EDINBURGH TRAM (LINE TWO) BILL COMMITTEE

Wednesday 9 November 2005

Session 2

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EDINBURGH TRAM (LINE TWO) BILL COMMITTEE
† 15th 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)
Aileen Grant (City of Edinburgh Council)
Alasdair Sim (FaberMaunsell)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 1

† 14th meeting 2005, Session 2—joint meeting with Edinburgh Tram (Line One) Bill Committee.

Scottish Parliament

Edinburgh Tram (Line Two) Bill Committee

Wednesday 9 November 2005

[THE CONVENER *opened the meeting at 09:38*]

Edinburgh Tram (Line Two) Bill Committee: Consideration Stage

The Convener (Bill Aitken): Good morning and welcome to the meeting. I ask everyone to switch off their mobile phones and pagers. I also point out that there is an induction loop, so anyone with a hearing aid should switch it to the "T" position.

In agenda item 1, the committee will continue its oral evidence taking at consideration stage of the Edinburgh Tram (Line Two) Bill. Since the agenda was published, several objections have been withdrawn: group 34, which is New Ingliston Limited; group 35, which is the Royal Highland and Agricultural Society of Scotland; group 29, which is Chris Holmes Cabinetmakers; and group 45, which is the Edinburgh and Lothians badger group. Group 41, which is McDonald's Restaurants Ltd, has also indicated that it will withdraw its objection, but we have yet to receive an official letter. Given those circumstances, do members agree that we should not take evidence on that objection today?

Members *indicated agreement*.

The Convener: It appears that the objection will be withdrawn, but if something should go wrong we will be able to take evidence at a future meeting.

I also seek members' views on an objection from Thames Rico Service Stations Ltd, which owns a service station in Newbridge. When the sale of that service station was brought to our attention by solicitors acting for the purchaser, we wrote to Thames Rico asking whether, following the sale, it wished to maintain its objection. It was made clear to Thames Rico that if it did not intend to withdraw, or if it failed to respond, the committee would likely determine on its objection on the understanding that it no longer had an interest in the property and by reference to the written evidence that had already been received—in other words, it would not be the committee's intention to take any oral evidence on the objection.

Thames Rico was asked to reply by 28 October if it was unhappy with the proposal, but nothing has been received. Are members content to proceed with my suggestion that we take no oral evidence on the objection?

Members *indicated agreement*.

The Convener: That leaves us now with only group 24 to consider, for which the lead objector is the Clerical Medical and General Life Assurance Society. As the objector rests on its original objection, we can proceed straight to evidence taking. Our first witness is Mr Alasdair Sim. I ask Mr Thomson to begin his questioning.

Malcolm Thomson QC (Counsel for the Promoter): I invite Mr Sim to give the committee an update of events since he submitted his written statement.

Alasdair Sim (FaberMaunsell): After Clerical Medical lodged its original objection, the promoter held a number of meetings with it to discuss each item, particularly maintenance of access to the Hermiston Gait shopping centre during and after construction. We also covered issues in respect of land take and the fact that the promoter is prepared not to take any permanent land that is owned by the objector in plots 190 and 191 and parts of plot 189.

A site agreement was drafted on 24 February and an exchange of drafting between the two legal teams is on-going. We are extremely close to an agreement, but unfortunately we ran out of time before today's meeting to secure withdrawal of the objection. However, as I said, we believe that the objector is very close to being satisfied and that the committee can expect the objection to be withdrawn in the next few days.

Malcolm Thomson: I take it that Clerical Medical has now seen the code of construction practice, which it had not seen when it lodged its original objection.

Alasdair Sim: Yes. The code was forwarded to Clerical Medical on 7 June.

Malcolm Thomson: Thank you, Mr Sim.

The Convener: I have a couple of questions that I assume you will be able to answer. The objector is concerned that noise and pollution will reduce customer usage of the retail park. Have such factors been considered?

Alasdair Sim: They were discussed with the objectors in our early meetings. The promoter's view is that although there might be some disruption impacts during construction they are covered by the code of construction practice. After construction, noise, pollution and vibration will have negligible—if any—impact on the Hermiston Gait retail centre and are unlikely to affect shoppers.

The Convener: Paragraph 3.8 of your statement provides positive evidence about the possible impact of the investment value at Hermiston Gait. Is that account balanced and based on all the existing evidence?

Alasdair Sim: Until the recent opening of the Edinburgh Park railway station, the Hermiston Gait retail shopping centre did not have good transport links. The current situation will be enhanced by a Hermiston Gait tram stop. Although there is no firm, substantial and definite evidence that that will contribute to an upturn in retail sales, it is likely that the destination will become more attractive to people who find it difficult to access the site. That should translate into improvements at the shopping centre.

The Convener: As members have no questions, I ask Mr Thomson whether he has any further questions.

Malcolm Thomson: I have no further questions.

The Convener: The next witness is Aileen Grant, who will address developer contributions. I believe that Mr Thomson might wish to advise us of Ms Grant's status.

Malcolm Thomson: I was about to invite Ms Grant to do so.

Aileen Grant (City of Edinburgh Council): I have changed my job and am now working for Dundas & Wilson. However, it has been agreed that I should come along today and confirm the planning authority's position. The director of city development at the City of Edinburgh Council is okay with that, because the evidence is mostly historical and comes from when I worked with the council.

09:45

Malcolm Thomson: Obviously you cannot speak for the council's future intentions.

Aileen Grant: No. My evidence rests on what happened when I worked with the council.

Malcolm Thomson: Thank you, Ms Grant.

The Convener: I understand that members do not have any questions for Ms Grant. We are finding this quite easy this morning. I take it that Mr Thomson has no follow-up questions, so that concludes Ms Grant's contribution to the proceedings.

The next witness is Gavin Murray, who will address the code of construction practice. I ask Mr Thomson to open his questioning.

Malcolm Thomson: I have no questions for the witness.

The Convener: I see that members have no questions. Mr Murray, you have certainly drawn the long straw this morning.

The next witness is Geoff Duke, who will address the intention to return land that is not permanently required. I realise that to some extent we have heard from Mr Sim on that matter. Do you have any questions, Mr Thomson?

Malcolm Thomson: I have one question for Mr Duke.

Your witness statement refers to a circular about the Crichel Down rules. However, I believe that you omitted a reference to a subsequent amending circular. Will you give the committee details of that amendment?

Geoff Duke (Transport Initiatives Edinburgh Ltd): Certainly. My evidence referred to circular no 21/1984, which was subsequently amended by circular no 38/1992.

Malcolm Thomson: So would one now go to circular no 38/1992 if one were looking for the substance of the Crichel Down rules?

Geoff Duke: Indeed. The rules in that circular now apply.

The Convener: Although we all find the Crichel Down rules to be compelling reading, will the promoter confirm that it will lodge an amendment in that respect?

Geoff Duke: Yes, we will.

The Convener: As members have no further questions, I ask Mr Thomson to make his closing statement.

Malcolm Thomson: As we have heard, agreement with the objector has been all but reached and its points have been adequately dealt with. The question of land take has been explained to its satisfaction and the code of construction practice protects it to some extent against the disturbance that the objector feared would arise during the construction period. Moreover, it has received an undertaking on access during the construction period, which was plainly its greatest concern.

One matter raised in the original objection which has not been dealt with in more recent statements centres on a car park. However, I should point out that, as the car park is private, it is up to the objector to control the matter if required to protect its interests. Of course, if there is no pressure on the car park, the objector will doubtless benefit from anyone who uses it for whatever purpose.

In her statement, Ms Grant has explained the operation of the developer contribution scheme. In my submission, the objector has nothing to be concerned about in that respect; indeed, it seems to accept the principle happily. As for the final issue, land that has been taken unnecessarily would be offered back to the objector under the Crichel Down rules.

In light of those circumstances, I invite the committee to reject the objection.

The Convener: Thank you, Mr Thomson. That concludes oral evidence taking for group 24 and, in fact, for today.

Items in Private

09:48

The Convener: In agenda item 2, I ask members to agree whether, at future meetings, we should consider in private a draft consideration stage issues paper and a draft consideration stage report. Do members agree?

Members *indicated agreement*.

The Convener: In accordance with a decision taken at a previous meeting, we will now go into private session to consider the evidence that we have heard. I thank everyone for their attendance.

09:49

Meeting continued in private until 09:51.

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