



EDINBURGH TRAM (LINE ONE) BILL COMMITTEE

AGENDA

6th Meeting, 2005 (Session 2)

3 May 2005

The Committee will meet at 10.30 am in Committee Room 1.

1. **Grouping and Witnesses:** The Committee will consider a paper on the final groupings and lead objectors. The Committee will then consider the witness lists and summaries proposed for groups 1-19, 37-39, 42, 44 and 46.
2. **Oral Evidence Timetable and Site Visit:** The Committee will consider and agree its timetable for oral evidence gathering meetings for groups 1–19, 37-39, 42, 44 and 46. The Committee will also consider and agree a date for a site visit.
3. **Appropriate Assessment:** The Committee will consider a paper on Appropriate Assessment.
4. **Approach to Additional Written Evidence:** The Committee will consider a paper on its approach to additional written evidence from the promoter on the Landscape and Habitat Management Plan for the Roseburn Corridor (Section 1 and 3 Revision A) and the Noise and Vibration Policy.

Jane Sutherland
Clerk to the Committee
Room 2.60, Tower 1

jane.sutherland@scottish.parliament.uk

The following papers are attached for this meeting—

Agenda item 1

Paper on Groupings and Witnesses

[ED1/S2/05/6/1](#)

Agenda item 2

Paper on Oral Evidence timetable and site visit

[ED1/S2/05/6/2](#)

Agenda item 3

Paper on Appropriate Assessment

[ED1/S2/05/6/3](#)

Agenda item 4

Paper on additional written evidence

[ED1/S2/05/5/4](#)

Written Evidence

Landscape and Habitat Management Plan for the Roseburn Corridor (Section 1 and 3 Revision A) and the Noise and Vibration Policy (hard copy only)

EDINBURGH TRAM (LINE ONE) BILL COMMITTEE**CONSIDERATION STAGE: GROUPINGS AND WITNESSES****Background**

1. Under Standing Orders Rule 9A.9.4 the Committee agreed at its meeting on 15 March to group a number of objections on the basis that they raise similar or the same issues in relation to a particular geographic area. The Committee also agreed that it should offer a right of reply to grouped objectors to request that their objection is either be placed in a new group or placed in a group of their own. The deadline for this right of reply was 1 April 2005.
2. Under this rule the Committee shall, for the purposes of giving evidence in relation to objections which are grouped together, choose one or more objectors from that group to give evidence in relation to those objections. The Committee therefore gave an indication (in paper ED1/S2/05/5/2) of those objectors whom it believed may wish to act as 'lead objectors' for their group.
3. The Committee however recognised that it would be appropriate for each group to appoint their own lead objectors and therefore agreed that each group would be given an opportunity to appoint its lead objector at informal objector meetings held in early April. Where the number of objections in a group exceeded 10, the Committee thought it appropriate that more than one lead objector could be appointed. The Committee then indicated for these groups what it considered to be an appropriate number of lead objectors.
4. Also at its meeting on 15 March, the Committee agreed its approach to phase one of Consideration Stage. In particular it agreed that it would seek witness lists and witness summaries from groups 1-19 and from joint objectors (groups 37- 39, 42, 44 and 46) by 22 April. The ultimate purpose of this information is that it will shape proceedings when the Committee comes to take oral evidence.
5. The Committee then has the right to select from this information, those witnesses it wishes to invite to provide oral evidence.

Final Groupings and Lead Objectors

6. The Clerks received a number of requests from objectors to be placed either in a group of their own or in a new group. As a result an additional 6 groups were created (groups 42 - 47) and the revised proposed groupings are contained in Annexe A.
7. At objector meetings held on 5, 13, 14, and 15 April each group of objectors were invited to appoint their lead objector(s). The results of these meetings are also contained in Annexe A. For each group of objections, that group's lead objector nominations have been identified by an asterisk.

8. Following the objector meetings, the Clerk was informed that Objection 193 from Nevisport Limited has been withdrawn resulting in no further consideration of Group 40.

Witness Lists and Witness Summaries

9. Witness lists and summaries have been received for the following groups for the Edinburgh Tram (Line One) Bill and are attached in Annexe B:

- Group 1
- Group 2
- Group 3
- Group 4
- Group 6
- Group 7
- Group 8
- Group 9
- Group 10
- Group 11
- Group 12
- Group 13
- Group 14
- Group 15
- Group 16
- Group 17 – promoter only
- Group 18
- Group 19

10. The objectors in the following group have indicated that they do not wish to provide further evidence in relation to Consideration Stage and this written request is also reproduced in Annexe B:

- Group 17

11. At the Committee meeting on 15 March it was noted that there are a number of objections which raise the same or similar issues in relation to the same plot of land as the Edinburgh Tram (Line Two) Bill. Witness lists and summaries have been received for these joint objectors (groups listed below) and are reproduced in Annexe C.

- Group 5
- Group 37 – promoter only
- Group 38 – promoter only
- Group 39
- Group 42
- Group 44
- Group 46

12. The following joint objectors have indicated that they wish to provide no further evidence in relation to Consideration Stage and their written requests are also reproduced in Annexe C:

- Group 37

Group 38

Issues in Original Objections

13. As was noted at the Committee meeting on 15 March, the issues covered by witness lists and summaries must have been raised by the respective original objections for that group.
14. To assist objectors in identifying the issues relevant to their group, a broad summary of the issues raised by each group was provided as part of paper ED1/S2/05/5/2.
15. In reviewing the written information provided in Annexes B and C the Committee may wish to consider whether the following issues can be raised (given the content of the relevant original objections and the role of the Committee during Consideration Stage – phase one) :

Group No:	Issue
38	Increased noise (point 2)
44	Alternative route selection
46	Consultation on preferred route Route selection and alternative alignment

Next Steps

16. The next step is for the witnesses agreed by the Committee to provide a detailed witness statement, which identifies the areas of agreement and dispute between the parties. The deadline for provision of witness statements is **18 May**.
17. Once witness statements have been received they will be forwarded to the opposing party who is then able to provide rebuttal witness statements. The deadline for provision of rebuttal witness statements is **6 June**.

Recommendation

18. The Committee is asked to consider whether to agree:
- the final groupings set out in Annexe A;
 - to appoint the identified lead objector(s) for each group in Annexe A
 - the witness lists and summaries for the following groups:
 - Group 1
 - Group 2
 - Group 3
 - Group 4
 - Group 5
 - Group 6
 - Group 7
 - Group 8
 - Group 9
 - Group 10
 - Group 11

- Group 12
- Group 13
- Group 14
- Group 15
- Group 16
- Group 17 – promoter only
- Group 18
- Group 19
- Group 37 – promoter only
- Group 38 – promoter only
- Group 39
- Group 42
- Group 44
- Group 46
- that the following objector groups provide no further evidence to the Committee:
 - Group 17
 - Group 37
 - Group 38
- that the following issues are outwith those raised in the original objections for the following groups:
 - increased noise – group 38
 - alternative route selection – group 44
 - consultation on preferred route and routes election and alternative alignment – group 46
- the provision of witness statements by 18 May
- the provision of rebuttal witness statements by 6 June

Private Bills Unit
April 2004

ANNEXE A

Grouping of objections

Group Number	Objection number and name	Broad Issues Raised
1	88. Network Rail Infrastructure Limited	Ongoing safe operation, barrier to future expansion
2	195. Scotrail Railways Ltd	Protection of operations, impact on Haymarket Depot
3	194. BRB (Residuary) Ltd	Due regard to heavy rail issues, extinction of pre-existing statutory obligations, Section 13 not adequate
4	196. British Transport Police Force	Section 60 not adequate
6	20. Lothian Primary Care NHS Trust	Loss of Amenity (specifically impact on training facilities, car parking, health and safety) provision of services
7	71. Scottish Water	Protective measures, safe and effective operation
8	83. Royal Mail Group Plc and Post Office Limited	Delivery and Collection of Mail, Access,
9	52. BAE Systems Ltd	Loss of Amenity (specifically parking), alternative temporary works site available
10	113. Forth Ports plc	Agreement, Access and Services, Security, Liability at Bridge, Statutory duties at Sea Wall, title and rights
11	138. Transco plc	gas transportation operation
12	197. Edinburgh and Lothian Badger Group	Parts 1, 2, 4, Impact on Badgers
13	204. Scottish Natural Heritage	SSSI, Works 12
14	211. Historic Scotland	Design Manual, Section 69
	Ocean Terminal Area	
15	*112. Ocean Terminal Limited 137. Debenhams Properties Limited 139. Arcadia Group Limited 146. Bhs Limited	Noise, Vibration, Loss of Amenity (specifically access), Value
16	110. Stanley Casinos Limited	Noise, Vibration, Loss of Amenity (specifically access), Value, Alternative Route - 7.5m south
17	144. ADM Milling Limited	Noise, Loss of Amenity (specifically access), Part 1

		– sections 1(1), 3(2)d, 5(1), 7(1) and 8
18	128. Royal Yacht Britannia Trust	Loss of Amenity (specifically access and safety)
19	177. Judith J H Pearson	Loss of Amenity (specifically parking), part 2)
	Leith Walk Area	
20	11. Police Box Coffee Bars	Loss of business, architectural merit, impact on customers
21	161. Mr and Mrs Joy	(Noise, Vibration, Loss of Amenity (specifically vegetation), Visual
22	178. Land Securities Trillium Ltd	Noise, Vibration, Loss of Amenity (specifically access)
23	4. Calum MacKellar *70. Francesco P Geremi and Vanessa Wise 72. Derek O'Carroll	Vibration, Loss of Amenity (specifically vegetation), Visual
24	63. Newton, Broughton and Pilrig Community Council	Noise, Loss of Amenity (specifically congestion, destruction listed buildings), Visual
25	140. Edinburgh Masonic Club	Loss of Amenity (specifically access), Value
	Constitution Street Area	
26	90. Norman, Downie and Kerr	Noise, Vibration, Loss of Amenity (specifically access and health)
27	118. Alexander Latto (1986) Ltd	Noise, Vibration, Loss of Amenity (specifically access and health), Value
28	149. Cala Management Limited	Agreements, Noise, Vibration, Value
29	45. Miss Rachel Keen 59. Louise Haggarty and Linda Hill WITHDRAWN *156. John Craske 207. Eric D. Innes	Noise, Vibration, Loss of Amenity (specifically parking and historic property), Value, Visual, Part 1, 5 and 5
	Starbank /Trinity area (9)	
30	16. J B Wilken 17. Moyra E M Forest + 14 Signatories 32. Mr David Donoghue 129. Neil Willet and Pamela Tosh 141. Robert Drysdale	Noise, Vibration, Loss of Amenity (specifically Victoria School, parking, congestion, access, walking, wildlife, SSSI, health and safety), Value,

	*151. Newhaven Community Council 154. Sarah Spence and Chris Hannan 165. Michael and Deborah Clarke 208. Mr and Dr Gossip	Visual, Alternative Route – Old Trinity Railway Corridor
47	38. Antony White and Ann Dean 40. Claire Rooney *82. Seafront Residents' Association	Noise, Vibration, Loss of amenity (specifically SSSI, parking, health and safety, wildlife) Visual, Alternative Route – Old Trinity Railway Corridor
31	201. Port Greenwich Limited *202. Secondsite Property Holdings Limited	Agreement, Loss of Amenity (specifically access), Value
32	164. Wardie Bay Residents Association	Noise, Loss of Amenity (specifically buses, stops, access, safety), Value Alternative Route
	Roseburn Corridor Area A (18)	
33	6. Ruth Ogilvie 10. Patricia A T Craik 26. Catherine and Allister O'Rourke *28. Alison J Bourne 31. Charles and Fiona Rutherford 33. Mr and Mrs Valentine 41. Thomas C McKechnie 54. Mr L Sinclair 73. Elizabeth J Underwood 74. Mary McPhie 78. Neil and Margaret Chrystal 98. Lorna Johnson *132. Ian and Gillian Hewitt 155. Richard and Christine Proudfoot 157. Elaine C Wilkie 163. Mary H McKenzie *210. CHAG 212. Anne–Sylvie Todd	Noise, Vibration, Loss of Amenity (specifically vegetation, security, wildlife, parking, safety, cycleway), Value, Visual, Alternative Route - Western General
	Roseburn Corridor Area B (59)	
34	1. Helen Garn *2. John Adams *3. Mr and Mrs Peill 5. Morton B Auld 7. C R O Sherman 8. Helen Sherman 9. Mr Stanley Simpson 12. Mr Philippe Alamichel 14. Hannah Blair 15. Mrs Clare E Williams 18. Ardell Young 19. Dr Bastin and Dr Millgan	Noise, Vibration, Loss of Amenity (specifically air pollution, cycletrack, security, congestion, wildlife, bus service, vegetation, access, health and safety), Value, Visual, Human Rights, Drainage, Insulation Sections) Alternative Route - Western General

	<p>24. Maurice Lofthouse 27. J Gilchrist *29. Peter Gorrie 34. Alexander Purves 36. Alan and Vera Howe 42. Miss Seonaid MacKay 43. Mr and Mrs Easson 44. Mrs A A Lawrence *46. Graham Rodger 50. Alastair and Mary Cherry 51. Andrew J Polson 53. Michael Campbell 55. Mr James Brown 56. Malcolm and Margaret Green 57. Ian Lithgow 58. David Robertson 60. Alex and Fiona Logue *61. Graham Scrimgeour 65. Mr and Mrs O'Neill 66. Mary Green 68. Pat and Aoibheann Devine 75. Hamish Wood 77. Dorothy M Webster *79. Mr and Mrs Grant 80. James and Louise Gourlay 81. James and Margaret MacFarlane 89. Daniel and Isla Farrimond *99. Lorna and Nick Hudson 100. John Lawrence Walker 101. Mr J Muir and Ms Z N Johnson 104. Mrs Margaret Baxter 105. Annie F. MacArthur 107. Alastair and Heather Thomson 117. I and P McFarlane 119. Mr and Mrs Jarvis 120. Ian Patrick Tait 121. Christopher and Janet Fraser 124. Maria A Clarke 125. Mark M Clarke 131. Christina G Christie 136. Mr and Mrs Robertson 145. Michael G. Chittleworth 150. Mr Gordon and Dr Shelia Hamilton 153. Clive Andrew, Kelly Andrew, Mr J S and Mrs C J Young, Mr J S and Mrs E Young 160. David and Jane Kirchin *162. Blackhall Community Association</p>	
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	203. Miss Karyn McPhee	
45	213. The Friends of Roseburn Urban Wildlife Corridor	Noise, Vibration, Loss of Amenity (specifically vegetation, wildlife, safety, access, air pollution)
	Roseburn Corridor Area C (34)	
35	13. James Coupland 25. D R W Alexander's Trust *30. John and Wendy Barkess 35. Sandy Finlayson 37. James Grant and Company (East) Limited 47. Myer and Janet Wexelstein 48. Sheelagh Dickson 62. James B C Brown 67. Andrew and Kris Aitken 84. Jil Murphy 85. Catriona Colquhoun 86. Mark and Mary Hallam 87. Iain and Gillian McCready 93. Anne M. Bell 94. Margaret Alexander *96. Garscube Terrace Residents (23 Signatories) 97. Clive Murphy 103. Richard Martin 108. J G Macrae and Mrs I C Macrae 111. Alan Jones and Elizabeth Jones 115. Mr Alex Bell 116. Jane and Martin Crewe 122. Mr David Foot 123. Mrs Judith Mottram 135. Alex B Cuthbert 142. Christopher and Sandra Morson 143. Noel and Isabel Herbert 147. Mr and Mrs Robert C Mundie 148. Margaret Kidd 159. David Stewart and Gillian Ottley 169. Dawn Everington (+100 signatories) *174. Kathy and Les Kingstone *180. Richard Vanhagan 206. Andrew and Alison Orr	Noise, Vibration, Loss of Amenity (specifically cycleway, health and safety, vegetation, wildlife parking, access), Value, Visual, Alternative Route - Western General
	Roseburn Corridor Area D (10)	
36	21. Murrayfield Community Council 64. Darren Hodkinson and Jacqueline Mitchell 102. Alan and Margaret Minto 106. A J Hart, Julie Hart, Mr S Hart and Wester Coates Development Ltd	Noise, Vibration, Loss of Amenity (specifically cycle path, health, parking, wildlife, safety, access, vegetation), Value, Visual

	109. Angela Gourlay and Robert Armstrong *114. Roseburn Maltings Residents' Committee 133. Miss Julie Hart 158. Jacqueline Hepburn 173. Alison and Gordon McIntosh 187. James Cooney	
	Roseburn Corridor Area E (15)	
43	39. W F Raynal 130. Michael and Alison Bruce 134. Mrs Marilyn MacLaren 181. Odell C Milne 182. Alex Milne 183. Natasha Milne 184. Hugh Milne *185. Wester Coates Terrace Action Group 186. Iain Gaul and Fiona Gaul 188. Alison J Hawkins 189. Murdoch and Ann McCamley 190. Douglas and Roseanne Brown 191. Alison J Hawkins (270 signs) 192. Wester Coates Nursery School 205. Mrs Angela Raynal	Noise, Vibration, Loss of Amenity (specifically cycleway, wildlife, safety, vegetation) Value, Visual, Human Rights, Alternative Route – Western General
	Joint Objectors – Line 1 and Line 2	
5	126. Haymarket Yards Limited	Alternative routes available, relocation of electricity substation, consented development, alternative access, Section 32 alternative
37	199. Elizabeth Elliot 200. David Elliot	Loss of Business, Value
38	22. Versicolor Limited	Loss of Amenity, Value
39	49. Verity Trustees Ltd	Noise, Vibration, Loss of Amenity (specifically loss of greenbelt, access, parking) Visual Impact, Value
42	23. CGM (Edinburgh) Ltd	Loss of Amenity (parking, building operation and maintenance), Value, Alternative Route - Haymarket
44	167. The Institute of Chartered Accountants in Scotland	Noise, Loss of Amenity (specifically access, parking), Value
46	91. Norwich Union Linked Life Assurance	Noise, Vibration, Loss of Amenity (parking, access, light, air pollution), Value,

		Visual
	Haymarket Area	
40	193. Nevisport Limited	Noise, Vibration, Loss of Amenity (specifically access), Value
	WITHDRAWN	
41	69. Alastair Harkness	Noise, Vibration, Loss of Amenity (specifically access), Value

- = Lead Objector

GROUP 1 – OBJECTOR NO. 88

NETWORK RAIL INFRASTRUCTURE LIMITED

Cover letter from MacRoberts Solicitors

Dear Sirs

We act for Network Rail Infrastructure Limited. On behalf of our clients, we enclose a witness summary together with a note of the amendments which our clients would wish to see made to the Bill. The list of amendments should be treated as a draft and our clients reserve the right to amend their proposed amendment as they see fit. We would also advise that our clients have been in discussions with TIE with regard to their objection with a view to reaching agreement with the promoter on the matters which are of concern to our clients. Our clients will continue to have discussions with TIE and are hopeful this may lead to an agreement being reached which will avoid the need for our clients to give evidence.

WITNESS LIST AND SUMMARY

Issue : Impact of tram route and powers sought by promoter in respect of railway property

Witness Name :

Geoff Cook, Senior Route Planner, Network Rail Scotland Route
(supported by MacRoberts and Counsel)

Summary of Evidence (up to 1 hour oral evidence)

- The role of Network Rail
- Network Rail's duties under the 1993 Railways Act
- Consideration of compatibility of light rail/ tram schemes and heavy rail
- Consideration of the potential impact of the tram on railway land during construction and operation
- Requirement for immunisation of Network Rail signalling & telecommunications equipment
- Risk of electrolytic corrosion to Network Rail equipment from tram overhead lines
- Requirement for lateral clearances for heavy rail and unacceptable impact on these by proposed tram route
- Impact on railway on removal of lineside accesses
- Impact of tram on Haymarket North Tunnel
- Impact of tram on Haymarket Station Car Park as part of a transport interchange and on potential for re-development
- Impact of tram on operation of Haymarket Depot and access thereto both during construction and operation of the tram route
- Lack of engagement with Network Rail on detail on tram works which will impact on railway land

- Implications on Network Rail's business of the powers sought within the Bills (including compulsory purchase powers)
- Negotiations with TIE
- Requirement for provisions in Bill to protect interests of Network Rail

Availability: no availability issues

Provisions to be included in the Edinburgh TRAM Bill for the benefit of Network Rail

1. DEFINITIONS AND INTERPRETATION

In this section of the Bills' the following, unless the context requires otherwise, shall apply:

1.1 **"Authorised Undertaker"** shall mean CEC or **tie** acting on behalf of CEC, or any party to whom the powers of the authorised undertaker under the Acts is transferred;

1.2 **"Authorised Works"** means the works to be authorised by the Bills;

1.3 **"Legal Requirement"** means:

- any enactment to the extent that it applies to that party;
- any regulation made by the Council or the Commission of the European Union to the extent that it applies to that party or a decision taken by the Commission which is binding on that party to the extent that it is so binding; and
- any interpretation of law, or finding, contained in any judgement given by a court or tribunal of competent jurisdiction in respect of which the period for making an appeal has expired which requires any legal requirement falling within paragraphs (i) or (ii) above to have effect in a way which is different to that in which it previously had effect;

1.4 **"Network"** means that part of the railway network of which Network Rail is the facility owner (as defined in section 17(6) of the Railways Act 1993 (as amended by the Transport Act 2000) which is situated in England, Wales, and Scotland;

1.5 **"Network Licence"** means the licence relating to the rail network granted to Network Rail pursuant to section 8 of the Railways Act 1993;

1.6 **"Network Operation Issue"** means;

- any relevant Safety Critical Event;
- any relevant Operational Emergency;
- any relevant Legal Requirement;
- any relevant requirement of the Network Licence;
- a pre-existing contractual commitment of Network Rail.

1.7 **"Network Rail"** means Network Rail Infrastructure Limited;

- any associated company of Network Rail Infrastructure Limited which holds property for railway purposes;
- the servants, agents and contractors of any of those companies; and
- the successors and assignees of any legal person within paragraph (i), (ii) or (iii) above;

1.8 **“Network Rail Company Standards”** means a standards document issued by Network Rail for its own use in relation to the Network as a whole which applies to the performance of the Authorised Work (or the equivalent of such document together with such amendments as may from time to time be made by Network Rail to reflect changes in Legal Requirements and/or for safety related reasons);

1.9 **“Operational Emergency”** means disruption to scheduled railway services arising (whether directly or indirectly) as a result of any unforeseen circumstance or event affecting the Network or any part thereof;

1.10 **“Railway Group Standards”** means (i) technical standards to which railway assets or equipment used on or as part of the Network must conform and (ii) operating procedures with which the operators of railway assets must comply, in each case as issued by the Rail Safety and Standards Body Limited and authorised pursuant to the Railway Group Standards Code;

1.11 **“Railway Operational Procedures”** means procedures, requirements, and obligations on Network Rail, specified under (i) any Access Agreement or (ii) any station/depot lease, or (iii) Network Rail’s asset stewardship criteria, or (iv) Network Rail’s Network Licence;

1.12 **“Railway Property”** means any property belonging to Network Rail and forming part of the Network including any railway infrastructure, station, depot, buildings, lands, works, apparatus and equipment belonging to Network Rail or a relevant associated company connected therewith and includes any land held or used by Network Rail, including any servitude or other property interest held or used by Network Rail for the purposes of such railway, Network, or station, depot, buildings, lands, works, apparatus or equipment;

1.13 **“Relevant Work”** means –

- (a) so much of any of the Authorised Works as is situated upon, across, under, over (i) Railway Property, or (ii) within 15 metres of Railway Property, or (iii) which may in any way adversely affect, Railway Property; and
- (b) to the extent that it is not an Authorised Work, any Protective Work constructed or to be constructed by the Authorised Undertaker.

1.14 **“Safety Critical Event”** means a relevant risk to the health and safety of any person(s) or risk of material damage or destruction to any Railway Property, or any incident, which may reduce the safety integrity levels of any item of infrastructure on the Network.

1.15 **“Train Operator”** means any person who operates trains in accordance with a licence under section 8 of the Railway Act 1993 or an exemption under section 7 of that Act.

Powers requiring Network Rail’s consent or approval

2. (i) The Authorised Undertaker shall not in the exercise of the powers conferred by Acts –

- (a) acquire or use (temporarily or permanently), or acquire new rights upon, across, over or under, or within, any Railway Property; or
- (b) permit pedestrian or vehicular access to any Railway Property, unless the exercise of such powers is with the prior written consent of Network Rail.
- (ii) The Authorised Undertaker shall not construct any Relevant Work except in accordance with Plans approved, in advance, by Network Rail.
- (iii) Where Network Rail is asked to give its consent or plan approval pursuant to paragraph 2, such consent shall not be unreasonably withheld or delayed but may be given subject to conditions for the protection of Railway Property and rail operations on the Network to include conditions which are:
- (a) required to ensure the safety, integrity, and stability of Railway Property, and
- (b) required to ensure the continuing, safe and efficient operation of the Network and the services of the Train Operators operating on the Network; and
- (c) required as a consequence of any Network Operation Issue, Network Rail Company Standards, Railway Group Standards, any relevant Railway Operational Procedures, regulatory requirement.

PROMOTER WITNESS LIST AND SUMMARY

Group 1 :

Network Rail Infrastructure Limited L1-088

The promoter has not included a witness to speak to the notification issues as it is understood that these were dealt with at the Preliminary Stage.

Issue : Immunisation of Network Rail track circuits

Witness Name: **James Snowdon**, Chief Engineer, Tramtrack Croydon Limited

Summary of Evidence (15 mins oral evidence)

- Provision of electrical separation between tramway and railway tracks
- Consequent improbability of tramway stray current flowing in Network Rail tracks
- Impossibility for DC traction current to induce currents in Network Rail tracks
- Insignificance of induced AC currents and comparison with effects arising existing AC electrification in the same area.
- Consequent improbability of conditions being set up which could influence Network Rail equipment
- Comparison with analogous situations between Croydon Tramlink and Network Rail

Witness Name: **Malcolm Anderson**, Technical Witness, Mott MacDonald

Summary of Evidence (10 mins oral evidence)

- Operations of existing tramways adjacent to Network Rail non electrified lines

- Operation of existing tramways adjacent to Network Rail 25kV electrified lines
- Methods of protecting Network Rail signalling that will be applied in Edinburgh

Issue: Electrolytic Corrosion of Network Rail Equipment

Witness Name: **James Snowdon**, Chief Engineer, Tramtrack Croydon Ltd.

Summary of Evidence (15 minutes oral evidence)

- Provision of electrical separation between tramway and railway tracks
- Rebuttal of Network Rail proposal to require provision of stray current collector mats based on experience of the design on other tramways
- Application of recognised engineering practice to minimise return voltage drops and thus stray current effects arising from electric tram operation

Availability: Not available June 27 - July 1 2005 inclusive.

Witness Name : **Malcolm Anderson**, Technical Witness, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Experience of stray current leakage on British and European tramways
- Methods of protecting third party infrastructure from stray current corrosion

Issue: Land and compulsory purchase powers

Witness Name : **Tim Jones**, Technical Witness Transport for London/
David Ramsay, Network Rail Interface Manager, tie Limited (subject to availability)

Summary of Evidence (15 mins oral evidence)

Summary of Evidence

- Network Rail should be clear about which areas of land it accepts may be purchased and those areas over which it requires to retain control
- The Promoter accepts the principle that Network Rail should have the right to examine and approve the tramway designs in so far as they may affect the safety and performance of the Network Rail network.
- The Promoter will seek to reach an agreement with Network rail setting out those aspects and geographical limits of the tramway design to be presented to Network Rail for approval together with timescales and a simple and effective dispute resolution procedure
- The Promoter accepts that the reasonable requirements of Network Rail are to be accommodated within the tramway designs but wishes to be protected from excessive and unreasonable demands.

- The deletion of all compulsory purchase powers over Network Rail land is unreasonable. The Promoter will seek to reach an agreement with Network Rail defining the limits of land required for the operational railway and foreseeable future development.
- The Promoter will continue to seek compulsory purchase powers over land surplus to the operational railway or any reasonably foreseeable development.
- Where land is required for the tramway that is within the land required for the operational railway above, the Promoter will seek to reach an agreement with Network Rail for consent to construct and operate the tramway. However, the Promoter wishes to be protected from any unreasonable demands and will seek a simple and effective disputes resolution procedure.
- The Promoter accepts that Network Rail should retain control over the operational railway and will comply with all reasonable constraints. The Promoter is fully aware of Network Rail's rules and procedures for possessions of the operational railway and lineside operations and will conform to accepted standards including notice periods, fees and approvals.
- The Promoter similarly accepts that the temporary use of Network Rail land and in particular the operational railway, for maintenance of the tramway should be subject to the reasonable control of Network Rail.

Issue: Technical issues relating to the construction of the tram project adjacent to Network Rail land

Witness Name : **David Ramsay**, Network Rail Interface Manager, tie Limited

Summary of Evidence (10-15 mins oral evidence)

- Compliance with Network Rail Group and Line Standards.
- Agreement of detailed Method Statements prior to works commencing.
- Separate agreements with Network Rail to provide technical expertise to assist in the design and agreements to allow implementation of all works. (BSA – Basic Service Agreement, BAPA – Basic Asset Protection Agreement & APA – Asset Protection Agreement).
- Compliance with Network Rails Possession Planning requirements.
- Compliance with Safety Management requirements relating to work On or Near the Line.
- Construction Code of Practice and compliance with CDM regulations.

Issue: Agreement to protective provisions

Witness Name : **David Ramsay**, Network Rail Interface Manager, tie Limited

Summary of Evidence (15 mins oral evidence)

- Participation in Technical discussions to establish limits of the Tram Project.
- Participation in Drafting Agreement.
- Provision of detailed requirements for land take both Permanent and Temporarily for construction.
- Satisfying Network Rail that there will be No Statutory Attack on their Network.
- Compliance with Network Rail Group and Line Standards.
- Agreement of detailed Method Statements prior to works commencing.
- Separate agreements with Network Rail to provide technical expertise to assist in the design and agreements to allow implementation of all works. (BSA – Basic Service Agreement, BAPA – Basic Asset Protection Agreement & APA – Asset Protection Agreement).
- Compliance with Network Rails Possession Planning requirements.
- Compliance with Safety Management requirements relating to work On or Near the Line.
- Construction Code of Practice and compliance with CDM Regulations and HMRI / HSE Regulations.

Issue: Scope of the works and the power to construct works

Witness Name : **John McClean**, Principal Engineer, Faber Maunsell

Summary of Evidence (5-10 mins oral evidence)

- Temporary impact of construction
- Permanent impact of works
- Formal approval procedures
- Temporary and permanent access

Availability: Not available 7 to 21 June inclusive

Issue: Haymarket North Tunnel

Witness Name: **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Work in the vicinity of Haymarket North Tunnel
- Code of Construction Practice (CoCP)

Issue : Haymarket Station Car Park

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (10 mins oral evidence)

- Loss of parking and alternative provisions

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (5 mins oral evidence)

- Compensation for frustration of aspirations to develop the car park site

Issue : Network Rail clearance and access issues

Witness : **Richard Mansfield**, Network Rail Liaison, Faber Maunsell

Summary of Evidence (10 mins oral evidence)

- Considerable consultation has taken place with NR regarding necessary clearances between the Heavy and Light rail (infrastructure and operational vehicles). The clearance issues are understood and are allowed for in initial design with the expectation that detailed agreements will be sought with NR during detailed design.
- The designer recognises the Requirement of NR to access their infrastructure and has attempted to retain or provide alternative access where current access points are readily obvious. Where this is not the case it is envisaged that detailed discussion with NR will enable this to be resolved at the more detailed design stage, for which reason generous LOD and LLAU have been provided wherever possible.

Availability : Not available 02/05/05 – 13/05/05 inclusive

GROUP 2 – OBJECTOR NO. 195**FIRST SCOTRAIL LTD****WITNESS LIST AND SUMMARY****Issue: Protection of Operations****Witness Name: Mike Price and Andrew Mellors, First ScotRail limited****Summary of Evidence (20 mins oral evidence):**

- First ScotRail Limited successors to ScotRail Railways Limited
- Overview of relevant aspects Scottish Passenger Franchise
- Haymarket Station – impact on current operations
- Haymarket Depot – impact on current operations
- Haymarket Depot – impact on future operations

PROMOTER WITNESS LIST AND SUMMARY**Group : 2****Scotrail Railways Limited L1-195****Issue : Lack of regard to heavy rail issues.**Witness Name : **Geoff Duke**, Project Manager, tie Limited

Summary of Evidence (20 mins oral evidence)

- Scotrail is not specific about any particular heavy rail scheme. Objection seems to be concerned about tram closing down options
- Meetings with Network Rail (NR) during 2003 – no indication that tram plans would preclude any heavy rail scheme either on land owned by NR or adjacent to it. Plans for Waverley station (knock-on requirements at Haymarket Station) and development at Haymarket station were flagged and addressed (see Haymarket Masterplan below).
- As part of Network Rail's Waverley Upgrade project, a requirement for a turnback siding platform at Haymarket station was identified. It was recognised that there were other considerations in this area, including requirements to upgrade Haymarket station (in general and particularly to be DDA compliant), pedestrian facilities and public realm around the station, public transport interchange and opportunities for commercial development in railway land at the station (that NR may require to help fund the DDA works). A Haymarket Masterplan steering group was established and meetings were attended by Scottish Executive, CEC, tie, SRA and NR. Tram route was identified to facilitate the requirements for the turnback platform and allow most flexibility in the (then undefined) redevelopment of Haymarket station, including commercial development.

- tie is seeking to avoid precluding any known heavy rail scheme options and to optimise integration and interchange opportunities: Haymarket station, Edinburgh Park station, EARL alignment and airport hub.
- tie recognise issues at the depot and are working with First Scotrail to address these with input from the tram operator, Transdev.

Availability : Not available from 27 June – 15 July 2005.

Issue: Agreement to protective provisions

Witness Name : **David Ramsay**, Network Rail Interface Manager, tie Limited

Summary of Evidence (15 mins oral evidence)

- Participation in Technical discussions to establish limits of the Tram Project.
- Participation in Drafting Agreement.
- Provision of detailed requirements for land take both Permanent and Temporarily for construction.
- Satisfying Network Rail that there will be No Statutory Attack on their Network.
- Compliance with Network Rail Group and Line Standards.
- Agreement of detailed Method Statements prior to works commencing.
- Separate agreements with Network Rail to provide technical expertise to assist in the design and agreements to allow implementation of all works. (BSA – Basic Service Agreement, BAPA – Basic Asset Protection Agreement & APA – Asset Protection Agreement).
- Compliance with Network Rails Possession Planning requirements.
- Compliance with Safety Management requirements relating to work On or Near the Line.
- Construction Code of Practice and compliance with CDM Regulations and HMRI / HSE Regulations.

Issue : Haymarket Rail Depot

Witness : **Richard Mansfield**, Rail Liaison, Faber Maunsell

Summary of Evidence (15 mins oral evidence)

- There is no intention for the Tram to impact on the size of the depot. The LOD identified skirts the edge of the depot facility and the bill alignment avoids the fuel

tanks however ongoing discussion is being held with regard to the exact impact in this area. Where possible the design philosophy has been to minimise the impact of the tram on the rail infrastructure and operation. (Clause 3)

- Whilst the alignment crosses the access it is deemed to be no different from other road crossings which will be designed for vehicular crossing at all times. It is recognised that there will be implications for the existing parking alongside the access track however manoeuvring space will be retained by careful design of the tram infrastructure at the entrance gate. Further detailed consultation would be undertaken to ensure that construction and detailing are suitable to NR and the operator of the depot.
- Details of the exact impact of the alignment alongside the depot are subject to ongoing discussion with the operational management of the depot, including current extension / redevelopment plans, to ensure the tram proposals do not restrict the depot. The detailed design will take into account any implications for stability of Ground conditions along this northern boundary of the depot.

Availability: Not available 02/05/05 – 13/05/05 inclusive

Issue : Operational issues at Haymarket Depot

Witness Name : **Jim Harries**, Project Engineer, Transdev/
Andy Wood, General Manager, Transdev (subject to availability)

Summary of Evidence (10 mins oral evidence)

- Haymarket Rail Depot access arrangements
- Minimal delay to road vehicles
- Pedestrians wishing to cross the tramway
- Minimal delays to any exceptional loads entering or leaving the depot by road along this route
- Retention of adequate security to control access to and egress from the site

GROUP 3 – OBJECTOR NO. 194

BRB (RESIDUARY) LTD

WITNESS LIST AND SUMMARY

Issue: Due regard for heavy rail issues

Witness Name: Stephen Bennett, Strategic Rail Authority

Summary of Evidence (20 mins oral evidence):

- roles and relationships of railway industry parties affected
- the need to protect operation and economy of the railway
- strategic issues affecting Haymarket Station and Haymarket Depot

Issue: Extinction of pre-existing statutory obligations

Witness Name: Neil Amner, Biggart Baillie, Solicitors

Summary of Evidence (10 mins oral evidence):

- British Railways Board's statutory obligations – the outcome of rail privatisation;
- Sections 39, 40 and 60, Railway Clauses Consolidation (Scotland) Act 1845; and
- the case of R Walker -v- BRB (1984) 1 WLR 805.

Issue: Section 13

Witness Name: Neil Amner, Biggart Baillie, Solicitors and John Hill, Lambert Smith Hampton

Summary of Evidence (10 mins oral evidence):

- Strategic Rail Authority references wrong – should be Network Rail and/or BRB (Residuary) Limited; and
- transfer of “disused railway” (undefined) without compulsory purchase compensation.

Issue: Acquisition of title/rights over land – impact on retained land interests

Witness Name: Neil Amner, Biggart Baillie, Solicitors and John Hill, Lambert Smith Hampton

Summary of Evidence (10 mins oral evidence):

- nature of retained land interests;
- traditional protective title conditions; and
- demarcation conditions

Amendments to the Bill suggested by BRB (Residuary) Limited

- new provision:

“Transfer of Obligations arising from previous enactments”

“Except as may be otherwise as provided in this Act, as from the coming into force of this Act, the authorised undertaker shall be subject to all statutory and other provisions applicable to the former railway (but only insofar as the same are still subsisting and capable of having effect) and the authorised undertaker shall, to the exclusion of all other parties (including without prejudice to the foregoing generality the statutory successors to the parties authorised or obligated by virtue of the original enactments or the enactments incorporated by Section [] of this Act) be entitled to the benefit of and to exercise all rights, powers and privileges and be subject to all obligations whether statutory or otherwise relating to the former railway insofar as the same are still subsisting and capable of taking effect, with the intent that all other parties shall be released from all such obligations.”

- Section 13 amendments:
 - references to “Strategic Rail Authority” to be replaced by references to Network Rail Infrastructure Limited and/or BRB (Residuary) Limited as appropriate
 - delete provision for transfer of “disused railways” outwith compulsory purchase compensation regime

PROMOTER WITNESS LIST AND SUMMARY

Group 3 :
BRB (Residuary) Ltd L1-194

Issue : Lack of regard to heavy rail issues.

Witness Name : **Geoff Duke**, Project Manager, tie Limited

Summary of Evidence (20 minutes oral evidence)

- BRB (Residuary) is not specific about any particular heavy rail scheme. Objection seems to be concerned about tram closing down options
- Meetings with Network Rail (NR) during 2003 – no indication that tram plans would preclude any heavy rail scheme either on land owned by NR or adjacent to it. Plans for Waverley station (knock-on requirements at Haymarket Station) and development at Haymarket station were flagged and addressed (see Haymarket Masterplan below).
- As part of Network Rail’s Waverley Upgrade project, a requirement for a turnback siding platform at Haymarket station was identified. It was recognised that there were other considerations in this area, including requirements to upgrade Haymarket station (in general and particularly to be DDA compliant), pedestrian facilities and public realm around the station, public transport interchange and opportunities for

commercial development in railway land at the station (that NR may require to help fund the DDA works). A Haymarket Masterplan steering group was established and meetings were attended by Scottish Executive, CEC, tie, SRA and NR. Tram route was identified to facilitate the requirements for the turnback platform and allow most flexibility in the (then undefined) redevelopment of Haymarket station, including commercial development.

- tie is seeking to avoid precluding any known heavy rail scheme options and to optimise integration and interchange opportunities: Haymarket station, Edinburgh Park station, EARL alignment and airport hub.
- tie recognise issues at the depot and are working with First Scotrail to address these with input from the tram operator, Transdev.

Availability : Not available from 27 June – 15 July 2005.

Issue : Pre-existing statutory obligations on BRB (Residuary)

Witness Name: **Rahul Bijlani**, Lawyer, Bircham Dyson Bell

Summary of Evidence (10-15 mins oral evidence)

- Lack of identification of specific obligations
- Scope of obligations appropriate to be retained by BRB/transferred to Promoter
- Practice in other similar cases

Issue : Acquisition of title/rights over BRB (Residuary) land

Witness Name: **Rahul Bijlani**, Lawyer, Bircham Dyson Bell

Summary of Evidence (10-15 mins oral evidence)

- General scope & purpose of CPO powers
- Promoters need for title free of encumbrances
- Lack of identification of specific burdens/rights on BRB (Residuary) Land
- Practice in other similar cases

Issue : Adequacy of Section 13 (Agreements with Network Rail and the Strategic Rail Authority)

Witness Name: **Rahul Bijlani**, Lawyer, Bircham Dyson Bell

Summary of Evidence (10-15 mins oral evidence)

- Purpose and effect of Section 13 of the Bill
- Provenance of Section 13
- Proposed amendment of Section 13 to refer to BRB (Residuary) rather than SRA

GROUP 4 – OBJECTOR NO. 196**BRITISH TRANSPORT POLICE FORCE****WITNESS LIST AND SUMMARY**

Issue: Section 60

Witness Name: Assistant Chief Constable David McCall, British Transport Police Force and Neil Amner, Biggart Baillie, Solicitors

Summary of Evidence (20 mins oral evidence)

- Specialist experience and expertise of British Transport Police;
- The Force, the Authority and the Railways and Transport Safety Act 2003;
- Policing issues;
- Need for compulsion for authorised undertaker to contract for police services;
- Form of Police Service Agreement;
- Sections 20, 31 and 34 of Railways & Transport Safety Act 2003; and
- Suggested amendments to the Bill (see Paper Apart)

Amendments to the Bill suggested by British Transport Police Force

- **Section 60(1)** – substitute “shall” for “may”;
 - delete paragraph (a) and in the second last line of Section 60(1) “members of the police force, or as the case may be.”;
 - for reference to “Strategic Road Authority” “British Transport Police Authority”
- **Section 60(2)** – delete existing text and substitute “Any agreement made pursuant to sub-section (1) above shall
 - (a) be in a form approved by the Secretary of State for Transport; and
 - (b) incorporate the provisions of and otherwise be subject to Sections 31, 32 and 33 of the Railways and Transport Safety Act 2003 (as amended from time to time);”
- **Section 60(3)** - delete in light of Section 31 of Railways & Transport Safety Act 2003 (for which the meaning of “railway” includes a tramway within the meaning given by Section 67(1) of the Transport and Works Act 1967);
- **Section 60(4)** – definitions of “chief officer of police”, “police authority” and “police force” should be amended to reflect national nature of BTP and terms of 2003 Act (see Section 75 of that Act)
- amend designation of British Transport Police to “the force established under Section 20 of the Railways & Transport Safety Act 2003”.

PROMOTER WITNESS LIST AND SUMMARY

Issue : Adequacy of Section 60 of the Bill (Power to Contract for Police Services)

Witness Name: **Rahul Bijlani**, Lawyer, Bircham Dyson Bell

Summary of Evidence (10-15 mins oral evidence)

- Purpose and effect of Section 60 of the Bill (Power to Contract for Police Services)
- Provenance of Section 60
- Proposed amendment to Section 60 to reflect Railways and Transport Safety Act 2003

GROUP 6 – OBJECTOR NO. 20**LOTHIN PRIMARY & COMMUNITY DIVISION (FORMELY LOTHIAN PRIMARY CARE NHS TRUST)****WITNESS LIST AND SUMMARY**

Witness Name: Bob Gomersall, Operations & Facilities Manager Community (City of Edinburgh), Lothian Primary & Community Division

Group 6 do not wish to provide any further evidence on the relocation of the Pathology Laboratory Van Service from the Royal Victoria Hospital site.

Summary of Evidence (10 minutes oral evidence)

Issue: Health & Safety

- The compulsory use of the rear car park will prevent use of the rear entry/exit to Halmyre Street.
- Existing access from Leith Walk is very narrow with no scope for two-way traffic.
- Front entrance walled on both sides up to pedestrian walkway on Leith Walk – poor visibility and restricted sight lines for traffic exiting car park.
- Front entrance restrictive (3.35m wide, 3.96m high) for large vehicles, possibly resulting in large vehicles having to park on Leith Walk.

Issue: Training/Meeting Facility

- Inchkeith House has a large training room for up to 25 people which offers training and meeting facilities for healthcare and other staff over the whole Division. Loss of parking facilities will dramatically affect the ability of the venue to host large groups as non-metered parking on adjoining streets is extremely limited.

Issue: Use of Car Park

- Tarmac section of car park has 4 spaces for disabled users and 48 spaces for use by patients, visitors and staff.
- The vast majority of staff using the car park require use of the vehicle as part of their NHS responsibilities.
- This car park provides a base for 40 crown cars principally used by Community Nursing staff.
- Unsurfaced area has approximately 53 spaces (unmarked) for general use. This area also houses a Harm Reduction Team Outreach vehicle.
- On a normal working day, between 85 and 100 of the 105 spaces are occupied. Loss of the proposed space would mean a daily shortfall of between 32 and 53 car parking spaces.

PROMOTER WITNESS LIST AND SUMMARY

Group 6 :
Lothian Primary Care NHS Trust L1-020

Issue : Impacts of temporary construction site on car parking

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (10-15 mins oral evidence)

- Requirement for Working Site
- Mitigation for loss of parking
- Review of additional parking sites

Availability : Not available last two weeks of October 2005.

Issue : Access from rear of car park to Leith Walk

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Proposals for shared access from Halmyre Street
- Proposals for segregated access across Working Site

Availability : Not available last two weeks of October 2005.

GROUP 7 – OBJECTOR NO 71**SCOTTISH WATER****WITNESS LIST AND SUMMARY**

I refer to your letter of 15th March and now enclose witness lists on behalf of Scottish Water and a brief summary of the matters which the witnesses will address -

Witnesses

Alex Rae - NRSWA Co-Ordinator

Graham Martin - Commercial Manager

Both of Scottish Water, Castle House, 6 Castle Drive, Dunfermline, Fife, KY11 8GG

Lines of Evidence

The issues to be covered in the witness statements are as follows-

1. An explanation of the regulatory and commercial structure of the water industry in Scotland.
2. An explanation of the legislative obligations of Scottish Water.
3. An explanation of measures necessary to protect the continuity of water and waste water services.
4. An explanation of the potential risk to the integrity of Scottish Water's trunk water mains and waste water infrastructure and the measures needed to avoid interference and/or damage to the same.
5. An explanation of further indemnities and protection provisions included within legislation for equivalent proposals in England and Wales not currently included within the draft Bill and the necessity for their inclusion.

It is proposed in summary that the witnesses will address the above issues in the following manner in their statements.

Graham Martin - Items 1, 2, 3 and 4 above.

Alex Rae - Items 4 and 5

Scottish Water reserves the right to introduce any further specific related issues into its statements and the above is a generic statement of the areas to be covered only.

PROMOTER WITNESS LIST AND SUMMARY**Group 7:****Scottish Water L1-71****Issue : Provisional protection of Scottish Water's statutory apparatus**

Witness : **Tom Blackhall**, Utilities Manager, tie Limited.

Summary of Evidence (15 mins oral evidence)

- Provisional protection of statutory apparatus in line with the NRSW Act 1991
- Individual side agreement protecting Scottish Water and allowing tie to carry out necessary diversion of their statutory equipment to comply with provisional protection requirements.
- Single framework Contract for the diversion and protection of all public utilities
- Independent stray current paper on the minimal effects of stray current on statutory apparatus from tram or other sources.
- Stray current agreement

Availability : Not available Monday 29th of August 2005 for one week

GROUP 8 – OBJECTOR NO. 83**ROYAL MAIL GROUP PLC AND POST OFFICE LIMITED (“ROYAL MAIL”)****WITNESS LIST AND SUMMARY**

Witness name: Niall Gunn, J&E Shepherd, on behalf of Royal Mail

(1 hour's oral evidence)

1. Issues - general

1.1 Interference with statutory duties

- Royal Mail's duties and practices in relation to the delivery and collection of mail
- Royal Mail's duties and practices in relation to the delivery and collection of stock to Post Office counter premises
- Need for appropriate protection to provide for continued access to Royal Mail delivery offices and Post Office counter premises
- Need for avoidance, where practicable, of interference to such premises and to mail collections and deliveries
- Need for proper consultation procedures to be followed and advance warning given prior to the commencement of works
- Requirement for the promoter to indemnify Royal Mail for any expenses incurred in connection with the disruption to deliveries and collections, including to letterboxes and post boxes.
- Need for undertaking to allow for continued access to delivery offices and Post Office counter premises.
- Need for undertaking securing consultation in relation to the works that may affect mail collections and deliveries as far in advance as is practicable
- Need for undertaking to ensure reasonable steps are taken to minimise any disturbance arising to collections and deliveries.

1.2 Justification for amendments to incorporate these indemnities and undertakings.

McGrigors

Solicitors for Royal Mail Group plc and Post Office Limited

List of proposed amendments

Royal Mail Group plc and Post Office Limited ("Royal Mail")

- 1 Royal Mail propose that the Bill Committee consider amendments to the Bill to address the following issues:
 - 1.1 Agreement to withdraw objections

Royal Mail and the promoter are negotiating an Agreement and Undertaking to sufficiently protect Royal Mail's interests so as to allow them to withdraw their Objections to the Bill.

Should the promoter and Royal Mail enter into such an agreement, Royal Mail wish to propose an amendment to the Bill that the terms of that agreement shall be binding on the parties as if it were part of the Bill.

If the promoter does not reach an agreement with Royal Mail they would wish to propose an amendment to introduce an undertaking from the promoter to the effect that Royal Mail are entitled to take all reasonable steps required during and after construction of the tram line to enable them to carry out their duties and practices insofar as they relate to the delivery and collection of mail.

If the promoter does not reach an agreement with Royal Mail they would wish to propose an amendment to introduce an undertaking from the promoter to the effect that Royal Mail vehicular and pedestrian access shall remain available to affected roads, footpaths and streets during and after construction of the tramlines, and securing consultation in relation to the works which may affect mail collections and deliveries as far in advance as is practicable and ensuring reasonable steps are taken to minimise any disturbance arising to collections and deliveries.

If the promoter does not reach an agreement with Royal Mail they would wish to propose an amendment to introduce an undertaking from the promoter to indemnify Royal Mail for any expenses incurred in connection with any removal, storage, re-siting, return or substitution of a letterbox or postal pouchbox, any additional security costs and any extra collections and deliveries of mail necessary due to delays in collection times through interference to or stopping up of roads, footpaths and streets.

If the promoter does not reach an agreement with Royal Mail they would wish to propose an amendment to the Bill to the effect that the promoter shall undertake to maintain (at the promoter's sole expense) all services to Royal Mail's delivery offices and Post Office counter offices during construction and in perpetuity and further shall undertake to provide Royal Mail with the same servitude and other property rights as they enjoyed in relation to those sites before (and if) the Tram line is constructed.

1.2 Expenses

Royal Mail wish to propose an amendment to the Bill to the effect that the promoter shall undertake to meet all reasonable professional fees connected with their objection and participation in the parliamentary process. The consultation and notification processes have been inadequate. As a direct result of this and the lack of information provided subsequently, it is not reasonable for our clients to be forced to pay the fees of professionals they require to participate fully in the Parliamentary process and protect their property and operations from the potentially adverse effects of the Tram lines.

McGrigors

Solicitors for Royal Mail Group plc and Post Office Limited

PROMOTER WITNESS LIST AND SUMMARY

Group 8 :

Royal Mail Group plc and Post Office Limited L1-83

Issue : Provisional protection of Royal Mail's statutory apparatus

Witness : **Tom Blackhall**, Utilities Manager, tie Limited.

Summary of Evidence (15 mins oral evidence)

- Provisional protection of statutory apparatus in line with the NRSW Act 1991
- Individual side agreement to be developed protecting Royal Mail and allowing tie to carry out necessary diversion of statutory equipment in the vicinity of Royal Mail's apparatus to comply with provisional protection requirements as set out by NRSW Act 1991.

Availability : Not available Monday 29th of August 2005 for one week

GROUP 9 – OBJECTOR NO. 52

BAE SYSTEMS LTD

WITNESS LIST AND SUMMARY

Grp 9 - Obj No 32



Edinburgh Tram (Line One) Bill
 Consideration Stage
 Group 9: BAE SYSTEMS Avionics Ltd
 Lead Objector Witness Summary

RECEIVED IN THE
 PRIVATE BILL UNIT

21 APR 2005

SCOTTISH PARLIAMENT

Witness Name:

Euan Fraser Sim Pearson BA(Hons) BTP MRTPI MRICS FRGS

Title of Witness:

Chartered Surveyor and Chartered Town Planner, Associate Director of Atisreal Ltd.

Duration of Evidence:

45mins

Availability:

No current commitments.

(Committee Schedule to hear evidence 21/06/05 – 25/06/05 and 27/06/05 – 01/07/05)

Summary of Evidence:

The objection should be summarised as (and not as appears Committee paper ED1/S2/05/2):

“Loss of operational space (specifically parking) and that an alternative temporary works site is available.”

Plot 173 (proposed temporary works site) is part of operational land occupied by BAE SYSTEMS Avionics Ltd at its sole research & development site in Scotland. Plot 173 is located between its Phase 2 office complex and its Aerial Site (where research & radar testing takes place). Plot 173 contains 172 car parking spaces. These spaces will be lost if the proposal proceeds.

The loss of such a substantial amount of car parking, in a location not served by out-of-town bus routes and remote from any railway station, will have a significant impact on the workforce and, possibly, recruitment or employee retention.

The Promoter has suggested that the neighbouring site can accommodate the lost car parking spaces. It has been explained to the Promoter that that site is also in BAE SYSTEMS control and not available. It is currently the subject of a planning application for car parking to replace the 140 spaces lost by the permanent acquisition of Plot 174. This is to be used for a tram halt.

The Promoter has not thoroughly investigated the existence of replacement car park sites, in the vicinity. It has failed to identify a relocation destination. Although it is not the responsibility of BAE SYSTEMS to find an alternative, possible sites have been flagged up to the Promoter.

1

AtisReal

The Promoter has not demonstrated that no other alternative temporary works site exists. Although it is not the responsibility of BAE SYSTEMS to find an alternative, at least one was brought to the Promoter attention back in March 2004. This has not been properly or thoroughly investigated.

Amendments to the Bill:

The proposal to compulsorily acquire Plot 173, under Section 25 of the Draft Bill, should be abandoned. Instead the Promoter should use an adjacent site, in its ownership (Easter Drylaw Recreation Ground) or another site once a proper, thorough site search has been undertaken by the Promoter.

Euan PJ Pearson

20 April 2005

NB. Members of the Committee should recognise that this only a Summary and the Witness has the right to elaborate in any Witness Statement or Supplementary Witness Statement.

PROMOTER WITNESS LIST AND SUMMARY

Group 9 : BAE Systems Ltd L1-52

The promoter has not included a witness to speak to the consultation issues as it is understood that these were dealt with at the Preliminary Stage.

Issue : Temporary use of land termed “fire training ground”, which is owned by the objector, for the construction compound

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (10-15 mins oral evidence)

- Proposed use and access of allocated site
- Alternative parking provision being considered

Issue : Justification for temporary requirement of land – the objector believes alternative sites are available

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (10-15 mins oral evidence)

- Consideration of alternative sites proposed by objector – alternative sites are remote from required location

Issue : Compulsory acquisition of land

Witness Name : **Rahul Bijlani**, Lawyer, Bircham Dyson Bell

Summary of Evidence (5 mins oral evidence)

- Purpose and justification of the compulsory purchase powers

GROUP 10 – OBJECTOR NO. 113**FORTH PORTS PLC****WITNESS LIST AND SUMMARY**

Witness name (for all evidence): Terry Smith, Director, Forth Ports plc

(2 hours oral evidence)

Issues

1. Acquisition of land – use of compulsory powers where there are pre-existing voluntary agreements
 - Reasons for s.75 agreements in respect of the proposed use of land owned by Forth Ports in and around the harbours of Leith and Granton.
 - Extent of s.75 agreements
 - Application of s.75 agreements
 - Lack of reasons given by promoter as to why it requires to compulsorily acquire land beyond the s.75 agreements
 - Conflict between s.75 agreements and provisions of the Bill
 - Implications for Forth Ports if s.75 agreements not adhered to.
 - Justification for amendment to ensure s.75 agreements will be adhered to.
2. Access during construction
 - Current arrangements regarding difficulties that will be caused by construction. Requirement for suitable alternatives to be assured.
 - Current arrangements regarding pedestrian access, car access and parking to Forth Ports property and need for alternative arrangements to be assured.
 - Need for access for maintenance.
 - Need for access for emergency services.
 - Need for undertaking that access will be provided.
 - Need for sufficient notice periods for access and occupation of land.
 - Justification for amendments to ensure with certainty that access will be maintained
3. Access post construction
 - Need for undertaking by promoter in respect of Forth Ports' title conditions, servitude rights, responsibility for services and other property rights in any land acquired by the promoter.
 - Concerns about post construction access and possible change of traffic regulations causing further difficulties.
 - Possible effect of traffic measures on access and 'knock on' effect of alternatives.
 - Requirement for access to property which may necessitate turning off power to trams
 - Requirement for such operations to be made free of any charge or fee.
 - Justification for amendments to ensure with certainty that access and servitude rights will be maintained.
4. Specific property issues

4.1 Bridges at Ocean Drive

- Tram access to bridges will increase burden on Forth Ports as owner of the bridges
- Need for promoter to acquire the whole of the structure of the bridges
- Need for undertaking from the promoter to acquire all liability should the promoter acquire the property.

4.2 Walkway at Starbank/ Sea Defences

- Construction of cantilever walkway may interfere with sea wall and sea defences.
- Need for undertaking from the promoter to acquire responsibility for sea defences along the length of the sea wall.

McGrigors
Princes Exchange

List of proposed amendments

1. Forth Ports propose that the Bill Committee consider amendments to the Bill to address the following issues:

1.1 Access

The Bill gives the Authorised Undertaker powers to stop up roads on a permanent and temporary basis. Forth Ports own land that abuts roads that the authorised undertaker plans both to permanently, and temporarily, stop up. They take access to their property over these roads and through this land.

When the Authorised Undertaker seeks to permanently stop up a road it requires the consent of the owner of land abutting the road (s.6). The Authorised Undertaker is required to consult the road works authority with regard to the temporary stopping up of roads, but is not required to obtain the consent of neighbouring land owners. (s.7). The temporary stopping up of roads may cause Forth Ports as significant logistical issues as their permanent closure.

Forth Ports wish to propose an amendment to the Bill to require the Authorised Undertaker to obtain the consent of the owner of land abutting any road that may be temporarily stopped up.

The Bill gives the Authorised Undertaker powers to enter onto land to survey or investigate it (s.19). The Undertaker is required to give owners and occupiers of that land notice of their intention to enter onto it. The proposed tram route passes across land owned by Forth Ports where there is considerable activity. To facilitate the entry of the Authorised Undertaker Forth Ports will require sufficient time to prepare the sites in question.

Forth Ports wish to propose an amendment to the Bill to require the Authorised Undertaker to give the owner of land over which they wish to exercise their s.19 powers at least 21 days notice in the first instance, and 10 days notice on all subsequent occasions.

In terms of the Bill the Authorised Undertaker is permitted to use land for the construction of works (s.25). He may enter on and take temporary possession of this land. The Authorised Undertaker has intimated that it intends to take temporary possession of land owned by Forth Ports. It has not undertaken to maintain all access and services to this

land during construction of the works, nor that any temporary possession of such land will not impede Forth Ports in its operations.

Forth Ports wish to propose an amendment to the Bill to require the Authorised Undertaker to give Forth Ports at least 90 days notice of its intention to enter on and take possession of property owned or used by Forth Ports, to enable Forth Ports to carry out its operations and meet its obligations to its staff and customers.

Forth Ports wish to propose an amendment to the Bill to require the Authorised Undertaker to remove from property owned or used by Forth Ports within 3 months of the completion of any works, to enable Forth Ports to carry out its operations and meet its obligations to its staff and customers.

In terms of the Bill the Authorised Undertaker is permitted to use land for the purpose of maintaining the works (s.26). He may enter on and take temporary possession of this land.

Forth Ports wish to propose an amendment to the Bill to require the Authorised Undertaker to give Forth Ports at least 90 days notice of its intention to enter on and take possession of property owned or used by Forth Ports, to enable Forth Ports to carry out its operations and meet its obligations to its staff and customers.

Forth Ports require access to their property for purposes including maintenance. Where this property is located in proximity to the tramline such access may require power to be switched off, and that the overhead power cables do not pose a risk of electric shock. Provided that such access can be managed so as to facilitate the operation of the trams the Promoter or operator of the trams should not be able to levy a charge or fee for any such turning off of power.

Forth Ports wish to propose an amendment to the Bill such that no fee or charge may be levied from the owner or occupier of land where such owner or occupier requires access to their property and that such access requires the turning off of power to the trams; provided that sufficient notice is given to the promoter or tram operator of such access.

1.2 Acquisition of land and rights in land

Forth Ports and the promoter of this Bill entered into agreements under s.75 of the Town & Country Planning (Scotland) Act 1997 in respect of the proposed use of land owned by Forth Ports in and around the harbours of Leith and Granton. These agreements were entered into in contemplation of the construction of tramlines through this land. In the Agreements Forth Ports undertook to make available, either by transfer of title or by grant of the appropriate servitude rights, to the promoter certain land along the proposed tram route.

Both parties entered into the Agreements voluntarily. They set out the promoter's entitlement to occupy the land. Forth Ports is concerned that the extent of the promoter's rights to occupy land for the purposes of the Bill go beyond what has been agreed with it. If the Agreements are not adhered to Forth Ports will be adversely affected in the exercise of its business operations by the provisions of the Bill.

Forth Ports wish to propose an amendment to the Bill to restrict the rights of the Authorised Undertaker to acquire land and rights in land to those areas of land identified in the relevant s.75 Agreements.

1.3 Agreement to withdraw objections

Forth Ports and the promoter are negotiating an Agreement and Undertaking to sufficiently protect Forth Ports' interests so as to allow them to withdraw their Objections to the Bill.

Should the promoter and Forth Ports enter into such an agreement, Forth Ports wish to propose an amendment to the Bill that the terms of that agreement shall be binding on the parties as if it were part of the Bill.

If the promoter does not reach an agreement with Forth Ports they would wish to propose an amendment to introduce an undertaking from the promoter to the effect that Forth Ports are entitled to take all reasonable steps required during and after construction of the tram line to maintain their property in respect of areas acquired for purposes ancillary to the tram.

If the promoter does not reach an agreement with Forth Ports they would wish to propose an amendment to the Bill to the effect that the promoter shall undertake to maintain (at the promoter's sole expense) all services to Forth Ports' land during construction and in perpetuity and further shall undertake to provide Forth Ports with the same servitude and other property rights as they enjoyed over the land before (and if) the Tram line is constructed.

1.4 Expenses

Forth Ports wish to propose an amendment to the Bill to the effect that the promoter shall undertake to meet all reasonable professional fees connected with their objection and participation in the parliamentary process. The consultation and notification processes have been inadequate. As a direct result of this and the lack of information provided subsequently, it is not reasonable for our clients to be forced to pay the fees of professionals they require to participate fully in the Parliamentary process and protect their property and operations from the potentially adverse effects of the Tram lines.

McGrigors
Solicitors for Forth Ports plc

PROMOTER WITNESS LIST AND SUMMARY

Group 10 : **Forth Ports L1-113**

The promoter has not included a witness to speak to the notification issues as it is understood that this was dealt with at the Preliminary Stage.

Issue : Extent of land required and justification

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Alignment proposals and associated limits of deviation
- Proposals for land take post construction
- Technical agreements
- Section 75 agreements

Witness Name : **Stuart Turnbull**, Technical Expert, Jacob Babbie

Summary of Evidence (5-10 mins oral evidence)

- Highway layout and traffic movement

Issue : The Port security issues

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Tram runs through area of Port identified in Local Plan for residential, commercial and leisure development

Issue : Liability for bridge at Ocean Drive

Witness Name : **Kevin Murray**, Project Manager, tie Limited

Summary of Evidence (5-10 mins oral evidence)

- need to acquire the bridge
- maintenance issues
- adoption of the bridge

Availability : Potentially unavailable on 27 June and 04-15 July 2005

Issue : Perceived conflict of proposals at Starbank/Lower Granton Road with the responsibility to maintain sea defences

Witness Name : **Gary Turner**, Divisional Director, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Structures proposals (walkway and sea wall)
- Access for maintenance

Issue : Title to land required for works

Witness Name : **Rahul Bijlani**, Lawyer, Birchman Dyson Bell

Summary of Evidence (5 mins oral evidence)

- Purpose and justification of the compulsory purchase powers

GROUP 11 – OBJECTOR NO. 138**TRANSCO PLC****Cover letter from John Kennedy & Co, Parliamentary Agents incorporated with Winckworth Sherwood**

We represent Transco plc in connection with their objection to the Bill.

Please find attached, for submission with the Scottish Parliament today, Transco's witness summary in relation to their objection.

WITNESS LIST AND SUMMARY

Issue: Relevant background to Gas Industry

Witness name: Allan Ross, Network Planning Manager, Transco

Summary of Evidence (5 minutes oral evidence):

- Regulatory and commercial structure of gas industry in Great Britain

Issue: Relevant legislative background to Transco

Witness name: Allan Ross, Network Planning Manager, Transco

Summary of Evidence (5 minutes oral evidence):

- Legislative and licence obligations of Transco plc

Issue: Supply of gas

Witness name: Allan Ross, Network Planning Manager, Transco

Summary of Evidence (5 minutes oral evidence):

- Protection of continuity of supply of gas
- Measures required for protection of continuity of supply of gas

Issue: Interference with apparatus under the Edinburgh Tram (Line One) Bill

Witness name: Allan Ross, Network Planning Manager, Transco

Summary of Evidence (30 minutes oral evidence):

- Potential risk to integrity of local distribution supply (LDS)
- Measures required to avoid interference with LDS

Witness name: James Thomson, Technical Engineer, Transco

Summary of Evidence (15 minutes oral evidence):

- Potential risk to integrity of local transmission supply (LTS)
- Measures required to avoid interference with LTS

PROMOTER WITNESS LIST AND SUMMARY

Group 11 :

Transco plc L1-138

Issue : Provisional protection of statutory apparatus

Witness : Tom Blackhall, Utilities Manager, tie Limited.

Summary of Evidence (15 mins oral evidence)

- Provisional protection of statutory apparatus in line with the NRSW Act 1991
- Individual side agreement protecting Transco and allowing tie to carry out necessary diversion of their statutory equipment to comply with provisional protection requirements as set out by Transco.
- Single framework Contract for the diversion and protection of all public Utilities
- Independent stray current paper on the minimal effects of stray current on statutory apparatus from tram or other sources.
- Stray current agreement

Availability : Not available Monday 29th of August 2005 for one week

GROUP 12 – OBJECTOR NO. 197**EDINBURGH AND LOTHIAN BADGER GROUP****WITNESS LIST AND SUMMARY**

Issue :- Adverse effect on Badgers

Witness Name: Patricia Alderson, Edinburgh Coordinator, Edinburgh and Lothians Badger Group

Summary of Evidence (30 min Oral evidence)

- Implications of March 2005 badger surveys including bait marking study and road traffic accidents.
- Promoter's lack of surveys to assess badger activity away from the Roseburn Corridor and dependence on it for foraging.
- Effect of tram construction on resident badgers.
- Absolute necessity for mitigation- Fencing and other methods.(There is agreement with the promoter for the principle of mitigation)
- Location of artificial sett.

Witness Name:-Ian Hutchison, Development officer, Scottish Badgers

Summary of Evidence (30 mins oral evidence)

- Problems arising from Parliamentary Bill overriding SNH as licensing authority
- Best practice for mitigating for badgers and other wildlife affected by transport and other developments.
- Location of Artificial sett

PROPOSED AMENDMENT TO BILL (2)

In order to avoid the Roseburn Corridor and provide a stop at the Western General hospital the tram should be routed along roads rather than the cycle/walkway.

Proposed Amendment to Section 1

The tramlines should go along Telford Road providing a stop at the Western General hospital, Groathill Avenue with a stop at the Craiglieth Shopping centre, Queensferry Road, Queensferry Terrace, Belford Road and Palmerston Place.

Proposed Amendment to Part 1 Section 1 (3)**Introduction**

There is no mention in the act of any requirement by the authorised undertaker to carry out works to mitigate against any adverse impact the project, during the construction or operating phases, may cause to fauna and flora within the proposed route.

We would therefore amend the Act: -

After section 1(3) insert section 1(3)(2) to read

The authorised undertaker shall carry out works and provide mitigation to ensure that the fauna and flora affected by the scheduled works is protected both during the construction and operating stages of the tram line. Such mitigation to include appropriate fencing and underpasses or other such mitigation as deemed necessary as a result of any environmental statement or recommendation made by a statutory authority.

As a result section 1(3) should be renumbered 1 (3)(1)

PROMOTER WITNESS LIST AND SUMMARY

Group 12 :

Edinburgh & Lothian Badger Group L1-197

Issue : Impacts on Roseburn Wildlife Corridor and Badgers

Witness Name : **Andy Coates**, Principal Consultant, ERM.

Summary of Evidence (20-30 mins oral evidence)

- Review of work undertaken since ES and consultations with ELBG and other parties
- Roseburn Corridor as a Wildlife Corridor
- Current badger activity in Roseburn Corridor
- Predicted effects of the ETL1 proposals on the Wildlife Corridor and especially badgers during construction and operation
- Current proposals for mitigation along the Wildlife Corridor
- Further work to be completed during design and prior to construction

Availability - Not Available 23rd-27th May inclusive.

Issue : Impacts on Green Space and Amenity Value of Roseburn Corridor.

Witness Name : **Karen Raymond**, Principal Partner, ERM.

Summary of Evidence (10-15 mins oral evidence)

- Amenity of the corridor for local residents, users and the wider city
- Design and construction of the works to minimise impact on the amenity of the corridor

Issue : Selection of the route along the Roseburn Corridor

Witness Name : **Karen Raymond**, Principal Partner, ERM

Summary of Evidence (10-15 mins oral evidence)

- Environmental input to appraisal of Roseburn Corridor and Telford Road options
- Findings of environmental appraisal of Roseburn Corridor and Telford Road options

Availability – Not available 18-19 May; 18-21 July; 25 July – 8 Aug.

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (15-20 mins oral evidence)

- Route Selection optioneering and appraisals

Witness Name : **Barry Cross**, Project Director, tie Limited

Summary of Evidence (10-15 mins oral evidence)

- Public consultation process
- Input and decision making of the Council

Witness Name : **Stuart Turnbull**, Technical Expert, Jacob Babbie

Summary of Evidence (5-10 mins oral evidence)

- Highways and traffic impacts

Witness Name : **Mark Bain**, Technical Expert (Alignment), Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Alignment considerations

Witness Name : **Neil Harper**, Cost Consultation, Brian Hannaby & Associates

Summary of Evidence (5-10 mins oral evidence)

- Capital costing

Witness Name : **Les Buckman/Leo Elyes**, Technical Expert, Steer Davies & Gleave (subject to availability)

Summary of Evidence (5-10 mins oral evidence)

- Patronage/journey time

Availability : Les Buckman unavailable for month of June.

Witness Name : **Aileen Grant**, Principal Planner, Planning and Strategy, City Development Department, The City of Edinburgh Council

Summary of Evidence (10 mins oral evidence)

- Input and decision making of the planning committee

Issue : Lay double track instead of single

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Operational effects of single track running
- Justification for double track

GROUP 13 – OBJECTION NO. 204

SCOTTISH NATURAL HERITAGE

WITNESS LIST AND SUMMARY

Firth of Forth SSSI and Special Protection Area (SPA); Firth of Forth Site of Special Scientific Interest (SSSI): geological interest at Wardie Bay; effects of Works 12 on badgers.

WITNESS NAMES

Ms Ruth Briggs, Area Manager for Forth & Borders, SNH, Dalkeith. Scope of SNH's concerns. Summary of Evidence (10 minutes oral evidence)

- SNH's role and remit, and support, in principle, for this project.
- The obligations of the Conservation (Natural Habitats &c) Regulations 1994, the Wildlife & Countryside Act 1981 and the Nature Conservation (Scotland) Act 2004.
- Insufficient detail on the proposal making it impossible to identify and assess the principal adverse impacts to the most important and sensitive aspects of the natural heritage that may be effected by this proposal.
- Consequently, it is impossible to identify at this stage if amendments to the Bill are necessary, and, if necessary, the exact nature of the amendments required.
- Dialogue between SNH, the Promoter and the Promoter's agents is ongoing, but without certainty and without exact necessary amendments, SNH cannot remove its objections.

Mr Lachlan Lamont, Area Officer Natura for Forth & Borders, SNH, Dalkeith. Impacts to Special Protection Area.

Summary of Evidence (10 minutes oral evidence)

- The Conservation (Natural Habitats &c) Regulations 1994 setting the context for the designation of the Firth of Forth SPA.
- The features of the Firth of Forth that qualify it for designation as a SPA.
- Where and why Tram Line 1 may threaten the qualifying interests and the integrity of the SPA.
- Outstanding detail on the proposal that the Promoter must provide, as well as an assessment of the potential impacts of these details, to allow the Parliament to decide whether or not they can ascertain that the construction and operation of the Tramway will not adversely affect the integrity of the site.
- If necessary, the likely scope or type of amendment.

Ms Carolyn Clark, Area Officer, SNH, Dalkeith. Impacts to Firth of Forth geological SSSI and habitat/amenity issues at Roseburn corridor.

Summary of Evidence (10 minutes oral evidence)

- The Wildlife & Countryside Act 1981 and Nature Conservation (Act) Scotland 2004. Protection offered to geological SSSIs
- Why Wardie Bay qualifies as a geological SSSI.
- Potential impacts to the geological SSSI.
- The requirement for a landscape and habitat management plan covering the Roseburn corridor.
- Proposed amendments to the Bill relevant to these issues.

Mr John Ralston, Advisory Officer, SNH, Edinburgh. Impacts to badgers from Works 12.

Summary of Evidence (10 minutes oral evidence)

- The Protection of Badgers Act (1992). Relevance to Works 12, the Roseburn Corridor.
- Outstanding information necessary to secure an amendment to the Bill to mitigate/compensate for disturbance to badgers.
- The likely scope or type of amendment to the Bill to secure compensation for disturbance.

REQUESTED AMENDMENTS TO THE BILL

I refer to your letter to Scottish Natural Heritage (SNH) of 15 March 2005 and to the Objectors Meeting held on 5 April 2005. As requested, I am writing to provide SNH's list of witnesses and witness summaries when giving evidence to the Committee, and to give an indication of the amendments which we consider may be required to the Bill.

SNH's Current Objections to the Bill

In our letter to the Committee of 29 March 2004, we objected to the Bill because of potential impacts to three aspects of the natural heritage:

- The internationally important bird populations of the Firth of Forth Special Protection Area (SPA).
- The geological interest in the Firth of Forth Site of Special Scientific Interest (SSSI).
- The badger population and wider habitat and amenity value of the Roseburn corridor.

We look to the Promoter to demonstrate that there will be no significant impacts on the natural heritage and that the proposals will not adversely affect the integrity of the SPA, or to propose amendments to the Bill that will overcome part or all of our objection. It is necessary that all the requirements of European and national environmental legislation are met, and that, where appropriate, guarantees of environmental mitigation are in place and incorporated as amendments into the Bill, before SNH could remove our objection.

This will require further information to be provided by the Promoter including further analysis of important aspects of the natural heritage along the tram line route, and details

of design, construction and maintenance at points where there is likely to be an impact on natural heritage interests.

As that further information is not yet available, we are not currently in a position to give final advice to the Committee.

1. Firth of Forth Special Protection Area (SPA)

SNH has previously advised the Committee that the construction of the walkway at Starbank could impact on roosting birds in parts of the intertidal area within the Special Protection Area (SPA). We have also advised the Committee that construction and subsequent daily use of the walkway could disturb feeding or roosting birds over a wider part of the intertidal area. It is therefore our opinion that such disturbance is likely to have a significant effect on the SPA. The Scottish Parliament, as the 'Competent Authority', is therefore required to undertake an appropriate assessment according to the provisions of Scottish Executive Revised Circular 6/1995 (June 2000) and the Conservation (Natural Habitats, &c.) Regulations 1994, the "Habitats Regulations".

A bird study, *the Starbank Foreshore Bird Survey*, has been undertaken by the Promoter. This has recently been submitted to us in order that we can advise the Committee. However, further information is required on the spatial distribution of bird populations within the section affected by the walkway and on the design, construction and long-term maintenance of the walkway. An assessment of both sets of information (bird survey data and construction & maintenance plans) will determine whether the appropriate assessment can conclude: (i) that there will be no adverse impacts on the integrity of the SPA; or, (ii) that there will be no such adverse impacts if certain amendments are made; or, (iii) there will be such adverse impacts which cannot be overcome.

Proposed amendment

Subject to the outcome of the appropriate assessment, an amendment or amendments may be required to prevent adverse impacts on the integrity of the SPA.

2. Firth of Forth Site of Special Scientific Interest (SSSI): Geological interest

SNH has advised the Committee of the potential for the construction of the walkway at Starbank, including access and future maintenance, to affect the geological (fossil) interest of the Firth of Forth SSSI at Wardie Shore/Starbank. The Promoter understands the need to avoid vehicular access, construction and maintenance activities in the area of geological interest. Existing plans for the proposed development avoid the area of interest. It is important, however, that measures are in place to ensure that these plans cannot subsequently be changed in a way which would damage the SSSI. In the meantime, SNH must maintain its objection.

Proposed amendment

A proposed amendment to the Bill which would ensure that all access, construction and future maintenance of the walkway occurs outwith the limits of the SSSI's geological interest. We recommend that the Bill refers to an agreed plan and method statement

which clearly delineates the area of SSSI interest and the approved area for construction and maintenance of the project. Such an amendment would allow us to remove the part of our objection based on the geological SSSI.

3. Roseburn rail corridor

It is acknowledged within the Promoter's Environmental Statement (ES) that there will be significant detrimental effects in this corridor, in terms of species, habitats and amenity value. SNH has drawn particular attention to the following.

3.1 Badgers

Badgers are protected under the Protection of Badgers Act 1992. There will be significant effects and disturbance on the badger populations in the corridor. There is insufficient detail in the ES, however, to determine the exact extent of these effects and therefore what mitigation is required.

To date, a badger survey and bait-marking exercise has been undertaken to help inform badger mitigation required in the corridor. We have yet to receive the final results of this. The Promoter intends to draw up a badger mitigation plan based on the findings of this work. Mitigation which we have discussed with the Promoter includes the creation of artificial setts and crossing points. However, plans for this mitigation, which could form an amendment to the Bill, have not yet been provided. We are not therefore able to remove this part of our objection at this stage.

Proposed amendment

A detailed mitigation plan in a form agreed by SNH as a suitable amendment to the Bill.

Under most circumstances, activities likely to cause harm, damage or disturbance to a badger or its sett would require a licence from SNH under the terms of the Protection of Badgers Act 1992. It is for the Parliamentary Committee and their legal advisors to determine whether an amendment to the proposed Bill can exclude the need for such a licence.

3.2 Habitat

As the habitat of a protected species, as well as an area of nature conservation and amenity value in a built-up area, SNH has advised that there will be a significant effect on the habitats (primarily hedgerows and trees) and amenity value of the corridor. The Promoter is currently preparing a landscape and habitat management plan to address these issues and set out the proposed mitigation, e.g. planting for habitat creation, screening, etc. This should be co-ordinated with the badger mitigation plan. Two sections of the plan have been completed to date and submitted to us for comment.

Proposed amendment

A detailed landscape and habitat management plan in a form agreed by SNH as a suitable amendment to the Bill.

PROMOTER WITNESS LIST AND SUMMARY

Group 13 : Scottish Natural Heritage L1-204

Issue : Starbank Road and Firth of Forth

Witness Name : **Andy Coates**, Principal Consultant, ERM

Summary of Evidence (20-30 mins oral evidence)

- Interests of Firth of Forth SPA/Ramsar/SSSI and Wardie Bay SSSI
- Ornithological interest of the coast along Starbank Road
- Predicted effects of ETL1 on the designated sites
- Mitigation measures proposed along Starbank Road
- Measures to minimise risks of contamination of the Firth of Forth during construction and operation

Availability : Not available 23rd-27th May inclusive.

Witness Name : **Gary Turner**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Structural solutions and implementation currently proposed for walkway
- Development of method statements

Witness Name : **Scott McIntosh**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- The Code of Construction Practice

Issue : Mitigation of Impacts on the Roseburn Wildlife Corridor and Protected Species

Witness Name : **Andy Coates**, Principal Consultant, ERM

Summary of Evidence (20-30 mins oral evidence)

- Review of work undertaken since ES and consultations with SNH and other parties
- Roseburn Corridor as a Wildlife Corridor
- Current badger activity in Roseburn Corridor
- Predicted effects of the ETL1 proposals on the Wildlife Corridor and especially badgers during construction and operation
- Other protected species interest along the Roseburn Corridor
- Effects of the ETL1 proposals on other protected species

- Current proposals for landscaping and ecological mitigation along the Wildlife Corridor
- Further work to be completed during design and prior to construction

Availability - Not available 23rd-27th May inclusive.

Issue : Access and Severance

Witness Name : **Karen Raymond**, Principal Partner, ERM.

Summary of Evidence (10-15 mins oral evidence)

- Access and recreational use of the corridor
- Design of the works to minimise impact on access to and amenity of the corridor for pedestrians and cyclists

Availability – Not available 18-19 May; 18-21 July; 25 July – 8 Aug.

Witness Name : **Scott McIntosh**, Divisional Director, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction
- Proposals during construction of the tram works
- Proposals for continued access post tram

Issue : Selection of the route along the Roseburn Corridor

Witness Name : **Karen Raymond**, Principal Partner, ERM

Summary of Evidence (15 mins oral evidence)

- Environmental input to appraisal of Roseburn Corridor and Telford Road options
- Findings of environmental appraisal of Roseburn Corridor and Telford Road options

Availability – Not available 18-19 May; 18-21 July; 25 July – 8 Aug.

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (15-20 mins oral evidence)

- Route Selection optioneering and appraisals

Witness Name : **Barry Cross**, Project Director, tie Limited

Summary of Evidence (2 mins oral evidence)

- Public consultation process
- Input and decision making of the Council

Witness Name : **Stuart Turnbull**, Technical Expert, Jacob Babbie

Summary of Evidence (5-10 mins oral evidence)

- Highways and traffic impacts

Witness Name : **Mark Bain**, Technical Expert (Alignment), Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Alignment considerations

Witness Name : **Neil Harper**, Cost Consultation, Brian Hannaby & Associates

Summary of Evidence (5-10 mins oral evidence)

- Capital costing

Witness Name : **Les Buckman/Leo Eyles**, Technical Expert, Steer Davies & Gleave (subject to availability)

Summary of Evidence (5-10 mins oral evidence)

- Patronage and journey time

Availability : Les Buckman unavailable for month of June.

Witness Name : **Aileen Grant**, Principal Planner, Planning and Strategy, City Development Department, The City of Edinburgh Council

Summary of Evidence (10 mins oral evidence)

- Input and decision making of the planning committee

GROUP 14 – OBJECTOR NO. 211**HISTORIC SCOTLAND****WITNESS LIST AND SUMMARY**

For each of the following issues HS will substantially rest on evidence already provided at Preliminary Stage, but will update and augment it as necessary in the light of subsequent discussions with the promoter

Issue: Section 69, disapplication of the Ancient Monuments and Archaeological Areas Act 1979

Witness Name: Lily Linge, Historic Scotland, Head of Heritage Planning

Summary of Evidence (10 minutes oral evidence)

- Impacts, as currently understood, of tram line one on party of Victoria Swing Bridge, a Scheduled Monument
- Uncertainty over whether scheduled monument consent(SMC) will be required for any specific works
- The need for detail and certainty in the case of SMC
- Details of a procedure for dealing with the issue of SMC outwith the Bill which will give sufficient comfort to both the promoter that they will be able to undertake any works which are strictly necessary, and to Historic Scotland that the effect of those works on the monument can be appropriately controlled

Amendment sought

- Removal of Section 69 from the Bill

Issue: The Design Manual

Witness Name: Nick Haynes, Historic Scotland, Inspector of Historic Buildings

Summary of Evidence (15 Minutes oral evidence)

- outstanding quality of Edinburgh's townscape, recognised for its universal value by its inscription as a World Heritage Site
- impact of tram and scope for mitigation
- status and enforceability of draft Design Manual

Amendment sought

Appropriate measure(s) to secure a clear, formal status for the Design Manual, linked into the Bill, to ensure its provisions carry due weight, and are enforceable, throughout the detailed planning, procurement and construction processes

Issue: Lack of sufficient information in the Environmental Statement on the precise form of the tram to allow a full assessment of its actual impact on the historic environment

Witness Name: Lily Linge, Historic Scotland, Head of Heritage Planning

Summary of Evidence (10 Minutes oral evidence)

- The role of EIA
- The indicative nature of the current assessment of the actual form of the tram system as opposed to its route
- The need to review the actual impacts of the emerging tram design

Amendment sought

- A formal role for Historic Scotland within the process of tram design development, particularly where it passes through the World Heritage Site
- A mechanism for reviewing the environmental impact of the emerging design to ensure that actual impacts are within the parameters of those reported in the Environmental Statement and that adverse impacts on the historic environment are mitigated as far as possible.

PROMOTER WITNESS LIST AND SUMMARY

Group 14 :
Historic Scotland L1-211

Issue : Tram Design Manual/Safeguarding the World Heritage Site

Witness Name : **Aileen M Grant**, Principal Planner, Planning and Strategy, City Development Department, The City of Edinburgh Council

Summary of Evidence (20-30 mins oral evidence)

- Tram Design Manual – Background and reasons for preparing a Tram Design Manual.
- What the Design Manual is and what it seeks to achieve with reference to quality of design. How it is envisaged that the Design manual will achieve this with reference to influencing design work, procurement, and the “prior approval” process.
- The scope of the Design Manual – strategy and detailed content
- How the Design Manual was prepared. A brief description of the joint working arrangements with tie, Historic Scotland, Edinburgh World Heritage Trust, the report to Planning Committee in November 2003, the subsequent consultation, the report back to Planning Committee in February 2004, the subsequent amendments to the document and placement of the draft in libraries to sit with the other Tram documents.

- The current work programme to update and improve the Design Manual to make it ready for a wider public consultation exercise with a view to finalising it as supplementary planning guidance
- Reference may be made to other ongoing and related planning work such as the Tram Public Realm Strategy, Leith Public Realm Strategy, Haymarket Master Planning, all of which are at preparatory stages.

Availability : Not available 2th to 23rd May and on 30th May.

Witness Name : **Karen Raymond**, Principal Partner, ERM

Summary of Evidence (15-20 mins oral evidence)

- Reference to City Development Department evidence regarding the purpose and current position and future plans for the Design Manual
- The role and function of the proposed Design Working Group in providing a mechanism for early consultation on design matters in the World Heritage Site
- Status of discussions with Historic Scotland regarding their position with respect to the Design Manual and participation in the Design Working Group

Availability : not available 18-19 May; 18-21 July; 25 July – 8 Aug.

Issue : Section 69(2) of the Bill dis-applying Section 2 of the Ancient Monuments and Archaeological Areas Act 1979 (Scheduled Monument Consent)

Witness Name : **Karen Raymond**, Principal Partner, ERM

Summary of Evidence (15-20 mins oral evidence)

- The Victoria Swing Bridge Scheduled Monument and its relationship to the Tram proposals
- The current position re potential requirement for Scheduled Monument Consent in the absence of Section 69(2) of the Bill
- Status of discussions with Historic Scotland

Availability : not available 18-19 May; 18-21 July; 25 July – 8 Aug.

Witness Name : **Gary Turner**, Divisional Director, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Work requirements to structures in updated SAM

Issue : Other aspects of Section 69 of the Bill referring to other provisions of the Ancient Monuments and Archaeological Areas Act 1979

Witness Name : **Raymond McMaster**, Senior Planner, Dundas & Wilson

Summary of Evidence (15-20 mins oral evidence)

- Purpose and justification of the provisions of Section 69, other than subsection (2)
- Status of discussions with Historic Scotland

GROUP NO 15

OBJECTOR NO. 112 – OCEAN TERMINAL LTD (LEAD OBJECTOR)
OBJECTOR NO. 137 - DEBENHAMS PROPERTIES LTD
OBJECTOR NO. 139 – ARCADIA GROUP LTD
OBJECTOR NO. 146 – BHS LTD

WITNESS LIST AND SUMMARY

Ocean Terminal Ltd (Lead Objector)

Witness name: Terry Smith, Director, Ocean Terminal Ltd

(1 hour oral evidence)

1. Issues

1.1 Access during construction

- Current arrangements regarding difficulties that will be caused by construction. Requirement for suitable alternatives to be assured.
- Current arrangements regarding pedestrian access, car access and parking to Ocean Terminal property and need for alternative arrangements to be assured.
- Current arrangements for escape routes and assembly points and need for alternative arrangements to be assured.
- Need for access for maintenance.
- Need for access for emergency services.
- Current arrangements for deliveries
- Difficulties posed by alternative arrangements
- Assessment of space that will be required for adequate access for deliveries/ pedestrians/ cars/ maintenance and escape routes/ assembly points of building during construction.
- Need for structured programme of works to reflect Ocean Terminal's business cycle.
- Need for undertaking that access will be provided.
- Need for sufficient notice periods for access and occupation of land.
- Justification for amendment to ensure with certainty that access will be maintained.

2. Access post construction

- Need for undertaking by promoter in respect of Ocean Terminal's title conditions, servitude rights, responsibility for services and other property rights in any land acquired by the promoter.
- Concerns about post construction access and possible change of traffic regulations causing further difficulties.
- Concerns about post construction access in respect of any requirement to turn off the power to the tram overhead cables.
- Requirement for such access and operations to be made free of any charge or fee.
- Current position regarding deliveries and inadequacy of post construction alternatives.

- Possible effect of traffic measures on access and 'knock on' effect of alternatives.
- Justification for amendment to ensure with certainty that access and servitude rights will be maintained.

3. Loss of Amenity and Impact on the Fabric of Ocean Terminal

- Assessment of impact work will have on building in terms of loss of landscaped areas and gardens
- Assessment of impact work will have on fabric of Ocean Terminal building
- Assessment of how structure of Ocean Terminal may be affected
- Impact of construction works on tenants' quiet enjoyment of their premises
- Impact of construction works on tenants' business operations
- Adequacy of mitigation measures
- Requirement to relocate and maintain the Marine Memorial
- Need for undertaking that quality of materials used in the new public realm will be of no less standard than those currently in place.
- Justification for amendment to ensure that quality of materials used in the new public realm will be of no less standard than those currently in place.

Health and Safety

- Impact of construction works on Ocean Terminal
- Impact of health and safety regulations on access to and operation of Ocean Terminal
- Consequence of Ocean Terminal being a "hard hat" area
- Consequence for Ocean Terminal, its employees and customers of works traffic
- Need for a full health and safety assessment
- Impact on Ocean Terminal's duties and practices in terms of fire safety
- Consequences for fire safety and evacuation procedures and fire drills at Ocean Terminal.

McGrigors

Solicitors for Ocean Terminal Ltd

List of proposed amendments

1. Ocean Terminal Ltd propose that the Bill Committee consider amendments to the Bill to address the following issues:

1.1 Access

The Bill gives the Authorised Undertaker powers to stop up roads on a permanent and temporary basis. Ocean Terminal Ltd own land that abuts roads that the authorised undertaker plans both to permanently, and temporarily, stop up. They take access to their property over these roads and through this land.

When the Authorised Undertaker seeks to permanently stop up a road it requires the consent of the owner of land abutting the road (s.6). The Authorised Undertaker is required to consult the road works authority with regard to the temporary stopping up of roads, but is not required to obtain the consent of neighbouring land owners. (s.7). The temporary stopping up of roads may cause Ocean Terminal Ltd as significant logistical issues as their permanent closure.

Ocean Terminal Ltd wish to propose an amendment to the Bill to require the Authorised Undertaker to obtain the consent of the owner of land abutting any road that may be temporarily stopped up.

The Bill gives the Authorised Undertaker powers to enter onto land to survey or investigate it (s.19). The Undertaker is required to give owners and occupiers of that land notice of their intention to enter onto it. The proposed tram route passes across land owned by Ocean Terminal Ltd where there is considerable activity. To facilitate the entry of the Authorised Undertaker Ocean Terminal Ltd will require sufficient time to prepare the sites in question.

Ocean Terminal Ltd wish to propose an amendment to the Bill to require the Authorised Undertaker to give the owner of land over which they wish to exercise their s.19 powers at least 21 days notice in the first instance, and 10 days notice on all subsequent occasions.

In terms of the Bill the Authorised Undertaker is permitted to use land for the construction of works (s.25). He may enter on and take temporary possession of this land. The Authorised Undertaker has intimated that it may take temporary possession of land owned by Ocean Terminal Ltd. It has not undertaken to maintain all access and services to this land during construction of the works, nor that any temporary possession of such land will not impede Ocean Terminal Ltd in its operations.

Ocean Terminal Ltd wish to propose an amendment to the Bill to require the Authorised Undertaker to give Ocean Terminal Ltd at least 90 days notice of its intention to enter on and take possession of property owned or used by Ocean Terminal Ltd, to enable Ocean Terminal Ltd to carry out its operations and meet its obligations to its tenant, staff and customers.

Ocean Terminal Ltd wish to propose an amendment to the Bill to require the Authorised Undertaker to remove from property owned or used by Ocean Terminal Ltd within 3 months of the completion of any works, to enable Ocean Terminal Ltd to carry out its operations and meet its obligations to its tenants, staff and customers.

In terms of the Bill the Authorised Undertaker is permitted to use land for the purpose of maintaining the works (s.26). He may enter on and take temporary possession of this land.

Ocean Terminal Ltd wish to propose an amendment to the Bill to require the Authorised Undertaker to give Ocean Terminal Ltd at least 90 days notice of its intention to enter on and take possession of property owned or used by Ocean Terminal Ltd, to enable Ocean Terminal Ltd to carry out its operations and meet its obligations to its tenants, staff and customers.

Ocean Terminal Ltd and its tenants require access to their property for purposes including maintenance. Where this property is located in proximity to the tramline such access may require power to be switched off, and that the overhead power cables do not pose a risk of electric shock. Provided that such access can be managed so as to facilitate the operation of the trams the Promoter or operator of the trams should not be able to levy a charge or fee for any such turning off of power.

Ocean Terminal Ltd wish to propose an amendment to the Bill such that no fee or charge may be levied from the owner or occupier of land where such owner or occupier requires access to their property and that such access requires the

turning off of power to the trams, and to relieve the Objectors in this group of any and all liability, charge or expense resulting from the turning off of the tram overhead power cables so as to allow them access to parts of Ocean Terminal; provided that sufficient notice is given to the promoter or tram operator of such access.

It is crucial to the objector's operations and the efficient operation of Ocean Terminal that the objector, its tenants, and members of the public, have full access to Ocean Terminal. The promoter has not undertaken to maintain all access and services to Ocean Terminal during construction of the works.

Ocean Terminal Ltd wish to propose an amendment to the Bill to require the Authorised Undertaker to enable Ocean Terminal to meet its obligations to its tenants to maintain unimpeded access to Ocean Terminal, and further that the Authorised Undertaker will provide unimpeded access to Ocean Terminal during construction of the tramlines.

It is crucial to Ocean Terminal Ltd, its tenants and customers that the public realm outside, including areas of garden ground, is constructed of material of at least equal quality to that currently in use, and maintained at least to current standards. The promoter has not undertaken to do this.

Ocean Terminal Ltd wish to propose an amendment to the Bill to require the Authorised Undertaker to use material of a quality equal to or greater than that currently in use in the public realm outside Ocean Terminal, and to maintain, at its expense, the public realm to current standards.

1.2 Agreement to withdraw objections

Ocean Terminal Ltd and the promoter are negotiating an Agreement and Undertaking with relevant drawings and plans to sufficiently protect Ocean Terminal Ltd's interests so as to allow them to withdraw their Objections to the Bill.

Should the promoter and Ocean Terminal Ltd enter into such an agreement with relevant drawings and plans, Ocean Terminal Ltd wish to propose an amendment to the Bill that the terms of that agreement shall be binding on the parties as if it were part of the Bill.

If the promoter does not reach an agreement with Ocean Terminal Ltd they would wish to propose an amendment to introduce an undertaking from the promoter to the effect that Ocean Terminal Ltd are entitled to take all reasonable steps required during and after construction of the tram line to maintain their property in respect of areas acquired for purposes ancillary to the tram.

If the promoter does not reach an agreement with Ocean Terminal Ltd they would wish to propose an amendment to the Bill to the effect that the promoter shall undertake to maintain (at the promoter's sole expense) all services to Ocean Terminal Ltd's land during construction and in perpetuity and further shall undertake to provide Ocean Terminal Ltd with the same servitude and other property rights as they enjoyed over the land before (and if) the Tram line is constructed.

1.3 Expenses

The Objectors in Group 15 wish to propose an amendment to the Bill to the effect that the promoter shall undertake to meet all reasonable professional fees connected with their objection and participation in the parliamentary process. The consultation and notification processes have been inadequate. As a direct result of this and the lack of information provided subsequently, it is not reasonable for the Objectors in this group to be forced to pay the fees of professionals they require to participate fully in the Parliamentary process and protect their property and operations from the potentially adverse effects of the Tram lines.

McGrigors
Solicitors for Ocean Terminal Ltd

PROMOTER WITNESS LIST AND SUMMARY

Group 15 :

*Ocean Terminal Limited L1-112

Debenhams Properties Limited L1-137

Arcadia Group Limited L1-139

Bhs Limited L1-146

The promoter has not included a witness to speak to the consultation issues as it is understood that these were dealt with at the Preliminary Stage.

Issue : Impacts on vehicle and pedestrian traffic accessing the area

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (10-15 mins oral evidence)

- Alignment proposals at Ocean Terminal
- Traffic movement proposals
- Pedestrian routes
- Coach parking provision
- Public transport integration
- Access for deliveries

Witness Name : **Stuart Turnbull**, Technical Expert, Jacob Babbie

Summary of Evidence (5-10 mins oral evidence)

- Highways layout and traffic movement

Issue : Construction impacts on public and tenant access and servicing of properties

* assumed lead objector

Witness Name : **Scott McIntosh**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Mitigation during construction
- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction Code of Construction Practice (CoCP)

Issue : Health and safety

Witness Name : **Scott McIntosh**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Hard Hat Areas
- Evacuation areas and routes
- Safety and evacuation plan

- Emergency services access
(the detail is subject to further information from Forth Ports Plc)

Issue : Impact on fabric of Ocean Terminal

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Undertaking on rights over Terminal Building
- Undertaking on support to and structural integrity of Ocean Terminal

Issue : Commercial aspects

Witness Name : **Scott McIntosh**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Presentation of patronage data
- Experience from other schemes
 - Croydon Tramlink
 - Midland Metro

Witness Name : **Les Buckman/Leo Eyles**, Technical Expert, Steer Davies Gleave
(subject to availability)

Summary of Evidence (5-10 mins oral evidence)

- Patronage

Availability : Les Buckman unavailable for the month of June.

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (5-10 mins oral evidence)

- Evidence based on property values following implementation of a tram system

Issue : The adverse effects of noise, dust, vibration, disruption, obstruction and delay

Witness Name : **Steve Mitchell**, Principal Consultant, ERM.

Summary of Evidence (10-15 mins oral evidence)

- Overview of Environmental Statement noise and vibration assessment methodologies
- Noise, vibration and dust affects on Debenhams during construction, CoCP

Issue : Maintenance of access to, and operation of, businesses during tram construction

Witness Name : **Scott McIntosh**, Technical Expert, Mott MacDonald

Summary of Evidence (10-15 mins oral evidence)

- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction

GROUP 16 – OBJECTOR NO. 110**STANLEY CASINOS LIMITED****WITNESS LIST AND SUMMARY**

We refer to your letter of 6th April 2005 and set out below the witness list and witness summary for Stage 4 of the Consideration Stage of the Bill:-

1) **Issue: Noise and Vibration**

Group 16 do not wish to provide any further evidence on noise or vibration.

2) **Issue: Lost of Amenity**

Witness Name: Dai N Hutchinson BSc, FRICS Chartered Surveyor – Barr Brady Chartered Surveyors.

Summary of Evidence (20 minutes oral evidence)

- Current access/egress arrangements for parking/servicing.
- Proposed access/egress arrangements for parking/servicing.
- Adverse effect on operational efficiency of property.
- Litigation measures proposed – inadequate and unsatisfactory.

3) **Proposed Amendment to the Bill**

Retain existing line of Ocean Drive at locus of property and re-design line of proposed tram way and integrated road junction 7.5 metre to the south.

PROMOTER WITNESS LIST AND SUMMARY

Group 16 :
Stanley Casinos Limited L1-110

The promoter has included a witness to speak to compensation although compensation is not considered to be a relevant issue at this stage.

Issue : Loss of existing access/egress point

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Route alignment
- Mitigation for access points

Witness Name : **Stuart Turnbull**, Technical Expert, Jacob Babbie

Summary of Evidence (5-10 mins oral evidence)

- Highways and traffic – junction and highway layout

Witness Name : **Andrew Oldfield**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Scheme development and process

Issue : Loss of footway, members car parking area and access/egress for loading and unloading vehicles

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Highway proposals
- Mitigation for pedestrian routes
- Mitigation for commercial vehicles

Witness Name : **Stuart Turnbull**, Technical Expert, Jacob Babbie

Summary of Evidence (5-10 mins oral evidence)

- Highways and traffic – footway and highway configuration

Issue : Loss of parking through alternative vehicle access

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Mitigation for loss of parking

Issue : Alternative loading access is inefficient and lacks detail on ownership/heritable rights to be granted to Stanley Casinos

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Alternative loading arrangements and Bill provisions

Issue : Increased traffic and noise and vibration

Witness Name : **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (5-10 mins oral evidence)

- Affect of realigning roads on traffic noise and vibration at the Stanley Casino building

Issue : Commercial impact

Witness Name : **Scott McIntosh**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Presentation of patronage data
- Experience from other schemes
 - Croydon Tramlink
 - Midland Metro

Witness Name : **Les Buckman/Leo Eyles**, Technical Expert, Steer Davies Gleave (subject to availability)

Summary of Evidence (5-10 mins oral evidence)

- Evidence based on property values following implementation of a tram system

Availability : Les Buckman unavailable for the month of June.

Issue : Compensation

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (10-15 mins oral evidence)

- Assessment of compensation

Issue : Retain existing line of Ocean Drive and move tramway 7.5m south

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Tram alignment proposals, associated highway requirements and localised planned developments

GROUP 17 – OBJECTOR NO. 144**ADM MILLING LIMITED****WITNESS LIST AND SUMMARY**

I am writing to confirm that ADM Milling are content to rest on our original objection to the Edinburgh Tram (Line One) Bill. We will therefore not be presenting additional (expert) witness testimony in support of this objection.

Regards

Ian C. Gaston
Site General Manager
ADM Milling
Chancelot Mill

PROMOTER WITNESS LIST AND SUMMARY

Group 17 :
ADM Milling Limited L1-144

Issue : Access, permitted routes and restrictions

Witness Name : **Scott McIntosh**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Pre Tram highway and pedestrian access
- Post Tram highway and pedestrian access

Issue : Construction noise

Witness Name : **Steve Mitchell**, Principal Consultant, ERM.

Summary of Evidence (5-10 mins oral evidence)

- Overview of Environmental Statement noise assessment methodologies
- Noise affects on users of ADM Milling building during construction, CoCP

GROUP 18 – OBJECTOR NO. 18**ROYAL YACHT BRITANNIA TRUST****WITNESS LIST AND SUMMARY**

Witness name: Terry Smith, Trustee, Royal Yacht Britannia Trust

(1/2 hour oral evidence)

1. Issues

1.1 Access during construction

- Current arrangements regarding difficulties that will be caused by construction. Requirement for suitable alternatives to be assured.
- Current arrangements regarding access, including pedestrian access, to the former Royal Yacht and need for alternative arrangements to be assured.
- Current arrangements for escape routes and assembly points and need for alternative arrangements to be assured.
- Need for access for maintenance.
- Need for access for emergency services.
- Current arrangements for deliveries
- Difficulties posed by alternative arrangements
- Assessment of space that will be required for adequate access for deliveries/ pedestrians/ cars/ maintenance and escape routes/ assembly points of building during construction.
- Need for undertaking that access will be provided.

2. Access post construction

- Concerns about post construction access and possible change of traffic regulations causing further difficulties.
- Current position regarding deliveries and inadequacy of post construction alternatives.

3. Health and Safety

- Impact of construction works on the former Royal Yacht
- Impact of health and safety regulations on access to and operation of the former Royal Yacht
- Consequence of the access to the former Royal Yacht being a "hard hat" area
- Consequence for the former Royal Yacht, its employees and visitors of works traffic
- Need for a full health and safety assessment

McGrigors

Solicitors for the Royal Yacht Britannia Trust

List of proposed amendments

1. Royal Yacht Britannia Trust propose that the Bill Committee consider amendments to the Bill to address the following issues:

1.1 Access

It is crucial to the objector's operations and the efficient operation of the Royal Yacht Britannia Trust that the objector, its staff, and members of the public, have full access to the former Royal Yacht Britannia. The promoter has not undertaken to maintain all access and services to the former Royal Yacht Britannia during construction of the works.

The Royal Yacht Britannia Trust wish to propose an amendment to the Bill to require the Authorised Undertaker to enable it to maintain unimpeded access to the former Royal Yacht Britannia, and further that the Authorised Undertaker will provide unimpeded access to the former Royal Yacht Britannia during construction of the tramlines.

2. Agreement to withdraw objections

The Royal Yacht Britannia Trust and the promoter may reach an Agreement and Undertaking to sufficiently protect the Royal Yacht Britannia Trust's interests so as to allow them to withdraw their Objections to the Bill.

Should the promoter and the Royal Yacht Britannia Trust enter into such an agreement, the Royal Yacht Britannia Trust wish to propose an amendment to the Bill that the terms of that agreement shall be binding on the parties as if it were part of the Bill.

If the promoter does not reach an agreement with the Royal Yacht Britannia Trust they would wish to propose an amendment to introduce an undertaking from the promoter to the effect that the Royal Yacht Britannia Trust are entitled to take all reasonable steps required during and after construction of the tram line to maintain their property in respect of areas acquired for purposes ancillary to the tram.

If the promoter does not reach an agreement with Ocean Terminal Ltd they would wish to propose an amendment to the Bill to the effect that the promoter shall undertake to maintain (at the promoter's sole expense) all services to the former Royal Yacht Britannia during construction and in perpetuity and further shall undertake to provide the Royal Yacht Britannia Trust with the same servitude and other property rights as they enjoyed over the land before (and if) the Tram line is constructed.

3. Expenses

The Royal Yacht Britannia Trust wishes to propose an amendment to the Bill to the effect that the promoter shall undertake to meet all reasonable professional fees connected with their objection and participation in the parliamentary process. The consultation and notification processes have been inadequate. As a direct result of this and the lack of information provided subsequently, it is not reasonable for the Objector to be forced to pay the fees of professionals they require to participate fully in the Parliamentary process and protect their property and operations from the potentially adverse effects of the Tram lines.

McGrigors
Solicitors for the Royal Yacht Britannia Trust

PROMOTER WITNESS LIST AND SUMMARY

Group 18 :
Royal Yacht Britannia Trust L1-128

Issue : Access

Witness Name : **Mark Bain**, Technical Expert, Mott MacDonald

Summary of Evidence (10-15 mins oral evidence)

- Route alignment
- Customer access
- Operation & delivery access

Witness Name : **Scott McIntosh**, Technical Expert, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction

GROUP 19 – OBJECTOR NO. 19**JUDITH J H PEARSON****WITNESS LIST AND SUMMARY**

The objector does not wish to provide any further evidence except on the following issue:

Issue: Scope and Effect of Part 2 of the Bill

Witness Name: Judith J H Pearson, Property Owner, Rennies Isle

Summary of Evidence (15 mins oral evidence)

- Excessive nature of powers of acquisition and use proposed under Part 2
- Material prejudice caused by extinction of servitude rights over Main Access Roads
- Express preservation of specific heritable and irredeemable servitude rights essential

Amendments sought to the Bill

- Saving clause to provide for preservation of servitude rights as described in the deeds of conditions relating to title to property at Rennies Isle.

PROMOTER WITNESS LIST AND SUMMARY**Group 19 :****Judith Pearson L1-177**

The promoter has included witnesses to speak to the objections to the whole Bill contained within this objection although these matters appear to have already been dealt with by the Parliament.

Issue : Bill provisions are too wide

Witness Name : **Rahul Bijlani**, Lawyer, Bircham Dyson Bell

Summary of Evidence (10 mins oral evidence)

- Purpose and justification of various provisions of the Bill

Issue : Loss of access

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Land take requirements during construction
- Land take requirements post tram

- Mitigation to retain access

Issue : Noise and vibration

Witness Name : **Steve Mitchell**, Principal Consultant, ERM.

Summary of Evidence (5-10 mins oral evidence)

- Overview of Environmental Statement noise assessment methodologies
- Noise during construction, CoCP
- Noise from the depot and trams during operation

Issue : Landscape and visual

Witness Name : **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (5-10 mins oral evidence)

- Landscape and visual impact

GROUP 5 – OBJECTOR NO. 126

HAYMARKET YARDS LTD

WITNESS LIST AND SUMMARY

Objections were made on behalf of Haymarket Yards Limited on the following grounds:

1. Availability of better alternative routes
2. Relocation of electricity sub-station
3. Frustration of consented development
4. No need to secure means of access
5. Intended Substitution of s.90

It is intended to lead one witness to give evidence. The witness will speak primarily to objections 1, 2, 3 and 4.

Issue: Impact on consented development

David Robinson, Director, 1 Haymarket Yards Limited

Summary of evidence (60 minutes oral evidence including cross examination)

- Identification of the parties and the nature of their joint venture relationship.
- Extent and constitution of the objector's land ownership.
- The nature of objector's proposals for the site and details of the planning consent currently in place.
- An explanation of the physical impact on the consented scheme of the tram proposals.
- Alternative line routes which would avoid or would minimise interference with the objector's development proposals
- The market implications of the tram line proceeding as currently anticipated.

Semple Fraser

PROMOTER WITNESS LIST AND SUMMARY

**Group 5 :
Haymarket Yards Limited L1-126**

The promoter has not included witnesses to deal with the issues of consultation and prematurity as it is understood that these were dealt with at the Preliminary Stage.

Issue: Frustration of proposed development plans

Witness Name : **Gary Turner**, Technical Witness, Mott MacDonald

Summary of Evidence (10-15 mins oral evidence)

- Mitigation proposals to accommodate planned development and associated car park alongside the tram.
- Summary of options

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (5 mins oral evidence)

- Alternative development and value loss

Issue : Route Selection

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Route selection optioneering and appraisals
- Stop location – to provide most effective interchange with other public transport services including heavy rail services from Scotland's third largest rail station
- Network Rail proposals – proposals presented significant technical difficulty for Tram alignment
- Routes considered
- Response to four options proposed by HYL

Witness Name : **Stuart Turnbull**, Technical Witness, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Highway junction operations with Tram – to provide priority to the Tram while balancing the impacts on general traffic

Witness Name : **Murray Lees**, Technical Witness, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Expert opinion with respect to the required structures for the four options proposed by CGM

Witness Name: **Mark Bain**, Technical Witness, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Alignment considerations – to maximise integration with heavy rail services as well as Tram segregation, whilst minimising impacts on Network Rail proposed developments

Witness Name : **Neil Harper**, Cost Consultant, Brian Hannaby & Associates

Summary of Evidence (5 mins oral evidence)

- Route selection Capital Cost

Issue: Noise and vibration

Witness Name: **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (15 mins oral evidence)

- Overview of Environmental Statement noise and vibration assessment methodologies
- Further consultation and assessment since the ES
- Noise and vibration affects from the operating tram at the ICAS building

Issue : Relocation of sub-station on Plot 282

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Alternative location of substation
- Undertaking to provide continuous provision of supply

Issue : Section 90 of the Bill

Witness Name : **Rahul Bijlani**, Lawyer, Bircham Dyson Bell

Summary of Evidence (5 mins oral evidence)

- Purpose and effect of Section 90 of the Bill

GROUP 37 – OBJECTOR NO's 199 & 200**DAVID & ELIZABETH ELLIOTT – CALEDONIAN ALE HOUSE****WITNESS LIST AND SUMMARY**

We act on behalf of David Elliott who has been appointed lead objector on behalf of Elizabeth Elliott and himself. We have taken instructions from both objectors and confirm that we are not intending to submit further evidence on their behalf. The reason for this is that the proposals in relation to the Bills require the total demolition of the Caledonian Ale House and therefore our client's claims will essentially be that of compensation.

However, as a result of both the promoter's failure to consult adequately and secondly, the promoter's delay in commencing meaningful negotiations, our client has incurred extraordinary costs in requiring to take professional advice. On that basis, although we are not lodging a witness statement on behalf of our client, our client does wish to put forward the following amendment to the Bill for consideration of the Committee. This is as follows:-

Addition of a new section to each Bill to the effect that the promoter shall require to meet all professional fees incurred by the objectors in connection with their objection and participation in the parliamentary process for the Bills.

Our client is also concerned that having reached a private contractual agreement with the promoter or its authorised representative that any further proposed amendment would override the agreement and their interests would be unprotected. On that basis the following amendment is proposed:-

Amendment to the effect that where the objectors enter into an agreement with the promoter or its authorised representative to withdraw their objections to the tram line, the terms of that agreement shall be binding upon the parties as if it were part of the Bills.

These amendments are attached in the requested format.

Our clients, David and Elizabeth Elliott may be unavailable to give evidence before the summer recess.

Proposed Amendments submitted on behalf of David Elliott and Elizabeth Elliot

- Amendment to the effect that the promoter shall require to meet all professional fees incurred by the objectors in connection with their objection and participation in the parliamentary process for the Bills.
- Amendment to the effect that where the objectors enter into an agreement with the promoter or its authorised representative to withdraw their objections to the tram line, the terms of that agreement shall be binding upon the parties as if it were part of the Bills.

McGrigors
Solicitors to the Objector

PROMOTER WITNESS LIST AND SUMMARY

Group 37 :

Elizabeth Elliot L1-199

David Elliot L1-200

Issue : Compulsory Purchase of Land

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Route selection and need for land
- Integration with Heavy Rail and bus

Witness Name : **Stuart Turnbull**, Technical Witness, Mott MacDonald

Summary of Evidence (10-15 mins oral evidence)

- Highways and traffic impacts

Witness Name : **Mark Bain**, Technical Witness, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Alignment considerations

Witness Name : **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (5 mins oral evidence)

- Environmental considerations

Witness Name : **Les Buckman/Leo Eyles**, Technical Witness, Steer Davies Gleave (subject to availability)

Summary of Evidence (15 mins oral evidence)

- Patronage and journey time

Availability : Les Buckman unavailable for month of June.

Witness Name: **Matthew Edgar**, Technical Witness, Colliers CRE

Summary of Evidence (15 mins oral evidence)

- Numerous discussions between tie, Colliers, the Council and the District Valuer with the objector and the objector's agents to discuss how best to progress the issues raised in their objections.
- Issues tabled and the shape of a workable commercial solution has been discussed, amended and agreed between tie and the objectors, this is subject to approval for the council and some clarification on Legal matters relating to specifics of Utility Diversion in the area of the objectors premises.
- A District Valuer valuation report will be produced and presented to the council in mid April 05.
- Once commercial proposal has been approved by the council in accordance with the **tie** Protocol on land and property advice and advance property purchase, the transaction will be effected.

GROUP 38 – OBJECTION NO. 22**VERSICOLOR LTD****WITNESS LIST AND SUMMARY**

We refer further to your letter of 6th April 2005. One of our clients' tenants, Ross & Liddell Limited, have asked that the following points be presented to the Committee:-

1. Not only will two car parking spaces be lost to the front of the premises as suggested by TIE Limited but there is the potential loss of two car parking spaces to the side due to a restriction on turning ability.
2. The tenants will incur possible injurious effect from increased noise.
3. The tenants will be affected by problems during the construction period. For example TIE Limited were unable to give any guarantees that access would be retained to the car parking during the construction phase.
4. No written assurance has been given on the accommodation works. Principally the reconstruction of the boundary wall and gates on the new boundary line and no firm assurance on the exact position of the boundary.

Otherwise our clients do not intend to lead any further evidence nor witnesses but let matters rest on the information provided to date.

PROMOTER WITNESS LIST AND SUMMARY

Group 38 :
Versicolour Limited L1-022

The promoter has included a witness to speak to compensation although compensation is not considered to be a relevant issue at this stage.

Issue : Loss of parking through loss of land

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Route alignment and associated land requirements
- Alternative parking configurations
- Alternative parking provisions

Availability : Unavailable last two weeks of October 2005.

Witness Name : **Stuart Turnbull**, Technical Expert, Jacob Babbie

Summary of Evidence (10-15 mins oral evidence)

- Junction capacity
- Junction layout
- Lane widths
- Relocation of footpath

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (10-15 mins oral evidence)

- Assessment of compensation

GROUP 39 – OBJECTOR NO. 49

VERITY TRUSTEES LTD

WITNESS LIST AND SUMMARY

Verity Trustees/ The Pensions Trust

Issue: Plot 289 (Line One) /Plot 50 (Line Two)- Potential Access Road

Witness Name: Alan Boyd- Director of Public Law, McGrigors

Summary of Evidence (30 minutes)

- Why proposed landtake is outwith scope of bill. No justification has been provided as to why proposed compulsory acquisition necessary for “provision of alternative access and road access to tramroad for maintenance purposes” as notified.
- Plot would provide access to adjacent Haymarket car park.

Witness Name: Stephen Allan- CB Richard Ellis (CBRE), Director of Building Consultancy Scotland

Summary of evidence (30 minutes)

- Assessment of alternative options for access to Haymarket car park.
- Maintenance problems.
- Effect on future development.
- Noise problems.

Issue: Access during Construction

Witness Name: Janette Lawrie- Facilities Manager and Health and Safety Officer, Verity House

Summary of evidence (40 minutes)

- Current arrangements regarding delivery and difficulties that will be caused by construction. Requirement for suitable alternatives to be assured.
- Current arrangements regarding pedestrian access, car access and parking and need for alternative arrangements to be assured.
- Current arrangements for escape routes and emergency assembly points and need for alternative arrangements to be assured.
- Need for access for maintenance.
- Need for access for emergency services.
- Justification for amendment to ensure that access will be maintained.

Witness Name: Stephen Allan- CBRE Director of Building Consultancy Scotland

Summary of evidence (15 minutes)

- Current position regarding access for deliveries/ pedestrians/ cars/ maintenance and escape routes/ assembly points
- Assessment of space which will be required for adequate access for deliveries/ pedestrians/ cars/ maintenance and escape routes/ assembly points of building during construction.
- Need for undertaking from promoter to maintain access during construction.

Witness Name: Janette Lawrie- Facilities Manager and Health and Safety Officer, Verity House

Summary of evidence (5 minutes)

- Loss of attractive workplace.

Issue: Loss of Amenity

Witness Name: Stephen Allan- CBRE Director of Building Consultancy Scotland

Summary of evidence (20 minutes)

- Assessment of impact work will have on building in terms of loss of landscaped areas etc.

Issue: Traffic Noise and Noise Generally

Witness Name: Janette Lawrie- Facilities Manager and Health and Safety Officer, Verity House

Summary of evidence (20 minutes)

- Comment on current noise levels and possible effect of both traffic and tram noise on building, particularly on meeting rooms to rear of building.

Witness Name: Stephen Allan- CBRE Director of Building Consultancy Scotland

Summary of evidence (20 minutes)

- Assessment of how building may be affected by car traffic noise.
- Adequacy of mitigation measures.

Issue: Access post construction

Witness Name: Janette Lawrie- Facilities Manager, and Health and Safety Officer Verity House

Summary of evidence (40 minutes)

- Current position regarding deliveries and inadequacy of post construction alternatives.
- Concerns about post construction access and possible change of traffic regulations causing further difficulties.
- Effect of traffic control measures on delivery access.
- Assessment of adverse effects of traffic control measures on car park capacity.
- Maintenance needs of building, concerns about access and possible need for road blockages.
- Servitude rights required for access to building.
- Justification for amendment to ensure with certainty that access and servitude rights will be maintained.
- Justification for amendment for all traffic control measures to be included in the Bill.

Witness Name: Stephen Allan- CBRE Director of Building Consultancy Scotland

Summary of evidence (30 minutes)

- Need for servitude rights and effect of loss of rights
- Delivery access problems, possible change of traffic regulation and possible need for use of car park space

Issue: Supply of Services

Witness Name: Janette Lawrie- Facilities Manager and Health and Safety Officer, Verity House

Summary of evidence (30 minutes)

- Explanation of current position and need for access to electricity sub station and servitude strip for foul sewer.
- Possible effects of loss of services.
- Need for undertaking that measures will be put in place to safeguard supply of services.
- Justification for amendment to ensure that access required will be maintained during construction and post construction.

Witness Name: Stephen Allan- CBRE Director of Building Consultancy Scotland

Summary of evidence (30 minutes)

- Assessment of current arrangements for supply of services.
- Assessment of possible disruption during construction and how this requires to be kept to a minimum.
- Assessment of need for access during construction.
- Assessment of need for access after construction.

McGRIGORS
Solicitors to Verity Trustees Limited

PROMOTER WITNESS LIST AND SUMMARY

Group 39 : **Verity Trustees Limited L1-049**

Issue : Loss of amenity/justification of loss of landscaped areas

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Route selection optioneering and appraisals
 - Stop location – to provide most effective interchange with other public transport services including heavy rail services from Scotland's third largest rail station
 - Network Rail proposals – proposals presented significant technical difficulty for Tram alignment
- Routes considered

Witness Name : **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (5 mins oral evidence)

- Landscape and visual impact and mitigation
- Design manual

Issue: Remediation of land post works

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Permanent land take requirements and remediation

Issue: Traffic Noise

Witness Name : **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (5-10 mins oral evidence)

- Overview of Environmental Statement construction noise and vibration assessment methodologies
- Construction noise and vibration at Verity House from construction work, CoCP

Issue: Access to property

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Rights of vehicular and pedestrian access pre tram
- Rights of vehicular and pedestrian access post tram

Witness Name : **Scott McIntosh**, Technical Witness, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction
- Access arrangements during construction

Issue: Access to car park

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Rights of vehicular and pedestrian access pre tram
- Rights of vehicular and pedestrian access post tram

Witness Name : **Scott McIntosh**, Technical Consultant, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction
- Access arrangements during construction

Issue: Supply of Services

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Public Utility services pre tram
- Public Utility services post tram

Issue : Property value

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (5 mins oral evidence)

- Evidence based on property values following implementation of a tram system

Issue : Compulsory acquisition of land

Witness Name : **Rahul Bijlani**, Lawyer, Bircham Dyson Bell

Summary of Evidence (5 mins oral evidence)

- Purpose and justification of compulsory purchase powers

GROUP 42 – OBJECTOR NO. 23**CGM (EDINBURGH) LTD****WITNESS LIST AND SUMMARY**

We attach a copy of the witness list and witness summary for CGM (Edinburgh) Limited in respect of the Edinburgh Tram (Line One) Bill. Please note that, as our clients' objection relates to the alignment of the tramway at Haymarket, an identical witness list and witness summary is being lodged in respect of the Edinburgh Tram (Line Two) Bill.

Issue: Impact on City Point

Witness Name: Mr Alan Robertson, Managing Director, Jones Lang LaSalle, Edinburgh.

Summary of Evidence (30 minutes oral evidence)

- Effect of loss of car parking (both temporarily and permanently) on the operation of the building as offices, on the ability to let the building, on the letting arrangements and on the objector's return on their investment.
- Effect of the alteration in vehicular access to and from City Point on the operation of the building as offices, on the ability to let the building, on the letting arrangements and on the objector's return on their investment.
- Effect of the proximity of the tramway to the operation of the building as offices in terms of noise and the lightwell and the consequential effect on the ability to let the building, on the letting arrangements and on the objector's return on their investment.
- Effect of the proximity of the tramway on the ability to maintain the building.
- Effect on the objector's plans for the future development of plot 285 (Tram Line 1 Bill) – plot 45 ((Tram Line 2 Bill).
- Effect on the objector's plans for the future development of plot 286 (Tram Line 1 Bill) – plot 44 (Tram Line 2 Bill).

Issue: Alternative alignments at Haymarket

Witness Name: Neil Clarkson, Partner, Powell Williams Partnership, Chartered Building Surveyors, Project Managers and Civil and Structural Engineers

Summary of Evidence (30 minutes oral evidence)

- Comparison of the proposed alignment at Haymarket with four alternative alignments (a copy of the plan which accompanied the original objection is attached) in terms of:
 - Viability in engineering terms;
 - Effect on property;
 - Integration with overall planning of the Haymarket area.

Note:

PROMOTER WITNESS LIST AND SUMMARY

Group 42 :

CGM (Edinburgh) Limited L1-023

The promoter has not included a witness to speak to the prematurity issue as it is understood that this was dealt with at the Preliminary Stage.

Issue : Route Selection

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Route selection optioneering and appraisals
- Stop location – to provide most effective interchange with other public transport services including heavy rail services from Scotland’s third largest rail station
- Network Rail proposals – proposals presented significant technical difficulty for Tram alignment
- Routes considered
- Response to four options proposed by CGM

Witness Name : **Stuart Turnbull**, Technical Witness, Jacob Babbie

Summary of Evidence (5-10 mins oral evidence)

- Highway junction operations with Tram – to provide priority to the Tram while balancing the impacts on general traffic

Witness Name : **Murray Lees**, Technical Witness, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Expert opinion with respect to the required structures for the four options proposed by CGM

Witness Name : **Mark Bain**, Technical Witness, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Alignment considerations – to maximise integration with heavy rail services as well as Tram segregation, whilst minimising impacts on Network Rail proposed developments

Witness Name : **Neil Harper**, Cost Consultant, Brian Hannaby & Associates

Summary of Evidence (5-10 mins oral evidence)

- Capital costing

Witness Name : **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (5-10 mins oral evidence)

- Environmental considerations

Issue: Disruption to car parking during construction

Witness Name : **Scott McIntosh**, Technical Witness, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction

Witness Name : **Kevin Murray**, Project Manager, tie Limited

Summary of Evidence (5-10 mins oral evidence)

- Provision of temporary car parking during construction

Availability: Potentially not available 27 June and 04 – 15 July 2005

Issue: Loss of car parking

Witness Name : **Gary Turner**, Technical Witness, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Mitigation for impacts on parking arrangements

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (5 mins oral evidence)

- Detail of compensation process

Issue : Building, operations and maintenance

Witness Name : **Scott McIntosh**, Technical Witness, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Building fixings
- Working close to the tramway

Witness Name : **Steve Mitchell**, Principal Consultant, ERM

- Effect on building operation due to noise and vibration during construction
- Mitigation measured through CoCP
- Effect on operation of building due to noise and vibration of operation of tram

Issue : Blight

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (5-10 mins oral evidence)

- Blight compensation rules

GROUP 44 – OBJECTOR NO. 167**THE INSTITUTE OF CHARTERED ACCOUNTANTS
WITNESS LIST AND SUMMARY****Institute of Chartered Accountants Scotland (L1-167 & L2-78)**

Witness Name: Des Hudson, Chief Executive, ICAS

Summary Evidence (30 mins oral evidence)

- Impact on commercial operations
- Construction impact & disturbance
- Impact on future flexibility of usage of building
- Impact on setting of building
- CA House internal operational issues
- Expansion options

Availability:- Mr Hudson is unavailable on 21 June 2005 and the afternoon of 28 June 2005.

Witness Name: Craig Wallace, Associate Director, Jones Lang LaSalle, Edinburgh

Summary Evidence (30 mins oral evidence)

- Potential impact on amenity of CA House
- Building operational issues
- Access and car parking
- Health & Safety issues
- Internal reconfiguration issues
- Alternative route selection (please see attached proposed amendment to Edinburgh Tram (Line 1) Bill and Edinburgh Tram (Line 2) Bill).

Availability:- Mr Wallace will be available for the period from mid to end of June.

Proposed Amendment to Edinburgh Tram (Line One) Bill & Edinburgh Tram (Line Two) Bill

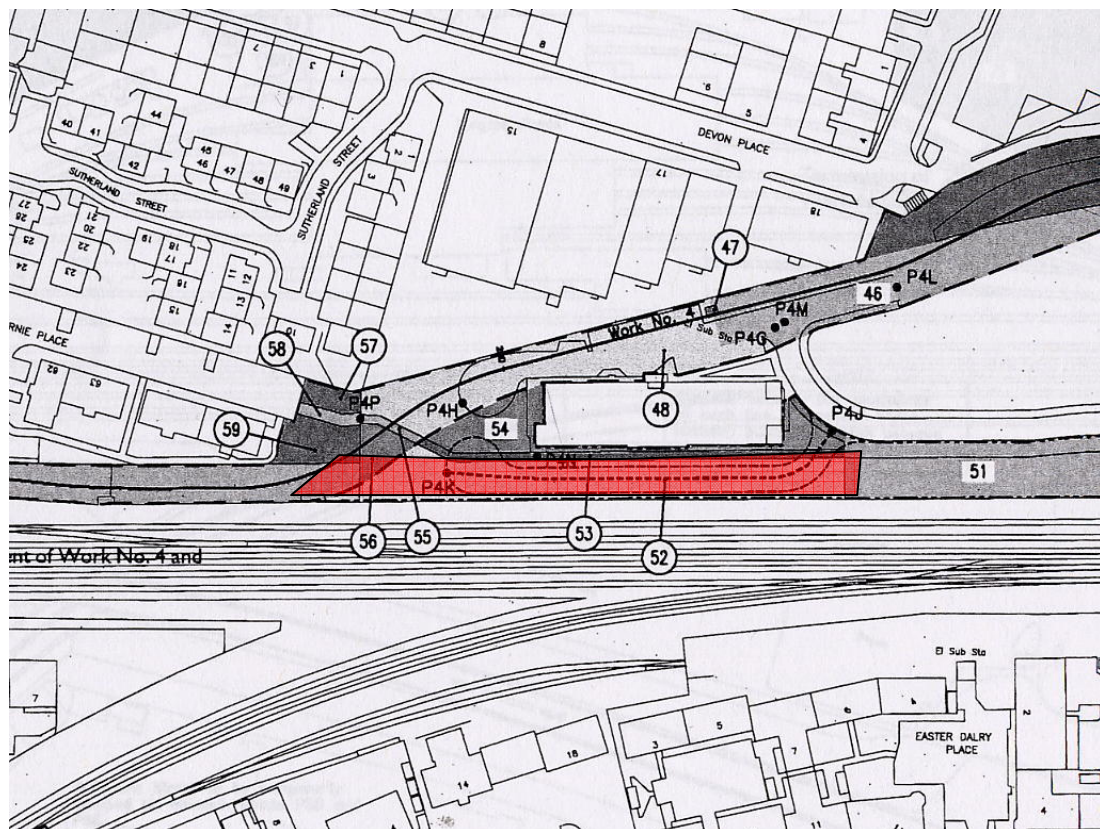
The Institute of Chartered Accountants of Scotland (ICAS) propose the following amendment to the Edinburgh Tram (Line One) Bill & Edinburgh Tram (Line Two) Bill. This is promoted with a view to addressing the concerns of ICAS raised through the formal objections lodged in response to the Bills' introduction.

The plan overleaf indicates a potential alternative alignment (denoted in red), which proposes the routing of the tram line to the rear (south) of CA House.

This alignment would substantially address a number of the concerns raised by ICAS in that the route would revert to the original alignment which was used as the basis for the design and orientation of CA House when originally developed.

It is also understood that the implications of a realignment to the south of CA House, and associated alterations through other areas in Haymarket Yards, could potentially address the concerns of a number of other objectors within the Haymarket Yards Area.

Should the Parliament not be persuaded by the amendment proposed above, ICAS propose, as a secondary amendment, that the authorised undertaker be required to acquire the full extent of ICAS's landholding at CA House, and that the authorised works as described in both Bills be amended accordingly.



PROMOTER WITNESS LIST AND SUMMARY

Group 44 :

Institute of Chartered Accountants in Scotland L1-167

Issue : Loss of car parking

Witness Name : **Gary Turner**, Technical Witness, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Mitigation of parking requirements

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (5 mins oral evidence)

- Assessment of compensation

Issue: Future Expansion options

Witness Name : **Gary Turner**, Technical Witness, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Permanent land take requirements and future development options

Issue : Route Selection

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Route selection optioneering and appraisals
- Stop location – to provide most effective interchange with other public transport services including heavy rail services from Scotland's third largest rail station
- Network Rail proposals – proposals presented significant technical difficulty for Tram alignment
- Routes considered

Witness Name : **Stuart Turnbull**, Technical Witness, Jacob Babbie

Summary of Evidence (5-10 mins oral evidence)

- Highway junction operations with Tram – to provide priority to the Tram while balancing the impacts on general traffic

Witness Name : **Mark Bain**, Technical Witness, Mott MacDonald

Summary of Evidence (5-10 mins oral evidence)

- Alignment considerations – to maximise integration with heavy rail services as well as Tram segregation, whilst minimising impacts on Network Rail proposed developments

Witness Name : **Neil Harper**, Cost Consultant, Brian Hannaby & Associates

Summary of Evidence (5-10 mins oral evidence)

- Capital costing

Witness Name : **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (5-10 mins oral evidence)

- Environmental considerations

Issue: Noise and vibration

Witness Name: **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (15 mins oral evidence)

- Overview of Environmental Statement noise and vibration assessment methodologies
- Further consultation and assessment since the ES
- Noise and vibration affects from the operating tram at the ICAS building

Issue: Construction impacts on the operation of the business including removal and reprovision of gas meter and electricity sub station (the services)

Witness Name: **Scott McIntosh**, Technical Expert, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction
- Provision of uninterrupted services

Issue : Tram construction works and effects on the use of the building through noise and vibration

Witness Name: **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (15 mins oral evidence)

- Effect on building operation due to noise and vibration during construction
- Mitigation through CoCP

GROUP 46 – OBJECTION NO. 91

NORWICH UNION LINKED LIFE ASSURANCE

WITNESS LIST AND SUMMARY

Norwich Union Life & Pensions Limited (L1-91 & L2-25)

Witness Summary

Witness Name: Julian Cobourne, Asset Manager, Morley Fund Management Limited, London

Summary Evidence (30 mins oral evidence)

- Impact on existing investment value
- Impact on investment revenue
- Future flexibility of asset
- Location and impact of proposed halt
- Compensation and financial obligations of Norwich Union Life & Pensions Limited
- Impact in terms of costs associated with protecting NULAP's interests
- Lack of co-operation from the promoter to resolve objections

Witness Name: Craig Wallace, Associate Director, Jones Lang LaSalle, Edinburgh

Summary Evidence (30 mins oral evidence)

- Consultation on preferred route
- Extent of cooperation from tie and availability of technical information to explain the impact of proposals on Rosebery House;
- Access and car parking
- Route selection and alternative alignment (please see attached proposed amendment to Edinburgh Tram (Line 1) Bill and Edinburgh Tram (Line 2) Bill).
- Health & Safety and security issues
- Impact on quality of environment
- Construction impact and disturbance

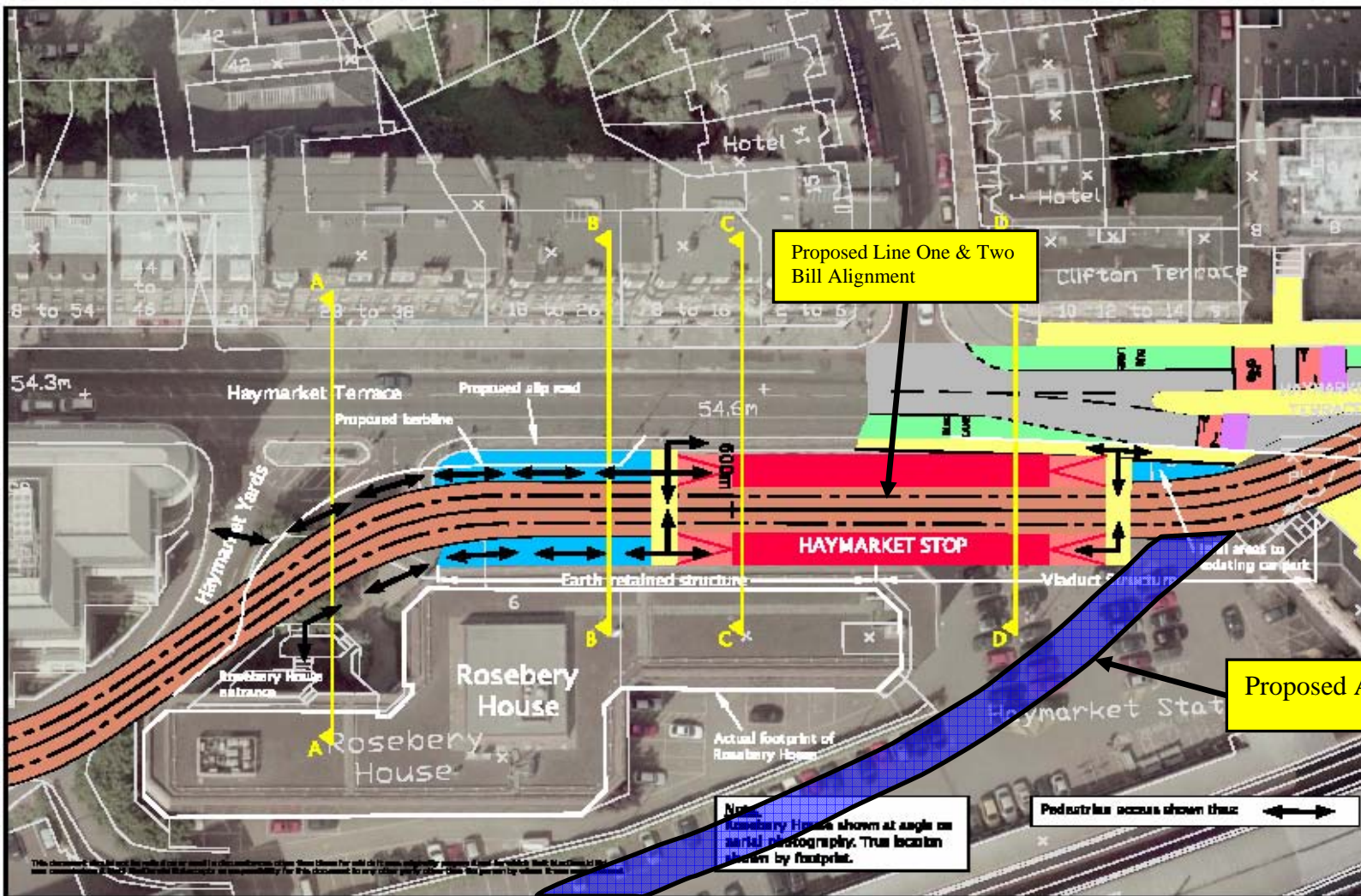
Proposed Amendment to Edinburgh Tram (Line One) Bill & Edinburgh Tram (Line Two) Bill

Norwich Union Life and Pensions Ltd (NULAP) propose the following amendment to the Edinburgh Tram (Line One) Bill & Edinburgh Tram (Line Two) Bill. This is promoted with a view to addressing the concerns raised through the formal objections lodged to the Bills process.

The attached plan indicates a potential alternative alignment which proposes the routing of the tram line to the rear (south) of Rosebery House.

This alignment would substantially address a number of the concerns raised by NULAP.

It is also understood that the implications of a realignment to the south of Rosebery House, and associated alterations to the west through Haymarket Yards could address the concerns of a number of other objectors within the Haymarket Yards Area.



<p>Client: Michael House 14 Leith Place Edinburgh, EH6 7JZ Tel: +44 (0)131 629 4700 Fax: +44 (0)131 625 8928 Web: www.mottmac.com</p>	<p>Tel: 0131 718 6270 Fax: 0131 714 4271</p>	Rev	Date	Drawn	Description	Chk'd	App'd	Title: EDINBURGH TRAM LINE ONE PLAN OF HAYMARKET S	
		P1	18/03/04	HW	PROPOSAL - PRELIMINARY				
								Mott MacDonald in association with: Battie Group, Steer Davies Glove, BHM, Gilliespie, McLean Henratty & Associates, McLellan Hogg & Thompson.	
								FOR DISCUSSION PURPOSES ONLY	
								Drawing No. 203011/EDIN	

PROMOTER WITNESS LIST AND SUMMARY

**Group 46 :
 Norwich Union Linked Life Assurance L1-091**

The promoter has included a witness to speak to compensation although compensation is not considered to be a relevant issue at this stage.

Issue : Operation of building and future development

Witness Name : **Scott McIntosh**, Technical Witness, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Access to the property during operation of the tram
- Mitigation for access to the property during construction works
- Land take proposals and future development

Witness Name : **Andrew Oldfield**, Divisional Director, Mott MacDonald

Summary of Evidence (15 mins oral evidence)

- Scheme development and process
 - Route selection optioneering and appraisals
 - Stop location – to provide most effective interchange with other public transport services including heavy rail services from Scotland’s third largest rail station
 - Network Rail proposals – proposals presented significant technical difficulty for Tram alignment
- Routes considered

Issue: Access to car park

Witness Name : **Stuart Turnbull**, Technical Witness, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Access and egress routes for the car park

Issue : Impacts on the environment to and around Rosebery House

Witness Name : **Steve Mitchell**, Principal Consultant, ERM

Summary of Evidence (5 mins oral evidence)

- Current proposals for tramstop
- Visual impact
- Lighting levels
- Design manual

Witness Name: **Aileen Grant**, Principal Planner, Planning and Strategy, City Development Department, The City of Edinburgh Council

Summary of Evidence (15 mins oral evidence)

- Planning Committee consideration of issues at Haymarket with reference to Planning Committee reports of August 2003 and November 2003
- Draft Haymarket Principles what these are – with reference to the key overarching objective which is to improve conditions for the pedestrian,

make it easy for public transport users to switch between bus, rail, and tram and also create a sense of place. The Planning Committee noted that by adopting an approach which puts people first in this key space will be of benefit to traders in the area as well as transport providers and the city as a whole.

- Action since Planning Committee consideration – in essence further discussions around the draft principles and efforts to identify funding to take some design work forward
- Emerging Brief for Master Planning work
- Future work programme

Availability: Unavailable 12th to 23rd May and on 30th May.

Issue: Construction

Witness Name : **Scott McIntosh**, Technical Witness, Mott MacDonald

Summary of Evidence (5 mins oral evidence)

- Mitigation during construction
- Code of Construction Practice (CoCP) – the CoCP has been developed with the intention to mitigate the impacts of construction

Issue: Noise, disturbance, air quality and vibration

Witness Name : **Steve Mitchell**, Technical Witness, ERM

Summary of Evidence (15 mins oral evidence)

- Overview of Environmental Statement construction noise and vibration assessment methodologies
- Further consultation and assessment carried out since the ES
- CoCP provisions to control noise and vibration
- Construction noise and vibration at Rosebury House

Issue : Property value and achievable rental level

Witness Name : **Archie Rintoull**, District Valuer

Summary of Evidence (5 mins oral evidence)

- Evidence based on property values and rentals levels following implementation of a tram system

EDINBURGH TRAM (LINE ONE) BILL COMMITTEE

CONSIDERATION STAGE: ORAL EVIDENCE TIMETABLE AND SITE VISIT

Background

1. In paper ED1/S2/05/6/1 the Committee considered and agreed which witness it wished to take oral evidence from for groups 1-19, 37-39, 42, 44 and 46.
2. The Committee is now invited to consider and agree its timetable for evidence gathering meetings for the above groups.
3. The Committee is also invited to consider and agree whether to undertake a site visit.

Oral Evidence Committee meetings

4. Detailed in Annexe A are suitable dates in June when the Committee may wish to meet to take oral evidence. As the Committee has already recognised, given the number of groups and the range of issues raised by these objections, it is recommended that the Committee consider meeting all day on the dates proposed in Annexe A.
5. In addition, there are a number of joint objectors and it is suggested that the Committee may wish to commence its oral evidence taking with a joint Committee meeting with Edinburgh Tram (Line Two) Bill on Tuesday 14 June 2005.
6. Members should note that under Standing Orders Rule 9A.5.6 where a member is absent from the proceedings of the Committee during which evidence was considered at Consideration Stage, that member may not participate in the remainder of the proceedings at that Stage unless—
 - a. the promoter, objectors whom the Committee has agreed to take evidence from and any other person the Committee has agreed to take evidence from, agree or;
 - b. the person or persons whose evidence was considered at the proceedings which the member missed give that evidence again.
7. Standing Orders Rule 9A.5.6 also applies to joint Committee meetings of the Edinburgh Tram (Line One) Bill and Edinburgh Tram (Line Two) Bill Committees.
8. Members may therefore wish to consider the implications of this rule should they agree to meet all day on Tuesdays. In practical terms this means that all members must be present throughout all meetings during Consideration Stage.

9. It should be expected that as the oral evidence meetings approach some objections may be withdrawn. The Committee may consider it prudent to provide two oral evidence dates for witnesses, lead objectors and the promoter in order to ensure that the maximum use is made of Committee meetings.

Timetabling meetings

10. Once the Committee has agreed the dates for taking oral evidence from the promoter and groups 1-19, 37-39, 42, 44 and 46 the Clerks will meet with the promoter and lead objectors for each group presenting oral evidence to discuss the detailed order of evidence taking.
11. It is anticipated that the timetable meetings for these groups will occur on Thursday 5 May at 10.00 am and 5.00 pm and on Monday 9 May at 10.00 am.

Site Visit

12. In its Preliminary Stage Report, the Committee anticipated that it may undertake a further site visit to sections of the proposed route of the Edinburgh Tram (Line One) Bill in order to understand the works in the Bill.
13. It is now proposed that the Committee undertake an all day site visit to view specific sections of the proposed tram route that are the subject of objections on Tuesday 7 June 2005.
14. Should the Committee agree to undertake this visit then the Clerks will liaise with lead objectors (and the promoter if appropriate) at the timetable meetings to identify key sites for the Committee to visit.
15. The Committee will be taking formal evidence on objections during its Committee meetings and therefore the site visit is for fact finding purposes. Given this, the role of objectors will be limited to providing factual information at their chosen site(s).
16. The Committee may also wish to consider whether to include, on the site visit, a representative of the promoter **as an observer only**. This may also assist in gaining access to specific sites where appropriate.

Recommendation

The Committee is asked to consider and agree:

- the meetings dates, timetable and order proposed in Annexe A;
- whether to undertake a site visit on 7 June;
- whether to include a representative of the promoter, as an observer, on the site visit.

Private Bills Unit
April 2004

ANNEXE A

Oral Evidence Timetable - Groups 1-19, 37-39, 42, 44, 46

Date	Start Time	Groups	Other information
14 June	9.30 am	5, 37-39, 42, 44, 46	Joint Objectors
21 June	9.30 am	1-4, 6-19	Meeting all day Tuesday
27 June	9.30 am	1-4, 6-19	Meeting all day Monday

EDINBURGH TRAM (LINE ONE) BILL COMMITTEE**APPROPRIATE ASSESSMENT****Purpose**

1. This paper considers the obligation on the Parliament to carry out an “appropriate assessment” under the Conservation (Natural Habitats & C) Regulations 1994 (the Regulations). It summarises the steps taken by the Committee to ensure that adequate environmental information is made available to the Parliament for the purposes of that assessment.

Background

2. The promoter’s Environmental Statement (ES) acknowledges that the construction works for the widened footway along a 250m section of the seawall at Starbank Road will have a direct impact on the Firth of Forth, a Special Protection Area (SPA) designated under the European Directive on Wild Birds (Council Directive 79/409/EEC) and a Site of Special Scientific Interest and an international wetland of importance for conservation.
3. This view is shared by Scottish National Heritage (SNH). In its letter of objection against the Bill dated 29 March 2004, SNH stated that the proposed walkway and its construction are likely to have a significant effect upon the bird species of interest within the SPA.
4. The effect of this is to bring into play the requirements of the Regulations on “appropriate assessment”. In brief, the Regulations require a “competent authority” to make an “appropriate assessment” of any project that is not necessary to the management of a SPA but which is likely to have a significant effect on it in view of its conservation objectives. This assessment must be undertaken before consent is given for the project. A project that would adversely affect the integrity of a SPA should not normally be permitted, but may be permitted if there are no alternative solutions and there is an overriding public interest that the project should proceed.
5. The purpose of the assessment is therefore to determine the likely effects of the walkway and its construction upon the SPA and whether any steps can be taken to negate or minimise those effects. The detail of this will be considered by the Committee at Consideration Stage and it will report its findings to Parliament before Final Stage. Ultimately, the Parliament will decide the appropriate assessment issue (see clause 70(6) of the Bill and Sections 3(4) and 48 of the Regulations) before considering whether the Bill should be passed or rejected at Final Stage.

Progress to date

6. To enable the Parliament to make this assessment and SNH to advise the Parliament in this process, a survey was conducted between February 2004 and January 2005 recording the numbers, distribution and activities of coastal bird species in the area of the project works. This survey was carried out by Environmental Resources Management (ERM) on behalf of the promoter, following a methodology agreed with SNH.
7. The results of this survey have now been made available to the Committee and hard copies have been circulated to the members. A copy of the survey report has also been made available on the promoter's website.
8. In addition, some objectors also expressed concern about the impact of the construction and operation of the tram on the Firth of Forth SPA and SSSI. In order to enable these objectors to access the survey report prior to the deadline for submitting witness lists and witness summaries on 6 May 2005, an electronic copy of the report was also posted to the relevant lead objectors.
9. The Committee has also recently written to SNH to ask it whether in light of this survey SNH now has adequate information to be able to give the Parliament its informed view on the appropriate assessment issue. In particular, the Committee wishes to obtain SNH's view on whether the project will (after mitigation) damage the integrity of the SPA. The Committee has also requested an update on what discussions it has had with the promoter on mitigation and SNH's view on how such mitigation could be enforced¹. A response was requested by 9 May 2005.
10. The Committee has also recently written to the City of Edinburgh Council (CEC) planning authority to ask whether it wishes to contribute to the appropriate assessment, and more generally to gain its view on its wider responsibilities under the Regulations. A response was requested by 9 May 2005.

Recommendations

11. The Committee is invited to consider and agree to:
 - note the bird survey report and to consider it in more detail at a future meeting;
 - to consider the response of SNH to the Committee's letter at a future meeting;
 - to consider the response of CEC planning authority to the Committee's letter at a future meeting.

¹ The Committee also asked whether SNH's concerns about badger mitigation and a lack of detail on the environmental mitigation report relating to the Roseburn Corridor have been addressed by the promoter.

EDINBURGH TRAM (LINE ONE) BILL COMMITTEE

ADDITIONAL WRITTEN EVIDENCE – PRELIMINARY STAGE

Purpose

1. The purpose of this paper is to provide the Committee with copies of the written evidence that have been received from the promoter:
 - Landscape and Habitat Management Plan for the Roseburn Corridor (Section 1 and 3 Revision A);
 - Noise and Vibration Policy.
2. This paper also invites the Committee to note this written evidence and to agree to consider it at a future meeting of the Committee.

Background

3. As the Committee will be aware, in its Preliminary Stage report it requested future written evidence from the promoter in a number of areas.
4. In particular, in its consideration of the adequacy of the Environmental Statement, the Committee noted that although work on the Landscape and Habitat Management Plan for the Roseburn Corridor was ongoing, the first sections of this work should be available in March.

Landscape and Habitat Management Plan for the Roseburn Corridor

5. The promoter has divided the Roseburn Corridor into 8 sections which are listed below:

Section 1: Groathill
Section 2: Maidencraig
Section 3: Queensferry Road
Section 4: Craigleith
Section 5: Ravelston Dykes
Section 6 St Georges
Section 7: Coltbridge
Section 8: Balbirnie Place

6. Two sections (Groathill and Queensferry Road) of the Landscape and Habitat Management Plan for the Roseburn Corridor have now been received and have been circulated to members in hard copy. A copy has also been made available on the promoter's website.
7. In addition, a number of objections raise the impact of the tram on the Roseburn Corridor as an issue. Given that the deadline for submitting witness lists and witness summaries for those objectors is 6 May, an electronic copy of the Landscape and Management Plan for the Roseburn

Corridor (Sections 1 and 3 Revision A) has been sent to the lead objectors of the relevant groups.

Noise and Vibration Policy

8. The promoter has also provided a copy of its Noise and Vibration Policy in which it outlines the approach it proposes to adopt in mitigating noise from the construction and operation of Tram Line One. A copy of this policy is contained in Annexe A of this paper.
9. Whilst this document was not specifically requested by the Committee in its Preliminary Stage report, it may be of use to the Committee and objectors during phase one of Consideration Stage.

Recommendation

The Committee is invited to consider whether to agree:

- to note the Landscape and Habitat Management Plan for the Roseburn Corridor (Section 1 and 3 Revision A) and to give further consideration of this document at a future Committee meeting;
- to note the noise and vibration policy.

Private Bills Unit
April 2005

EDINBURGH TRAM LINES ONE AND TWO

NOISE AND VIBRATION POLICY

MARCH 2005

1 INTRODUCTION

This policy statement sets out the approach the promoter proposes to adopt to mitigate noise from the operation of Edinburgh Tram Lines One and Two. Impacts during construction will be covered by the Edinburgh Tram Lines One and Two Code of Construction Practise.

This policy has been developed in the absence of any statutory requirements for noise mitigation from rail systems in Scotland. Unlike the situation for new roads throughout the UK, and for new railways in England and Wales, there are no noise insulation regulations or other statutory requirements to control noise from railways in Scotland. The promoter therefore proposes to implement a noise scheme based upon non-statutory standards set out in this policy statement. These are set at significantly lower noise levels than apply for statutory noise insulation elsewhere and mitigation will be provided wherever it is reasonably practicable to do so. It is important to recognise that this is a non-statutory arrangement and there will be cases where there are practical limitations as to what can be achieved. This Policy clarifies how these circumstances will be addressed.

2 APPROACH

The promoter will undertake measures to mitigate significant noise impacts for residents and other noise sensitive receivers in the vicinity of the routes, following a tiered approach. In this, different options for mitigation will be considered in turn, taking into account what is reasonably practicable and acceptable to affected parties in the circumstances of each location potentially affected by noise. This policy will be applied in accordance with the principle of best practicable means¹.

- Firstly, the promoter will define and apply strict noise emission standards when procuring all tram vehicles.
- Secondly, the promoter will use all reasonably practicable measures to avoid significant noise impacts through design of the track and trackbed.

¹ Best Practicable Means are defined in Section 72 of the Control of Pollution Act 1974 as those measures which are "reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to financial implications".

- Thirdly, where these measures are not sufficient to mitigate significant impacts, the promoter will provide noise barriers to attenuate noise between the track and sensitive receivers.
- Fourthly, the promoter will offer noise insulation within residential properties where, after all reasonably practicable and acceptable attenuation at source is provided, residual noise levels would exceed given thresholds.

Noise sensitive receivers are defined to include all types of dwellings, schools, libraries, hospitals, theatres and concert halls, and places of worship.

In defining what is reasonably practicable (ie what constitutes best practicable means), the promoter will take into account engineering feasibility, maintenance of driver sight lines, safe operation of the tram, safe interaction with road traffic, the safety of pedestrians and cyclists, and security and crime considerations. It will also take into account the cost of any proposed mitigation measure and the level of benefit achieved in terms of number of properties affected, the degree of noise reduction and the resulting noise levels, such that costs are not disproportionate to the benefits achieved. In defining what is acceptable the promoter will consult affected residents and take into account impacts on their amenity and that of other parties such a recreational user of facilities, and any other environmental concerns.

The application of these principles is further described below. A key aspect of their application is the definition of what constitutes a significant impact and this is set out in the next section before describing how this applies to the selection of appropriate noise mitigation measures at the four levels in the mitigation hierarchy.

3 DEFINITION OF SIGNIFICANT NOISE IMPACT

As noted above there are no statutory requirements for mitigating tram noise in Scotland. It is therefore necessary to define criteria to establish when noise mitigation should be considered. These have been based on the approach used in the Environmental Impact Assessments for Edinburgh Tram Lines One and Two. The likelihood of exceedance of these criteria will be determined in advance of construction by noise modelling².

Options for noise mitigation will start to be considered if the free-field noise level outside the window of any sensitive receiver exceeds either of the upper values specified in PAN56³ for Noise Exposure Category A ie:

- for daytime noise, LAeq 0700-2300 hours 55 dB;
- or
- for night time noise, LAeq 2300-0700 hours 45 dB.

² Predictions will be made at the final design stages by modelling and will take into account details of the track alignment and surrounding ground form between the track and the nearest building facade, the presence of natural barriers, the selected tram vehicle and the operating schedule.

³ Scottish Executive Planning Advice Note 56 *Planning and Noise*.

Where tram noise is predicted to be more than 3dB⁴ above either of these thresholds, mitigation measures to reduce the adverse impact of noise will be considered according to the extent to which the pre-existing ambient (LAeq, 1 hour) noise level is increased, as follows:

- Increase of 3-5 dB - mitigation considered on a case by case basis, and implemented if reasonably practicable and acceptable to affected parties.
- Increase of greater than 5 dB – mitigation implemented if reasonably practicable and acceptable to affected parties.

4 THE MITIGATION HIERARCHY

4.1 TRAM VEHICLE PROCUREMENT

The promoter will define and apply strict noise emission standards in the procurement of all tram vehicles. These will be decided following a review of achievable performance standards at the time of procurement of the tram vehicles and will be designed to reflect prevailing good standards at the time. The tram vehicle and the tram rails will be designed in a coordinated manner, so as to achieve the required performance standard in the circumstances to be encountered on the Edinburgh Tram system.

4.2 TRACK DESIGN

The promoter will adopt all reasonably practicable and acceptable measures to reduce noise at source by design of the track to attenuate noise. A variety of measures may be available to contribute to noise reduction at source and the promoter will consider all current developments in the field in developing the final design for the scheme. These will include the use of grass track which is already planned along some sections of the route and installation of acoustic plenum structures alongside the tram rails if this is acceptable to HM Railways Inspectorate.

4.3 NOISE BARRIERS

Where significant noise impacts are still predicted to occur, the promoter will consider the provision of noise screening structures within the tram corridor. The dimensions (length and height) and form of each structure will be determined by modelling and in consultation with affected properties. Where an attenuating structure proves not to be reasonably practicable or acceptable, or is only possible with reduced dimensions, the promoter will consider whether there are additional special measures that can be taken to mitigate noise that are proportionate in the circumstances of the case.

4.4 NOISE INSULATION

If approved, the provisions of the Edinburgh Tram Line One and Two Bills will empower the promoter to set up a noise insulation scheme. Details will be provided before completion of the parliamentary process.

⁴ Exceedances of up to 3 dB are considered to be of marginal significance. In line with current guidance, 3 dB is taken as the limit of perception of change in environmental noise.

5 VIBRATION

Trackforms will be designed adjacent to sensitive receptor buildings using Best Practicable Means to keep within the guideline levels of Vibration Dose Value (VDV) given in BS6472, 1992 below which the probability of adverse comments is low:

- Day (0700-2300 hours) 0.4 m/s^{1.75}; and
- Night (2300-0700 hours) 0.13 m/s^{1.75}.

6 MAINTENANCE AND MONITORING

The promoter is committed to maintaining the tram system, and in particular the wheel and rail surfaces, so as to minimise noise at sensitive receivers. For each section of the route a noise and vibration monitoring scheme will be established and results will be regularly reported. The noise and vibration monitoring scheme will be agreed with the City of Edinburgh Council's Environmental and consumer services department. The results will be used to inform wheel and track maintenance programmes in order to minimise unnecessary increases in noise.

The promoter will give due notice to the City of Edinburgh Council's Environmental and Consumer services department and potentially affected residents of plans to carry out any potentially noisy maintenance activities at night such as rail grinding.

The operator will establish a policy on the appropriate use of vehicle horns in accordance with safe working practices.

The operator will co-operate with the City of Edinburgh Council's Environmental and Consumer Services Department in establishing appropriate sound levels for tram stop Public Address systems if complaints are received from occupiers of noise sensitive premises.