that the noise and disturbance is quite upsetting to people. I would have thought that it was reasonable for TIE to take that into consideration and to do something about it.

The other thing that strikes me, having looked at the outline curriculum vitae that I received, is that most of TIE's people have been working in cities in England. All that I can say about putting tramlines into cities in England—the ones that they worked on, anyway—is that anything would be an improvement there. In Edinburgh, the situation is quite different. That is why we objected to the use of Princes Street, about which your committee so kindly refused us a chance to speak.

Your committee should give serious consideration to those things. I will not waste your time any longer. We think that the disturbance, the time of working and the valuation of the houses need to be considered. It is not difficult for valuation surveyors to make comparisons—that is what they do all the time—and I suggest that TIE should take that on board. If that was in the bill, TIE would have to take it into consideration. That would be only fair and reasonable.

The Convener: Thank you. That concludes the oral evidence taking for Murrayfield community council.

We now move to evidence taking on group 55, in the name of Judith Sansom and Adrian Hamilton. I invite witnesses and questioners to come to the table. The witnesses for the promoter are Alasdair Sim, Archibald Brown Rintoul, James Truscott, John Hyde, Leonie Alexander and Rahul Bijlani. I understand that only Leonie Alexander has not yet taken the oath or made a solemn affirmation.

LEONIE ALEXANDER *took the oath.*

The Convener: Adrian Hamilton will question witnesses on behalf of group 55. However, before we hear evidence from the first witness, I will again set the scene briefly by clarifying what the outstanding issues are between the two parties. According to the objector's rebuttal, they are: route choice and the impact of trams crossing; noise and vibration; human rights; environmental and visual impact; and health and safety. I ask Mr Thomson and Mr Hamilton whether those are all the issues that remain outstanding, or whether any issues have been fully resolved and are therefore no longer relevant. If all the issues remain outstanding, we will hear the details and any update when we take evidence from witnesses.

Adrian Hamilton: They are all outstanding.

The Convener: Do you concur with that view, Mr Thomson?

Malcolm Thomson: Yes.

The Convener: Thank you, gentlemen.

The promoter's first witness, Alasdair Sim, will address the issues of route alignment, the impacts of trams crossing and land take.

Malcolm Thomson: Mr Sim, can you start by reminding us how the tram will cross the A8?

Alasdair Sim: In the area in question, the tramway will run along the central reserve of the A8. At the location in question, which is adjacent to the objectors' property, the tramway will cross the westbound carriageway of the A8 and then head on towards Ratho station. The crossing will be a traffic-signal-controlled junction. As a tram approaches the junction, detectors in advance of it

will trigger the traffic lights on the A8 to turn red, thereby allowing the tram to cross the westbound carriageway. Once the tram is clear of the road, the lights will turn green and the traffic will resume.

Malcolm Thomson: In your assessment of traffic impact, have you taken account of the new traffic lights at the Royal Bank of Scotland headquarters?

Alasdair Sim: That was not done in the original traffic management report, which we presented as evidence to the committee, because data on the traffic impact of the RBS headquarters was not available. Subsequently, work on that was undertaken and full cognisance was taken of the traffic lights on the A8 for the RBS headquarters.

Malcolm Thomson: Can an analogy be made between the traffic lights that you have indicated will allow the tram to enter the A8 area and, say, a pedestrian crossing or the sort of lights that are on the A90 coming in from the Forth bridge, where traffic is held up to allow a bus to come into the slow lane?

Alasdair Sim: The A8 lights are similar to those for a pedestrian crossing in that a fixed time is available for the tram to cross the live carriageway. Once the carriageway is clear, the traffic is allowed to carry on, as it does at a pedestrian crossing once a pedestrian has crossed.

Malcolm Thomson: Can you give the committee an idea of the likely build-up of traffic at those lights on the A8?

Alasdair Sim: Based on the analysis that we undertook as part of the project, we expect the lights to be red on the A8 for about 20 seconds. During that time, we estimate that there will be a build-up of around 20 vehicles in each lane.

Once the lights turn to green again, the queue will dissipate and traffic will flow as normal, until the next time the tram crosses that piece of road, which could be five minutes later.

Malcolm Thomson: Will the impact vary with the time of day?

Alasdair Sim: Yes. The assessments have been based on peak conditions—that is, the conditions during the normal peak hour in both morning and evening.

Malcolm Thomson: Is there any difference between the morning and evening peaks on that particular road?

Alasdair Sim: Yes—the road is quite tidal. In the morning, the predominant demand is towards Edinburgh; in the afternoon, the predominant demand is westbound, out of Edinburgh.

Malcolm Thomson: Is the spread of time the same—an hour, or an hour and a half?

Alasdair Sim: The morning peak tends to be more intensive because people tend to arrive at work at a set time. In the afternoon, you tend to have a slightly longer peak because people tend to leave work at slightly different times.

Malcolm Thomson: What sort of queues would occur during the day—say, from 10 in the morning till 4 in the afternoon—when the traffic lights were triggered by a tram?

Alasdair Sim: The queues would be substantially less than those during peak periods.

Malcolm Thomson: These objectors have indicated in their rebuttal statement that they have contacted HMRI and that HMRI was unable to comment on the level-crossing and the traffic interface planned for the A8. Will you comment on the role of HMRI?

Alasdair Sim: HMRI is Her Majesty's railway inspectorate and is the body responsible for safety on rail schemes. A tram runs on a track so it is a rail scheme. During the detailed design process, HMRI will be fully consulted not only on the alignment of the tramway but on any crossings or interactions that the tramway might have with other road users. HMRI will consider all aspects of the full detailed design of the tramway, including the traffic signal systems and the advance signage to the particular junction. A similar process will have to be gone through with the relevant highway authority. What is known as a stage 3 safety audit will also be part of the design process.

Malcolm Thomson: For whose benefit would a stage 3 safety audit be carried out?

Alasdair Sim: For the benefit of the travelling public, to ensure that the junction arrangements are safe and suitable.

Malcolm Thomson: As part of the transportation approval process?

Alasdair Sim: Yes.

Malcolm Thomson: Have you already been in touch with HMRI about the engineering involved in the tram crossing on to the A8?

Alasdair Sim: We had a meeting with David Thornton of HMRI in May or June this year, to discuss the principal aspects of some of the tram crossings, including this one. However, we did not go into great detail because the detailed design has not been done yet.

Malcolm Thomson: Did HMRI express any concern at that stage?

Alasdair Sim: It was not really in a position to comment because the detailed design had not been done.

Malcolm Thomson: Finally, is it the promoter's intention to have a tram stop along the boundary of these objectors' property?

Alasdair Sim: It is not the promoters' intention to have a tram stop adjacent to the property. There is a tram stop some 750m to the west, at Ratho station, and another tram stop to the east, at Ingliston west, adjacent to the Royal Highland showground site, but there is no plan to have a tram stop right at the property.

The Convener: Mr Hamilton, do you have any questions for Mr Sim?

Adrian Hamilton: Quite a few. Just to ensure that we all know what we are talking about, do you agree that the dual carriageway A8 is one of the main roads in and out of Edinburgh?

Alasdair Sim: Yes.

Adrian Hamilton: It is a very busy road. What routes were considered other than having the tram run along the centre of this busy dual carriageway?

Alasdair Sim: During the route selection process, a number of routes were considered from the general airport area out towards Newbridge, where the tram will terminate. Some options went to the north of the Royal Highland showground site, but there would have been a number of problems with those routes, including the need for airport expansions.

An option involving the tramway running the full length of the A8 central reservation to Newbridge was also considered. There were technical difficulties with that, too.

10:30

Furthermore, there was a need to serve the areas that have been earmarked for development at Newbridge. Taking that into account, it was important to come in from the south of the Newbridge area, which is where the development potential is expected.

Adrian Hamilton: Have not you heard that, just this week, that has changed, and that the development for that area has been removed?

Alasdair Sim: I was not aware of that.

Adrian Hamilton: Something has perhaps changed. When you consider that the development of the airport will now possibly take in all, or a considerable part of, the Royal Highland showground, would it perhaps be sensible for the tram to serve that future airport development?

Alasdair Sim: The scheme already includes a tram stop within the airport boundary, adjacent to the existing terminal area.

Adrian Hamilton: But, considering the location of the property of the Royal Highland showground and the apparent deal that has been done on the future development of the airport, a tram running from the airport to Newbridge serving that future development of the airport would make more sense than one running along a central reservation, serving no one.

Alasdair Sim: A tram stop is planned for the Newbridge west area, which is adjacent to Ingliston Road at the south-eastern corner of the showground.

Adrian Hamilton: Or possibly slightly missing it. The Royal Highland showground will be developed into additional airport facilities. It will have offices, hotels, factories, distribution units and other facilities. There is a possibility of a tram running from the airport through that area and servicing it, yet we are avoiding that possibility.

Alasdair Sim: It is fair to say that those particular plans are not exactly set in concrete as yet. There is potential for airport expansion in that area. The detail of it has not been decided yet, however.

Adrian Hamilton: But it might be good to think ahead and consider those possibilities.

Alasdair Sim: As I say, a tram stop for the airport is planned.

Adrian Hamilton: Let us get back to the first point.

The Convener: You appreciate, Mr Hamilton, that the committee must deal with what is before it. What is likely to happen in future is, as we all know, decidedly unpredictable.

Adrian Hamilton: This is current.

The Convener: I would prefer it if you—

Adrian Hamilton: If the proposed route moved 20ft from where it is at the moment, the scheme would make sense. I have raised the matter before. I have already discussed it. However, I will continue and I will try to stay more within the point, if that is what is required.

The Convener: Thank you, Mr Hamilton

Adrian Hamilton: We are to have two new level-crossings across a main road in and out of Edinburgh, which will have lights at red for 20 seconds each time. How much amber time will the lights have?

Alasdair Sim: The 20 seconds includes the intergreen time, which is the amber. Typically, that will be of the order of 7 seconds either side of the light turning green.

Adrian Hamilton: What length is the tram?

Alasdair Sim: The tram is 40m in length.

Adrian Hamilton: How many people does it carry?

Alasdair Sim: Depending on its configuration, a 40m tram could hold 250 people. It depends on the internal—

Adrian Hamilton: Up to 300 people.

Alasdair Sim: It depends on the internal configuration of the vehicle.

Adrian Hamilton: That is heading to Ratho.

Alasdair Sim: That is correct.

Adrian Hamilton: How many people live in Ratho?

Alasdair Sim: I do not have that number.

Adrian Hamilton: So we are sending a tram carrying 300 people every four minutes to Ratho, which has a population of 900 people. Only if we can get lots and lots of people to go to Newbridge or Ratho to get on the tram to go to the airport does that make sense.

Alasdair Sim: Well—

Adrian Hamilton: Anyway, we are stopping the traffic for 20 seconds, and we have 20 vehicles in each lane. A tailback of 20 vehicles is?

Alasdair Sim: There will be a shockwave effect caused by the vehicles that are approaching the rear end of the queue as the front end of the queue is released. Those vehicles will have to slow down. The committee should note that the whole area will be subject to a 40mph speed limit. The shockwave is lessened when the travelling speed of vehicles is lower than it currently is. At present, the speed is derestricted there.

Adrian Hamilton: How much road space do you estimate 20 vehicles to take up?

Alasdair Sim: If we allow 5m per vehicle, it would be about 100m.

Adrian Hamilton: I thought you might say that. I see buses and trucks and other vehicles on that road. Some vehicles can take up 45ft or 50ft. Some buses are 35ft long.

From your figures and my calculations, I have worked out that it would be difficult for the traffic to clear the lights before it had to stop again. If the effect was the same on the other side of the road, the traffic on that side would be backed up to the second crossing. That would not affect the second crossing, but we would have stationary traffic in four lanes.

The Convener: I invite the witness to deal with that point.

Alasdair Sim: I am afraid that I have a problem with your calculations.

Adrian Hamilton: But they are based on your figures.

Alasdair Sim: Although it would be unfortunate to introduce new evidence, we have undertaken a substantial piece of work—

Adrian Hamilton: You are not going to introduce new evidence, are you?

Alasdair Sim: Only to try to answer your question.

Adrian Hamilton: No—you should not introduce new evidence.

The Convener: Let the witness answer the question fully before you proceed.

Alasdair Sim: As part of the work that we undertook to satisfy BAA on traffic matters, we developed a micro-simulation model of the area. It indicates that queuing on both sides of the A8 in peak traffic conditions is not a problem at the moment and will not be a problem in the future.

Adrian Hamilton: When the traffic that is heading west is stopped at your proposed level-crossing, we face a major tailback there at peak times. Have you considered the consequences of that in the worst possible scenario, when the tailback reaches the airport roundabout?

Alasdair Sim: We do not believe that, at present, under typical conditions, queuing extends to the airport roundabout.

Adrian Hamilton: We have proof that it happens now.

Alasdair Sim: We know that it happens during the operation of the Royal Highland showground and we know why it happens.

Adrian Hamilton: It happens at other times as well.

The Convener: It might be helpful if you let the witness finish. I assure you that you will get the chance to follow up.

Alasdair Sim: We believe that, under typical peak-period conditions, queuing does not extend back to the airport junction. During the peak periods when the Royal Highland showground is operational, there is no doubt that queuing extends beyond that point, but that is caused by the fact that the access points to and from the car parks in the area are controlled by traffic policemen who stop the traffic for substantially longer than 20 seconds to let vehicles in and out. That is what causes the queuing on the A8.

Adrian Hamilton: I think that we have already established that there are tailbacks, even when the Royal Highland showground is not being used. Anyone who goes out there at peak times will know that that is the case.

At what height will the tram travel along the central reservation?

Alasdair Sim: It will sit on a track bed on the median. I do not have the figure; it is probably about 20cm or 30cm.

Adrian Hamilton: I have been given two heights: I have been told that the tram would be at road level and that it would be at a height of 1m above road level.

Alasdair Sim: I am not sure from where you got the figure of 1m. It was never the intention to—

Adrian Hamilton: Given that trams will be travelling at road level and that there will be both trams and four lanes of traffic going in two directions, do you think that a major accident is possible?

Alasdair Sim: As I have said, HMRI will be fully consulted during the process. There is a standard for the design of tramways in such circumstances. A distinction must be made between travelling at road level and travelling at near road level. In the case that we are talking about, there would be kerbing and protection between the tramway and the live traffic lanes.

Adrian Hamilton: That means that the tram will face a change in gradient when it comes off the central reservation.

Alasdair Sim: It will face a gradual change in gradient as it approaches the crossing.

Adrian Hamilton: It had been proposed that there would be a stop for the tram just after it had arrived at the crossing and taken a left turn past our property. That proposal was apparently the result of a typing error and it has now been changed. The proposed stop has been removed and the nearest stop is now 750m away.

Alasdair Sim: There was never any intention to have a tram stop there. It was simply that there was a typing error in my witness statement.

Adrian Hamilton: That typing error meant that we could complain about something.

Were any alternatives to a tram considered for the stretch between the airport and Newbridge?

Alasdair Sim: I might be speaking for the committee, but I think that the principle of having a tramway has already been established during the preliminary stage. Over the years, the City of Edinburgh Council has considered a number of alternative options. Its final preference was for light rail—in particular, a tramway—because that represented a means of addressing some of the city's significant traffic concerns.

Adrian Hamilton: My question, though, was: were any alternatives considered from the airport to Newbridge?

Alasdair Sim: The intention was to develop a tramway scheme and that is what was looked at. I cannot comment on work that had been done earlier by other parties.

Adrian Hamilton: Has the fact that the tram is to terminate at Newbridge great benefits for the system?

Alasdair Sim: Newbridge is one of the development areas that was identified as part of the west Edinburgh planning framework.

Adrian Hamilton: Do you not consider that it might be slightly better if the tram were to start and finish at the airport rather than at Newbridge?

Alasdair Sim: Perhaps if I lived in Newbridge and I wanted to travel to Edinburgh by tram I would feel differently.

The Convener: I am anxious, Mr Hamilton, that we are straying back into the general principles of the bill, which have been agreed. Perhaps you could follow up on the specifics.

Adrian Hamilton: I find it difficult to understand the great need to take a tram to Newbridge when the new park-and-ride scheme is based at the airport. I am looking at the alternatives that should have been considered.

The Convener: Without going back to the general principles of the bill, which have been determined. If you carry on with the specifics, that will be fine.

Adrian Hamilton: You told us that there are peaks and troughs in the traffic flow. Living there, however, I disagree and say that the peaks and troughs are not so marked; the flow is consistent throughout the day. There are, admittedly, highs and lows. The exit time in the evening is worse than the entrance time in the morning. That is my experience.

I find it difficult to understand—

The Convener: I am sorry to keep interrupting you, but you should remember that you will be able to make all those statements when you give evidence.

Adrian Hamilton: It may be difficult for me to remember to do that.

The Convener: You will be given every possible opportunity. At the moment, however, you should ask questions.

Adrian Hamilton: Why, if we have peaks and troughs, do we have trams that run all day at the same rate?

Alasdair Sim: It is a public transport service; it runs to a schedule. However, the ultimate scheduling has not yet been fully determined. What has been tested, however, is a tramway

schedule that allows for six trams an hour to Newbridge. That is six trams in one direction and six trams in the other.

Adrian Hamilton: Has TIE taken into account in its proposed route the changes to the Royal Highland show to the south of the present showground?

Alasdair Sim: I am not sure that I understand what you are referring to.

Adrian Hamilton: There are proposals to change the Royal Highland showground to the south of the dual carriageway. Perhaps whether the tram could serve that should have been taken into consideration. It might be useful to keep abreast of those things to see where future development could possibly help in an integrated system.

That is enough questions for Mr Sim.

The Convener: Does the committee have any questions for Mr Sim? No.

Do you want to re-examine, Mr Thomson?

Malcolm Thomson: I have no re-examination to make.

The Convener: Thank you, Mr Sim.

The next witness is Archibald Rintoul. He will address the issue of compensation. This witness has not been rebutted by Mr Hamilton, so Mr Hamilton will not be able to question him.

Adrian Hamilton: May I make a small statement?

The Convener: I would prefer you to make a small statement, or even a long statement, when you are required to give evidence.

Mr Thomson, do you have any questions for Mr Rintoul?

Malcolm Thomson: No thank you, sir.

The Convener: Does the committee have any questions for Mr Rintoul? It appears not. That was relatively painless, Mr Rintoul.

The next witness is James Truscott. He will address the revision of the tramway alignment and adverse visual impacts.

Malcolm Thomson: Mr Truscott, do you have any comments to make on the suggestion in the rebuttals that you have erroneously assessed the impacts on the lodge?

James Truscott (ASH Design and Assessment): I am afraid that I do not agree with that statement. When we assess, in visual terms, a receptor—a location for a view of the proposals—we have to take into account the sensitivity of that receptor.

10:45

To work out the sensitivity of the receptor, we take on board a number of issues based on criteria that are clearly stated in the methodology in the environmental statement, with which I will not bore the committee at this point. Nevertheless, when considering sensitivity, the main features that we take on board are the expectations that the viewer might have of a particular view and the importance that that receptor would place on that view.

In this instance, there are two buildings and a garden to the rear. The cottage has north-facing views towards the existing busy A8 dual carriageway. The views from the cottage are partially, and in some cases wholly, screened by a series of conifers and a low stone wall. The adjacent lodge house does not have the same degree of screening; there is one sycamore tree and some low evergreen shrubs.

The reason it was considered that both buildings had the same degree of sensitivity to the proposal is that it was felt at the time that the cottage was the main dwelling house and that its main views were southwards over the rear garden, which is well screened. It has mounds and trees all around it. The views to the north, however, were considered to be less important, the expectations of a view over a major dual carriageway are much lower and the sensitivity is therefore low, especially because there is partial screening by the evergreen trees.

It was considered at the time that the lodge house was being used as an office rather than as part of the main dwelling house and, as such, the sensitivity was commensurately less, even though the views are slightly more open. We must also bear in mind the context of the buildings, which is a busy dual carriageway that also reduces the sensitivity.

Malcolm Thomson: If you were wrong about that and the lodge is being used as a normal domestic residence, would that change your conclusions?

James Truscott: Slightly, but one has to consider the lodge in the context of the property—it is one component of the whole. One also has to bear in mind the context of a busy dual carriageway, which is the current context or outlook of the property.

Malcolm Thomson: Would the presence of the proposed tram make the view northwards from the lodge any worse than it is at the moment?

James Truscott: The current outlook consists of four lanes of cars in both directions. As Mr Sim commented, the traffic varies in density according to the time of day. In addition, there is queueing

traffic from time to time. The future outlook would consist of the proposed tramway in the central reserve with associated poles and wires. That would not increase the magnitude of the current situation in which trucks and buses of a similar if not greater height and configuration pass by at fairly regular intervals.

Malcolm Thomson: We have all seen the photographs of bushy conifers that were lodged by the objectors. Would any of those trees be disturbed by the proposed works?

James Truscott: Not as the current plan stands. When we did the assessment, the limits of deviation were shown as clipping the extreme north-west corner of the gardens, which would have meant the removal of one or two of the large conifers that currently grow there. However, I understand that a signed agreement has been drawn up by the promoter to avoid any direct impact on the property. I am not aware of whether it has been signed by the objectors.

Malcolm Thomson: Do you refer to plots 3, 9, 5, 6 and 7, which would have been clipped originally?

James Truscott: That is correct.

The Convener: Do you have any questions, Mr Hamilton?

Adrian Hamilton: I have very few questions because I appreciate that the visual impact of trams is probably no worse than that of buses or trucks at any stage. However, from my visits to Princes Street gardens to view the size of the tram that was on show there, it is clear that adding a tram to four lanes of standing traffic would result in more of an impact than that which would be caused by a tram on its own.

James Truscott: There are two points to make about that. First, the tram is obviously a transient phenomenon—it will pass by fairly quickly and be gone. It will not really stand still at that point.

Secondly, I am not sure whether you are talking about four lanes of traffic simultaneously queuing. When we make assessments, we consider the ambient situation rather than the two extremes.

Adrian Hamilton: We have taken into account the standing traffic that would undoubtedly reach from the level-crossing past the lodge house.

James Truscott: Periodic standing traffic has been taken into account.

Adrian Hamilton: According to Mr Sim's calculations, there will probably be traffic there every time the tram crosses the road.

James Truscott: But you stated earlier that there is already queuing traffic from time to time.

Adrian Hamilton: Okay. So if we can get Mr Sim to accept that there is queuing traffic as far back as Newbridge, we will be able to see the complexity of the problem.

James Truscott: I am not a traffic engineer and therefore cannot give you a direct answer to that.

Adrian Hamilton: Okay. When did somebody decide that the lodge house is perhaps used as an office?

James Truscott: When the initial assessment was taking place, which was quite a while ago.

Adrian Hamilton: Was that decided on a site visit?

James Truscott: Yes.

Adrian Hamilton: Was that visit to the outside of the property?

James Truscott: Yes.

Adrian Hamilton: Did such a visit limit the information that was available to you?

James Truscott: On the methodology, you must understand that when we carry out a visual assessment survey, there is neither the time nor the resources to go into every property and look out of every window, so we must make assumptions that are based on what we see. I am not saying that those assumptions are correct 100 per cent of the time, but they are correct 99 per cent of the time.

Adrian Hamilton: Any man who makes assumptions for 99 per cent of the time and gets them right is a better man than I am. Thank you.

The Convener: Thank you, Mr Hamilton. Do you want to re-examine the witness, Mr Thomson?

Malcolm Thomson: No.

The Convener: Thank you, Mr Truscott.

The next witness is John Hyde, who will address noise and vibration.

Malcolm Thomson: Good morning, Mr Hyde.

John Hyde: Good morning.

Malcolm Thomson: Will you explain the difference between the situation that is described in the objector's rebuttal concerning the tram system in Manchester—I think that the sobriquet "Neighbours from Hell" was used—and what is proposed for Edinburgh?

John Hyde (FaberMaunsell): Yes. I have been involved with Manchester trams since 1993. The section of track in Prestwich that has been referred to is very old and worn and is due to be replaced entirely when phase 3 of construction work starts. The trams move much more quickly than they would along the A8 and the track is

worn, which causes the vehicle to move from side to side to a far greater extent than it does on well-maintained track. The track on the section has not been maintained because it is due to be replaced.

We would class the noise levels that have been quoted for the section as absolute peak noise levels, and those are not the sort of noise levels that we would use in the normal assessment of tram noise. Those peak levels, which are up in the high 90s, would be equivalent to something in the low 70s in terms of the L_{Aeq} figures that we use for measuring and assessing, according to the regulations to which we work.

The adverse impact of Manchester's tramline might therefore be a bit of a press exaggeration, although it is true that the tram in Prestwich is noisy and that significant sums of money have recently been granted to put that situation right.

The tramline in Edinburgh will be completely different. The track will be ballasted or isolated, so noise emissions will be significantly reduced. The wheels of the vehicles will also be screened by the vehicle design and the trams will run at a lower speed. In addition, track maintenance will ensure that we do not have that type of wear over the long-term life of the system.

Malcolm Thomson: Can you help us by comparing the noise that will be created by a tram in this vicinity with some familiar existing noise.

John Hyde: The maximum noise level of a tram running at around 40mph will be similar to that of a heavy goods vehicle or bus. In this location, the road is slightly closer to the properties than the tram will be, so the peak noise level will be of a similar order. However, the average noise level of the tram will be significantly less than the average noise level of the traffic. I say that based on the exercises and calculations that we have done already.

Malcolm Thomson: Thank you, Mr Hyde.

The Convener: Does Mr Hamilton have any questions?

Adrian Hamilton: You measured the noise of the traffic and the noise of the tram. Should you not also consider the noise of the traffic and the tram together?

John Hyde: We do.

Adrian Hamilton: When I posed a previous question, I was guaranteed that there would be a reduction in noise, was I not?

John Hyde: May I explain the situation?

Adrian Hamilton: Answer my question first. Was I guaranteed a reduction in noise?

John Hyde: There will be a reduction in traffic noise.

Adrian Hamilton: Will that be because the traffic will be stationary?

John Hyde: The average speed of the traffic will be slower.

Adrian Hamilton: Did you not tell me that there would be a reduction in traffic noise because the traffic would be stationary?

John Hyde: No.

Adrian Hamilton: Do you accept that the noise of traffic coming to a stop and starting again will be greater than the noise that we already have from traffic moving past at the speed at which it currently moves?

John Hyde: The average speed of the traffic will be reduced. That means that, despite the stop-start effect, the noise level will be virtually the same. The noisier periods when the traffic is accelerating will be compensated for by the periods when the traffic is stationary, so the average level will stay the same.

Adrian Hamilton: So if 40 vehicles stop and start at the same time as the tram passes, I will have no additional noise. Is that what you are saying to me?

John Hyde: No, I am not saying that at all.

Adrian Hamilton: So I will experience an increase in noise levels?

John Hyde: No. The present levels of noise from traffic will be slightly reduced because traffic will travel at a lower speed once the 40mph limit is implemented.

Adrian Hamilton: Will I experience reduced noise levels even if we take into account the stopping and starting of vehicles?

John Hyde: Yes.

Adrian Hamilton: So you do not accept that traffic that is stopping and starting is any noisier than moving traffic.

John Hyde: No, I do not accept that.

Adrian Hamilton: Well, I disagree with that. Let us also take into account the fact that the tram will be going round a curve. Will that increase the noise?

John Hyde: No, because—

Adrian Hamilton: Do trams not have wheel squeal?

John Hyde: They do, but not at this radius.

Adrian Hamilton: What are the basic differences between the tram in Manchester, with which you were obviously involved for some time, and the tram that is proposed?

John Hyde: In Manchester, the tram vehicles have large wheels, which are totally exposed at the wheel-rail interface. In more modern trams, the body screens part of the wheel. That significantly reduces noise emissions.

11:00

Adrian Hamilton: However, essentially, both trams are based on 100-year-old technology in which little has changed other than that the wheels are covered and the wheels may, or may not, be of a different diameter.

John Hyde: Yes, the wheels will be smaller—

Adrian Hamilton: The wheels may or may not be smaller. The design has not actually been agreed. Has it?

John Hyde: Not in detail—

Adrian Hamilton: So the trams here could have the same size wheels as the trams in Manchester?

The Convener: Mr Hamilton, please let the witness finish his answer before you carry on.

John Hyde: The wheel size is not a significant factor. It is a matter of physics that the factors that can affect the metal-on-metal noise that is caused by the wheel on the rail are the screening of the wheel by the skirt of the tram, the track mounting system, how well isolated the track is and how well the rail can absorb the movement of the tram on the rail.

Adrian Hamilton: The tram in Manchester causes such a problem because it is now a bit old and worn. For how long will our tram be brand new?

John Hyde: We do not anticipate any change in the noise that will be emitted by the system. The rails will be better maintained.

Adrian Hamilton: So the noise from the new tram will be maintained at the same level throughout its life. Will it not get any noisier?

John Hyde: We do not anticipate it getting any noisier.

Adrian Hamilton: But you cannot guarantee that.

John Hyde: No. If the maintenance programme—

Adrian Hamilton: The history of other tram systems shows us that noise levels increase dramatically with wear.

John Hyde: I would not say dramatically.

Adrian Hamilton: Can you tell me of any tram system that has not had an increase in noise over the years?

John Hyde: I am not aware of any tram system that has had a particular increase.

Adrian Hamilton: So Edinburgh will be unique in having a tram that will not increase in noise as it wears out.

John Hyde: No. All new tram systems adhere to the same standards.

Adrian Hamilton: What noises should we expect when we need to renew tramlines?

John Hyde: Did you say "renew"?

Adrian Hamilton: Yes.

John Hyde: We do not anticipate that the lines will need renewing. If they are maintained properly—

Adrian Hamilton: Will the tramlines never need renewing?

John Hyde: They might do after a long period of time—I am not a rail expert or rail engineer—but maintaining the rails minimises the risk of increased noise.

Adrian Hamilton: If the rails are to be maintained on a regular basis, what will that entail?

The Convener: Mr Hamilton, I must interrupt you. I need to suspend the meeting temporarily so that we can fix a difficulty with the broadcasting system. I am sorry about this.

11:01

Meeting suspended.

11:09

On resuming—

The Convener: I apologise to all present for the unfortunate lapse in the system, particularly to Mr Hamilton, who was interrupted mid-flow.

Adrian Hamilton: I have now totally lost the plot but I will try to pick it up.

The Convener: I am sure that you will find it fairly quickly.

Adrian Hamilton: If I repeat myself, I apologise in advance.

The Convener: Carry on.

Adrian Hamilton: TIE raised the point that I was not as helpful allowing access to the property as I could have been, but I was unsure about the criteria that you were going to use to measure noise and vibration in my property.

The Convener: Question please, Mr Hamilton.

Adrian Hamilton: Could you please explain what criteria you would use or intended to use?

John Hyde: We did not intend to use any particular criteria. We wanted to use a microphone and sound measuring system to measure noise levels over a two-day period and to measure some vibration levels outside the building that might be due to existing traffic. There was never any intention to change the criteria that are quite clearly defined in the environmental statement. The criteria would still be the same. We would just have collected factual data to which you would have had access if you needed it.

Adrian Hamilton: Where would the measurements have been taken?

John Hyde: Preferably, measurements for external noise would have been taken at the first-floor bedroom façade and vibration measurements would have been taken somewhere near the foundations of the building.

Adrian Hamilton: Would we have been able to take measurements outside the building?

John Hyde: It would have been done outside the building.

Adrian Hamilton: So the noise and vibration that we have when we are sitting in the garden is taken into account to the same extent as if we were inside the property?

John Hyde: Yes, the levels that would be quoted are external levels.

Adrian Hamilton: So at that point would we have been able to determine the level of noise that would come from the tram at the distance it will be from our property?

John Hyde: Yes.

Adrian Hamilton: But TIE cannot tell me exactly where the tram is going to be to within 5m.

John Hyde: I assume that the tram is 18m from the property.

Adrian Hamilton: I have 17m.

John Hyde: Yes, of that order.

Adrian Hamilton: Would you have done the same type of noise and vibration assessment of the listed building on the property?

John Hyde: That would have been possible, yes.

Adrian Hamilton: Would that have merited any more attention than a normal building that is not listed?

John Hyde: The vibration criteria are slightly more sensitive for listed buildings than for unlisted buildings.

Adrian Hamilton: Did you make that clear to me at the time?

John Hyde: No.

Adrian Hamilton: I was not aware of that at all.

If we assume that this nice new track is not going to wear terribly and that it is going to be maintained, at what time of day and night should we expect noise from that maintenance and what level of noise should we expect?

John Hyde: I am not a rail engineer, but as I understand it the rail will need grinding approximately once every 18 months to two years. That will be done by a grinding vehicle, which is extremely noisy, and it will take about an hour or two to pass that particular section of the route. We are talking about a couple of hours every 18 months.

Adrian Hamilton: That will be in both directions.

John Hyde: Yes.

Adrian Hamilton: Does that take into account the total length of track that will affect my property?

John Hyde: Yes. The vehicle moves at about three or four miles per hour.

Adrian Hamilton: How often are other tram systems maintained? How often do other companies grind the rails?

John Hyde: I understand that 18 months to two years is the standard.

Adrian Hamilton: My information is that it is much more regular than that; it is probably an annual occurrence.

John Hyde: I do not claim to be a rail engineer. That is the information that I have received; someone else might be able to answer that.

Adrian Hamilton: Perhaps good maintenance would reduce the periods to six months, so I can expect an increase in noise rather than the decrease I have been promised.

John Hyde: There will be a noisy period during maintenance. We are not saying that there will not be, but that does not change the average noise level that you will experience on a day-to-day basis.

Adrian Hamilton: Thank you.

Alasdair Morgan (South of Scotland) (SNP): I have a question about the Manchester metro. You were talking about a location near Prestwich. Was that built as a tramway?

Adrian Hamilton: No. It was the original heavy rail that was not changed when it was switched to trams.

Alasdair Morgan: Thank you.

Malcolm Thomson: First, I want to ask about speed. Am I right in understanding that there are

two distinct reasons why the speed will reduce? One is the simple reduction of the speed limit for all road traffic from 70mph to 40mph; the other is the slightly artificial one of averaging the speed because there will be some periods of stationary traffic?

11:15

John Hyde: That is correct. The reduction in the speed limit from 70mph to 40mph causes the reduction in the calculated traffic noise level. In practice, the average speed reduction that is caused by the crossing will lead to a further reduction. I have not taken that into account; I looked at the worst case scenario.

Malcolm Thomson: So you looked principally at the effect of the new noise from a tram on the one hand and the noise reduction that can be directly attributable to the reduction in speed from 70mph to 40mph on the other hand?

John Hyde: Yes, I looked at the two quite separately.

Malcolm Thomson: Is that what produces a net benefit so far as Mr Hamilton is concerned?

John Hyde: Yes, it does indeed. The existing traffic noise level is 74dB, but the noise due to the tram, which is 64dB, is significantly less. However, when one adds it together, one still gets a small decrease, as the 74dB will reduce down to 72dB due to the reduced speed. There would be a net benefit.

Malcolm Thomson: Returning to Prestwich in Manchester, you spoke about the differences between the tram system there and the proposed system in Edinburgh. You talked about the differences in tram vehicle type. Would there also be a difference in track type?

John Hyde: Yes, indeed. The track type in Manchester is sectioned; it is the 60ft sections of track that cause the old-fashioned clunkity clunk of a train running through the track. It is the impulses of the gaps in the tracks that cause the high noise levels in Manchester. The figure that is being quoted is the figure for the impact of the train as it runs over the gaps.

The new track in Edinburgh would be continuously welded and isolated either in rubber on a concrete base or on a standard ballasted mat. That in itself would reduce considerably the noise emissions from the track.

Malcolm Thomson: Thank you, Mr Hyde.

The Convener: Thank you, Mr Thomson. I also thank Mr Hyde for his evidence.

We move on to the next witness, Leonie Alexander, who will address the impact on the garden and the measures to minimise any

negative impacts on the associated wildlife. I call Mr Thomson.

Malcolm Thomson: Having read Mr Hamilton's rebuttal statement, do you have any comment to make on the possible effect of the tram on timid creatures in the vicinity of his property?

Leonie Alexander (The Wildlife Partnership): It is clear that the wildlife that exists in the property, which I can see is a kind of oasis in terms of the wider area, is tolerant of a certain level of disturbance at the moment because the property is situated next to the main road.

We acknowledge that there will be an elevated level of disturbance during construction and that that may have an impact, but as wildlife has the capacity to recover the chances are that if the habitat is suitable, wildlife will move in again after construction.

Malcolm Thomson: Is the wildlife likely to be disturbed by the operation of the tram?

Leonie Alexander: We do not anticipate any particular impacts in that area on protected, rare or locally notable species as a result of the tramline. The tramline will be associated with new landscaping, which will diversify the landscape in the area to the west of Mr Hamilton's property. Indeed, immediately pre construction, provision has been made for final surveys to be done to identify whether any protected species would be impacted. If that is the case, special measures will be taken, as will also happen on other stretches of the tramline including the area from Gogar roundabout out to the airport where badgers are a major issue.

Malcolm Thomson: Thank you, Ms Alexander.

The Convener: I call Mr Hamilton.

Adrian Hamilton: Can you tell me when you visited the property, Leonie?

Leonie Alexander: I was not involved in the surveys that were undertaken during the environmental impact assessment process.

Adrian Hamilton: So you are working on information that you have received from others, who visited the property?

Leonie Alexander: Yes.

Adrian Hamilton: When did they visit the property?

Leonie Alexander: I understand that surveys were conducted for the environmental assessment process.

Adrian Hamilton: It should be noted that I am aware of no visit whatever. If a visit was made, it was without my permission. I do not know about it.

The Convener: I will put that to the witness. Are you satisfied that the property was visited?

Leonie Alexander: I do not know whether the garden area was visited, but the tramline route certainly was surveyed. A complete habitat survey has been conducted for the full—

Adrian Hamilton: I put it to you today—

The Convener: Mr Hamilton, you must let the witness finish speaking.

Adrian Hamilton: I put it to you that you make statements that are based on a visit that might or might not have taken place and you ask the committee to base decisions on that.

Leonie Alexander: The idea behind the survey of the tramline route corridor was to map the habitats that would be directly impacted and to pick up on any protected species or species for which specific measures would have to be taken. Some potential badger activity was picked up in the area that we are discussing.

As part of the environmental assessment process, data are collated, because surveys do not tell the complete story; they tell only the story that is presented at the time when the survey work is undertaken. Existing data were collated as part of the environmental assessment. Nothing specific that is recognised as protected would have to be mitigated for.

Adrian Hamilton: I am shocked. If any property along the tram route cannot be assessed from outside, it is the property that we are discussing. For someone to say what might or might not be affected without visiting the property renders me speechless. I have no further questions on that.

The Convener: Members have no questions. I call Mr Thomson for re-examination.

Malcolm Thomson: I have just one question. If nobody entered the property, does that mean that your evidence is without foundation?

Leonie Alexander: The property will not be directly impacted. I understand that the initial route was to clip the edge of the garden, but that will not happen now, so no direct impacts will occur on habitats in the property. It is clear that species in the area need to be mitigated for and we have considered badgers along the whole route corridor. They are likely to be the most significant issue. Otters are also a consideration.

Under the environmental assessment system, common and widespread species are not included in mitigation, which involves only species that have a particular focus because of their protection status. I do not think that we have missed anything, but if we have, provision is available for pre-construction surveys to be undertaken and for appropriate mitigation to be implemented.

The Convener: I must follow that up. Do you normally visit premises in such a situation?

Leonie Alexander: The initial survey is called the phase 1 habitat survey. That is a system for mapping the whole route corridor that could be impacted by any infrastructure development. The normal procedure is to take a buffer strip. For species that range further, such as badgers, which can go 1km either way, the survey goes further afield if required.

The Convener: A locus inspection by the committee revealed a significant amount of wildlife in the garden. You are not aware of that?

Leonie Alexander: I am interested to know whether there is any awareness of species for which mitigation is required.

The Convener: But that really should have formed part of the inquiry that was carried out at that stage?

Leonie Alexander: The process has been long and we have been talking about this development for some years now. I am sure that if certain protected native species in the garden required specific mitigation, that would have emerged by now. Those involved in landscaping the project have had discussions with Mr Hamilton and I would find it astonishing that such information had not come out.

The Convener: How would you have taken any of the pre-construction survey's findings into account?

Leonie Alexander: If the pre-construction survey showed that the situation had changed—for example, badgers might have moved into an area or changed their sett location—that would be fully mitigated. After all, on infrastructure projects, there is a requirement for full mitigation for particular protected species. There is no question but that such provision exists.

The Convener: That is fine.

The final witness is Rahul Bijlani, who will address the issue of the bill's compatibility with ECHR. I remind Mr Bijlani that he is still on oath.

Malcolm Thomson: I have no questions for this witness.

Adrian Hamilton: Convener, could you please explain Mr Bijlani's role again?

The Convener: He is addressing the bill's compatibility with ECHR.

Adrian Hamilton: Which is?

The Convener: I am sorry—I am using common parlance in the Parliament these days. The ECHR is the European convention on human rights.

Adrian Hamilton: Okay. I have no questions for this witness.

The Convener: As committee members have no questions and as Mr Thomson is unable to re-examine the witness, that concludes oral evidence from the promoter. We return to the objector's witness, Adrian Hamilton. As Mr Hamilton does not have a questioner, he is able to make an opening statement on any outstanding issues in the promoter's rebuttals of his witness statement or in his rebuttal of the promoter's witness statements. After Mr Thomson has the opportunity to cross-examine him, Mr Hamilton can make a statement in response.

Mr Hamilton, do you wish to take the oath or make an affirmation?

Adrian Hamilton: I think that I have already done that—I have been here before.

The Convener: Oh. I do not think that you were put on oath, so we had better get it again.

ADRIAN HAMILTON *made a solemn affirmation.*

The Convener: Thank you. Please give your statement.

Adrian Hamilton: I will try to be as brief as possible.

Today, we hoped to clarify various issues, particularly the legal processes. We especially wanted to clarify the processes for dealing with the values of the properties that are affected by various aspects of the tram.

Unfortunately, we have failed to question the district valuer according to the correct timescale or manner. TIE probably has 30 experts to hand and it is unfair that private individuals are expected to pit themselves against professionals in such a manner.

TIE has continued to mislead the individuals and citizens of Edinburgh. That process started very early, with the misrepresentation of initial statistics. Although United Kingdom Government reports conclude that trams lose money, TIE endeavours to paint a different picture. The City of Edinburgh Council also holds various views on congestion. For example, it encourages congestion by the misuse of bus lanes or by making roadworks that were previously a priority last for days.

Although we have asked for information under the Freedom of Information (Scotland) Act 2002, it has not been provided in sufficient detail. Scotland and, in particular, Edinburgh require an integrated transport system, not this proposed system. In this day and age, the introduction of level-crossings on one of our busiest roads—

The Convener: I must interrupt you, Mr Hamilton. What you have said is very interesting and is fair comment, but—

Adrian Hamilton: I am nearly finished.

The Convener: Well, on that basis, you may carry on, but I must tell you that your comments are basically not relevant.

Adrian Hamilton: You must appreciate that it is very difficult for me or other individuals to understand this system. I will come back to that in my closing statement.

The introduction of level-crossings on one of our busiest roads only confirms the project's lack of foresight and long-term joined-up thinking. The nation requires a user-friendly Government, not a bureaucratic nightmare that discourages open debate.

11:30

The Convener: Thank you. Mr Thomson, do you wish to cross-examine Mr Hamilton?

Malcolm Thomson: Yes please. First of all, I want to ask about the question of the area of ground called lots 395, 396 and 397, which lies to the west of your property. Do you know what I am talking about?

Adrian Hamilton: Yes.

Malcolm Thomson: Am I right in understanding that, at a fairly early stage, there were discussions between you and TIE about those three plots, that you were concerned that the proposed tram works would impinge on your property in respect of those three areas, that TIE looked at the matter and agreed that those areas could be omitted from the bill powers, and that an agreement was drafted and sent to you for approval and ultimate signature? Am I right so far?

Adrian Hamilton: From memory, no. However, if that is the case, I think that I can accept or remember some of the conversation, but I do not remember the agreement being sent to me.

Malcolm Thomson: I just wondered why you had not been willing to proceed with such an agreement.

Adrian Hamilton: It is fairly simple. From the first connection that we had with TIE, it has earmarked the wrong pieces of land and misread the boundaries. Even at this late position, at the committee, it has not, as far as I am concerned, earmarked the correct parts of land or the correct boundaries, having been asked to substantiate the parts that it does require.

Malcolm Thomson: On the question of whether there has been a visit to your property by anybody from TIE or any of its consultants, am I right in understanding that there was a meeting in your house, which involved members of TIE, the Edinburgh and Lothian badger group and other consultants?

Adrian Hamilton: I do not remember all the meetings that we had. I know that Alasdair Sim was at an early meeting that I had with TIE. That was probably one of the most constructive meetings that we have had. I know that Judith Sansom had a meeting with some badger people when I was not there. What was your other point?

Malcolm Thomson: Let us go back to the meeting with the badger group; that is the one I am interested in. I understand that, in the course of that meeting, which took place in your house, those present were shown your garden.

Adrian Hamilton: No. You are incorrect.

Malcolm Thomson: What were they shown?

Adrian Hamilton: They were shown the house and the driveway.

Malcolm Thomson: As you were not there, perhaps you would like to confer before answering.

Adrian Hamilton: I now recall that we made particular note of the fact that they did not visit anything other than the driveway in the garden. I think that when Alasdair Sim visited with some other colleagues we perhaps had a very brief visit to the garden.

Malcolm Thomson: On the question of how one maintains tram track and the need to grind from time to time, do you have knowledge of the frequency of rail grinding on other tram systems in the UK?

Adrian Hamilton: The information that we have is from a French system, which I think has possibly been used as the ideal system by TIE, which took people to view it. That is a system that is maintained on a weekly or monthly basis.

Malcolm Thomson: Does that maintenance involve grinding?

Adrian Hamilton: I am not aware of that. I am obviously not an expert on the maintenance of tramlines, but the information that we have is that grinding takes place much more often than we have been told today.

Malcolm Thomson: But can we be clear that you are not giving any evidence to this committee about the frequency with which tramlines in the UK are routinely ground?

Adrian Hamilton: Not with authority.

Malcolm Thomson: Thank you, Mr Hamilton

The Convener: Mr Hamilton, do you have anything to say on the basis of the evidence that you have just given? You will have a chance to sum up at the end.

Adrian Hamilton: No, that is fine.

The Convener: That concludes the questioning for group 51. Mr Thomson, you have five minutes for a closing statement on behalf of the promoter.

Malcolm Thomson: The starting point in my submission is that once the principle of a tram on this approximate route has been established, the issues become fairly restricted and clearly defined. There is written evidence from Alasdair Sim about the constraints on the route choice. The promoter has already accepted, and continues to accept, the deletion from the bill of lots 395, 396 and 397, with the result that there is no direct intrusion into this objector's land. That means that the house remains visually sheltered by the trees, which will not be affected at all. There is a question about the lodge, which is less well sheltered, but we have heard and read evidence in relation to visual intrusion and the view, noise intrusion and vibration. In my submission, that evidence ought to satisfy the committee on each of those topics that there is no significant or unacceptable impact from any of those sources on the property.

The period of construction will be disruptive, although it will not involve access to the property directly. Protection is afforded by the code of construction practice. So far as the junction arrangement is concerned, we have heard and read evidence from Mr Sim on how it will operate. There is no reason to fear any particularly adverse effect from that source. One has to bear in mind constantly the background, which is a dual carriageway with a 70mph speed limit that is a main arterial route to and from the city of Edinburgh, and particularly to the airport. As the technical witnesses have explained, the levels of noise and appreciation of view have to be considered against the background that is already there. For those reasons, I invite the committee to reject the objection.

The Convener: Thank you, Mr Thomson. Mr Hamilton, you have five minutes for a closing speech.

Adrian Hamilton: I thank the committee for the opportunity to make a closing statement and to reiterate some of the important points with regard to West Ingliston Cottage. I thank one or two representatives of the Scottish Parliament who helped steer us through what we have found to be a very complex process that is way beyond the scope of most normal mortals. As such, I suggest that the system fails badly, so much so that it should be reappraised. I especially thank the committee members who took the time to make a site visit to our home. Judith Sansom and I appreciated the extra effort and hope that it helped the committee to appreciate our concerns and the consequences for our property.

The people whom I cannot thank, unfortunately, are those from the City of Edinburgh Council and

TIE, who acted at various times in a totally unacceptable manner. We feel bullied and abused, having been misled, lied to and dismissed at various stages as just typical complainers rather than seriously concerned citizens who are genuinely worried about the effects of the proposals on us, our home and Edinburgh.

TIE has continued to underestimate the project and it has failed to provide the information that is vital if we are fully to assess its intentions. TIE attempted to encourage us to remove our objection, yet it has continually failed to answer basic questions or technical queries. It has tried to give the impression that Judith and I and the other objectors are the ones who are being difficult, but in truth the opposite is the case. I propose that the committee and the Scottish Parliament should examine TIE's behaviour closely and consider whether further inquiries should be made.

Should Judith and I feel that our position has not been fully considered, we will without hesitation take the matter to the European courts. The City of Edinburgh Council and TIE must be shown that a gung-ho attitude to the citizens of Edinburgh and the greater population of Scotland is not acceptable. They should have learned that lesson from the congestion charge fiasco or—dare I suggest it?—from the Scottish Parliament building. How many bloody noses does the council require before it appreciates the views of its citizens? The Parliament should be reminded that allowing such projects blights people's homes and cities and ultimately reflects on MSPs themselves. Those MSPs represent the people who will ultimately pick up the cost of the system. The taxpayers of Scotland will not only pick up some of the initial bill but, ultimately, will also pick up the losses.

What is proposed is not an integrated transport system and it can never be such. Only Scotland can have an integrated transport system. The last thing we need is for individual councils to rush ahead and do their own thing without considering the bigger picture.

West Ingliston Cottage is a unique property and an asset that is yet to be fully appreciated by Edinburgh. It is a property of some 7 acres and it is a wildlife haven that was established some 30 years ago. We believe that it is unique in the area. The 150m frontage that is affected by the tram proposals is only a small aspect of what will be affected. Ultimately, the entire property will be devalued and perhaps made useless as a wildlife haven.

The various experts have struggled to answer some of the questions regarding noise, vibration and alignment and they have struggled to justify the tram extension from the airport past West Ingliston Cottage to Ratho. What will happen when TIE ultimately fails to achieve its targets for

vibration or noise? By then, it will be too late. Compensation will not make up for the fact that I suffer increased noise or vibration. Taking into account pollution and fumes that are produced elsewhere—not at the point where the tram will be—does not help me to accept that trams are an ideal solution for Edinburgh or for my property. To my mind, the safety of the planned level-crossings should be reconsidered. Realignment would allow the level-crossings to be omitted from the plan.

I am sure that the committee will give the proposals full consideration, but it goes without saying that we uphold our objections. Nothing that has been said today makes us feel any better in any way, shape or form.

The Convener: Thank you, Mr Hamilton. That concludes oral evidence taking for the objection in the name of Judith Sansom and Adrian Hamilton.

In accordance with a decision made at a previous meeting we will move into private session to consider the evidence we heard today. Before we do so, I thank those who took part in today's meeting, particularly the objector in the second case that we heard. Mr Hamilton, you are to be congratulated on the courteous and measured way in which you advanced your case on what is, for you, a very evocative issue.

Thank you for your attendance, ladies and gentlemen.

11:45

Meeting continued in private until 11:51.

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