

EDINBURGH TRAM (LINE TWO) BILL COMMITTEE

Wednesday 16 November 2005

Session 2

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EDINBURGH TRAM (LINE TWO) BILL COMMITTEE 16th 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)

Alasdair Sim (FaberMaunsell)

CLERK TO THE COMMITTEE

Terry Shevlin

LOCATION

Committee Room 4

Scottish Parliament

Edinburgh Tram (Line Two) Bill Committee

Wednesday 16 November 2005

[THE CONVENER *opened the meeting at 09:33*]

Edinburgh Tram (Line Two) Bill: Consideration Stage

The Convener (Bill Aitken): Good morning, ladies and gentlemen, and welcome to the 16th meeting in 2005 of the Edinburgh Tram (Line Two) Bill Committee. I ask all present to switch off their mobile phones and pagers.

Agenda item 1 is continued oral evidence taking in respect of objections to the bill. I welcome Malcolm Thomson QC, who will question witnesses on behalf of the promoter. We have been informed that group 32, which is Servisair (UK) Ltd, may withdraw its objection, but we have yet to receive an official letter of confirmation of that. It seems that the objection will be withdrawn but, if something should go wrong, we will take evidence at a future meeting. In those circumstances, do members agree not to take evidence on the objection today?

Members indicated agreement.

The Convener: Before we begin, I seek an update from the promoter on the status of various objections that relate to the Gyle area. As members are aware, there are three outstanding groups of objectors to the tram route as set out in the bill and a further two outstanding objections to an alternative route that the promoter has proposed in an attempt to address objectors' concerns. The groups in question are as follows: group 26, which is Safeway Stores plc; group 28, which is Universities Superannuation Scheme Ltd; and group 27, for which the lead objector is O2 (UK) Ltd. The outstanding objections are 96, which is by Safeway Stores Ltd and Wm Morrison Supermarkets plc, and 97, which is by USS Ltd. I understand that the promoter has an update on the objections.

Malcolm Thomson QC (Counsel for the Promoter): I can confirm that the promoter and the relevant objectors now strongly support the proposed amended route. In those circumstances, if the committee's preference is also for the amended route, the promoter does not intend to provide oral evidence on the objections to the bill alignment or the amended route.

The Convener: We have received correspondence on behalf of all the objectors that

confirms that it is their strong preference that the amended route be approved by the committee. They also state that they do not intend to provide oral evidence to the committee on their objections, if the committee prefers the amended route. If the committee confirms that that is its preference, all objections will be withdrawn. In essence, we have written submissions that state that the promoter and the objectors are strongly in favour of the alternative route. On the basis of that written information, the witness statements and rebuttals that are before us and the objections to the original route, do members agree that their preference is for the alternative route at the Gyle?

Members indicated agreement.

The Convener: Can the promoter's representative confirm that it is willing to support an amendment for the alternative route to be lodged at the second phase of consideration stage?

Malcolm Thomson: Yes, I can.

The Convener: On that basis, I confirm that the committee will support the lodging of such an amendment. Consequently, all relevant objections in the Gyle area will be formally withdrawn by the objectors.

That means that we now have only one group of objections to consider today, which is group 33, for which the lead objector is Norwich Union Life and Pensions Ltd. The objector rests on its original evidence, which means that we will take evidence only from the promoter's witnesses, who are Gavin Murray, Alasdair Sim and Geoff Duke.

The first witness is Gavin Murray, who will address the code of construction practice.

Malcolm Thomson: I wonder whether I might start with Mr Sim, from whom it is most appropriate to take an update on events.

The Convener: Please proceed.

Malcolm Thomson: Mr Sim, will you update the committee on the live issues between the parties and on any recent developments?

Alasdair Sim (FaberMaunsell): When the objection from NCP Ltd and Norwich Union was first received, the promoter contacted the objectors back in November 2004 to invite them to a meeting to discuss the issues. Following several e-mail exchanges, we finally got together on 5 May this year, when we discussed the concerns with NCP, which operates the long-stay car park at the airport, and with the representatives of the owners of the property, Norwich Union. The issues were about ensuring that the car park continues to operate as normal during the construction phase and following the development of the tramway in the area. Another issue was compensation for any

loss of car parking spaces that may arise from the scheme. At the meeting, it was agreed that NCP would prepare a list of the specific requirements that it would like to be written into some form of agreement with the promoter in relation to how the car park might operate when a tramway goes through the area.

By 5 August this year, the promoter had not received that list from the objector. On that basis, the promoter issued to the objector the broad terms of a side agreement, to try to encourage the process. Several e-mails and telephone conversations happened after that. We finally received a list of requirements from NCP on 1 November this year, which relate to how the car park might operate with the tramway running through the area. Unfortunately, given the timeframe, we have not been able to bottom out all the issues but, fundamentally, the promoter is of the opinion that the car park can continue to operate during the construction phase and after the tramway has been developed. The issue of the loss of car parking spaces is a matter for the normal compensation procedures. We do not believe that there is anything substantial between the parties but, unfortunately, we have not obtained the withdrawal of the objection before today.

Malcolm Thomson: Thank you, Mr Sim.

The Convener: I have one question. It might not be appropriate for Mr Sim to answer it, but I will be guided by you, Mr Thomson. In paragraph 3.2 of Mr Sim's statement, there is talk of the downside of the alternative route. Will you give us some more detail on the implications of the route change for run time and construction costs?

Alasdair Sim: We do not have plans to change the route in the area of the NCP car park at the airport. The route crosses a road that runs through the car park and separates the two parking areas. Because the limits of deviation are quite tight, there is no scope to change the route in that area, so I am not quite sure what you mean by the question.

The Convener: The objector proposed the change.

Alasdair Sim: I see. The objector wanted to see whether it would be possible to change the tramway route so that, instead of coming in across Eastfield Road, cutting across part of the objector's site and continuing westwards, the route joined the A8 to the east of the Eastfield interchange. We looked into that alternative, but there were a number of difficulties with it. Primarily, it would not be possible for the tramway to serve the park-and-ride site on the east side of Eastfield Road. Also, there were a number of construction and geometric difficulties with getting

the tramway on to the A8 at a position that would be clear from the ramps to and from Eastfield Road and the A8.

We looked into the proposal and we reported back to the objector when we met. We also covered the matter with the Royal Highland and Agricultural Society of Scotland, which shared the concern. We hope that we have cleared it.

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): I acknowledge what you say about compensation and the discussions that are taking place, but will you give a bit more detail on that? In particular, will compensation be based on the number of parking spaces that will be lost? If so, will you indicate how many there will be? Also, are the discussions on compensation focusing on finance or on alternative land? What impact will there be on access and egress, and is that impact forming part of the discussions on compensation?

Alasdair Sim: I do not have the figures with me, but compensation will be based on the number of parking spaces that are lost. I think I mentioned that in my written evidence, but I will check. A small number of spaces in the car park will be affected. I have some information with me on the plot numbers that will be affected, but unfortunately the text in the document is too small to read.

We have discussed the number of spaces with the objector. Obviously, a parking space is a source of revenue for a car park. It is through the compensation process that the loss of future revenue will be satisfied.

Jeremy Purvis: I know that I am interrupting, but your original evidence was broad; the evidence stated that the potential impact could be 50 to 100 spaces. I am looking for more specific detail.

Alasdair Sim: It depends on the way in which we finalise the alignment within the available limits. Depending on where the final alignment goes, more or fewer car parking spaces will be lost.

Jeremy Purvis: Will compensation be given for the loss of spaces in the car park, or could alternative land be secured to replace those spaces?

Alasdair Sim: We have entered into an arrangement with the Royal Highland and Agricultural Society over a plot of land that is immediately to the north of the existing NCP car park. That land would have been rendered unusable as part of the Royal Highland showground because it is between the NCP car park and the tramway. As part of our arrangement with that party, the promoter has looked into buying up that piece of land, which might in turn

be offered in a land swap arrangement or commercial deal with NCP or Norwich Union as an area to relocate however many spaces might be lost as a result of the tramway. That is a possibility.

09:45

Jeremy Purvis: And what about access?

Alasdair Sim: Access would not be affected by the tramway.

Alasdair Morgan (South of Scotland) (SNP): In response to objections, particularly to the extent of land take, you say in paragraph 3.8 of your statement that you do not consider the limits of deviation

“unreasonable ... taking cognisance of several geometric constraints in the area”.

Indeed, you touched on that matter with the convener. However, you then list those constraints, which I have to say appear to have arisen more as a result of the route that you have chosen and steps that you have decided to take, such as providing a tram stop.

Alasdair Sim: Yes, that is right.

Alasdair Morgan: So perhaps “geometric” is not the right word to use.

Alasdair Sim: You are right to say that the constraints have arisen as a result of the tram stop. To locate the stop, we need 60m of straight tramway, 40m to accommodate the platform and 10m either side to allow for a smooth turn into and out of the stop. However, that is only one geometric constraint. The other constraints are the fixed point of the Eastfield Road crossing and the crossing on to the median of the A8 at Ingliston Avenue.

Alasdair Morgan: Is that because if you put the tramway anywhere else, it would not serve the park-and-ride?

Alasdair Sim: First, we have to serve the park-and-ride to the east of Eastfield Road. Secondly, we need a tram stop that serves the south-east corner of the Royal Highland showground site. We then get on to the median of the A8 by combining the crossing with the existing junction of Ingliston Road and the A8 under a traffic signal control. We are also constrained by the listed buildings and walls along the boundary of the Royal Highland showground site. Taking all those aspects into consideration, we were left with the route on the table.

Marilyn Livingstone (Kirkcaldy) (Lab): In paragraphs 3.27 to 3.30, you highlight the impact of traffic movements and say that

“queues of approximately 10 vehicles will build up during the surge period”

but that they

“would dissipate before a further tram call was triggered and thus cumulative queuing would not be expected”.

What would happen if the promoter decided later to increase the number of trams in operation?

Alasdair Sim: If tram frequency is increased, the time between trams arriving at a tram crossing will be reduced. Under the current proposal of running six trams an hour, there will be 10 minutes' headway in each direction and a potential five-minute interval between tram crossings with either an eastbound or a westbound tram. If frequency is increased to seven trams an hour, that interval will be reduced from five to about three and a half minutes. That will still allow sufficient time for any queues that have built up as a result of the 20-second delay while the tram crosses to be cleared out and for the traffic to carry on moving before the next traffic signal kicks in.

Marilyn Livingstone: So there will be no cumulative queuing.

Alasdair Sim: We do not expect any queuing to occur between tram crossings.

Alasdair Morgan: You say that the

“queue level represents a distance of approximately 60 to 65 metres and thus will not queue back to the A8 junction.”

How long would the queue need to be to hit the A8 junction?

Alasdair Sim: Are you talking about the tram crossing on Eastfield Road?

Alasdair Morgan: Well, yes. I am talking about the one that you refer to in paragraph 3.29 of your statement.

Alasdair Sim: The queue would have to extend a further 10m or 15m beyond that point. However, with that junction, any main impact would involve traffic coming off the A8 from the west via the slip road. We do not want queues to extend back to that point, because it would start to cause traffic congestion on the A8.

Alasdair Morgan: I understand that. That would be 10m to 15m more than the queue level that you are talking about.

Alasdair Sim: As a minimum, yes. The queue level is given as the average queue, but we have also looked at the maximum queue and we are quite satisfied that that situation will not arise.

Alasdair Morgan: Given the expected increase in traffic and passenger numbers at Edinburgh airport, have you any idea of how much the traffic in that area will increase?

Alasdair Sim: Yes. We undertook a significant traffic modelling exercise with Edinburgh airport as part of the resolution of its objection. We developed a detailed microsimulation traffic model

of the full area. We were able to take the estimated growth in patronage at the airport, which at that point was 4 per cent per annum according to the white paper on airport traffic. Essentially that means that by 2015 or 2016, there could be double the amount of traffic on Eastfield Road. Even with that level of traffic, the tram crossing would not be a problem. The real problem is that there will be too much traffic on Eastfield Road, so the airport will have to make alternative surface access arrangements. We understand that that is being considered at the moment. The fact that there will be a tram crossing does not create a significant impact on traffic flow in the area.

The Convener: Can you confirm that if there is significant traffic disruption in the area where Norwich Union's operations will be affected by the proposals, compensation will be payable?

Alasdair Sim: If there is no tram in the area and the airport continues to grow at expected rates, there will certainly be heavier congestion along Eastfield Road. The net effect of the tram crossing will be very insignificant. We do not expect that the NCP, or the operation of the car park, will be substantially affected by the tram crossing or by the fact that the tramway will operate within a small section of the car park area.

The Convener: What about compensation?

Alasdair Sim: Compensation is not really my area. Presumably the compensation procedures that the City of Edinburgh Council has put in place and under which the district valuer would operate would allow for that.

The Convener: I want to explore in a little more depth your answer to my first question. Let us suppose that we were to go down the alternative route proposed by Norwich Union. What would be the cost and timing implications of that?

Alasdair Sim: I cannot give you a figure for the cost because when we considered that option, it was clear from the outset that it would be difficult to achieve. It did not achieve the main function of serving the park-and-ride site. At a very early stage, the Norwich Union alternative was not considered to be a serious contender.

Significant construction costs would be associated with getting from the tram route that runs in an east-west direction across the land owned by New Ingliston Ltd and then on to the A8. There are significant differences in levels at that point that do not exist on the other side of Eastfield Road. The proposed alternative route would therefore be substantially more expensive and it was not really considered seriously, to be honest.

The alternative would not achieve the objective of serving the park-and-ride site and it would be difficult to put in a stop to serve the Royal

Highland showground because it would be on the wrong side of the A8.

The Convener: On that basis, you did not carry out any extensive costings.

Alasdair Sim: It was rejected as a viable option on that basis.

The Convener: Thank you. Are there any other questions for Mr Sim?

Members: No.

The Convener: In that case, Mr Thomson, do you want to recall Mr Murray now, or do you want to re-examine Mr Sim?

Malcolm Thomson: I wonder whether I might re-examine Mr Sim on one point.

The Convener: Yes.

Malcolm Thomson: Mr Sim, in paragraph 3.5 of your statement, you refer to an estimated loss of 50 to 100 spaces in the car park. Am I right in thinking that that is the best estimate that can be made until the detailed design alignment has been carried out?

Alasdair Sim: That is right.

Malcolm Thomson: So, at this stage it is not practicable to look for a more refined figure than that.

Alasdair Sim: Not at this stage. Although we have a relatively narrow limit of deviation in that area, it does allow for some movement of the tram alignment, which would obviously impact on the number of parking spaces that might be affected.

Malcolm Thomson: Is it the promoter's intention, once the refinement of the design process has taken place, to keep the land take to an absolute minimum?

Alasdair Sim: Absolutely. Ultimately, the promoter will seek to take the minimum land that is necessary at the lowest cost. If the promoter can avoid taking car parking spaces, it will do so.

Malcolm Thomson: From your discussions with NCP as the tenant of Norwich Union, can you say whether NCP regards 50 to 100 spaces—at worst—as significant to its car park operation?

Alasdair Sim: NCP does not appear to be too worried by the fact that 50 to 100 spaces could be lost.

Malcolm Thomson: Is it more worried about the continuity of its operation?

Alasdair Sim: Absolutely. NCP has an operating car park at the moment and it wants its operation to continue. NCP is particularly concerned about its operation during the construction phase and also following the development of the scheme.

Malcolm Thomson: And have you been able to reassure NCP on the point of continuity of operation during construction?

Alasdair Sim: Yes, I believe that we have.

Malcolm Thomson: Thank you, Mr Sim.

The Convener: Thank you, Mr Sim. Do you have any questions for any other witness, Mr Thomson?

Malcolm Thomson: Yes. I wonder whether I might next turn to Mr Duke and then to Mr Murray.

The Convener: Please proceed, Mr Thomson.

Malcolm Thomson: If I may, I will take you to paragraph 3.1 of your witness statement, Mr Duke. I refer to the point that we have come across before, that is, Scottish Executive Development Department circular 21/1984, which you tell us contains the Crichton Down rules. In fact, I think that the circular has now been amended and that the rule is now to be found in the amending circular. Will you give us the reference?

Geoff Duke (Transport Initiatives Edinburgh Ltd): Yes. My evidence refers to circular 21/1984. However, the circular was updated by Scottish Office circular 38/1992 and it is that circular number that should have appeared in my evidence.

Malcolm Thomson: Thank you, Mr Duke.

The Convener: Thank you, Mr Duke. I call Mr Purvis, but briefly.

Jeremy Purvis: Very briefly, given that the updated evidence is consistent with last week's evidence, do you expect to meet all the objectors' requests in that regard? Are they satisfied with regard to the operation of the rules?

Geoff Duke: In all cases in which this is an issue, the promoter's intention is to follow the rules and to dispose of land in the way that the rules govern.

Jeremy Purvis: Are the objectors aware of the rules?

Geoff Duke: Yes.

Jeremy Purvis: Right. Thank you.

The Convener: No other member has a question for Mr Duke. Do you have any further questions, Mr Thomson?

Malcolm Thomson: I have no further questions, sir.

The Convener: Thank you, Mr Duke. That completes your oral evidence today. I call Mr Murray. Please proceed with your questions, Mr Thomson.

Malcolm Thomson: I have no questions for Mr Murray. He is dealing with the code of construction practice and I have no questions on that subject.

The Convener: Thank you, Mr Thomson. Does any member have a question for Mr Murray?

Members: No.

The Convener: That was fairly easy for you, Mr Murray.

That concludes the overall oral evidence taking for today. Mr Thomson will now give us his closing speech.

Malcolm Thomson: The position in this case is that the proposed tram route crosses the car park that is owned by Norwich Union Life and Pensions Ltd and tenanted by the car park operator NCP. The ultimate land take will be kept to a minimum. It is not possible at this stage to define precisely what the land take will be. That is because the detailed design work on the alignment has not been carried out as yet.

The promoter has said that its intention is to keep the land take to a minimum. In my submission, it is obviously in the interest of the promoter to do that because of the effect that the land take will have on the compensation that will have to be paid in any event.

Compensation will be paid for the spaces that are lost. We have heard evidence that the primary concern of the operator is not about the loss of spaces; its concern is more about being able to maintain access to the site and the internal road within the site during construction and thereafter. Assurances have been given to that effect in evidence today and in writing.

The alternative route that the objector suggested was looked at, but it was rejected at a very early stage for the reason that it failed to meet the primary objective of being able to service both the park-and-ride site—which is obviously a matter of great importance to the operator—and the Royal Highland showground. In those circumstances, the route was not pursued further and detailed costings were not carried out. It is my submission that that was a perfectly reasonable approach for the promoter to have taken to the matter.

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

The Convener: Thank you, Mr Thomson.

That concludes the committee's hearing of evidence for the day.

10:00

Meeting continued in private until 10:04.

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