

EDINBURGH TRAM (LINE TWO) BILL COMMITTEE

Wednesday 26 October 2005

Session 2

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CONTENTS

Wednesday 26 October 2005

	Col.
PROPOSED ALTERNATIVE ALIGNMENTS	439
EDINBURGH TRAM (LINE TWO) BILL COMMITTEE: CONSIDERATION STAGE	440

EDINBURGH TRAM (LINE TWO) BILL COMMITTEE **13th 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:

Geoff Duke (Transport Initiatives Edinburgh Ltd)

Matthew Edgar (Colliers CRE)

John Hyde (FaberMaunsell)

Gavin Murray (FaberMaunsell)

Alasdair Sim (FaberMaunsell)

James Truscott (ASH Design and Assessment)

Archibald Rintoul (Scotland South East Valuation Office)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 5

Scottish Parliament

Edinburgh Tram (Line Two) Bill Committee

Wednesday 26 October 2005

[THE CONVENER *opened the meeting at 09:41*]

Proposed Alternative Alignments

The Convener (Bill Aitken): Good morning, ladies and gentlemen. I welcome the press and the public to the 13th meeting this year of the Edinburgh Tram (Line Two) Bill Committee. I apologise for our slightly late start; there has been a considerable drop-off in the number of objections to be heard today and we have therefore had to readjust the timetable. However, we can now get the show on the road.

Will everyone please switch off their mobile phones and pagers? There is an induction loop, so anyone who uses a hearing aid should switch it to the "T" position.

For agenda item 1, the committee will consider witness lists and summaries that have been received from the promoter. They relate to the new objections that we have received to the alternative alignments that the promoter has proposed. We have received no communication from O2 (UK) Ltd and Hutchison 3G UK Ltd. Previously, in such instances, the committee has decided that the objectors should be treated as though they have agreed not to provide any further evidence. Taking that position would mean that those objectors will not be able to provide witness statements or oral evidence. Do members agree with that position?

Members indicated agreement.

The Convener: The remaining decisions for the committee are whether it is content with the witness who has been suggested by the promoter and whether it agrees that any oral evidence on these objections be taken on 16 November. Do members agree?

Members indicated agreement.

Edinburgh Tram (Line Two) Bill Committee: Consideration Stage

09:42

The Convener: We now move to item 2. The committee will continue its oral evidence taking at consideration stage. Before we begin, I want to provide an update on a matter that I raised at our previous meeting—namely the continuing media speculation about the final cost of the tramline and whether it would be constructed in stages.

We received an update from the promoter on the overall estimate of expenses and funding and I subsequently replied with a series of questions about the update. I will ensure that the response from the promoter is published on our website. If the promoter fails to address those questions to the full satisfaction of the committee, we will not hesitate to take further oral evidence on this matter.

I now return to the agenda before us today. I should point out that since the agenda was printed, Partco/UGC Properties Ltd, Jenners and Mr and Mrs McLean have withdrawn their objections. Murrayfield Indoor Sports Club has also indicated that it will withdraw its objection, but we have yet to receive an official letter of withdrawal. In those circumstances, do members agree that we should not take evidence on the sports club's objection today? It seems that the objection will be withdrawn, but if something should go awry, we will be able to take evidence at a future meeting.

Members indicated agreement.

The Convener: It seems that negotiations between the promoter and the objectors are paying dividends, which is a matter of some pleasure—indeed, relief—to the committee. Today we will take oral evidence only from the promoter's witnesses. All the remaining objectors are resting on their original objections. The majority of the objections that we will consider have been lodged in the name of businesses that are located in Roseburn Street, near Murrayfield stadium. The objections raise similar issues and the promoter has, by and large, put forward the same witnesses. We can therefore question the promoter's witnesses on behalf of more than one group at the same time. Where a witness provides an answer that is relevant to more than one group, there may be no need to ask that same question of the same witness again.

We will begin by taking evidence on groups 10, 12 to 16 and 18 to 20, all of which relate to the Roseburn Street area. I invite the promoter's witnesses—Gavin Murray and Archibald Rintoul—

to the witness table. Both witnesses took the oath at previous meetings. The questioner for the promoter is Malcolm Thomson QC. The first witness is Archibald Rintoul, who will address compensation. The evidence that he will provide is relevant to groups 10, 13 to 16 and 18 to 20. I ask the gentlemen to take their seats, please.

09:45

The Convener: Good morning, Mr Thomson. Do you have any questions for Mr Rintoul? If you want him to provide an update on negotiations, he is free to do so, not just for the groups that were named, but for any other groups that may have been mentioned.

Malcolm Thomson QC (Counsel for the Promoter): Good morning, sir. I have no questions for Mr Rintoul, but I would like to ask Mr Gavin Murray for an update. He will do most of the updates, with one or two exceptions. Do you want him to go through them?

The Convener: Not at this stage. I ask you to proceed with the examination of Mr Rintoul.

Malcolm Thomson: I have no questions for Mr Rintoul at this stage.

The Convener: That was fairly easy, Mr Rintoul.

The next witness is Mr Murray, who will address alignment, access, disruption from construction, construction impacts and the code of construction practice. His evidence will be relevant to groups 10, 13 to 16 and 18 to 20.

I assume that members have no questions for Mr Rintoul at this stage.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I have a few, if I may ask them.

The Convener: Okay—we will reverse the order and Mr Purvis will ask questions of Mr Rintoul.

Jeremy Purvis: I have questions for clarification that are relevant to most groups. Will you help the committee by giving us a bit more information—if you can—about how loss of profits could be defined for compensation purposes? That is relevant to group 10—Vanguard Rental (UK) Ltd. Is there consideration for good will and disruption?

Archibald Rintoul (Scotland South East Valuation Office): There certainly is. The whole of Vanguard Rental's premises will be taken, so it will have to find alternative premises. Vanguard Rental will be compensated for the loss of the premises and for loss of profits, if profits are lost. That may very well happen—that depends on where it manages to relocate to. Loss of profits is normally considered in retrospect. The company could apply for and receive an advance payment, but we would normally wait to find out where the company

relocated to and consider in retrospect whether profits had been lost. That would be negotiated between the parties.

Jeremy Purvis: What about the element of good will? Part of the process is huge disruption to any business, which incurs particular costs. Will they be included?

Archibald Rintoul: The compensation includes several elements that cover all such disturbance items. For example, the costs of removal from one premises to another and of informing clients are bound to be incurred. Several such miscellaneous costs are compensatable.

Jeremy Purvis: That is relevant to group 13—Stepgrades Motor Accessories Ltd—whose whole site will have to be taken and for which redundancy issues arise.

Archibald Rintoul: That is correct.

Jeremy Purvis: If a business has had plans to develop or expand, how is that considered as part of what is in effect an appeal to show that a plan was being made and did not miraculously arrive after the tram scheme was proposed? What is the mechanism for determining that? Obviously businesses should not be penalised if they had plans to expand and develop their business in advance of the tram scheme coming along.

Archibald Rintoul: If the business were to lose the whole of its premises, I presume that it would move somewhere else where it could expand. If it were to lose only part of the premises, and if that would limit its expansion, it would have to demonstrate that it had incurred a loss. It might well be able to demonstrate that it had intended to expand and was no longer able to, in which case we would have to examine with the business the potential loss.

Jeremy Purvis: If you are able to, I would be grateful if you could put on the record what mechanism businesses can use to demonstrate that they had intended to expand, because it would be helpful for them to know. Also, when you say that you would examine the situation along with the business, what would the mechanism be for that? Would it be a tribunal?

Archibald Rintoul: If there is any disagreement, a business can ultimately apply to the Lands Tribunal for Scotland for a hearing. It rarely comes to that. Normally, we would negotiate with agents on behalf of the claimant and we would come to some agreement. It is difficult to generalise about how businesses would prove that they had incurred a loss. By their very nature, claims are individual and vary from one business to another. If the business suggests that it would have expanded and has therefore incurred loss because it cannot, it would have to demonstrate

that loss. For example, it would have to demonstrate that it had incurred expenditure in planning the abortive expansion. I would expect to receive correspondence from a business showing that it intended to expand a business. Planning applications and consultants will be involved, so if the business has incurred all that expenditure but the plans have been aborted, the expenditure would be compensatable.

Jeremy Purvis: Would the Lands Tribunal for Scotland be used only at the end of that process if there was disagreement?

Archibald Rintoul: Yes. The Lands Tribunal for Scotland would normally be involved only if there were irreconcilable disagreement between the parties. The parties would then refer the dispute to it.

Jeremy Purvis: What is your response to the objectors' concerns that the compensation package might well be worth less than the market value of their land?

Archibald Rintoul: Compensation is based on the market value of the property that is lost. Therefore the business should not get less than market value for the property and it should also get compensation for disturbance and any other loss that follows from the property being taken.

The Convener: As there are no further questions for Mr Rintoul, we will now revert to the previous position. Mr Thomson may now proceed with the examination of Mr Murray.

Malcolm Thomson: Mr Murray, could you update the committee on events around the Vanguard Rental objection?

Gavin Murray (FaberMaunsell): If it is all right with the committee, I would rather work from one end of the street to the other. That will be easier for me to follow and I hope that it will be easier for the committee to follow.

The Convener: That would be helpful.

Gavin Murray: I will start with Stepgrades Motor Accessories, or Viking International as it is labelled on the street. It is a large property that is set back from Roseburn Street and which it is proposed to take completely within the scheme. Subsequent to my evidence, the objector has given verbal confirmation that he recognises that the issue is one of compensation, so he has no desire to have any further consultation with the promoter. In light of that, at the beginning of this month we sent him a letter setting out the position; the committee should have received a copy of that letter, which I think was dated 11 October. That is the current position.

Adjacent to the access for Stepgrades is MRM Coachworks Ltd, which is within the limits of land

to be acquired or used—LLAU. My witness statement indicated that a comfort letter has been sent to the company. There has been no response to that comfort letter. We set up a meeting with the company on 13 September but, unfortunately, it was cancelled. There have been phone calls to try and set it up again, but we have not been successful.

We wrote to the company again on 29 September, setting out the position and indicating that we believed that we had addressed its concerns in our comfort letter and that we hoped that that would enable us to close out the matter. We have not heard back from the company, but we have had a communication from Malcolm Stewart, who is linked with the property, asking about the duration of the potential impact in that area and about access up the side. We have written back to him with an indication of the duration of the construction; that letter was sent out on 17 October.

We have managed to resolve the issues relating to the next property, which is occupied by J B McLean and Murrayfield Indoor Sports Club. Adjacent to that property is Collinson Ceramics (Scotland) Ltd, which we provided with a letter of comfort on 6 July. Again, as I intimated in my witness statement, that letter was returned to us with some issues, and we have updated and reissued the letter of comfort in a manner that we believe deals with all the issues raised. Indeed, we have indicated that we will not impact on that property at all, but we have had no response from Collinson Ceramics despite repeated communications. We have talked to the managing director, who has indicated that he is dealing with the matter personally. He failed to get back to us, so in the end we had to send him a position statement indicating that we believed that we had dealt with all his issues. Unfortunately, he has not come back to us on any of that. Indeed, when we have communicated with him, he has gone to the extent of saying, "Please don't involve my lawyers. I am dealing with it." That is how things stand and we cannot move any further, despite repeated attempts to do so.

The next property is Roseburn Garage, and the objector is Mr Mohammed Khalil. In my witness statement, I indicated that there was a requirement to take some of the land at the rear of his property, because the alignment just cuts into it. At about the same time as I was preparing my statement, we did a further study of the alignment to see whether we could squeeze the line through there without impacting on Mr Khalil's property. We have cross-sections and plans to show that we can get an alignment through within a narrower area, such that the final alignment would not have an impact on the property. However, the construction of such an alignment may well have

an impact on the end buildings, so we have indicated to Mr Khalil that we need to retain the limits of deviation as set out to facilitate access to the property by the contractor, should that be needed. Until the exact detailed design is completed and the contractor indicates how he would undertake his construction, we cannot define how the line could be constructed without having some impact on that little end of the property.

We had communication with Mr Khalil at a meeting on 8 September, and we sent him a letter following that meeting. He has come back to ask whether we can adjust the LOD to exclude his property, but we have had to tell him in reply that, until the detailed design is completed and the contractor is on board, it is not possible to do that. However, we will make every effort to try to minimise that impact and, if possible, we will do that. As I said, we have plans and sections that cover that element of the project and the committee is welcome to those should it wish to have them.

A similar type of situation occurs in relation to the adjacent property, Custom Projects Ltd, although again there is still a need to impact on the end of the buildings. Subsequent to my witness statement, we have provided Mr Kelly with the plans and sections that I mentioned. We had a meeting with him on 10 August, at which he indicated that he wanted to maintain his objection. Since then, we have provided a position statement, dated 12 September, setting out our belief that we cannot take his position any further.

10:00

We held a meeting with Mr Kelly's tenant Patricia Dewar of P D Labels on 8 September. As my witness statement states, the scheme will have no direct impact on the unit that Patricia Dewar rents from Mr Kelly. On that basis, we provided a draft agreement to Mrs Dewar, but she has not responded to it. At the meeting on 8 September, she indicated that she did not wish to withdraw her objection. On 16 September, we issued a letter that set out the position on that. The same situation exists with Gray's Mill Coachworks, which is another business within Mr Kelly's area: there is no direct impact on the unit that Mr Ronald rents from Mr Kelly. We had a meeting on 8 September to go through the matter. Again, the businessman indicated that he wished his objection to remain and we set out the position as far as we could take it in a letter on 16 September.

I now come to Vanguard Rental, which is a car rental unit. Since my statement, the objector has confirmed that the issue is purely about compensation and that it does not feel that there is any point in negotiating further with the promoter.

To formalise that matter, we issued a letter on 11 October that sets out the position.

Malcolm Thomson: Thank you, Mr Murray.

The Convener: The objector Mr Sutherland is not present. To explain the situation, the committee will adopt a somewhat more proactive approach today as a result of the absence of counsel or party objectors. The information that we have received from Mr Murray is helpful, but we have one or two tidying-up questions. I invite Marilyn Livingstone to proceed.

Marilyn Livingstone (Kirkcaldy) (Lab): The promoter's approach, which is accepted, has been to adopt a wide limit of land to be acquired or used. We hope that the area will be reduced considerably through discussions and agreements with affected premises, a process to which Mr Murray alluded in his update. In the main, will that process be carried out through individual agreements or will amendments to the bill be required?

Gavin Murray: Every effort has been made to include changes in individual agreements. We have sent several agreement letters to people such as the individuals in Mr Kelly's properties to ask them to accept our proposals to reduce the area. Unfortunately, some have declined to take the issue further and we cannot force them to accept the agreement. However, an amendment to the LLAU is included in the agreement with J B McLean, which was completed yesterday. Wherever possible, we have aimed to reduce the LLAU in line with the indication that I gave in my witness statement and the plan that was attached to it.

Marilyn Livingstone: Various reasons have been given for not following the line of the ScotRail depot, such as compliance with the Disability Discrimination Act 1995, the need for a stop near Murrayfield and constraints arising from the rail infrastructure. Is each of those problems insurmountable?

Gavin Murray: All the issues are combined in the design, because we must consider the whole in doing an alignment design—we cannot introduce a small wiggle here or a bend there without a knock-on effect. In a sense, all the issues that you mention combine together. Although one issue may be surmountable, when combined with the others, it is insurmountable.

We have to develop an alignment that achieves all the different requirements, and that is what we tried to do. As I said in my updating, we have looked again at the alignment in order to bring improvement to at least some of the properties. We believe that we have done that to the extent that some of the impact would be reduced. Confirmation of that will depend on the detailed

design and on an assessment by the contractor of how exactly he wishes to construct. Achieving the best line and making sure that it is properly constructed without having too much of an impact is a complex business.

Marilyn Livingstone: Thank you. Can I ask you about specific objectors, starting with Vanguard Rental? You said that the crux of your discussions with it was compensation. In your statement, you say that there is little scope for avoiding demolition of the property. Is that where we are? Has Vanguard Rental been informed of that?

Gavin Murray: That is where we are and Vanguard Rental was informed of that early in the consultation. We initially developed an alignment that did not have the Murrayfield stop in that location; that alignment aimed at going through the very rear of the property, missing the main building. When we took that proposal to Vanguard Rental on site before the public consultation, we discovered that the alignment would affect the property in such a way as to make the company's operational mechanisms invalid. I believe that I covered that in my witness statement. We then looked again at a range of matters, one of which was the location of the stop. After considering the information from the site visit alongside the evidence from the consultation, we decided that it would be better to put the stop there, thereby utilising a location that is ideal for people going to and from the stadium because the stadium is visible from it, and to take the whole property to do that. We then put that position to Vanguard Rental, which has taken the view that the issue is now one of compensation and that it does not wish any further negotiation.

Marilyn Livingstone: Group 14 is Mr Khalil and Roseburn Motors. As you are aware, he wants to know for sure what is going to happen to his property. If you could tighten the final construction width, there might be no impact—you say that that might still be a possibility. However, there might still be an impact. What timescale are you working to? When can you let Mr Khalil know what the situation is?

Gavin Murray: As I said, the final confirmation will come down to the contractor's construction method. It will require the contract to be let and the contractor to be involved in the assessment of the detailed design and how the line will be constructed.

As you are aware, the promoter has employed a consultancy to do the detailed design, and that process will start fairly shortly. That will be one step. However, the final confirmation will depend on the contractor being involved, which will depend in turn on the bill being enacted.

Marilyn Livingstone: But you cannot give a timescale.

Gavin Murray: I cannot give an exact timescale for that, no.

Marilyn Livingstone: The other groups are 16, 18, 19 and 20. Your witness statement said that a misunderstanding has arisen about whether there will be compulsory purchase during construction. In your update, however, you said that there would be no direct impact on P D Labels or Gray's Mill Coachworks. On Collinson Ceramics and MRM Coachworks, comfort letters have been sent to the objectors. For groups 15 and 20 in particular, will you elaborate on what the comfort letter contains?

Gavin Murray: Certainly. In none of those cases did the LLAU indicate a compulsory purchase. I hope that we have conveyed that fully to the various objectors along that section. The real aim of the LLAU was to enable us to engage the objectors in the negotiation and to find out exactly how things were going to work there. The comfort letters have indicated to MRM and Collinson that it should not be necessary to use their properties. The original LLAU indicated that things will happen adjacent to those properties. The misunderstanding arose because the individuals concerned seemed to think that the LLAU gave powers for compulsory purchase, which is not the case. Does that answer your question?

Marilyn Livingstone: Yes.

You said that "it should not be necessary to use their properties", not that it would not be necessary. Will you elaborate on that?

Gavin Murray: Sorry, what should not be necessary?

Marilyn Livingstone: You said that there should not be any need to impact on those properties.

Gavin Murray: Correct. In any scheme—even just in general activities—there is always the possibility that something out of the ordinary will happen, in which case it would be an emergency situation. Such risks are greater in the middle of a construction process; I have therefore used the phrase "should not" rather than "would not". I do not expect there to be a need for anything unusual, but I have used that term rather than a categorical "would not".

Marilyn Livingstone: Have you had any response to that?

Gavin Murray: No.

Marilyn Livingstone: Finally, what will be the impact on property belonging to Custom Projects? You spoke about the need to impact at the end of the building. Will you clarify that?

Gavin Murray: The alignment as set out in the bill cuts across the rear of the property. Even in the revised alignment, there is a potential impact on the back corner of the building. Basically, there is a requirement for those end units to be included in the compulsory purchase. It may well be that, in the detailed design, that can be minimised and that a revised rear wall could be constructed, giving back the majority of the unit. However, at this stage it is deemed prudent compulsorily to purchase all those units.

Marilyn Livingstone: Where an objector's business will not be physically affected, can you confirm that the promoter has provided an undertaking to the objector to that effect?

Gavin Murray: I believe so.

The Convener: As there are no further questions, that concludes the evidence taking from the promoters' witnesses in respect of groups 10, 13 to 16, 19 and 20.

I invite Mr Thomson to make his closing remarks. Given the similarity of the evidence, I assume that what he has to say will be all-encompassing and generic; however, if he refers to any specific objections perhaps he could make that clear.

10:15

Malcolm Thomson: Before I do that, I should address the question of the timescale for the start of these works that Mr Murray was asked about, as that will give the committee a feeling for the point at which the people involved can be told exactly when and how they will be affected. The promoter could endeavour to produce something in writing to indicate whether the works will start a matter of months, or whatever period of time, after the date of royal assent, whenever that might be. Obviously we cannot speculate on that. However, it would give the committee a feel for the timescale that would be involved.

The Convener: That would be helpful.

Malcolm Thomson: Before I make my closing remarks, I must ask Mr Murray a couple of questions on his evidence.

Mr Murray, I wish to summarise with you your approach to dealing with all these proprietors. Broadly speaking, have you tried to take the minimum amount of land required?

Gavin Murray: Yes.

Malcolm Thomson: Where it has been inevitable to require land to be taken, have you tried to maximise the land take's benefit to the scheme?

Gavin Murray: Yes. Vanguard Rentals is a case

in point. Initially, we tried to minimise the land take through the back of the property but when we talked to the company in the early stages of the development it indicated that that was unacceptable. As a result, we looked again at the whole area, including the stop details, and came up with another proposal that took over the whole property and provided for both the stop and access to Murrayfield stadium.

Malcolm Thomson: Bearing in mind that detailed design work has not been undertaken and that a contractor is not even in place, far less in a position to submit detailed contractual design arrangements, do you think that it is possible to reduce the LOD or the LLAU at this stage?

Gavin Murray: It would not be prudent—or even possible—to reduce the LOD. We could end up with a bill on a project that could not be constructed, which would be a real shame.

As I said earlier, the LLAU is being reduced where we feel that it is prudent to do so in the site agreements with the different proprietors.

Malcolm Thomson: But you have thought about that course of action.

Gavin Murray: Yes, definitely.

Malcolm Thomson: Thank you, Mr Murray.

The Convener: I ask Mr Thomson to make his closing remarks.

Malcolm Thomson: As we have heard, the properties in question have certain elements in common. In a sense, the promoter is trying to build a tramline between the rock of these objectors' properties and the hard place of the ScotRail property.

On the alignment itself, Mr Murray has explained the reasons for choosing this particular route. Once those reasons have been accepted, it is a question of dealing as sympathetically and as effectively as possible with the objectors. I submit that Mr Murray's evidence demonstrates that that is exactly what has happened.

For example, when it became apparent that even a small incursion into the property of Vanguard Rentals would so seriously affect its business that it would have to move anyway, the promoter moved to design the stop with its DDA-compliant access arrangements in a way that maximised the benefit to the scheme from taking the whole site and which therefore minimised the need to intrude on other businesses. Doing so would give those businesses a better chance of being able to carry on after land had been taken from them.

It has only been necessary to acquire three properties completely; the others should all be able to survive being treated as Mr Murray has

described. In my submission, once that stage is reached, the issue is purely one of compensation. Indeed, one may infer from the objectors' limited participation in the process that they have recognised that that is an inevitable reality.

Mr Rintoul has explained what the compensation arrangements are. The starting point for compensation is the market value of any property that is taken, so one should not even think about an objector not receiving that basic level of compensation. As Mr Rintoul has explained, there are various add-on elements for disturbance, disruption and removal costs, for example. Those are all existing statutory provisions in the Land Compensation (Scotland) Act 1963 and the Land Compensation (Scotland) Act 1973 and they apply as the law of the land to any compulsory acquisition that takes place. There is nothing untoward or unusual about the application of those provisions to the proposals under discussion. Although the committee has viewed the objections sympathetically, against that background, I invite it to reject them.

The Convener: Thank you, Mr Thomson.

We can now complete oral evidence taking on group 12, which is in the name of Mr Frank Earley. I invite the remaining witness, Matthew Edgar, to come to the witness table. He will cover the issue of compensation.

MATTHEW EDGAR *took the oath*.

Malcolm Thomson: I invite Mr Edgar to give the committee an update on the state of affairs between him and Mr Earley.

Matthew Edgar (Colliers CRE): Subsequent to my witness statement, the district valuer provided a report on market value, which was dated 19 May 2005. That confirmed my company's findings on the level of market value. At that point, the promoter asked the district valuer to take over responsibility for the file. The district valuer agreed with the objector's professional adviser, Messrs Ryden, on the figure for market value on 19 September 2005. I remain of the opinion that there are good prospects of settling the objector's claim at market value, subject to the completion of the survey and the legal formalities. The promoter has sent a letter to the objector's advisers to confirm that that is its view.

Malcolm Thomson: Do we know what Mr Earley's position is?

Matthew Edgar: Mr Earley's advisers have expressed to the district valuer and the promoter his wish to settle at market value.

Malcolm Thomson: Should the committee proceed on the basis that, in effect, agreement has been reached with Mr Earley, bar the dotting of i's and the crossing of t's?

Matthew Edgar: That is correct.

The Convener: That is straightforward. There are no questions. Do you wish to proceed any further, Mr Thomson?

Malcolm Thomson: I think that what I said in relation to the previous objectors applies equally to Mr Earley. I have nothing further to add.

The Convener: You have no closing speech.

Malcolm Thomson: That was it.

The Convener: We can now complete oral evidence taking in respect of group 18, which is in the name of P D Labels and Ms Dewar. The remaining witness is Mr Hyde, who will address the issue of noise and vibration.

Malcolm Thomson: I have no questions at this stage.

The Convener: I draw Mr Hyde's attention to the fact that he is already on oath. Members have no questions for Mr Hyde and I assume that Mr Thomson has no closing remarks.

Malcolm Thomson: I simply adopt the remarks that I made earlier.

The Convener: That completes the oral evidence from group 18 and all the objectors from Roseburn Street.

We will now take evidence from various other groups that are resting on their original objections, the first of which is group 53, for which Mr D Hodgkinson is the lead objector. Mr Hodgkinson is not present. The promoter's witnesses—who should now come to the table—are John Hyde, Gavin Murray, James Truscott and Archie Rintoul.

The first witness is Gavin Murray, who will address the issues of loss of amenity and construction impacts. I invite Mr Thomson to ask questions.

Malcolm Thomson: Mr Murray, will you give the committee an update on what is happening with Mr Hodgkinson?

Gavin Murray: Certainly. Subsequent to the witness statement, there has been considerable to-ing and fro-ing with Mr Hodgkinson. We have met him and his co-objector in the group, Ms Duthie, and gone through the alignment. The committee will note that Mr Hodgkinson's objections are to lines 1 and 2—in fact, most of them concern where line 1 runs up the Roseburn footpath/cycleway, which was evident from our discussions with him.

If lines 1 and 2 progress hand in hand, there will be a link from line 2 to line 1, which will have an impact on that element of the cycleway/walkway—it will be amended. Subsequent to the statements, there has been considerable work on that matter,

which is dealt with in the promoter's landscape and habitat management plan. I trust that you folks have seen that. There are cross-sections for the revision proposal in respect of the cycleway/walkway in that plan, which have been provided to the objectors.

The meeting with the objector was early in September and those matters were covered. That is all the update that I can give.

Malcolm Thomson: The landscape and habitat management plan is a line 1 document.

Gavin Murray: Yes.

Malcolm Thomson: So it is relevant to Mr Hodgkinson's line 1 objection.

Gavin Murray: It is also relevant as the footpath would be amended as a result of line 2 if the two lines were built. That issue was covered during the meeting.

Malcolm Thomson: The footpath would be amended if that bit of the delta junction was constructed.

Gavin Murray: That is correct. That would happen only if the two lines were built. If only line 2 was built, those elements of the objection would fall away because they would be irrelevant.

Malcolm Thomson: Would there be an impact on Mr Hodgkinson's position from line 2, and in particular from one side of the delta junction, only if line 1 had already gone ahead?

Gavin Murray: That is correct. If only line 2 was constructed, the impact would be very limited as it would really only reflect what is already there with the railway. There would be very little impact on Roseburn Maltings.

Malcolm Thomson: But although Ms Duthie's property is situated close to that of Mr Hodgkinson, she is in a different position because the property faces the railway line and would face line 2.

Gavin Murray: That is correct.

The Convener: Thank you, Mr Thomson. As committee members have no questions, do you want to re-examine Mr Murray?

Malcolm Thomson: No, thank you.

The Convener: That concludes Mr Murray's evidence.

The next witness is Mr James Truscott, who is director of ASH Design and Assessment. He will address the issues of the Water of Leith cycle path and environmental loss. I invite Mr Thomson to ask questions.

Malcolm Thomson: Mr Truscott, what landscaping works would be involved in relation to

Ms Duthie's property, rather than that of Mr Hodgkinson?

10:30

James Truscott (ASH Design and Assessment): I have been invited to respond to Ms Duthie's objection, rather than that of Mr Hodgkinson, so I will do so. There is a proposal to carry out replacement planting on the corner opposite 19 Roseburn Maltings and for there to be additional mitigation planting associated with the construction of the delta junction to the south-east of that location. It is hoped that that will help to ameliorate and soften any localised impacts that may occur due to the two proposals. There will also be impacts associated with the new bridge crossing of Russell Road at that location.

The Convener: Do members have any questions for Mr Truscott?

Alasdair Morgan (South of Scotland) (SNP): I would like the witness to clarify a couple of points. We have heard already from Mr Hyde about the delta junction. In paragraph 4.3 of your statement, you refer to the Russell Road overbridge. Are we talking about the same thing?

James Truscott: The Russell Road overbridge links into and provides access to the delta junction.

Alasdair Morgan: So it is not part of one of the arms.

James Truscott: I understand that it also feeds into the crossing point. The line crosses over the road, to carry straight on towards Haymarket. There is also a cord that heads up towards the delta junction termination point.

Alasdair Morgan: So it is outside the delta junction.

James Truscott: Yes. The delta junction is beyond the bridge.

Alasdair Morgan: That is fine.

There are a couple of other apparent inconsistencies in your statement. Perhaps you can explain them. In paragraph 4.1 you say:

"the adjacent cycle path would receive moderate adverse residual visual impacts",

but in paragraph 5.1 you refer to

"significant adverse residual visual impacts".

James Truscott: In our assessment, any residual impacts that are moderate or substantial are considered to be significant. For that reason, moderate residual impacts are described as significant.

Alasdair Morgan: I think that we follow that.

The Convener: Mr Thomson, would you like to examine the witness?

Malcolm Thomson: No.

The Convener: That concludes the evidence from Mr Truscott. The next witness is John Hyde, who will address the issue of noise and vibration.

Malcolm Thomson: Mr Hyde, you indicate in your evidence that both properties would be affected to some extent by noise. What is being proposed to ameliorate that impact?

John Hyde (FaberMaunsell): Both properties would be affected by construction noise during the construction phase. Ms Duthie's property will overlook line 2 construction, but in between the property and line 2 is Russell Road, which is a busy road that generates quite a lot of noise. The impact of construction noise will not be a major problem, but it is likely to be more noticeable at that point than it will be elsewhere. However, during the operational phase the proposed screening works alongside the railway should reduce operational noise impact to a minor level.

Mr Hodgkinson's property overlooks the proposed route for line 1. It would not be affected if line 1 were not constructed, but it would be affected if the line were built. We have not gone into great detail on that point, which is being covered by the line 1 team. The two properties would be affected, mainly by construction noise and not significantly by operational noise.

Malcolm Thomson: Is there a proposal to have a noise barrier, rather than planting?

John Hyde: As part of the assessment, there is a proposal for a wall along the line 2 section approaching the delta junction, which would give additional screening.

Malcolm Thomson: Is it the case that any noise that Mr Hodgkinson experiences during the operational stage will be from line 1 and not line 2?

John Hyde: Indeed. There would be no impact from line 2, so the line 1 mitigation proposals would take effect.

Malcolm Thomson: Thank you, Mr Hyde.

The Convener: Mr Hyde, the noise and vibration policy that you have produced has set levels at which mitigation will start to be considered. We have dealt with the issue to some extent in previous evidence sessions, but will you remind me of the basis on which you set those levels?

John Hyde: We look for a noise level change of between 3dB and 5dB. The noise level change is the difference between the existing background or ambient noise level—which has recently been

assessed by measurement for the environmental statement—and the calculated or predicted tram noise level. The tram noise level is combined with any future background noise. We try to assess the difference between the existing situation and the situation with the tram. Where the difference will be 3dB or more, we have considered methods of mitigation, although it is not practicable in many cases. For example, with on-street running, it is not possible to put in screening measures. However, in areas where there is a potential for noise barriers or screens, they will be considered, especially if the noise increase is to be more than 5dB. That is the principle behind the policy that has been produced.

The Convener: Has a similar policy been applied elsewhere? The most obvious example is Sheffield.

John Hyde: I cannot be sure whether it has been applied there. However, it has been applied to the next phase of construction in Manchester.

The Convener: The south Yorkshire supertram has been used as the most recent example in which noise mitigation measures have been introduced. I have considered the matter in some detail. Are the trams in Sheffield similar to the ones that will be introduced in Edinburgh?

John Hyde: Yes. In our methodology in relation to the trams that will be used in Edinburgh, we used the Sheffield tram as a typical noise source. However, the technology that I have considered indicates that that is probably a worst case. Trams that are constructed now produce less noise than the Sheffield trams do.

The Convener: Will the track bed be the same?

John Hyde: Track beds vary. In normal on-street track bed, the rails are encapsulated in rubber or sunk in a polymer resin so that they are isolated from the bedding. That is a standard form of construction that has been used in Sheffield and all street-running tram systems. In areas that are segregated—where the trams do not run on street—conventional ballast track is normally used.

The Convener: In your witness statement, you refer to the Manchester metrolink—by sheer coincidence, I was there last week. Is that system the best comparison available in the United Kingdom?

John Hyde: It is a worst-case comparison. The Manchester system started in 1992, so it is an older system and tram design. Since then, considerable advances in vehicle design have taken place, particularly in screening some of the wheel-to-rail noise using the vehicle body. Examples of that can be seen in the Nottingham system, which I believe the committee visited.

There has been progress but, by basing our assessment partly on Sheffield and partly on Manchester, on which a lot of data are available, we have looked at a worst case. I hope that, in the procurement for the scheme, we will obtain vehicles and track systems that are less noisy than those that have been used in the past.

The Convener: Thank you, Mr Hyde. Mr Thomson will now re-examine the witness.

Malcolm Thomson: Mr Hyde, will you recap the arithmetic of dealing with ambient noise and new additional noise? What is the methodology for calculating the effect?

John Hyde: The ambient noise is measured. At most of the sites, it would include existing traffic noise and existing distant noise—for example, on Baird Drive, it would include railway noise. Ambient noise would include noise that was actually there at the time. The tram noise generation is often less than the existing ambient noise.

Noise is logarithmic, so when two noise levels are added together, they add not arithmetically but logarithmically. When an existing noise level of 50dB is added to a tram noise level of 50dB, that produces 53dB. A 3dB change would result purely from having a background noise and a tram noise at the same level. The arithmetic is logarithmic. We consider the noise change from the current ambient situation to a future ambient situation with the tram noise added.

Malcolm Thomson: What sort of positive change in noise level is the ordinary human being likely to detect?

John Hyde: The perceptible change for a normal ear is 3dB, but that refers to a steady noise source. If a person listens to a fan or a motor that runs at a steady level, for example, and the noise is increased, the change would not be detected until it was about 3dB.

In environmental noise, we consider noise averages—the average energy. The L_{Aeq} unit averages the energy over the period of measurement. We still apply the same principle that the 3dB change is something that is just detectable. When such a change is to occur, we start to examine mitigation. We would like mitigation to be undertaken when the difference exceeds 5dB.

Malcolm Thomson: That is what has happened here.

John Hyde: Yes indeed.

The Convener: Closing remarks, Mr Thomson?

Malcolm Thomson: Yes—

The Convener: I am sorry, Mr Thomson; I am a bit ahead of myself.

Malcolm Thomson: We have one more witness to go.

The Convener: The final witness is Mr Rintoul, although you may wish simply to adopt a position on the basis of his earlier evidence.

Malcolm Thomson: I have no questions for him. I do not know whether committee members have questions.

The Convener: Does anyone have questions for Mr Rintoul? No one has questions, so we can now hear closing remarks from Mr Thomson.

Malcolm Thomson: The position is probably best appreciated by looking at the map and seeing where Mr Hodgkinson's house is and where Ms Duthie's flat is. We have heard that Mr Hodgkinson will be affected principally by line 1. When one looks at the geography and realises that the piece of the delta junction in question would not be constructed unless line 1 was constructed, I submit that what he complains about is attributable to line 1 and not line 2. That applies to his noise objection and his visual amenity objection.

Ms Duthie's outlook will be changed and we have heard from Mr Hyde what the noise effect will be for her. Both those changes will be appreciable, but steps have been proposed for appropriate mitigation. For noise, the mitigation will take the form of a barrier, and Mr Truscott has explained the planting that will be provided to soften the impact of the view of the Russell Road bridge and that side of the delta junction, if it is constructed.

Having regard to the fact that those impacts can be satisfactorily mitigated, I invite the committee to reject both objections.

10:45

The Convener: Thank you, Mr Thomson. That concludes oral evidence from the promoter for group 53.

We now turn to group 54, for which Mrs Kaur is the lead objector. Before we begin, I will highlight a concern in the original objection in her name. The objection questioned whether the part of her land, plot 383, that the promoter may use should be mentioned in the bill. We have received clarification from the promoter that it should not be mentioned and I am content with that explanation.

The witnesses for the promoter are Geoff Duke, John Hyde, Alasdair Sim, James Truscott and Gavin Murray. I invite the witnesses to take their place at the table. Mr Rintoul, I do not think that you are required here. Only Mr Duke is required to take the oath.

Geoff Duke *made a solemn affirmation.*

The Convener: Mr Duke will speak about the purchase of the whole property. Bearing in mind my earlier remarks, Mr Thomson, do you wish to proceed?

Malcolm Thomson: Yes, sir. I wonder whether I might invite Mr Duke to do the updating.

The Convener: That would be helpful.

Malcolm Thomson: Mr Duke, would you give us an update, please?

Geoff Duke (Transport Initiatives Edinburgh Ltd): Yes. Since evidence was submitted, we have had some contact with the objector's agents. On 7 July, we exchanged e-mails requesting a meeting with them. Two weeks later, they said that because of their client's holiday commitments they would not be able to meet for another two weeks, and they suggested 11 August. On 11 August, we met them and updated them on the parliamentary process and told them that no date had at that time been set for their hearing.

We issued copies of the code of construction practice, the compensation guide and the noise and vibration policy. We also discussed the alignment, which is one of their concerns, and we explained to them the selection process and how we had decided on the alignment. We discussed the alternative that Mrs Kaur had put forward and explained why it was not a feasible option for us.

We also discussed the impact on the house. They expressed their views again that they did not want to sell parts of the property. We referred to the mechanism under the compensation code whereby they could ask us to buy the entire property. They said that that was not their preferred solution and that they still wanted a change of alignment. However, they said that they might be willing to consider our suggestion. On that basis, we concluded that it was unlikely that they would withdraw their objection.

Malcolm Thomson: If the alignment cannot be changed, would Mrs Kaur be likely to prefer to be bought out or would she wish to return to the property?

Geoff Duke: We got the impression from the meetings that we had with her agents that she would probably prefer for the whole property to be bought if the alignment cannot be changed.

Malcolm Thomson: And the promoter would be prepared to do that.

Geoff Duke: Indeed.

Malcolm Thomson: Thank you, Mr Duke.

The Convener: Do committee members have any questions for Mr Duke?

Kate Maclean (Dundee West) (Lab): My questions have been answered.

The Convener: That concludes Mr Duke's evidence. The next witness will be Gavin Murray, who will speak about the effects of construction.

Malcolm Thomson: I have no further questions for Mr Murray at this stage.

The Convener: Do members have any comments or questions for Mr Murray?

Kate Maclean: Mr Murray, in paragraph 4.2 of your witness statement, you say that it is difficult to determine the exact extent of the disruption to Mrs Kaur's property. Why is that? Paragraph 4.4 says that more opportunities for consultation will be presented as the design and construction details are developed. Is there a formal mechanism through which Mrs Kaur can participate in order for her concerns to be taken on board?

Gavin Murray: Let me respond to your first query on the difficulty of determining impact. We have set aside the whole of the property as a possible construction compound and it would be up to the contractor as to whether or not he wished to utilise it. Therefore, I cannot say that we need to take the whole property to provide for the contractor; it would be up to him whether he considered that to be beneficial to his operations.

On the second question, there are community liaison groups, in which anyone from the community can participate. However, the aspect that we are discussing deals with a specific matter, so the promoter would probably want to have individual meetings on it with residents and their agents.

Kate Maclean: But that is voluntary.

Gavin Murray: Yes.

The Convener: Thank you. Do you have any follow-up questions, Mr Thomson?

Malcolm Thomson: No.

The Convener: Thank you, Mr Murray. The next witness is James Truscott, who will address the issue of visual impact.

Malcolm Thomson: I have no questions for Mr Truscott.

The Convener: Do any members have questions for Mr Truscott?

Kate Maclean: Mr Truscott, I want to ask for a little more detail about what is happening with the woodland planting to the south of the property. There seems to be a bit of confusion. The objector feels that what is being proposed is excessive, but you said in your witness statement that it is possible that there would be no planting, because it is for the specific objector to decide. I presume

that the objector is not asking for there to be no planting. Can you clarify the situation?

James Truscott: Yes. I apologise for any confusion. The drawings in the environmental statement to which the objector refers have a proposal for woodland screen planting, which would be entirely for the benefit of the resident who is the objector, to try to mitigate the substantial visual impacts that they are likely to be affected by. However, I emphasise that the drawings are indicative. The proposal would be subject to discussion and negotiation with the owner of the property; if the owner felt that they wanted less or no woodland planting, we would be happy to take that position on board. Usually, this sort of thing can either take the form of a side agreement or it can be discussed at the detailed design stage.

Kate Maclean: So it is not a problem; it will be resolved.

James Truscott: Yes, it can be resolved.

The Convener: Thank you. Mr Thomson will continue the examination.

Malcolm Thomson: To be brutal about the matter, Mr Truscott, the less planting the proprietor wishes, the better it would be for the promoter.

James Truscott: Yes.

Malcolm Thomson: But the promoter is, in fact, prepared to provide substantial planting.

James Truscott: Yes, on the assumption that the owner wishes the maximum screening effect.

Malcolm Thomson: And that was what was behind your thinking in providing for the planting.

James Truscott: The intention was to reduce as far as possible the impacts on that particular property.

Malcolm Thomson: Thank you, Mr Truscott.

The Convener: Thank you, Mr Truscott. We now turn to Mr John Hyde, who will address noise and vibration.

Malcolm Thomson: I have no questions for Mr Hyde at this stage.

The Convener: Do any members have questions for Mr Hyde?

Kate Maclean: I had one about the basis of the ambient traffic noise levels. It was answered in response to a question from Mr Thomson, but I did not fully understand the answer because logarithms are not my strong point. Can you confirm, Mr Hyde, whether there will be a screen or barrier along the back of the stop to minimise noise impact?

John Hyde: Yes. I would expect there to be barriers at the rear of most stops, to contain the

stop and to act as a noise screen. At the stop in question, the screen would be to reduce noise from activities at the stop rather than to reduce noise from trams.

Kate Maclean: That is fine.

The Convener: Do you have further questions for Mr Hyde, Mr Thomson?

Malcolm Thomson: None, sir.

The Convener: We move on to Alasdair Sim, who will address nuisance, stop location and route.

Malcolm Thomson: Can you remind us, Mr Sim, why it is proposed to put the stop where it is proposed to put it?

Alasdair Sim (FaberMaunsell): Yes. The stop was located in that position primarily to provide facilities and access to the Royal Highland showground via the east gate. Given the nature of the alignment of trams, which Mr Murray mentioned earlier, specific stop requirements are necessary within the geometrics of the tram alignments. In this case we would have required as a minimum 60m of straight track in which to locate the stop—40m for the platform and 10m either side as a transition. In this area, the stop was located according to those geometric constraints.

Malcolm Thomson: Thank you, Mr Sim.

The Convener: To avoid confusion, will you clarify which plots the promoter will take permanent possession of? Your witness statement reads:

"it is the intention of the promoter to take permanent possession of Plots 381, 383 and 383".

Clearly that cannot be correct.

Alasdair Sim: I would certainly suggest that that is not correct. I return to the parliamentary plans. I apologise if there has been a typo or something of that nature in my statement. The plots of land that would be taken permanently are plot 386, for the purposes of landscaping, and plot 383, which would be accommodating the track and part of the tram stop. Plot 384 would be taken temporarily.

The Convener: So as a result of that mea culpa explanation, we are left with the situation that plots 386 and 383 will be taken permanently.

Alasdair Sim: That is right.

The Convener: Thank you. Do any other members have questions?

Members: No.

The Convener: Re-examination, Mr Thomson?

Malcolm Thomson: No, thank you.

The Convener: Thank you, Mr Sim. That concludes the questioning for group 54. It would be useful if Messrs Sim, Hyde and Murray could remain at the table. The rest of the witnesses are free to leave at this stage. I invite Mr Thomson to make a closing speech.

Malcolm Thomson: Thank you. This objection probably falls to be approached in layers. From the evidence that we have heard, if the route is allowed to proceed as proposed and the stop is located where proposed, the most probable outcome would be that Mrs Kaur would wish the promoters to acquire the property and that would be the end of her problems. She would be compensated according to the various statutory provisions. If she wished to remain in the property she could then be affected by noise and visual intrusion. We have heard from Mr Truscott the position about landscaping, in that the main purpose of taking lot 386 is to provide landscaping. If Mrs Kaur did not wish to have it, or wished to have a reduced amount of it, that could plainly be provided to suit her precise requirements. In my submission, the degree of landscaping that is proposed in Mr Truscott's evidence would provide satisfactory mitigation of the visual impact of the stop and the tram.

As far as noise impact is concerned, we have heard evidence from Mr Hyde and read his written evidence that because of the already high ambient noise levels in that part of the world, the impact of the tram is likely to be negligible. As far as the stop is concerned, there would be a barrier between the stop and Mrs Kaur's property.

Having regard, finally, to the evidence that it is necessary to take this alignment, in my submission that evidence should be accepted and, in short, this objection should be rejected.

The Convener: Thank you, Mr Thomson. That concludes the evidence from the promoter on group 54.

We now move to group 56, for whom Mr K Wilson is the lead objector. The sole witness for the promoter is John Hyde, who will be addressing noise and vibration.

Malcolm Thomson: Mr Hyde, I simply invite you to give us an update.

11:00

John Hyde: Since the witness statement in June, we have undertaken a further noise measurement survey outside Mr Wilson's property. That survey, which was done in August, more or less substantiated the assessment that was carried out for the environmental statement. Noise levels from traffic on the A8 were considerably higher than the noise level that is

likely to be generated by the tram. That led us to the conclusion that our original assessment was more than adequate. The survey demonstrated that the impact of the tram will be negligible, mainly due to the high level of traffic noise from the A8, which is right outside Mr Wilson's property.

Similarly, we considered vibration impacts. The distance between the property and the tram route is sufficient for vibration not to be a problem. There will be some impact from construction noise during the noisiest periods of excavation of land in the central reservation, but it will be a moderate impact and it will be temporary.

Malcolm Thomson: As far as the operational phase is concerned, do your calculations make an allowance for a reduction in the speed limit from 70mph to 40mph?

John Hyde: Yes. In fact, the reduction in the speed limit will cause a reduction of about 2dB in the existing noise level. It is not something to make a lot of fuss about, but there will be a small reduction in noise.

Malcolm Thomson: Thank you, Mr Hyde.

The Convener: Do members have any questions for Mr Hyde?

Members: No.

The Convener: As there are no further questions, I invite Mr Thomson to make any closing remarks.

Malcolm Thomson: On the basis of Mr Hyde's written and oral evidence, there is nothing for the objector to worry about in relation to noise. I simply invite the committee to reject the objection.

The Convener: Thank you, Mr Thomson. That concludes oral evidence from the promoter for group 56.

We turn to group 57, for which Mr and Mrs McNee are the lead objectors. The witnesses for the promoter are John Hyde, Alasdair Sim, Archie Rintoul and Gavin Murray. I ask the witnesses to take their places. The first witness is Gavin Murray, who will address construction impacts. Mr Thomson?

Malcolm Thomson: I was going to ask Mr Sim to give us an update. Perhaps it would be more convenient to hear that first.

The Convener: Yes. That would be tidier. We go straight to Mr Sim.

Malcolm Thomson: Mr Sim, you have drawn the short straw. I ask you to give us an update.

Alasdair Sim: Certainly. Mr McNee has a concern in relation to plot 414. The plot is vacant at present but it has been earmarked by the objector as the site for a garage, which would be

an extension of his business. The promoter recognised that early in the process and we met Mr McNee to see whether we could assist him with his difficulty. At that point, it was recognised that the other land in the area is owned by the EDI Group, which is a property company that is owned by the City of Edinburgh Council.

We suggested that there was potential for Mr McNee and EDI to enter into a land swap arrangement. We confirm that—in engineering terms, at least—an alternative site could be made available to meet Mr McNee's needs. Representatives of the promoter met the council's planning department and, in principle, the suggestion seemed to be acceptable to the planning department. We approached EDI and understood that it was prepared to consider such an arrangement.

We then suggested to Mr McNee that he should seek representation in this matter, and he engaged a surveying company to act on his behalf. At that point, Transport Initiatives Edinburgh, having no interest in the commercial arrangements between the objector and EDI, took a step back. We left the objector and EDI to negotiate on that basis. We understand that, unfortunately, a satisfactory arrangement has not been agreed at this point. That is the position regarding plot 414.

The Convener: So, it is purely an issue of compensation.

Alasdair Sim: It would appear that that is the case.

The Convener: Thank you.

Malcolm Thomson: Thank you, Mr Sim.

The Convener: How do you wish to proceed, Mr Thomson? Do you wish to go to Mr Murray?

Malcolm Thomson: Yes, please. However, I have no questions for him.

The Convener: Does the committee have any questions for Mr Murray?

Members: No.

The Convener: Thank you, Mr Murray. That was fairly easy. The next witness is Mr Rintoul.

Malcolm Thomson: Similarly, I have no questions for Mr Rintoul.

The Convener: Does the committee have any questions for Mr Rintoul?

Members: No.

The Convener: We move forward once again. The next witness is John Hyde, who will address noise and vibration.

Malcolm Thomson: I wonder whether you can remind us, Mr Hyde, what the noise issues are in

both the construction and the operation stages and what can be done to mitigate that noise.

John Hyde: This relates to 74 Station Road, which is Mr McNee's property. During the construction phase there will be some impact—what we would class as minor to moderate impact; however, it will be a different matter when the trams are operating. The ground level of 74 Station Road is 3m or 4m below the level of the track and there is a retaining wall along the edge of the works, which will have a small barrier reinstated. The wall is about 1m to 1.5m high. That in itself will act as quite an effective noise screen because of the ground level difference between the track and Mr McNee's property. I would not anticipate any operational noise impact at that property, which will be very effectively screened from the track. The property is too far away from the track to be affected by vibration either from construction or from operation.

Malcolm Thomson: The new wall is to be no higher than the existing wall.

John Hyde: Yes, that is correct.

The Convener: Does the committee have any questions for Mr Hyde?

Members: No.

The Convener: There being no questions, we can move on. We have already heard from Mr Sim.

That concludes the evidential part of the meeting. Mr Thomson, do you have any closing remarks to make?

Malcolm Thomson: I will be brief. In my submission, there are no serious issues here. Noise has been explained by Mr Hyde and is not an issue. At the end of the day, if a deal cannot be struck with EDI or anyone else to provide a swap for a compensating piece of land, then, as the convener has indicated, it will become purely a compensation issue. There is the offsetting element of betterment because of the proximity of the tram stop as a result of the project. In these circumstances, I invite the committee simply to reject the objection.

The Convener: Thank you, Mr Thomson. That concludes the hearing in respect of group 53 and ends the taking of oral evidence today. We now move into private session to consider the evidence that we have heard. In the meantime, I thank counsel and the witnesses who have attended today's business.

11:09

Meeting continued in private until 11:14.

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