The Forth Crossing Bill seeks to grant Scottish Ministers the necessary powers to construct a new cable stayed road bridge over the Firth of Forth, adjacent to the existing Forth Road Bridge, along with new and upgraded connecting roads and associated traffic management infrastructure.
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EXECUTIVE SUMMARY

Forth Crossing Bill

Alan Rehfisch

The main cables of the current Forth Road Bridge, a key traffic artery linking Fife and the Lothians, are suffering from corrosion which has caused a loss of strength. Remedial measures are being taken to halt any further corrosion and subsequent loss of strength, i.e. the installation of a dehumidification system which should reduce the level of humidity within the cables to a point where further corrosion is not possible. If this system proves unsuccessful then it is possible that the bridge may have to close to heavy goods traffic from as early as 2017 and general traffic some years after that.

Scottish Ministers have decided that, to ensure continuity of cross-Forth vehicle traffic, the construction of a new Forth Crossing adjacent to the existing Forth Road Bridge is necessary and that construction should begin as soon as reasonably practicable so there is no period where a bridge between North and South Queensferry is unavailable to all traffic. The proposed bridge will be of cable stayed construction and carry a dual two-lane road with hard shoulders. Traffic using the Crossing will be protected from high winds by wind shielding, meaning it will be far less susceptible to closure in adverse weather than the current bridge.

The connecting roads to the new bridge are of motorway standard and traffic flow will be managed by an intelligent transport system which aims to smooth the flow of traffic and thus reduce the potential for rush hour congestion.

Scottish Ministers propose that the Forth Road Bridge be retained for use by buses, cyclists, pedestrians and motorcyclists whose bikes have engines of 50cc and under. Ministers are confident that, due to this very light loading, the augmentation or replacement of the main cables may not be required, at least for the foreseeable future.

The Forth Crossing Bill would give Scottish Ministers the powers they require to construct and operate the new Forth Crossing and associated connecting roads. This includes the power to compulsorily purchase or temporarily access land for construction and improvement works and associated purposes.

The Scottish Government will fund the construction of the Forth Crossing from its capital budget, with expenditure spread over the period 2007/8 until at least 2016/17. The Forth Crossing and associated access roads and other works is predicted to have an out-turn cost of £2.044bn.
INTRODUCTION

The Forth Crossing Bill was introduced in the Scottish Parliament on 16 November 2009 by John Swinney MSP, Cabinet Secretary for Finance and Sustainable Growth. If passed, the Bill would grant Scottish Ministers the powers necessary to construct a road crossing over the Firth of Forth adjacent to the current Forth Road Bridge, plus new or upgraded connecting roads and associated infrastructure.

This briefing provides key information on the current Forth Road Bridge, including the history of investigations into the condition of the main cables. It goes on to examine key aspects of the new Forth Crossing, including the Scottish Government’s justification for its construction, the dual crossing strategy, public transport provision and the connecting road network. It then briefly sets out the contents of the Forth Crossing Bill and explores how the Bill will be examined by the Scottish Parliament.

Throughout this briefing the term Forth Bridge relates to the rail bridge, Forth Road Bridge to the current suspension bridge and Forth Crossing to the proposed cable stayed bridge which would be authorised by the passage of this bill.

THE FORTH ROAD BRIDGE

The Forth Road Bridge is a long span suspension bridge over the Firth of Forth between South Queensferry, located to the west of Edinburgh, and North Queensferry in Fife. The bridge and its approach viaducts, which carry a two lane dual carriageway plus cycle paths and footpaths, are 2,517 metres long. The suspension bridge itself is 1,822 metres long, making it the second longest single span suspension bridge in the UK.

WHO OWNS AND OPERATES THE FORTH ROAD BRIDGE?

The Forth Road Bridge is managed, operated and maintained by the Forth Estuary Transport Authority (FETA), a joint board made up of councillors from the City of Edinburgh Council (4 members), Fife Council (4 members), Perth & Kinross Council (1 member) and West Lothian Council (1 member).

Following the abolition of tolls on the Forth Road Bridge on 11 February 2008, FETA receives all of its funding from the Scottish Government. Previously, funding for bridge operation, maintenance and transport schemes came solely from toll revenue. The Scottish Government provided grant-in-aid to FETA of £13.965m in financial year 2008-09, of which £7.070m was revenue and £6.895m capital (Forth Estuary Transport Authority 2009).

FETA has set out its plans for the period 2002 to 2020 in its Local Transport Strategy (Forth Estuary Transport Authority 2005) which was published on 27 October 2005.
CORROSION OF THE FORTH ROAD BRIDGE MAIN CABLES

Suspension Bridge Design

Studies have identified some corrosion and broken wires within the main cables of the Forth Road Bridge. To understand the significance of these findings it is important to understand how a suspension bridge works. This is explained below.

The Forth Road Bridge consists of two main towers, built on concrete piers sunk into the bed of the river Forth, over which two parallel main cables, themselves made up of 11,618 individual wires, are stretched. The ends of these cables are attached to large concrete anchors which are sunk deep into the rock at either end of the bridge. Smaller vertical cables, known as hangers connect the suspended span deck to the main cables. The suspended span deck runs the length of the bridge and supports the roadway. The main cables pass over a special structure at the top of each main tower, known as a saddle. The cables slide over the saddles and the towers are designed to take the vertical forces from the cables.

Figure 1: View of the Forth Road Bridge Showing Main Towers, Piers, Main Cables, Hangers, Suspended Span and Roadway

In effect, the roadway of a suspension bridge hangs from the main cables. All of the weight of the bridge and any vehicles on it are borne by the main cables, which in turn are held up by the two main towers and the anchorages. The suspension bridge itself does not meet with land at either of its ends; rather traditional viaducts built on concrete piers take the roadway from land up to the suspended roadway.

The Main Cables of the Forth Road Bridge

As part of the cyclical maintenance of the Forth Road Bridge FETA decided during 2004 to carry out a detailed inspection of the condition of the bridge’s two main cables. As there are no UK or European guidelines on the inspection or repair of the main cables of a suspension bridge, FETA turned to emerging guidance being produced by the United States National Cooperative Highway Research Program (NCHRP) as how best to proceed. This guidance was published
later in 2004 as NCHRP Report 534; Guidelines for Inspection and Strength Evaluation of Suspension Bridge Parallel Wire Cables (Transportation Research Board 2004) and is considered the definitive guide on this subject.

FETA commissioned consultants FaberMaunsell, with Weidlinger Associates acting as advisers, to study the condition of the Forth Road Bridge’s main cables. Contractors acting on behalf of FETA then carried out the first ever internal visual inspection of the bridge’s main cables. This work was carried out at four points on the main cables and involved removing each cable’s outer wrapping wire and protective red lead paste and driving hardwood or plastic wedges into the cable to expose the individual wires. During this inspection a very small number of broken wires and incidences of corrosion were found. Further inspections were carried out at different points on the cables during 2005, which confirmed the existence of further broken wires and corrosion. Wire samples were also examined in a laboratory to better understand the impact of corrosion on tensile strength. Following the completion of the inspection and testing, it was assessed that the main cables had lost between 8% and 10% of their total strength. Engineers responsible for the inspection calculated that possible further loss of strength in the main cables due to corrosion could require traffic restrictions from 2014 at the earliest.

Acting on the advice of their consultants, FETA installed acoustic monitoring equipment on the main cables during 2006. This equipment gives a more detailed picture of the rate of any deterioration in the integrity of the main cables and can help predict their likely remaining lifespan.

At its meeting of 25 November 2005 the FETA board committed to examining the possibility of installing a dehumidification system onto the main cables, which is used on several recently built suspension bridges around the world. Dehumidification systems work by pumping dry air into the main cables, which are wrapped in an airtight membrane, at various points with the aim of preventing or reducing further corrosion by reducing the humidity inside the cable to a level where further corrosion should not take place. Work began on the installation of the dehumidification system in April 2006 and the system was fully activated on 22 October 2009. As this is the first time a major suspension bridge has been retro-fitted with a dehumidification system, no-one can be entirely sure whether it will prevent further corrosion. The first indication of the success, or otherwise, of the system will become available in 2011/12, when the main cables will be subjected to another invasive inspection. Regardless of the outcomes of this inspection, it is likely that there will always be some uncertainty as to how much strength the cables will lose in future due to past corrosion. It is likely that the main cables will have to be subject to further inspections throughout the remainder of their lifetime, to ensure that the bridge maintains adequate margins of safety and to assist in predicting the eventual life span of the main cables (New Civil Engineer 2009).

FETA also commissioned consultants to investigate the technical feasibility of strengthening or replacing the existing main cables on the Forth Road Bridge. The preliminary findings of this study were published during June 2007. The report (Forth Estuary Transport Authority 2007) concluded that:

“The replacement or augmentation of the main cables on the Forth Road Bridge presents significant engineering challenges but is achievable. However, the impact of the traffic management measures required to carry out the works safely, result in significant delays to the strategic roads network.”

The cost of replacing the main cables is estimated to be in the region of £91m to £122m at 2007 prices (New Civil Engineer 2008) and would take between seven and nine years to implement, while keeping the bridge at least partially open for most of this time. The full economic cost of
undertaking this work, essentially due to increased traffic congestion, is estimated by FETA to come in at £1.3bn.

It is worth remembering that these concerns relate to the medium to long term future of the Forth Road Bridge, which was originally predicted to have a 120 year design lifespan. The bridge is safe for all forms of traffic to use in the short term and possibly well into the future depending on the success of the dehumidification system.

The problem of main cable corrosion will not be an issue for the new Forth Crossing as it will be a cable stayed rather than suspension bridge. The new crossing will consist of three single column towers that will support the bridge deck by means of inclined, taut cables attached to the towers (see figure 2 for photograph of a cable stayed bridge). These cables can be replaced individually and independently without major inconvenience should they ever suffer from corrosion.

Figure 2: View of the Cable Stayed Stonecutters Bridge under Construction (September 2009) Showing One of the Main Towers, Bridge Deck, Cables and Approach Viaducts

Image: Highways Department: The Government of Hong Kong Special Administrative Region

THE FORTH CROSSING

JUSTIFICATION FOR THE CONSTRUCTION OF THE FORTH CROSSING

The Policy Memorandum which accompanies the Bill states:

The policy objective is to provide, in the light of uncertainties about the future availability of the Forth Road Bridge, a continuing and reliable primary road link between Edinburgh and the Lothians and Fife and beyond in order to safeguard the economy, particularly of the east coast of Scotland.
Essentially, this means that Scottish Ministers justify the construction of the Forth Crossing on the basis that there is uncertainty about the long term future of the Forth Road Bridge, particularly its ability to continue to carry vehicles past the middle of the next decade if the dehumidification system does not prevent further loss of strength in the main cables. If this situation were to arise then delaying the beginning of construction of the Forth Crossing beyond 2011 could lead to a period when there was no road crossing between North and South Queensferry. This could occur if the Forth Road Bridge had to shut to traffic, which could happen as early as 2014 (although the earliest date this is now considered likely is 2017 for heavy vehicles) and, given that it will take approximately five years to build a new crossing, a new crossing would not be ready before the predicted earliest date for the closure of the Forth Road Bridge.

However, it is worth noting, that were the dehumidification system to stop further corrosion and loss of strength in the main cables, then the Forth Road Bridge could have a life span measured in several decades, or at least long enough to postpone taking any decision on a new crossing for some time without the concern that there may be a period where a crossing would not be available.

THE FORTH CROSSING STRATEGY

The development of the Forth Crossing is only part of the Scottish Government’s proposed Forth Crossing strategy. If the Forth crossing is built then the current Forth Road Bridge will be retained for the exclusive use of buses, taxis, motorcycles under 50cc, pedestrians and cyclists. The Scottish Government also states that trams could run over the current Forth Road Bridge at some point in the future. However, there are no short, medium or long term plans by the Scottish Government or local authorities to construct a tram line between Edinburgh and Fife, i.e. the development of trams between Edinburgh and Fife does not feature as a firm proposal in either the Edinburgh (Edinburgh Council 2007) or Fife (Fife Council 2006) local transport plans, SESTRAN regional transport plan (SESTARN 2008), the National Planning Framework for Scotland 2 (Scottish Government 2009) or the Strategic Transport Projects Review (STPR) (Transport Scotland 2009c). STPR project 25 – Light Rapid Transit Connections between Fife and Edinburgh relates to a bus based system rather than to trams. This project is itself at the very earliest stages of development with no defined timescale or budget.
The Forth Crossing will be connected to the road network at its southern end by a new dual carriageway that links with a new junction onto the A904. There will also be a new connecting road which links to the A90 and thereby to the M9 in the south via the M9 spur. An enhancement at Junction 1a of the M9 will permit full directional access to and from the M9 to the M9 spur. Eastbound, the revised two lane slip road from the M9 spur will join the lanes provided on the M9 to form a four lane carriageway with hard shoulder. The westbound approach to Junction 1a from Newbridge will be improved by the addition of an auxiliary exit lane from the River Almond bridge.
North of the Forth, the bridge will be connected to the M90/A90 by a new dual carriageway, with junction enhancements at Ferrytoll and road widening between this junction and Admiralty Junction as well as a realignment of a local road to North Queensferry.

Almost all the new roads, including the crossing, will be classified as a motorway. However, due to certain existing use-rights enjoyed by the A90, the section between Scotstoun and the new South Queensferry Junction will be a special road rather than a motorway. This road will be built to standard that can easily be upgraded to motorway and, as at present, the road will not be useable by cyclists, pedestrians or horse drawn vehicles.

As well as constructing new and upgraded roads, an Intelligent Transport System (ITS) will be deployed along the route from the M90 Halbeath Junction over the crossing to the M9. An ITS allows the imposition of variable speed limits along a route with the aim of smoothing out the flow of traffic and preventing congestion caused by start-stop traffic. An ITS works by displaying the speed limit in operation at the time via signs mounted on overhead gantries. An ITS does not require primary legislation, it can be imposed via Orders made by Scottish Ministers. The provisions in the Bill relate solely to the acquisition of land needed to install and operate the ITS apparatus. To facilitate the operation of ITS, and provide for a single authority to maintain control over the full extent of the road linking the M9 to the M90, the Bill also provides for the transfer of control over certain local authority roads to the Scottish Ministers. More information on ITS can be found on page 11 of the policy memorandum which accompanies the Bill.

PUBLIC TRANSPORT

In line with the two crossing strategy, upgrades to bus infrastructure will be centred on the Forth Road Bridge and not the Forth Crossing. To the north of the Forth Road Bridge, a new dedicated bus corridor will connect the bridge with the Ferrytoll roundabout and the Ferrytoll park and ride site will be upgraded. To the south of the bridge the existing slip roads and Echline Junction will be retained for bus only use. A new dedicated busway will link the southbound slip road south of the Echline Junction to the existing bus lane eastbound on the A90. For A90 traffic from Edinburgh, a busway off slip will connect to the B800 (previously known as the A8000) by way of a bus priority signal installation. Buses will then approach the Forth Road Bridge by way of the A8000, upgraded to ensure that the buses are not delayed by congestion, and the Echline Junction.

In the event that the Forth Road Bridge is closed, it is envisaged that buses will use the hard shoulders of the Forth Crossing. Traffic using the Forth Crossing will be protected from high winds by wind-shielding, meaning that it is highly unlikely that buses will be unable to cross the Forth due to adverse weather conditions, although cyclists and pedestrians will not be able to cross in such instances, as is currently the case.

The Bill only makes provision for bus related infrastructure. Decisions on the use of the new bus lanes and other infrastructure will be made on a commercial basis by bus operating companies, unless one or more local authority decides to use the bus quality partnership or quality contract powers available to them under the Transport (Scotland) Act 2001. More information on these powers is available in SPICe briefing SB-03/76 *Bus Quality Partnership and Quality Contract Schemes* (Rehfisch 2003). Despite these powers being available for over eight years, they have not been used to date.
The construction of the Forth Crossing will be directly funded by the Scottish Government from its capital budget. The Scottish Government has chosen this method of finance as it considers it to offer the least risk with the greatest guarantee of the completion of the crossing by 2016. During 2008/9 and again in 2009/10 the Scottish Government applied, via the UK Department for Transport, for funding from the EU Trans-European Network programme to support initial feasibility studies. Both applications were rejected. Any EU funding would only cover a very small proportion of the costs that will be incurred.

The Estimate of Costs included in the explanatory notes which accompanies the Bill provides a total outturn cost for the Forth Crossing project of £2.044bn. The cost estimates are based on figures calculated at first quarter 2006 prices with an estimated 5.3% annual inflation rate applied. The Q1 2006 total cost for the entire project is estimated at £1.345bn. This includes £115m risk allowance, an optimism bias\(^1\) of £23m for road network connections, £135m for the crossing and £11m employers’ costs and non-recoverable VAT of £163m.

The Scottish Government has estimated that the total project expenditure may break down as follows over time:

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The Forth crossing will be the most expensive single public capital project undertaken in Scotland since devolution. Indeed, it would probably be the most expensive single Government capital project ever undertaken in Scotland.

**CONSULTATION PRIOR TO THE INTRODUCTION OF THE BILL**

Scottish Ministers announced (Scottish Government 2007) the location of the Forth Crossing, as well as the type of crossing to be built, on 19 December 2007. Since that date, Transport Scotland has undertaken a series of initiatives to inform and consult with stakeholders, the general public and those that might be directly affected by the construction and operation of the Forth crossing. A description of what consultation has been undertaken by Transport Scotland and its agents can be found in the Policy Memorandum which accompanies the Bill. Consultation has been carried out in accordance with Transport Scotland’s Engaging With Communities (Transport Scotland 2008) document, published during September 2008.

While the policy memorandum provides a useful summary of what has taken place, it does not cover the views of those who have been consulted as to the effectiveness of that consultation. Several MSPs have raised constituents’ concerns about how Transport Scotland has engaged with local residents, e.g. at the Transport, Infrastructure and Climate Change Committee meeting of 23 June 2009 Margaret Smith MSP stated:

> Many of my constituents tell me that they ask questions but do not get answers. They feel that Transport Scotland just gives them information at briefings or meetings, which does not feel like being part of a genuine consultation

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\(^1\) ‘Optimism bias’ is a term coined by HM Treasury to describe the tendency of project promoters to be overly optimistic about the costs, complexity and timescales of major projects. Project promoters are required to acknowledge this bias by the inclusion of an optimism bias figure in estimated project costs. The Treasury has produced detailed guidance on how to calculate the amount of any optimism bias.
While at the same meeting, Shirley-Anne Somerville MSP said:

The telephone inquiry line has been mentioned as an example of good engagement. There is indeed such a phone line, but when people call, they do not feel that they are speaking to someone who will answer their query. I have also had comments about the sheer length of time that it takes to get an answer to correspondence, and then most people are not happy with the clarity of the decision. I am not suggesting that the people who are affected by the project will always be entirely happy with the answers that they get, but it would certainly be good if the letters and phone calls were such that they could understand the answers that they get and their implications.

I urge caution about using the telephone line as a great example of public engagement. The feedback that I have been getting is that people are not impressed when they use it.

Further information on the consultation process and details of some of the changes in the project design that arose from the process is given in the Forth Replacement Crossing Public Information Exhibitions: Feedback and Outcome Report (Transport Scotland 2009b) and Forth Replacement Crossing Consultation and Engagement Report (Transport Scotland 2009a).

THE FORTH CROSSING BILL

The Forth Crossing Bill is divided into 10 parts and has 11 accompanying schedules. A detailed section by section description of the contents of the Bill is available in the explanatory notes. This section provides brief details of the key features of each part and schedule.

Part 1: Works: This part grants Scottish Ministers the power to build the Forth Crossing and sets out the proportions of the crossing, its maximum height and the limits of deviation, i.e. the physical envelope in which the bridge can be built or maintained. This part also allows Ministers to interfere with navigation on the Forth in certain circumstances and carry out dredging operations, interfere with railway in certain circumstances and manage trees and shrubs where necessary for the construction or maintenance of the Crossing.

Part 2: Roads: This part gives Ministers the power to designate roads identified in schedule 3 as special roads, designate roads identified in schedules 3 and 4 as trunk roads and transfer roads identified in schedule 6 to the responsibility of the local roads authority. It also allows Scottish Ministers to stop up roads identified in schedule 7 and stop up means of access to land as identified in schedule 8. It goes on to allow Scottish Ministers the power to extinguish the right of way over any road or means of access that has been stopped up in relation to the Forth crossing. The solum\(^2\) of any stopped-up road\(^3\) will vest in the owner of adjoining land unless there is a previous claim to the land, or the land is to be compulsorily purchased by Scottish Ministers.

Part 3: Land: This part gives Scottish Ministers the power to compulsorily purchase land within the limits of deviation set out in the parliamentary plans. It also allows Scottish Ministers to acquire land by agreement, acquire servitudes and other rights in land. Any land compulsorily purchased does not include the mineral rights to that land, other than allowing the excavation of minerals required for the construction of the Forth crossing. The power of compulsory purchase granted to Scottish Ministers would expire five years from the date of Royal Assent.

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\(^2\) The solum of a road is the land covered by that road.

\(^3\) Stopping-up is the technical term for closing a road.
Part 4: Taking Title to Land: This part sets out the two procedures that Scottish Ministers can use to compulsorily purchase land, i.e. “general vesting declaration” and “notice to treat”. Details of how these two systems work can be found in SPICe Briefing SB 09-71 Compulsory Purchase and the Planning System (Rehfisch 2009).

Part 5: Powers to Enter and Use Land: This part sets out Scottish Ministers powers to enter or take temporary possession of any land required for any purposes related to the provisions in the Bill, with the exception of dwellings. Scottish Ministers must give notice of their intention to enter or take temporary possession of land to the owners and occupiers. Once they have entered or taken temporary possession of land, Scottish Ministers may take such action as they consider appropriate for the purpose for which they entered the land, although they must remedy any damage to the land and leave it as secure as they found it once they are finished. Scottish Ministers do not have to replace any buildings that they demolished during any such operation. It is an offence to obstruct Scottish Ministers from entering or taking possession of land where this is authorised by the Bill and a Sheriff can issue a warrant authorising access where this has been denied.

Part 6: Compensation: This section sets out the system for deciding on compensation for the owners of land that is compulsorily purchased. It also covers the award of compensation for partial acquisition of land, acquisition or extinguishment of servitudes or rights in land, cutting down or lopping of trees and shrubs, the stopping up of roads or means of access, the temporary occupation or use of land, advance entry and where a “notice to treat” becomes invalid.

Part 7: Statutory Undertakers: This part would give Scottish Ministers the power to require electricity, gas, telecommunication and water and sewage system operators to move apparatus as required for the construction of the works authorised by the Bill. It also establishes arrangements for compensation for property owners and/or occupiers to cover the costs incurred in reconnecting their properties to essential services where their existing services are disconnected due to bridge works.

Part 8: Planning Permission, Listed Buildings and Conservations Areas: This part of the Bill would mean that planning permission for the bridge and associated works was deemed to have been granted. It would also relax listed building controls allowing authorised works to be undertaken to certain listed buildings without the need to obtain listed building consent and removes local authority enforcement powers related to these listed buildings. This part would also remove the requirement to obtain conservation area consent for the demolition of a non-listed building required for the authorised works in a conservation area.

Part 9: Environmental Matters: This part requires Scottish Ministers to “…do everything which is reasonably practicable in order to ensure that the environmental impact of the construction and operation of the Forth Crossing works is not worse than the residual impact identified in the environmental statement.” It also requires Scottish Ministers to ensure compliance with the code of construction practice and sets out the process for amending that code. This part also disapplies certain legislative controls over noise pollution arising from the Forth Crossing works.

Part 10: Miscellaneous: This part defines the meaning of “blighted land” as it would relate to the Forth Crossing works, defines the process for certifying and altering parliamentary plans and the book of reference, sets out the formal communication system governing the service of notices and objections made under the provisions of the Bill, sets out the procedure which allows Scottish Ministers to deal with unforeseen matters, Crown application, interpretation and commencement of the Bill.
Schedule 1: Principal works: The schedule (introduced by section 1) contains a description of each of the principal works.

Schedule 2: Ancillary works: The schedule (introduced by section 1) provides for illustrative purposes a description of the type of ancillary works that may be undertaken within the Act limits.

Schedule 3: Special roads: The schedule (introduced by section 11) provides a list of the roads or proposed roads that the Scottish Ministers may designate as special roads.

Schedule 4: Proposed trunk roads: The schedule (introduced by section 12(1)) lists all new roads which are to be trunk roads on the date that the section comes into force.

Schedule 5: Existing roads to become trunk roads on date determined by Ministers: The schedule (introduced by section 12(2)) lists those existing roads (or parts of roads) currently maintained by local roads authorities that are to become trunk roads.

Schedule 6: Roads to be transferred to local roads authorities: This schedule (introduced by section 13) lists those roads or parts of road, once created or improved, that are to be transferred to the local roads authority.

Schedule 7: Roads to be stopped up: This schedule (introduced by section 14) is in two Parts. Part 1 lists those roads that will be stopped up and the extent of the road to be stopped up where no substitute road will be provided. Part 2 lists those roads that will be stopped up, the length of road to be stopped up and details of the substitute roads.

Schedule 8: Means of access to be stopped up: This schedule (introduced by section 15) is in two Parts. Part 1 lists those private accesses that will be stopped up and the extent of the access to be stopped up where no substitute access will be provided. Part 2 lists those accesses that will be stopped up, the length of access to be stopped up and details of the works that will provide for a substitute access.

Schedule 9: Land which may be acquired: This schedule (introduced by section 22) is in two Parts. Part 1 of the schedule lists that land which is outside the limits of deviation that is to be compulsorily purchased for the purposes of the Forth Crossing works. Part 2 of the schedule lists the rights that can be acquired compulsorily in the land specified in the schedule. In acquiring the rights the Scottish Ministers are not obliged to acquire all the land.

Schedule 10: Temporary possession of land: This schedule (introduced by section 37) specifies land which the Scottish Ministers may take temporarily possession. That possession is for the purposes as set out in column 4 of the schedule.

Schedule 11: Listed buildings: authorised works: This schedule (introduced by section 63(5)) sets out what works can be undertaken on the buildings listed in column 1 without needing to obtain listed building or conservation area consent.
SOURCES


New Civil Engineer. (2008) *Forth Road Bridge Repairs will Cost £122m*. London: EMAP. Available at: http://www.nce.co.uk/forth-road-bridge-repairs-will-cost-up-to-122m/752290.article


ANNEX 1: THE HYBRID BILL PROCESS

WHAT IS A HYBRID BILL?

There are five different types of Bill which can be introduced in the Scottish Parliament, i.e. Executive, Member’s, Committee, Private and Hybrid. The first three types of Bill are known as public bills and can only be introduced by a Scottish Government Minister, MSP or parliamentary Committee respectively. Public Bills cover changes to general law and matters of public policy. Public Bills are subject to scrutiny by the Scottish Parliament and only MSPs can participate in their consideration.

A Private Bill is one which would grant powers to an individual or organisation that are in excess of or conflict with general law, e.g. powers of compulsory purchase. Given that Private Bills involve granting additional powers to individuals or organisations, and that these powers may have an impact on other individuals and organisations, the consideration of a Private Bill allows for limited involvement by parties that may be affected by the provisions of that Bill and not just MSPs. The role of the Scottish Parliament in this case is to arbitrate between the interests of the Bill promoters and objectors.

A Hybrid Bill is described in Rule 9C.1.1 of the Standing Orders of the Scottish Parliament as follows:

“...a Public Bill introduced by a member of the Scottish Executive which adversely affects a particular interest of an individual or body in a manner different to the private interests of other individuals or bodies of the same category or class.”

In essence a Hybrid Bill has features of a Public Bill, i.e. it is introduced by a Scottish Government Minister, and a Private Bill, in that it affects the private interests of individuals and organisations and the scrutiny process involves the Parliament arbitrating between the interests of the promoters and affected parties.

Under Rule 9C.1.2 of the Standing Orders of the Scottish Parliament a Hybrid Bill must relate to a Bill which authorises the construction or alteration of certain classes of work as determined by the Presiding Officer, or which seeks to authorise the compulsory acquisition or use of any land or buildings.

PARLIAMENTARY CONSIDERATION OF A HYBRID BILL

1. Hybrid Bill and accompanying documents lodged with the Scottish Parliament.

2. Presiding Officer issues a statement on the competence of the Bill.

3. Bill introduced – 60 day period for objections begins.

4. Hybrid Bill Committee established.

5. 60 day objection period ends.

6. Stage 1: Committee considers the general principles of the Bill and, in its Stage 1 report, recommends whether the Bill should proceed to Stage 2. The Committee also gives preliminary consideration to objections to specific provisions in the Bill and the Bill as a whole.
7. Stage 1 debate in the chamber. Bill either proceeds to Stage 2 or falls.

8. Stage 2: Committee, or assessor appointed by the Committee, considers objections to specific provisions of the Bill. The Committee/Assessor hears evidence, considers the objections and writes a report.

9. Amendments to the Bill, which can only be lodged by an MSP, considered by the Bill Committee.

10. Stage 3: Debate in the Chamber. Amendments considered. Bill either passes or fails.
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