

Edinburgh Tram Inquiry Office Use Only

Witness Name: Peter Kenneth George
Dunlop

Dated: [DATE OF SIGNING] 16/11/16

THE EDINBURGH TRAM INQUIRY

Witness Statement of Peter Kenneth George Dunlop

Statement taken by Raymond Gray on 30 September 2016.

My full name is Peter Kenneth George Dunlop. I am aged 69. My contact details are known to the Inquiry.

Statement:

1. I am a retired Chartered Civil Engineer with over 40 years' experience within the construction industry. In 1993 I became a Fellow of the Institution of Civil Engineers. This is recognition, by my peers, of my work and standing within the Civil Engineering community. The majority of the work I have undertaken has been in the Far East although I have also been involved in major projects throughout the United Kingdom. As a Chartered Civil Engineer I was involved in the construction of container ports, bridges and city centre structures. I have never worked on a rapid transit project although I have been involved in the tendering process for similar projects so I have a knowledge of what is involved. A number of my close colleagues have been involved in rapid transit projects and I have enhanced my knowledge through sharing learning experiences with them. In 2008 I retired and returned to Edinburgh where I currently reside.
2. Whilst I was working abroad I had been aware of the Edinburgh Tram Project through media and internet articles. On my return to Edinburgh I naturally took an interest due to my engineering background. My initial thoughts were that we did not need a tram system and we would be better

served by improving the existing bus service in line with other major European cities. I think that a major impact on the project was the change in Scottish Government at the time and the Scottish National Party opposing the scheme. In my opinion the SNP gave the Tram Project £500 million and told them to get on with it without managing or auditing how the City of Edinburgh was spending that large sum of taxpayer's money. I followed the tendering process through the media. I thought it was not a good situation when there was only one preferred bidder, Bilfinger Berger. The other interested parties appeared to have dropped out of the process. In my opinion and experience this put the contractor in a very strong position and the client in a weak negotiating position. I have never worked for Bilfinger Berger although I have heard of them and they have a very good reputation within the industry. Again from what I ascertained through the media it appeared that the person representing TIE including its public face was a young woman with, as I understand it, a PR background inexperienced in this type of venture and not what was required to take the project forward. In my opinion it should have been a "hard bitten" male civil engineer with experience of rapid transit work that would have negotiated a better deal with the contractor for the client.

3. As I reside in the west end of the city centre I came into contact with the tram works in this area on a regular basis. This would have been around 2011 or 2012. Due to my engineering background I was a keen observer as to how the work was being carried out. From my observations it appeared that the work was very "piecemeal". The utilities appeared not to have been properly ducted prior to the tram lines being laid. By duct I do not mean circular conduits but rather formed square section spaces similar to a continuous manhole. This could potentially cause problems at a later date should there be any issues with the utility services that may require excavation and attention. The opportunity to put all the utilities in ducts, thus facilitating any future maintenance or repairs, was lost. It was also apparent to me that the manner in which the concrete bed was being laid for the tram rails was incorrect. The wet concrete was being laid into plywood shuttering when the formwork should have been of a "road form" and the transport and placing of

concrete from the bucket of an excavator should have been forbidden. I did not see any proper curing of the concrete. I tried to speak with the contractors involved in the work about this but they did not engage with me. I did not highlight any of my concerns to the Tram Project at this time. It was my understanding that the Tram Project was set in its ways and was not open to suggestion.

4. In Shandwick Place I also noticed that local businesses were being affected by the continuing work in the area. These businesses appeared to be getting some assistance with deliveries from persons employed by the council. I do not think that they were contractor employees. When this type of work is being undertaken it should be the contractors' responsibility to provide this assistance as a part of the contract. Ultimately the contractors are the cause of the disruption.

5. I also made similar observations regarding the standard of work on the tram line in the Princes Street area. Again I did not highlight any of my concerns to the tram project it was just my professional opinion. I did find it very strange that during the Christmas and Edinburgh Festival periods work stopped. This in my view gave the contractor a licence to make a claim for compensation as they were not able to provide work for their staff during these times. Such client instructions mean that the contractor has to reorganise his resources and this is very disruptive. I also thought that the actual working hours of the contractors should have been 24/7. It was not clear to me whether the short working hours, apparently from 0800 to around 1700, with an earlier finish on Fridays was a contractor decision or a contract restriction. Few people live along the length of the trams and, like all such projects that I have seen I would have expected 24/7 working. This makes for the most efficient use of equipment and minimises the duration of both the contract, earlier return on investment, and the disruption to the citizenry. This would have reduced the total time for work within Princes Street and the impact on businesses located there. I did not convey any of these thoughts to the Edinburgh Tram Project.

6. It is my opinion that the Tram Project was flawed in its delivery. It would have provided a far better service if its route ran the length of Princes Street into Leith Street. This would have linked the tram with the new escalators at Waverley Station. The city could have had a real transport interchange hub especially if the congested bus station had been moved to Waverley as well. Also the turn the trams take travelling from Princes Street into St Andrews Square and vice versa is too severe. This will cause excessive wear to the trams' wheels and rails – the same applies to some of the corners between the Maybury and the airport, you can hear the wheels grinding on the rails. This will inevitably lead to repair costs.
7. I did not contact the Trams Project in respect of my professional concerns in relation to the work practices as it did not have any direct impact on myself and where I resided. I did not attend any public meetings in respect of the Trams Project.
8. I did however contact the Trams Project direct during the tram works as a result of personal issues I wished to highlight. I travel a lot and use public transport from the Haymarket area to Edinburgh Airport. I emailed the Trams Project on 28 March 2012 to complain about the lack of information on the Trams website in relation to temporary bus stops for the bus service to the airport. David Hatton on behalf of the Trams responded on 30 March 2012 and directed me to the Lothian Buses website who dealt with the positioning of temporary bus stops (CEC01919945). I emailed the Trams a second time on 9 April 2012 in relation to the absence of a moving walkway between the Tram terminus at the airport and the terminal building. I received a response from David Hatton that this was a matter for the airport to address as the land belonged to them (CEC01917974). A huge missed opportunity. The terminus should have been where the buses stop outside the terminal building, preferably underground as in almost every other airport and Edinburgh is a capital city. My final correspondence with the Trams Project was again by email on 8 October 2013 regarding issues with the tram

website and its provision of cycling safety information. I received a response from Diane Hill on 25 October 2013 informing me that the issue had been resolved (CEC01925022).

9. I would rate the trams website as poor and the customer service provided by them as unsatisfactory. When I contacted the trams with specific questions it always seemed to be someone else's issue and they appeared keen to pass responsibility on elsewhere rather than find a solution themselves.

10. In conclusion I feel that the trams were very much a vanity project for Edinburgh Council. It was clearly the wrong type of contract and the supervision in place for this was inadequate. As far as I can tell the City of Edinburgh Council instructed lawyers to write the contract. This is almost always a mistake because it has no case history of how it works and has been applied. A tenderer thus has a choice of either loading his price to hedge the risks or to risk a favourable interpretation of a dispute. In the latter case this can lead to a loss by the contractor and a contractor which is losing money is a risk to the successful completion of the project. There are several tried and tested forms of contract which would have been more suitable FIDIC or the New Civil Engineering Contract that are specifically designed for infrastructure projects and which have a known history of application. A contract works best when both parties consider it to be fair. A serious result of this seems to have been the City of Edinburgh's repeated statements that the contractors claims were of no value leading the contractor to stop work. In the event almost all the contractors claims were judged to be valid and were paid. Further, there seemed to be no linkage between the advanced works/utilities diversions and the main contract. This forced the contractor to change his sequence and location of working because the diversions were not ready in time. This too cost the City more money in claims. Less than half of the route as completed is on public roads. There were many and frequent changes of diversions in the west end. Had they been better thought through the contractor could have been given the full stretch from Haymarket to the west end to work on at one time or at worst in two bites. Projects elsewhere install temporary roads and bridges and this could have

been done at Haymarket and, for example across Atholl Place from Palmerston Place to Torphichen Street. I believe that the money used for the tram project would have been better spent on other infrastructure ventures that would have served the city better. There appeared to be no consideration for integrating the trams with the current railway service at the Gyle which would have provided an excellent transport hub for the airport and the west of the city.

I confirm that the facts to which I attest in this witness statement, consisting of this and the preceding five pages are within my direct knowledge and are true. Where they are based on information provided to me by others, I confirm that they are true to the best of my knowledge, information and belief.

Witness signature..... *P. Dunlop*
Date of signing..... *9-11-16*