The Committee will meet at 2 pm in Committee Room 6.

1. **Items in private:** The Committee will consider whether to take item 4 in private.

2. **Transport and Works (Scotland) Bill:** The Committee will take evidence on the general principles of the Bill at Stage 1 from—
   
   Odell Milne, Alison Bourne and Tina Woolnough, objectors to Edinburgh Tram (Line One) Bill
   
   and then from—
   
   Joanne Teal, McGrigors
   
   and then from—
   
   Ron McAulay, Director, Network Rail Scotland, Nigel Wunsch, Principal Route Planner, Network Rail, Karen Gribben, Legal Advisor, Network Rail
   
   and then from—
   
   James McCulloch, Chief Reporter, Scottish Executive Inquiry Reporters Unit.

3. **Subordinate legislation:** The Committee will consider the following negative instrument—

   the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Glasgow, Perth and Kinross Council, Aberdeen City Council, Dundee City Council and South Lanarkshire Council) Designation Amendment Order 2006, (SSI 2006/446)

4. **Freight transport inquiry:** The Committee will consider whether to request approval for an extension to the contract of the adviser.
Agenda Item 2

Submission from Alison Bourne

Agenda Item 3

Covering note on The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Glasgow, Perth and Kinross Council, Aberdeen City Council, Dundee City Council and South Lanarkshire Council) Designation Amendment Order 2006, (SSI 2006/446)

The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Glasgow, Perth and Kinross Council, Aberdeen City Council, Dundee City Council and South Lanarkshire Council) Designation Amendment Order 2006, (SSI 2006/446)

Agenda Item 4

Paper from the Clerk
TRANSPORT AND WORKS (SCOTLAND) BILL

I refer to your letter of 8 September regarding the above in which you state that, should I wish to submit further written evidence, that you would be happy to receive this.

I have just watched the video footage of the Committee meeting of 5 September 2006 at which Mesdames Jackie Baillie and Tricia Marwick, MSPs, and Mr John Halliday of the SPT gave evidence on which I would like to raise some additional points. I realise that what follows in this letter is outwith the scope of the evidence which I was invited to submit to the Committee but hope that Members will feel that it may be helpful to their considerations.

During the 5 September Committee Meeting, there was much discussion on the subjects of how best to deal with any alternative projects (eg, rail v tram) and alternative alignments which may be suggested by objectors/third parties. Evidence was given to the Committee to the effect that the STAG process offered a level of scrutiny such that, by the time a Bill is lodged, it should be safe to assume that both the type of project being promoted and also the alignment proposed are the best, in terms of STAG. Mr Halliday mentioned that other solutions are assessed during the STAG process and that five national criteria are applied during the route sifting process in order to ensure that the alignment eventually arrived at is the one most likely to deliver the range of benefits demanded by the STAG criteria ("safety", “environment”, “economy”, “integration” and “accessibility”).

However, this assumes that the STAG criteria and procedure has, indeed, been properly followed by the scheme promoter, without any bias, and that the project objectives are in line with the STAG objectives. Mr Ewing remarked that the whole process is rather like the Promoter marking the exam paper itself. Mr Ewing is absolutely correct and there is a significant problem here which I am concerned is not being sufficiently addressed under the terms of the proposed new legislation.

In the case of Tram Line 1, the original objective was to provide a fast link between the Waterfront Development and the city centre, preferably as cheaply as possible. The Promoter briefly compared the solutions of trams, guided buses, conventional buses and a “do nothing” scenario and concluded that trams were the preferred solution. The guided bus, conventional bus and “do nothing” scenario were not assessed any further. However, between the time of this assessment (2000/2001) and the present, modern bus technology has made enormous advances with many cities now looking at Bus Rapid Transit (BRT) as the solution they wish to follow, as opposed to trams. I would suggest that consideration of other options should be carried forward to a fairly advanced stage, before being allowed to fall.
Also, in the case of Tram Line 1, the initial route sifting procedure did not, in my opinion, comply with STAG. Instead of applying the five STAG criteria to all potential route links, sifting out the “least good” links to eventually arrive at a preferred route, the Promoter applied the criteria: “safety”, “environment”, “economy” and “technical difficulty” (Work Package 1 Report, December 2002) - and this despite the fact that technical difficulty (apart from obvious engineering “showstoppers”) should not be considered during the initial sifting process. Moreover, and again contrary to the recommendation of STAG, the Promoter then applied weightings, giving “technical difficulty” the highest weighting, ie, easiest and cheapest was given weighting over the other three criteria. Somewhat bizarrely, having identified a “preferred route”, the Promoter then applied the five STAG criteria to that route alone and claimed that this route best met the STAG objectives!

In dropping “integration”, no consideration could be given as to how the tram would integrate with other modes of transport, eg, buses. This, of course, was identified, by the NAO, as one of the reasons why some existing UK tram schemes have failed to attract sufficient patronage.

In dropping “accessibility” (“social inclusion” and “catchment”), there was no mechanism by which to identify the key passenger generators (eg, hospitals, colleges, major employers, etc) or the areas where there was a high demand for public transport (ie, socially deprived areas). Instead, the Promoter identified a “preferred route” which, for much of its length, runs beside the sea and then along a disused railway corridor, virtually cut off from the general road network (making integration difficult), both of which sections of line have low population density/high car ownership, whilst failing to provide direct stops at several key generators, whose patronage the scheme requires in order to ensure that it “stacks up” financially.

What is even more perplexing is that, in undertaking the sifting process for Tram Lines 2 and 3, the proper STAG procedure was followed correctly, ie, the five national criteria were applied throughout the whole procedure and there was no trace of “technical difficulty” being a consideration in identifying the best route, or of weightings being applied.

The impact of the differing criteria can best be seen by considering the many key generators served by Tram Line 3: city’s busiest bus corridor; University; Cameron Toll shopping centre; New Royal Infirmary Teaching Hospital; new Bio-medical Park; Craigmiller Regeneration Area; Fort Kinnaird Retail Park; and Newcraighall park and ride (with potential to extend into East Lothian). Regrettably, the public was not invited to state which of the three tram lines it preferred but I have little doubt that Tram Line 3 would have received the greatest support, addressing as it does many socio centres where access is already a problem.

In my view, the unsatisfactory initial sifting process for Tram Line 1, undertaken over a year before the Bill was formally lodged (and two and a half years before objectors became aware of the unusual sifting method applied) was where many of the problems with the project arose as the public could not understand the logic of a tram scheme (whose main advantage is that it can carry high numbers of passengers) which would not adequately serve the places where large numbers of passengers are, eg, the Western General Hospital/Edinburgh’s New Telford College.

I have raised, in my previous submission, the fact that sceptics of the tram scheme were aware from, TIE’s own background papers, that there was a massive funding shortfall well over a year before that became general public knowledge.
The point I wish to make is that, whilst I absolutely support the proposal that an independent Reporter(s) be appointed to undertake the consideration of the detail of future transport Bills, it may well be the case that, by that stage, the damage has already been done. My suggestion is that publicly-funded projects should be scrutinised by an independent expert(s) from a much earlier stage, preferably as near to inception of the scheme as possible. Had there been an independent expert(s) involved at the time when the sifting process was undertaken or when the Preliminary Financial Statement and supporting papers were produced, the technical and financial problems would have been identified at a point which would have allowed time to find answers to these problems before the Bill was lodged.

Because such scrutiny was not in place, Royal Assent has been given to a tram scheme that is likely to bear little resemblance to the original scheme. Only certain sections of the route are likely to be built for which there are still no estimated patronage figures; no benefit/cost ratio; no business case; no environmental impact information (e.g., air quality/reduction in general vehicular congestion); no details of the impact on bus services, etc. It is not even sure that an acceptable solution has been found to the very many technical difficulties which running a tram through the city centre will involve. How can a project be allowed to incur £63m of taxpayers’ money, be “over 10 years in the planning”, go through years of Council and Parliamentary procedure with issues such as these still unresolved?

Only this week, the Edinburgh Airport Rail Link Committee has published their Stage 1 Report in which they express dubiety over various aspects of that project. Why were these fairly obvious technical and financial issues not resolved BEFORE that Bill was ever lodged?

By repeatedly failing to address obvious major problems at an early stage, millions of pounds of public money are wasted every year on projects which may never actually materialise and the general public becomes increasingly exasperated over the perceived “incompetence” of its officials and its politicians.

I would suggest that, whilst the new Transport and Works (Scotland) Act is to be welcomed and should result in a great improvement over the Private Bills Procedure, serious consideration needs to be given as to how major schemes are approached from their very inception. There needs to be far more meaningful consultation with the public on what it considers to be priorities; far more rigorous attention paid by consultants to potential “showstoppers” at an early stage; and far more scrutiny given by independent parties throughout all stages of a project to ensure that major issues are addressed.

If this were to happen, I feel confident that, by the time a Bill is lodged with Parliament, the level of objections would be much lower, less serious and far less time consuming (therefore, cost effective), and there would be a greater assurance to the public that the scheme is (a) robust; (b) technically and financially feasible; and (c) will actually be delivered.

I do hope that the Committee will feel able to bear in mind my comments, which I would be happy to discuss further, should members wish, during my evidence on 26 September 2006.

Yours sincerely

MRS ALISON J. BOURNE
SSI Cover Note For Committee Meeting

SSI title and number: The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Glasgow, Perth and Kinross Council, Aberdeen City Council, Dundee City Council and South Lanarkshire Council) Designation Amendment Order 2006

Type of Instrument: Negative

Meeting: 26 September 2006

Date circulated to members: 11 September 2006

SSI drawn to Parliament’s attention by Sub Leg Committee: No

Purpose: The purpose of this instrument is to amend the principal Orders establishing decriminalised parking regimes within the council areas listed to allow decriminalised enforcement in off-street car parks run by those councils.