

Edinburgh Tram Project – Tram Line 3: Section 82 Resolution

The City Of Edinburgh Council

9 December 2004

Purpose of report

1. The purpose of the Report is to seek approval for lodging of the Edinburgh Tram (Line Three) Bill, “the Bill”, in the Scottish Parliament. This requires the City of Edinburgh Council, as the formal Promoter of the Edinburgh Tram (Line Three) Bill (see Appendix A), to pass the Resolution, under Section 82 of the Local Government (Scotland) Act 1973, as amended, to promote private legislation.
2. The proposed Edinburgh Tram Project is ranked fourth among the top ten Scottish transport projects, as detailed by the Transport Minister, in an announcement, made on 21 March 2002. The project is a key element of the Council’s Integrated Transport Initiative and will radically improve transport in the City.
3. Edinburgh has a thriving and growing economy, with growth forecast to continue, and to ensure continued success and investment there is a need for a high quality public transport system to match our British and European competitors.
4. To address these and other concerns, the Council is proposing a vision for transport in Edinburgh, through an Integrated Transport Initiative, and the tram scheme is one of the key elements. The tram will offer a first class alternative to the car for many urban trips. Without the Initiative and trams, congestion is forecast to reach intolerable levels throughout the city and both the economy and quality of life would suffer.

Main report

5. The proposals have been through a rigorous reporting regime. This includes consideration by the Planning Committee on 5 May 2004, 5 August and 3 November; the Executive of the Council on 24 February 2004, 27 July and 19 October and Full Council on 11 November 2004 and 09 December.

6. The Council, at its meeting of 11 November 2004, considered an Edinburgh Tram Project Tram Line 3 Report and approved the Final Route Alignment. The Council, at its ordinary meeting of 9 December 2004, will consider a further Tram Line 3 report and be asked to approve the draft Environmental Statement and the draft Bill documents for the tram line.
7. It will also be noted at the meeting that a motion to formally approve the lodging of the Bill and supporting documentation for Tram Line 3 would be presented to a special meeting of the Council on 9 December 2004.
8. Before the Bill can be deposited with the Scottish Parliament, it is necessary for Council to pass the Resolution in the form set out in Appendix A.
9. **tie** and its advisors have now developed the draft documentation to a level that is almost ready for lodging with the Private Bills Unit of the Parliament. This is provided as background papers to this report.

Head of Planning Approval

10. At the Planning Committee meeting, of 3 November 2004, the Committee agreed that the Head of Planning should review the documents and provide a written confirmation to the Council that any outstanding planning matters have been adequately addressed. There are outstanding design issues, associated with Cameron Toll Shopping Centre and the Jack Kane Centre, which require further discussions with officials and these will be reported in due course. A copy of the official written confirmation of this fact is included in Appendix B to this report.

Programme

11. If the Council passes the resolution contained within this report for Tram Line 3, it had been previously intended to submit the relevant documentation, once complete, to the Private Bills Unit of the Parliament as soon as possible. However, it has been subsequently noted that the date of submission of the Bill needs to be discussed and agreed with the Scottish Executive, in order to take account of the lodging of the Edinburgh Airport Rail Link (EARL) Bill and implications for Parliament resources. Thereafter, once agreed with the Private Bills Unit, the Tram Line 3 Bill and supporting documents can be formally lodged with the Parliament, which will begin the statutory 60-day objection period.
12. The next stage in the Scottish Parliamentary process would be the Preliminary Stage when a Private Bill Committee would be appointed to consider, amongst other matters, whether to approve the tram scheme in principle. At this stage, the Promoter would be required to prove the general principles for the tram line.
13. After the Preliminary Stage, there follows the Consideration Stage when the Committee would hear representations from Objectors and from the Promoter. At the present time, it is not possible to advise when this stage is likely to take place since this matter is subject to the control of the Parliamentary Bureau.

14. At the Final Stage of the Private Bill process, the whole Scottish Parliament would meet to consider the Bill. MSPs would consider any further amendments and then decide whether or not the Bill should be passed. Any Member of the Scottish Parliament may propose an amendment. Provided the Bill is not subject to any legal challenge, it would then be presented to the Queen for Royal Assent, thereafter becoming an Act of the Scottish Parliament. Assuming Statutory Powers and funding were secured in 2006, it is possible that the first trams on Tram Line 3 could be operational in 2011.

Financial Implications

15. The costs for developing Tram Line 3 to the point of attaining parliamentary powers are committed from the Scottish Executive Integrated Transport Fund.
16. Further reports regarding funding of the construction and operation of the tram line, incorporating details of an outline business case, will be presented to the Council in due course.

Further Reports

17. The Council is required to hold a second Section 82 meeting following the introduction of the Bill in Parliament, to confirm the Council's promotion of the Bill.
18. There will be future technical and financial reports to the Executive and Council throughout the development of the Tram Project.

Strategic Policy Objectives

19. The Edinburgh Tram Project is fundamental to the delivery of the Council's vision for transport over the next 20 years. This recognises the importance of transport for the economy of the city at the same time seeks a major shift in the way transport needs are satisfied in order to achieve core objectives. These relate to the sustainability of the city, environment, safety and the promotion of greater social inclusion.

Recommendations

20. That the Council, pursuant to the terms of Section 82 of the Local Government (Scotland) Act 1973, as amended, approves and passes the Resolution as contained in Appendix A.
21. To note that the Head of Planning has reviewed the outstanding planning matters and is satisfied that they have been adequately addressed, with the exception of Cameron Toll Shopping Centre and the Jack Kane Centre, which will be reported later. A copy of the official written confirmation is included in Appendix B to this report.

22. To note that the intended date for lodging the Tram Line 3 Bill is now to be agreed with the Scottish Executive, thereby taking account of its intention of lodging the EARL Bill.



Jim Inch

Director of Corporate Services

02/12/04



Andrew Holmes

Director of City Development

2.12.04

Appendices

Appendix A: Section 82 Resolution Edinburgh Tram (Line Three) Bill
Appendix B: Outstanding Planning Matters Delegated for Head of Planning Approval.

Contact/Tel

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Wards Affected

All

Background Papers

Draft Maps, Plans and Sections
Draft Promoter's Statement
Draft Promoter's Memorandum
Draft Estimate of Expense and Funding Statement
Draft Bill: Edinburgh Tram (Line Three)
Draft Explanatory Notes
Draft Environmental Statement
Draft Assignment of Copyright/Licensing Agreement

(Appendices A and B and the background documents are available for inspection at the Council Information Centre.)

APPENDIX A

Local Government (Scotland) Act 1973 Section 82, As Amended

“PROPOSED EDINBURGH TRAM (LINE THREE) BILL”

Resolved

That The City of Edinburgh Council do promote a private Bill in the Scottish Parliament for the following purposes:-

- 1 The construction and operation of a tramline in the City of Edinburgh running from Princes Street to Newcraighall Park and Ride, via the new Royal Infirmary of Edinburgh.
- 2 The carrying out of such ancillary works as are necessary for the construction and operation of the tramline, including stopping up and interference with roads and crossings of the tramline.
- 3 The compulsory acquisition of land required for the construction, operation and maintenance of the works, including the temporary occupation of land and permanent and temporary rights over land, and the extinction of others' rights over land so acquired.
- 4 Related ancillary powers such as powers to attach brackets etc. to buildings, to lop trees overhanging the tramline, to enter land for survey purposes, to charge penalty fares, and to carry out works to certain listed buildings.

In connection with the promotion, it is further resolved as follows:-

- 5 That the appropriate proper officers of the Council be authorised in relation to the Bill to take all steps and do and perform all such acts on behalf of the Council as they may consider necessary or expedient including in relation to—
 - the instructing of counsel, agents and witnesses;
 - the agreeing of amendments to the Bill;
 - the carrying on of negotiations and the making of agreements with third parties;
 - the giving on behalf of the Council of undertakings in connection with the Bill;
 - and
 - the affixing of the Council's Common Seal to any documents.

APPENDIX B

OUTSTANDING PLANNING MATTERS DELEGATED FOR HEAD OF PLANNING APPROVAL

At the last report to Planning Committee on the Edinburgh Tram Project; Tram Line 3 on 3rd November 04, a number of planning matters were remitted to the Head of Planning for further checking. These included a check of the final version of the environmental statements and the plans to ensure that sufficient provision is made in the parliamentary submission for quality design in key locations. This note provides a review of these matters. The key locations and documents identified are highlighted in bold.

- **Ventnor Terrace – Checking Limits of Deviation (LoDs) in final plans and mitigation measures in ES:** The LoDs have been drawn in to avoid any incursion into the open space at Ventnor Terrace. In addition, there is now no substation proposed in this location. On this basis the ES does not need to make any reference to this issue. It does, however, refer to minimising any possible impact on the former gateway to the cemetery and includes mitigation, if necessary. This is considered acceptable.
- **Jack Kane Centre – Checking Limits of Deviation (LoDs) in final plans and impacts and mitigation in Environmental Statement :** the LoDs continue to include an area towards the front of Hunter’s Hall/Jack Kane Centre grounds for “Proposed Park and Ride site (construction compound)”. The impacts of such a site have been assessed in the ES. This is contrary to the position agreed by Planning Committee who sought the removal of this element. However, the ES contains a preface which states that there are two areas of design not yet completed – one of these being the potential Park & Ride site at Jack Kane Centre. The P&R site remains to be assessed for viability, and will be removed from the final plans and sections “if CEC believe that it does not meet with planning aspirations for this area once the economic facts are known”. This matter cannot therefore be fully signed off at this stage.
- **Cameron Toll - Checking impacts and mitigation in Environmental Statement :** The preface to the ES identifies Cameron Toll multi storey car park as the other area of design not yet completed. The preface states this will be subject to further discussion and agreement with CEC, and the design will be controlled through the “prior approval” process. However, the ES has not assessed this. This matter cannot therefore be fully signed off at this stage.
- **Inch Park – Checking mitigation measures in Environmental Statement :** The proposed mitigation measures in the ES refer to relocating the gateway, and the walls to be “taken down and sensitively re-erected”. Although somewhat lacking in detail, this is considered acceptable given that the Design Manual provides more detail on such matters, and can be strengthened.
- **Fort Kinnaird - stabling facility – Checking Limits of Deviation in final plans :** the LoDs here have been drawn wide to allow for a stabling facility to be identified within the space, to fit in with development aspirations. Proposed mitigation is a wall/screen. This is minimal, and should be supplemented by additional measures if required in the Fort Kinnaird brief.

Other Matters and Conclusion

Additional matters raised in the Committee report have also been addressed. The proposed construction compound at Jubilee Park avoids the Designed Landscape, and there is no longer a substation proposed at the Thistle Foundation, Craigmillar. An alternative location for the substation close to the Niddrie Burn at the Royal Infirmary is acceptable providing it does not impact on the realignment of the Niddrie Burn (which should be the case).

One issue is unclear. The ES refers to a proposed construction compound at The Meadows, but this has not been included in the final alignment plans, and was not considered by Planning Committee. This anomaly should be corrected, and it is recommended that the proposal for a compound here should be dropped.

It is therefore confirmed that those matters indicated above are addressed to my satisfaction, and, accordingly, certain of the delegated matters outstanding from the Planning Committee of 3rd November 2004 are now resolved. However, as stated above, design elements at the Jack Kane Centre (P&R site) and Cameron Toll (multi-storey car park) remain unresolved, will be the subject of further discussion and review, and a subsequent sign off will be required.

Signed

A large black rectangular redaction box covering the signature of Alan Henderson.

Alan Henderson
Head of Planning

Dated 1st December 2004