



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE COMMITTEE

Tuesday 15 March 2011

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**Tuesday 15 March 2011**

**CONTENTS**

	<b>Col.</b>
<b>FORTH CROSSING PROJECT</b> .....	3865
<b>SUBORDINATE LEGISLATION</b> .....	3889
Provision of Water and Sewerage Services (Reasonable Cost) (Scotland) Regulations 2011 (SS1 2011/119) .....	3889
<b>ANNUAL REPORT</b> .....	3890
<b>LEGACY PAPER</b> .....	3891

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**TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE COMMITTEE**  
**6<sup>th</sup> Meeting 2011, Session 3**

**CONVENER**

\*Patrick Harvie (Glasgow) (Green)

**DEPUTY CONVENER**

\*Cathy Peattie (Falkirk East) (Lab)

**COMMITTEE MEMBERS**

Jackson Carlaw (West of Scotland) (Con)  
\*Rob Gibson (Highlands and Islands) (SNP)  
\*Marlyn Glen (North East Scotland) (Lab)  
\*Charlie Gordon (Glasgow Cathcart) (Lab)  
\*Alison McInnes (North East Scotland) (LD)  
\*Shirley-Anne Somerville (Lothians) (SNP)

**COMMITTEE SUBSTITUTES**

Alasdair Allan (Western Isles) (SNP)  
Murdo Fraser (Mid Scotland and Fife) (Con)  
David Stewart (Highlands and Islands) (Lab)  
Jim Tolson (Dunfermline West) (LD)

\*attended

**THE FOLLOWING ALSO ATTENDED:**

Robert Arnott (Scottish Parliament Research, Information and Reporting Group)  
Margaret Smith (Edinburgh West) (LD)

**THE FOLLOWING GAVE EVIDENCE:**

David Climie (Transport Scotland)  
Lawrence Shackman (Transport Scotland)  
Stewart Turner (Transport Scotland)

**CLERK TO THE COMMITTEE**

Steve Farrell

**LOCATION**

Committee Room 2



## Scottish Parliament

### Transport, Infrastructure and Climate Change Committee

*Tuesday 15 March 2011*

[The Convener opened the meeting at 14:00]

#### Forth Crossing Project

**The Convener (Patrick Harvie):** Good afternoon, everyone, and welcome to what is, believe it or not, the final meeting in 2011 and, indeed, this session of the Transport, Infrastructure and Climate Change Committee. I remind everyone present that all mobile devices should be switched off fully and not just put on silent. I record apologies from Jackson Carlaw.

We have four items on the agenda, the first of which is a session on the Forth replacement crossing project. We are joined by three witnesses from Transport Scotland's Forth replacement crossing team. I welcome David Climie, project director; Lawrence Shackman, project manager; and Stewart Turner, senior transport planner. Thank you all for joining us.

Would anyone like to make any opening remarks before we begin the questions?

**David Climie (Transport Scotland):** Yes, briefly. Thank you for your introduction, convener.

We are here to give you an update on what has happened since our last presentation to you in September of last year. In general, things have progressed very much as planned. As we outlined to you then, the overall programme is still absolutely on target. We are ready to update you on any particular issues that you may wish to cover.

**The Convener:** Perhaps you could begin by giving us a detailed outline of the key events and progress since our most recent discussion in September last year, and updating us on any problems that have been encountered.

**David Climie:** On the legislative side, things have progressed exactly as we had planned. The stage 3 vote took place in December and the Forth Crossing Bill was passed. Royal assent followed in January. The Forth Crossing Act 2011 gave us the powers to start moving forward with land acquisition and all the issues associated with that. Everything is proceeding exactly to plan. We have made the initial notices in preparation for the general vesting declaration to ensure that the land will be available for the project, and we are continuing negotiations for voluntary acquisition of various properties around the project.

On the procurement side, we completed the dialogue period on the principal contract in December 2010. The fact that we received the outline proposals from both bidders at the beginning of November gave us the opportunity to review them to ensure that they were in line with what we expected and that they would meet the overall requirements of the project. We were able to have significant dialogue with the bidders to resolve any concerns that we had about their outline proposals and the way in which they were progressing. That meant that we could ensure that there would be no surprises in the tender returns that came in on 28 January following the final invitation to tender, which went out, as planned, on 17 December.

When the tenders came back, they were large, as you would expect, given the detail of the proposals. We have been going through the procedure to evaluate them. Stage 1 was to evaluate the technical and quality sides of things to ensure that both tenders were fully compliant with our requirements and that they both met the technical and quality thresholds so that we could proceed with opening the prices. I am pleased to report that both the tenders that we received were of very high quality and that both met our technical criteria. We are now in the final stages of tender evaluation, on which we expect to report very shortly.

The junction 1A and Fife intelligent transport system contracts—the two smaller contracts—are also proceeding on track. The final invitation to tender for the Fife ITS contract was issued on 25 February and we are due to receive the tenders on 25 March. We will issue the final invitation to tender for the junction 1A contract in early April and the tenders will be returned on 12 May. Both are on track to be awarded in the summer, which, again, is in line with the programme that we indicated when we spoke to you last September.

One of the key things that we have moved forward with is resolving the final contract terms and conditions. We negotiated those with both bidders for the principal contract, because we wanted to ensure that we had negotiated the final contract in advance of receiving the tenders. We therefore do not have to go into final negotiations on the contract, because both bidders have confirmed that they are prepared to enter into the contract in its current form. That includes the provision of bonds and parent company guarantees as appropriate. All the negotiation on the principal contract was completed in advance of our receiving the tenders.

One or two minor contracts have been proceeding. The long sea outfall works on the south side of the Forth have been completed. The new radar station on the north side of the Forth is

under construction and will be operational in May, in advance of the principal contract works. In general, everything has proceeded on track and there have been no significant problems or delays to the plan.

**The Convener:** You mentioned some concerns that had to be resolved in the development of the tenders. Can you give us some detail on that?

**David Climie:** It was about ensuring that the participants fully understood the employer's requirements and addressed them clearly. That was one of the reasons why we wanted the outline proposals to be submitted to us on 5 November—well in advance of the participants submitting their final proposals. That meant that if we had any concerns on the technical front, they could be resolved and clarified with the participants well in advance of their submitting their final tender. We were conscious that we had a relatively short period of time for tender evaluation, therefore we did not want to have any surprises when we delved into the tender submissions.

**The Convener:** You also said that the two bidders had agreed the terms and conditions of the contract.

**David Climie:** That is correct.

**The Convener:** Presumably the terms and conditions are the same regardless of which bidder is successful.

**David Climie:** That is correct.

**The Convener:** Will the information about the terms and conditions be made available for Parliament to scrutinise before we go into dissolution?

**David Climie:** The contract itself will not be, but the original concept that was approved by Parliament has not changed and we are moving forward on the same basis as was originally intended. It is really the fine tuning and the wording that has been discussed with the participants over the contract review period.

**The Convener:** One of the issues that has been controversial—it is the subject of a parliamentary motion at the moment—is the indication from the Government that it intends to sign the contract when Parliament is dissolved, before the new Parliament is sworn in. If that is the situation, are we able to get any information at all about, for example, what costs a new Government would face if it chose to change the timetable to delay the construction of the project?

**David Climie:** I do not think that that is the intention. The information that we have received is that it is intended that an announcement of the intention to award the contract will be made prior to the dissolution of Parliament.

**The Convener:** There is a written question awaiting an answer by a week today. Is it correct that the detail of what an incoming Government would face will not be available for parliamentarians to scrutinise before we go into dissolution?

**David Climie:** I am not quite sure how to answer your question. Nothing has changed significantly, therefore the announcement that will be made is that the intention is to award a contract on the terms that Parliament has scrutinised and agreed.

**The Convener:** Can you tell us how much financial penalty a new Government would face if it decided not to proceed after the election?

**David Climie:** I cannot give a specific answer. The terms and conditions of the contract would allow a termination for convenience, which is effectively what would be happening, and those terms and conditions would have to be evaluated depending on the precise timing and events of that circumstance.

**The Convener:** So no information can be put in the public domain or provided to Parliament at the moment to inform a later decision.

**David Climie:** We would need to take advice on that. We would need to respond to you separately on that point.

**The Convener:** That would be appreciated. Thank you.

**Shirley-Anne Somerville (Lothians) (SNP):** Would the detail on that depend slightly on what the decision was? For example, would it vary according to how long the construction might be delayed and what part of the construction might be delayed? It might be impossible to give just one answer, given the multitude of possibilities depending on what anyone wanted to do at that time.

**David Climie:** You have summarised the situation rather better than I did. You are absolutely correct to say that, because the contract is so large, the possibilities for what could arise are multitudinous.

**The Convener:** Given that the committee exists for only one more week, it would be much appreciated if you urgently provided us with more written information about the range of possibilities in that respect.

What key events should be of particular interest or concern to any committee with responsibility for transport that is set up after the new Parliament is sworn in and which it might include in its work programme? For example, at what point over the next six months will it be able to engage most usefully with the process?

**David Climie:** It is important that we continue to update the committee on a quarterly basis in exactly the same way as we have been doing up to now. The precise key events that you refer to will depend on which of the bidders is successful, because each of them has its own programme for mobilising the project. One of our first activities will be to sit down with the winning bidder and establish in detail the mobilisation process and how it will work, and it will be important to give the incoming committee a view on that in the near future and explain to it exactly how mobilisation will take place and what the key activities will be.

**Cathy Peattie (Falkirk East) (Lab):** As you will be aware, the committee was very clear in its report on the Forth Crossing Bill about the importance of good public transport. What stage has the development of the cross-Forth public transport strategy that was recommended by the committee reached?

**Stewart Turner (Transport Scotland):** It is probably better if I answer that question. We have always seen the public transport strategy—which, as you know, was published in January 2010—as a working document to take us through the next six months or year or whatever. The strategy focuses not only on the Forth replacement crossing but on cross-Forth travel, and we are working on the issue with the local authorities involved—West Lothian Council, Fife Council and the City of Edinburgh Council—and the regional transport partnership, the south east of Scotland transport partnership. We have had a number of meetings over the past few months; indeed, on 13 December we had a workshop at which we agreed a way forward. I stress the use of the word “we” in that respect. We very much have collective working, because we realise that the Forth replacement crossing will have many benefits for public transport.

The public transport strategy has two strands, the first of which concerns bus operations. On 20 January, we had a very useful meeting with bus operators, which First Scotland East, Stagecoach and Lothian Buses attended. We did not invite the local authorities to that meeting, which we saw as an information provision exercise for the companies involved, but we have circulated minutes or notes of it to them and we think that the way forward will be to have a subsequent meeting with the bus operators, the local authorities and the regional transport partnership.

The other strand in the strategy is infrastructure, because we will have to build, for example, park and ride schemes or various other schemes that were included as part of the Forth replacement crossing. We had a meeting on that three weeks ago and we will seek to meet again at the end of May. The aim is to produce a document to refresh

the transport strategy that was published in January 2010. I have to say, though, that I do not know what will be in it, because there will be input from the regional transport strategy, local authorities, Transport Scotland, bus operators and any other relevant stakeholders. After all, we want to ensure that when we build the bridge and the various interventions we get more people to use public transport. We certainly see that as a positive step forward. There have been meetings in the past and there will continue to be meetings in future, and in the next six to eight months we will have a refreshed strategy that we will be able to bring back to the committee if members so wish.

**Cathy Peattie:** You mentioned the various people who have been around the table, although I am surprised to hear that the local authorities have not been involved. I have to tell you, though, that I do not think that that response is any better than the one we received when we took evidence on the bill. It just seems to be, “We will come up with a strategy.” Will you elaborate on that? The committee would like to know more than just that you will come up with a refreshed strategy. Are the partners at an early stage in that regard? Is there an indication of what will be involved in the refreshed strategy? Has it been accepted that the strategy was poor?

14:15

**Stewart Turner:** I do not think that the public transport strategy is poor. It contains a number of interventions, some of which are included in the contract, such as the Fife ITS, which will have bus-lane or hard-shoulder running. Equally, in the south, to Newbridge, such measures will be constructed. We are working with Fife Council, which has submitted a planning application for Halbeath park and ride and is working on Rosyth. There are nine interventions in the existing strategy and we are working on four or five of them. We will have to work on some of the interventions in future, because funding is not available, but there are schemes that we want to take forward.

As part of the refresh of the strategy, we will consider whether we have missed anything that we should include and how we get a marketing strategy together, to ensure that people use the interventions that we are going to build. However, we have taken forward interventions in the public transport strategy, which are happening as part of the works on the Forth. That work will continue and will deliver.

As part of the marketing strategy and through various interventions, we will determine how many people use public transport, because it is important that we build things that people will use.

We have done works and things will be built as part of the strategy. We want to ensure that we do not leave the strategy parked on a shelf but refresh it and take it forward.

**Lawrence Shackman (Transport Scotland):** Stewart Turner mentioned a meeting that was just with bus operators, but the other meetings that we have had on the public transport strategy have been very much with all the local authorities and SEStran, which have been positive about the proposals that we have taken forward as part of the project.

Stewart Turner mentioned the bus hard-shoulder running that is in the Fife ITS contract. We have also introduced bus hard-shoulder running into the junction 1A contract, to ensure that we are doing as much as we can to smooth the path for buses through the project corridor.

Some of the measures in the public transport strategy are being taken forward as part of the project. We are not taking everything forward—the park-and-ride sites sit outside the project—but we have done as much as we can do in the project to take measures forward. We have had a pretty positive response from the local authorities and SEStran on that score. As we go forward and budgets and the like are allocated as appropriate, we can bring things forward and prioritise measures.

**Cathy Peattie:** I understand that it is early days and that all sorts of meetings and partnerships are happening. Mr Turner talked about monitoring how things are developed. How will that be done? What involvement will the partners have? How will you know that it is working? What mechanisms exist or will be put in place to measure success or identify concerns and a need to change?

**Lawrence Shackman:** A key aspect of the Forth replacement crossing project is monitoring of the current situation and the situation when the bridge is completed in 2016, to see how effective the ITS is, for example, and how buses are encouraged to run through the measures that I have mentioned.

We must put in place a range of measuring techniques, such as traffic-counting devices in the road. We are currently implementing such measures. There are a number of traffic counters on the trunk road network and we are about to add more counters to the local road network, as was requested in the parliamentary bill process, so that we can gauge how many vehicles pass through the area around the Forth crossing project per day and what type of vehicles they are—buses, cycles and so on. We can look at that information during construction, because the monitoring devices will be active throughout the duration of the contract, and we will be able to ascertain the success of the

completed project by looking at the data that we gain. Traffic monitoring is one aspect of the work, which will impact on the public transport side of things.

We will also put in place monitoring devices for aspects such as air quality and noise. We will gather a series of data and will publish a lot of it during the course of the contract to show what is happening during the works and how they have affected various roads—I hope that it will be a positive message—in order to provide the public with comfort that we are managing the construction works in a practical manner and that the project, from original design to construction, will deliver its objectives.

**Alison McInnes (North East Scotland) (LD):** The committee stated clearly in its report that we wanted to see public transport in place in advance of the opening of the new bridge and quite a bit of marketing and support to ensure that people transferred to public transport in greater numbers in order to avoid the temptation to use the new bridge. You have talked about aspects around the area of the bridge, but there was discussion previously about a corridor from the bridge into Edinburgh. What work has been done on that and what work has been done on early action to get people on to public transport?

**Lawrence Shackman:** Some of that is about the timing of the different contracts. The bridge will obviously be the last part of the project to open, which will be in 2016. However, the Fife ITS contract will be awarded this summer and the work will be completed by mid-2012 or thereabouts. It will provide an early facility for bus hard-shoulder running from the Halbeath area down to Ferrytoll. So, that is one facility that will be delivered early doors.

The junction 1A contract will also be awarded this summer and the work is due to be completed by the end of 2013, so it is a longer construction period. The bus hard-shoulder running facility in that contract will run from the bottom end of the M9 spur and along the M9 to the Newbridge junction.

From a project point of view, both those facilities will be in place at an early stage and well before the bridge opens. The expanded Ferrytoll park-and-ride facility is part of the more complex contract works around the Ferrytoll junction. We need to find out from the contractor the precise timing of those works and how they will be phased in. That is the perspective from the project point of view. Stewart Turner can maybe say more about the wider aspects outside the project.

**Stewart Turner:** The Fife ITS, which will run from just south of Halbeath, is clearly important for park and ride at Halbeath, which is one of the



reasons why it will be placed there. Fife Council has submitted a planning application for it and the 12-week pre-consultation process is complete. There were no objections as such, but a few people commented on it. The council is confident that the project will go through its planning procedures relatively smoothly. I am sure that we all hope that it does.

Once that is completed, I suppose the only difficulty will be trying to secure the funding for Halbeath. Unfortunately, an application last August for a European regional development fund grant was unsuccessful. We have our fingers crossed that another application in August this year will be successful, because a 40 per cent intervention represents a significant amount of money. The Scottish budget refers to funding a park-and-ride site, and we have made representations to try to get some money released, but there is no agreement on that yet.

Those matters are therefore moving forward, and Fife Council is leading on project managing works, recognising the importance of the timescale for the works around Ferrytoll, to which Lawrence Shackman referred, and the importance of the Fife ITS. There is linkage between the two, and in an ideal world Halbeath would be completed and ready for the Fife ITS and the Ferrytoll works. When those are undertaken, there will be a wee bit more disruption and people will probably be inclined to park at Halbeath instead of at Ferrytoll.

Alison McInnes asked what marketing we would do. That is part of the task of the bus operators and the infrastructure group, and we will have a joint meeting on that at some stage. It is all about marketing; we must tell people what is there. The local authorities and the regional transport partnership are involved because the general public do not know the difference between a trunk road and a regional or council road or about the different bus and train operators. All the public want to do is get from Fife into Edinburgh, which is the main axis of travel for public transport, as quickly and cheaply as possible. With the bus operators and local authorities involved, I am sure that we will have a workable strategy—that is our target.

**Charlie Gordon (Glasgow Cathcart) (Lab):** Staying with the subject of recommendations in the committee's report of a year ago, what progress have you made in developing plans to encourage modal shift to public transport for cross-Forth journeys?

**Stewart Turner:** The fact that we are sitting round the table at least moves us in the right direction. I cannot give you any evidence to say that there is any difference between the situation a year ago and the situation now, unless that evidence exists elsewhere. However, we

recognise that we have to encourage modal shift. It is important that people use public transport not only on the Forth but throughout Scotland, and part of the group's task is to ensure that there is modal shift. It is difficult to give you definitive examples at the moment, but we acknowledge the importance of ensuring that modal shift happens.

**Charlie Gordon:** Not much progress then, eh?

**Stewart Turner:** There is not a great deal, but the bridge will open in 2016 and the Fife ITS will be ready in about 18 months' time. Those are our targets. We have to ensure that people know what is happening. If we tell them too soon, they might forget, so we have to ensure that we give them constant information, although we have to decide through which part of the media we will deliver that. However, I take your point and we will ensure that it happens.

**Charlie Gordon:** I am sure that the convener would take the point that it is never too soon to achieve modal shift. There are probably good reasons for it whether or not we build a Forth crossing.

**Stewart Turner:** I am sure that the bus operators are more than happy to get as much modal shift as they can. The mere fact that we now have them involved will ensure that we move forward.

**Charlie Gordon:** However, by definition, the people whom we are really trying to get are those who drive cars and perhaps do not think about using public transport at the moment.

**Stewart Turner:** That is true. Those are the people we have to get to.

**Lawrence Shackman:** The bridge provides an opportunity for everything that Charlie Gordon alludes to to happen. Once the new bridge is in place and the existing bridge is freed up, people will see that there is a dedicated public transport corridor. The bus lanes that we have just spoken about will provide opportunities. There will also be opportunities with the development of areas around the Forth estuary, such as Winchburgh and Dunfermline, where we have heard that Amazon is to open a big facility. More and more people will come to the area as development prospers and, we hope, the economic climate improves.

When that happens, it will open up opportunities for the bus operating companies to consider new routes and encourage multimodal use. We hope that that will make things happen in the future. I am not saying that it will happen in the next couple of years, because we know where we are in the economic cycle and developments are not proceeding anything like as quickly as we originally thought. However, opportunities are

certainly coming out of the construction of the new crossing.

**Charlie Gordon:** Right. I will move on. In correspondence, Transport Scotland told us about what cyclists and pedestrians would do if the existing Forth bridge were closed. They could use the bridges at Kincardine, which is quite far away; they could try to use the bus, but it is usually not possible to get a bike on the bus; or they could use Dalmeny station, which is more than a mile away from the Forth road bridge. Are those provisions to maintain cross-Forth pedestrian and cycle traffic during periods when the current bridge is closed realistic and appropriate?

14:30

**Lawrence Shackman:** I obtained some data from FETA about how often the bridge is closed to pedestrians and cyclists because of high winds and also got a feel for the amount of cyclist and pedestrian traffic that uses the bridge. From April to December last year, the bridge was closed to pedestrians and cyclists for only 52 hours; in the whole of 2009-10, it was closed for only 56 hours; in the year before that, it was closed for 154 hours; and, in 2007-08, it was closed for around 225 hours. The figure has, surprisingly, declined over the past couple of years. That gives you a feel for the amount of time for which the walkways and cycleways are closed.

As for the number of cyclists and pedestrians who use the bridge, I understand that, on a typical day, about 15 to 20 cyclists and 20 to 30 pedestrians cross the bridge. At the weekends, those figures rise to some 30 to 40 cyclists and 100 to 150 pedestrians, so the bridge is used quite a lot more at the weekends. Obviously, if there is a big event in the surrounding area, the usage goes up even more than that. That puts things in perspective.

I have also done some research on other bridges around the United Kingdom. Nearly every bridge does not have a formal arrangement for taking pedestrians and cyclists across when it is closed. That goes for the Humber bridge and the Severn bridge, for example. As it stands, the Forth Estuary Transport Authority is responsible for the Forth road bridge and it has no formal arrangement to take people across the Forth if the bridge is closed. If FETA is to be the authority with responsibility for the existing Forth road bridge, it would be up to it to decide how to manage cyclists' and pedestrians' crossings. When the weather was really windy, people would be expected to take appropriate measures as far as they reasonably could and plan their journey ahead, knowing that the bridge was likely to be closed. Information is readily available on whether the

bridge is open, which is not always the case for some of the other crossings around the UK.

Is it a big issue for the future? For the people who are trying to cross it obviously is, but in the scheme of things it is not as big an issue as you might think.

**Charlie Gordon:** I thank Mr Shackman for that multifaceted answer. You have told us the number of hours for which the bridge has been closed, but if it is always closed when one particular individual is trying to cross, that might add up to a big negative.

**Lawrence Shackman:** I appreciate that.

**Charlie Gordon:** I read into what you have said the suggestion that the weather has got better and is going to stay better for the foreseeable future, that it is FETA's responsibility anyway and that, in the great scheme of things, we are not talking about a lot of people.

You have anticipated my next question in referring to the different management arrangements that exist for the existing Forth road bridge and the new Forth crossing. Has any decision been made, or is one likely to be made soon, about who is going to manage the two crossings? There would be clear operational benefits in the same group of people managing the existing Forth road bridge and the new Forth crossing.

**Lawrence Shackman:** The undertaking that was given as part of the bill process, which has been widely publicised, was that a decision on FETA's future would be made by 2013. That means that whatever authority, group of authorities or contractor is chosen to look after either the Forth road bridge or the Forth replacement crossing can easily be put in place well before construction is completed. It is not for me to say how that is going to go forward at this time. Nevertheless, I hear what you say. As I said the last time that we met, my personal opinion is the same as yours—that it seems sensible for there to be only one authority.

**Charlie Gordon:** You will agree that, if FETA is merged with Transport Scotland, Transport Scotland will have the responsibility for deciding what arrangements to make for cyclists and pedestrians when bad weather shuts the Forth road bridge.

**Lawrence Shackman:** That is something that could be taken forward. You are right. Once the authority or group of authorities with responsibility for maintenance is sorted out, in due course, a decision can be made on how pedestrians and cyclists can be taken across the Forth if the bridge or bridges are closed because of strong winds.

**The Convener:** I will follow up on Charlie Gordon's question. I was a little bit taken aback by your comparisons with other bridges in the UK, which, of course, do not all have a spare. Would it not be a double insult to cyclists or pedestrians when one bridge was closed and the other bridge was deliberately closed to them at all times? Is there not a case for saying that if the Government is serious about supporting an increase in sustainable and active travel, it should provide the facility for such travel to take place?

**Lawrence Shackman:** The best comparison is with the two Severn bridges. The roads on both bridges are motorways, but the original Severn bridge has a footpath/cycleway facility just outside the boundary of the motorway. There is no formal structure in place for pedestrians and cyclists if that is closed, so in that situation pedestrians and cyclists do not have a formal route to take or means of crossing the Severn bridges. That is quite a good parallel with our situation.

You are right that, once we know which authority will maintain and will be responsible for the Forth road bridge—because that is fundamentally where pedestrians and cyclists will cross the Forth—a decision on some means of crossing the Forth for pedestrians and cyclists can be taken at some stage.

**The Convener:** There has previously been talk about the provision of some sort of vehicle to transport people with their bikes. As Charlie Gordon said, most buses do not provide such a facility, but it has been suggested that that would be available when the existing bridge was closed.

**Lawrence Shackman:** That option could be examined when the future maintenance authority is known. I hear what you say.

**Shirley-Anne Somerville:** One issue that we spent a great deal of time discussing with you during previous evidence sessions was community engagement. The feedback that we got from a number of communities was that community engagement was poor, to say the least, and that there was disquiet about how little true consultation had taken place and about the impact that communities felt they were having, which was none.

Can you provide some details on the arrangements for engagement with local residents? Now that the bill has been enacted, we have moved on to the next stage. What arrangements are in place to ensure that residents are truly consulted as part of the process?

**Lawrence Shackman:** One fundamental change that came out of the Forth Crossing Bill Committee's evidence sessions was the development of a community council forum, which is essentially an opportunity for the local

community councils to have a good view of what is going on in the project, to have a say in what is going on and to get information about events, concerns and the like. We are currently trying to set up the forum.

We have already had quite a bit of discussion with local community councils on various issues as part of the day-to-day business of taking the project forward, but we hope that the six key community council groups will attend a workshop that is planned for the end of the month, to find a way forward for how we will engage throughout the project. The situation is not necessarily straightforward, because different groups have different interests as they are in different geographical areas and there are different impacts as a result of the work—for example, traffic or noise impacts—so they may have different views on how the community council forum should be taken forward.

Aside from that key activity, we published back in September 2008 "Engaging with Communities", which we have previously mentioned, and we are working on another document, "Engaging with Communities: Construction phase", which we hope to publish in the near future. It will explain many of the means of communicating with local people and the general public at large throughout the construction phase of the project. It will also identify that we will publish documents on our website and tell people when we are going to do leaflet drops or have meetings on specific works activities.

I think that we have said to many of you that, going forward, the idea is to have no surprises with the project so that people are informed in good time of the things that will happen in their local area and of the big things such as traffic management schemes and the implementation of measures on noise impacts and the like that will affect a lot of people. The document will say how all those activities will be taken forward, whether they are contractor led or Transport Scotland led. Suffice it to say that the project as a whole will ensure that the public is suitably engaged at an appropriate level all the way through the construction works.

**Shirley-Anne Somerville:** I have a number of follow-up questions. I am surprised that a forum is taking so long to set up. Forums are really not that difficult to set up—we are not talking about a wide geographic area. Why it is taking you so long to set up a forum? Also, what evidence do you have that the communities want a forum as the way in which they should be consulted? Did Transport Scotland decide that that is the vehicle to use?

**Lawrence Shackman:** The forum was instigated through the bill process as a means of getting buy-in from all the community councils. It is

not that long since the bill was passed, and we are still trying to get details on the availability of people on the community councils—we have had a little bit of difficulty in trying to get a convenient time for some people. There has been a fair bit of correspondence with all the community councils concerned.

**Shirley-Anne Somerville:** I am not entirely convinced by that argument, but I will move on.

On the document that you are to publish, what input have the communities had on its contents? It sounds as if you are informing people about things, which is not engagement. You keep mentioning the word “engagement”, but that is not engagement; it is one-way information, and it is certainly not consultation. Have the communities had any input on how they will be consulted or have they just been told how they will be informed?

**Lawrence Shackman:** The terms of engagement for the community council forum are being drafted. At the workshop, we want to talk about how the forum will want to be informed. We want to know whether people will want to meet monthly as one group or separately at weekly or other intervals.

We fully intend to discuss the new “Engaging with Communities” document with the community councils before it is published. The document is still being written; it is at a very early stage. We hope to be able to take it to the workshop, too.

**Shirley-Anne Somerville:** I certainly hope that it is in a very, very early stage. If people get to discuss a near-complete draft, we are back to the giving of information rather than true engagement.

**Lawrence Shackman:** To a large extent, what will be encompassed in the document is already in the code of construction practice. All the media and means of communication should therefore not be a surprise to anyone. You are right that the community councils need to buy into the document to ensure that it fits the bill, if you like.

**The Convener:** I will briefly follow up Shirley-Anne Somerville’s question before I bring in Margaret Smith.

I share Shirley-Anne Somerville’s puzzlement at the time that it is taking to get meetings organised with the community councils. You guys are the ones with lots of people who work for you full time and who are paid a salary to do this work. The people who are on community councils are not full time and are not paid a salary to run their community council. Have you offered to meet people at times of their choosing? I am puzzled about why it is taking so long to arrange a meeting.

**Lawrence Shackman:** One key thing is to get together representatives from all the community councils and to have a reasonable amount of time for the meeting. Some people prefer to meet in the evening and others prefer to meet during the day, causing an immediate pressure. They say, “I want to come to that meeting, but I can come only in the evening,” or, “I want to come to the meeting, but I can come only during the day.” That is part of the problem.

**The Convener:** You can go only during the day?

**Lawrence Shackman:** Yes, which some people wanted. We want to hold the meeting during the day, because it needs to be of a reasonable length and it would be more appropriate to hold a three-hour, or thereabouts, session during the day.

However, we are more than happy to meet people in the evening. If, as we get towards the set date, it becomes clear that one of the community councils cannot attend, we will have to see it separately. We are happy to do that.

14:45

**The Convener:** Have you asked whether you can go to existing community council meetings when it is convenient for the community councils?

**Lawrence Shackman:** We attend their meetings whenever they want us to. We have seen quite a few of them.

**Margaret Smith (Edinburgh West) (LD):** I apologise for being slightly late. I want to clarify a couple of things that you said about the forthcoming brochure. You said first that it would be ready in the near future, and then that it was at an early stage, because input was needed. Which is it?

**Lawrence Shackman:** It will be a big document and it is being drafted at the moment. We will consult communities at the end of March, when we hold the workshop. We hope to formalise the document some time after that. I hope that we will be able to publish it around May, well before any real construction activities occur on site. It is being done at an appropriate time. I assure you that the appropriate people will be consulted on it. We must also engage with the successful contractor and get it to buy into the document. That is one reason why the document is not yet finished.

**Margaret Smith:** Is that, rather than the fact that you cannot get some community councillors into a room, not likely to be the real reason?

**Lawrence Shackman:** It is the combination of the two.

**Margaret Smith:** There are a couple of issues. There seems to be delay in working out the

proposals for mitigation involving Newton. Those were put to the community council at the end of the year, but we do not know what is happening.

**Lawrence Shackman:** We are still waiting for Newton community council to get back to us. We have indications that it is content with the proposals that we put to it way back at the end of last year, but we are waiting for a formal response from it. The community council has been having discussions.

**Margaret Smith:** So you have not received a formal response from Newton community council to the proposals that were put to it and are experiencing difficulty getting community councillors together to talk about community engagement going forward. You seem to be taking a long time to deal with some of this stuff. However, the tenders for the contract were submitted on 28 January and, I believe from colleagues, two months later you are about to sign off a contract. There seems to be a disconnect. You seem to have been able to deal with the major contract for the programme in two months but unable since November to get a response from a community council or to get six community councillors into a room. Why should I have faith that the contract will be worth anything?

**Lawrence Shackman:** I am not trying to belittle the need for good communications. We will make every effort to ensure that the document is published at the appropriate time, once we have consulted the right people.

As David Climie mentioned, a lot of work on examining the tenders was done before the tenders were submitted, through the dialogue process and the early proposals that were submitted to us prior to the invitation to submit a final tender, which was extended just before Christmas. We managed to do a lot of the technical evaluation of the tenders even before they were submitted. That may sound a bit strange to you, but we got a large volume of documentation on the tenders at an early stage, to give us a heads-up on what would be included in the final tenders. It is not correct to say that we have taken a short time to evaluate the tenders, compared with the time that we have taken to talk to communities about the consultation process. That paints a wrong picture.

**Margaret Smith:** Do you accept that, as an Edinburgh MSP, I am decidedly twitchy about the idea that a contract for the biggest public infrastructure project ever in Scotland can go through in a few months, especially given what we have experienced with the tram project, while progress does not seem to be being made on the community engagement parts of the project? Shirley-Anne Somerville is absolutely right to say

that that was a major part of the problem that the people whom we represent had with the project.

**Lawrence Shackman:** I am not going to talk about the Edinburgh tram project, which has nothing to do with this project. I can only talk about this project, and I assure you that the tender process that we have been through has been very thorough. As I just said, we had a chance to look at the proposals in the early stage of the dialogue process, which gives us a lot of comfort that the final tenders are as robust as David Climie said.

The code of construction practice lays out a lot of the community engagement that we are duty-bound to do. The document that I am referring to is an enhancement of what is already in the code of construction practice, which is already in the public domain. The public knows that we have a website and knows what we are going to do during construction. The document is an amplification of what we are already committed to doing. We will also take on board the views of the community councils—and of the contractors, on how they will approach some of those activities.

We are trying to be as helpful as we can be, but we cannot do this unless some of those people are already on board.

**Shirley-Anne Somerville:** We discussed the tender process at the start of the meeting but the subject has been brought up again. An accusation has been made that the tender process was rushed. Has the date for the signing of the tenders been in the public domain as part of the timetable for the tenders' progress? Have we known what the timetable was and the various steps in it?

**David Climie:** Absolutely. The intention was always to award the contract in April 2011. A clear timeline was established for the whole process, from the dialogue through the evaluation of the tenders to the award of the contract, and it has been in the public domain for a significant amount of time. The objective was always to sign the contract in April 2011. In fact, that was talked about during the stage 3 debate in Parliament.

**Shirley-Anne Somerville:** Were any concerns raised at that point about the timings?

**David Climie:** Not as far as I am aware.

**The Convener:** Concerns were certainly raised during the parliamentary debate, but that is a matter of record.

I have a final question on community engagement. I have been asked again about a scale model. It was initially said that that would be provided, but the last time we spoke it had not been. You indicated that there were some problems with that but you were going to look at it again. Has the model been provided to

communities as part of the engagement process? If not, where does the matter stand?

**Lawrence Shackman:** We are committed to providing a model. In fact, I think that three models of the project will be provided. One will be a plan area of the Forth to show how the project fits into the area. A couple of other models will be made of the bridge itself, one showing the towers and one showing the whole bridge from bank to bank. Those will be provided by the contact and education centre when it opens in 2012. The models will be produced by the contractor; that is written into the contractor's requirements. Once the final detailed designs are made, the contractor will provide the models. Obviously, Transport Scotland and our consultants will monitor the development of the models, but there are specific requirements in the construction contract in that regard.

**The Convener:** Are the communities who have requested models content with not seeing them until next year?

**Lawrence Shackman:** We cannot provide the models before the design is finalised. It is a chicken-and-egg situation. We have to make sure that the contractor's design is finished before we produce the models. As soon as we can produce the models, they will be done.

**Marlyn Glen (North East Scotland) (Lab):** We might have talked about some of this already, but are there any further details about how the code of construction practice better meets the needs of local residents?

**Lawrence Shackman:** Which aspects are you referring to or interested in?

**Marlyn Glen:** A general overview would be helpful. If there are a lot of details, that would be good.

**Lawrence Shackman:** We wrote a list of a lot of the changes that were made to the code of construction practice and all the undertakings that were made following the bill process in relation to noise monitoring and air-quality installations in the local area, to give the communities comfort that appropriate measures would be taken throughout construction to address their concerns regarding dust, noise or traffic—whatever the particular environmental impact was.

We have already mentioned the community council forum, which was an additional item, and the code of construction practice sets the scene for some of the other working groups that have already been set up, such as the traffic management working group, and describes how they are to be taken forward more formally.

From a practical point of view—not only in relation to the code of construction practice, but as

part of the bill process—additional items such as screening requirements in the Echline field area are now to be implemented. All those commitments have been taken forward in the construction contract, and they have been placed on the contractor to ensure that he provides all those items. There is really quite a long list of things.

**Marlyn Glen:** Thank you. You also talked about the updated brochure and the models that will be made available. What progress has been made in making arrangements for local residents and businesses to report any breaches of the code, and to learn about the project as it enters its construction phase?

**Lawrence Shackman:** We have undertaken—it is in the code of construction practice—to make a 24-hour hotline available for anyone who has complaints about the project. People will be able to phone the hotline for whatever reason they want, whether to make a complaint or offer a compliment—we hope—about how the project is going, or just for general information and education. A dedicated e-mail address will also be available.

There is a strong commitment from us, which will go through to the contractor—or contractors, I should say, because there are three contractors on board for the three contracts—to ensure that any complaint or comment is responded to within a set timeframe. It is hoped that the contractors will do so within 24 hours—I think the limit is 48 hours—to get some action taken and ensure a proper response.

We have also committed to publish comments or complaints on the website. We will monitor complaints and how they have been dealt with, and the information will be publicly available so that people can see how we have approached those issues.

**Marlyn Glen:** I presume that once you get the forum set up, you will go through with the community councils the step-by-step guide that you will have.

**Lawrence Shackman:** That is correct.

**Rob Gibson (Highlands and Islands) (SNP):** I will focus further on traffic management during the construction phase. You have mentioned the code of construction practice with regard to minimising the impact of construction traffic on local traffic and residents in the streets. What changes have been made to make those elements more enforceable?

**Lawrence Shackman:** I am not sure that there have been many changes to make them more enforceable. We have been really quite strong in terms of how many restrictions we have placed on

the main contractor with regard to the areas to which it cannot have access, which include the general streets in the built-up areas of South Queensferry. We do not want any construction traffic in those areas, and we want to have the means to ensure that if people from the contractor's workforce park where they are not supposed to park, the cars will be removed and the people will have sanctions placed on them.

Contractors are normally pretty good. The people we are dealing with will, I hope, take a pretty strong line with those who flout the rules, and will try to ensure that local communities are affected as little as possible by general traffic related to the project.

15:00

Beyond the code of construction practice, there will be many more requirements in relation to the routing of supply vehicles. For example, the idea will always be to use the main roads and not—for want of a better phrase—the smaller roads, and to ensure that the workforce arrives in a coherent manner. That will require active travel plans for people coming to the site in order to reduce the amount of traffic coming to the main site offices and the like. All those elements have been either built into the code of construction practice or have been amplified generally in the actual contract documents.

**Rob Gibson:** So, is there scope—or, indeed, any further plan—to improve on the current arrangements if necessary?

**Lawrence Shackman:** The traffic management working group is the be-all and end-all for all the project's traffic management arrangements and will have very regular meetings as the contractor becomes more and more involved in the construction process. All the plans will have to go through that group. Moreover, the contract contains restrictions on when the contractor can and cannot carry out works, in particular on the main road network, to ensure that the impact on traffic is minimised as far as possible. For example, it would be unlikely that the contractor would be allowed to restrict the A90 or M90 to one lane during the day. I am not saying that such a thing is impossible; there might be a very good reason why it is better to carry out such work on a particular occasion. A short, sharp shock, if you like, is sometimes better than a long period of road works. Indeed, such works might not be safe and it might simply be quicker to close a section of road than to put traffic management on it.

The traffic management working group, which includes the local authorities, FETA and the emergency services, will be chaired by Transport Scotland. Obviously the contractor will be the main

person bringing evidence to the group and we want to ensure that coherent proposals that cater for all traffic including cyclists and pedestrians are taken forward, and that the public are apprised of those proposals in good time so that they know what is going to happen before it actually happens.

**Rob Gibson:** Will there be assurances of uninterrupted access to the current Forth road bridge for pedestrians and cyclists during the new crossing's construction?

**Lawrence Shackman:** As far as I am aware, there is no reason to stop pedestrians and cyclists from crossing the bridge. The paths and cycleways that link to the bridge will be maintained; they might not be on the existing alignment and alternative routes might have to be put in place, but there are certainly no plans to stop cyclists and pedestrians crossing the Forth road bridge.

**Rob Gibson:** You said that you might have to close a stretch of road because of, say, a wide load, but your response seems to indicate that that would not affect pedestrians and cyclists and that their route to the current Forth road bridge would be unimpeded.

**Lawrence Shackman:** As far as I know, there are no plans to stop pedestrians and cyclists crossing.

**Alison McInnes:** We know that the construction of a project of such a scale will result in a great deal of carbon emissions: indeed, at the outset, Transport Scotland estimated that around 120,000 tonnes of CO<sub>2</sub> would be emitted, but acknowledged that it will be able to refine that figure as detailed proposals come forward. On a number of occasions, Transport Scotland has tried to reassure the committee that it would get that information and most recently assured us that the tendering process would provide it. We know now that the bids were submitted on 28 January. Have contractors provided estimates of greenhouse gas emissions for the project's construction and, if so, when will those be made public?

**David Climie:** Contractors have provided the requested information. At this point, the figures are estimates, because the contractors have outline designs and outline procurement proposals. Contractors have had to justify their estimates on the basis of those outline proposals. As we described at the previous session at which we appeared, those estimates formed part of the quality evaluation of the tenders, so they were taken into account in the overall scoring of tenders.

Under the contract, the outturn will be re-evaluated at the end of the contract. The contract contains penalties under which we will claw back

money if the outturn is worse than the original estimate. The estimates are being scored and therefore form part of the award, so we must have a way to claw back money if a contractor does not achieve what it promises to achieve.

The precise details of the winning bidder will be released once the tender evaluation is complete.

**Alison McInnes:** Is it your initial assessment that the estimates are robust and that contractors have not overestimated or underestimated, so they will not fall foul of problems?

**David Climie:** We have reviewed whether the estimates are in line with our expectations and whether they align with what contractors have told us about procurement, and the answer is yes: we are satisfied that the basis of the calculations is sound and that contractors are coming up with answers that are similar to the range that we expected from the specimen design.

**Alison McInnes:** Do the figures cover the whole crossing project or only construction of the bridge?

**David Climie:** The figures cover just the main crossing—just the bridge—because that will probably have the greatest impact in terms of potential transport and so on.

**The Convener:** So, the estimates for the two bids do not differ significantly.

**David Climie:** The estimates differ, but they are both within the range that was expected when we developed our initial evaluation criteria.

**The Convener:** Does the difference between the estimates relate to the methodology for the calculations or to how the contractors intend to pursue the construction project?

**David Climie:** The differences are in how the contractors would pursue construction, because the methodology was laid out as part of the tender documents—they set out exactly how the calculation had to be done.

**The Convener:** The Government has said that it expects the VAT that is due on the project to increase by approximately £23 million because of the recent change in the VAT rate. Will that estimated VAT increase affect the projected outturn cost of the project?

**David Climie:** We have reviewed the impact of the extra VAT, which I confirm will be about £23 million, as you said. We have also considered our overall estimates. I confirm that the additional VAT can be accommodated in the published range of outturn costs.

**The Convener:** I presume that there is a limit on future changes to the VAT rate that could take place and allow you to retain that confidence.

**David Climie:** Absolutely.

**The Convener:** Do you have any idea what that limit is?

**David Climie:** I cannot speculate, but I can say that the increase of 2.5 percentage points was accommodated. I cannot comment on future impacts.

**The Convener:** I have been asked to raise two construction issues. The existing road bridge has lay-bys to allow large loads to be parked and inspected before being escorted over the bridge. Will the new bridge have the same facility?

I gather that pier defences were retrofitted to the existing bridge. Why are they not proposed features of the new bridge?

**Lawrence Shackman:** Heavy vehicle lay-bys are incorporated into two slip roads on the South Queensferry junction, so any vehicles that need to be inspected before they cross the Forth will be held in those locations. A facility is built into the contract for that.

**David Climie:** The ship impact defences relate to the fact that, as knowledge develops, design codes change. When the original Forth road bridge was designed in the early 1960s, less was known about ship impact effects. A retrofit was applied later, as were other measures to upgrade and strengthen the bridge.

We have taken into account ship impact in the design of the new bridge's structure, through extensive marine simulations at South Tyneside College. We have considered the size of vessels that come up the Forth and the effects that they would have on the south tower in particular, as that is where the main channel will be, and we have adopted a detailed analytical approach to ensure that the structure is designed to allow for the effects of ship impacts. Rather than having specific protection, protection is inherent in the structure's design.

**The Convener:** As there are no more questions, I thank the witnesses for the time that they have spent answering questions, and I wish them well in answering our successor committee's questions in the near future.

We will have a brief suspension to allow the witnesses to leave.

15:10

*Meeting suspended.*



## Annual Report

15:12

*On resuming—*

### Subordinate Legislation

#### **Provision of Water and Sewerage Services (Reasonable Cost) (Scotland) Regulations 2011 (SSI 2011/119)**

**The Convener:** Agenda item 2 is consideration of SSI 2011/119, which is a negative instrument. Members have been provided with paperwork on it. No motion to annul has been lodged, and no member seems to wish to comment on the regulations. Do members agree that we do not wish to make any recommendations on the regulations?

**Members** *indicated agreement.*

15:12

**The Convener:** Item 3 is consideration of a draft annual report for the parliamentary year from 9 May 2010 to 22 March 2011. Do members want to make any general comments before we go through the report paragraph by paragraph to approve or amend what it says?

**Charlie Gordon:** Going through it page by page would be fine.

**The Convener:** I am happy to accept that suggestion. Do members want to make any changes in pages 1 to 6?

**Members:** No.

**The Convener:** The report must be a masterpiece of drafting. Do members agree that it should be signed off?

**Members** *indicated agreement.*

## Legacy Paper

15:13

**The Convener:** The final item on the agenda is a draft legacy paper. I remind members that, although the room has largely been cleared of witnesses, we are still in public session to discuss the paper.

Do members have any general comments to make before we consider the paper page by page? There is one suggestion that I want to make, but I am not clear where it could fit into the paper—it could possibly go under the “Methods of Working” heading. I want to refer to climate change as well as to sustainable development and energy issues such as peak oil, all of which would fit with different committees’ remits in the current committee structure. Given the lack of a sustainable development commission from now on, I suggest that we refer to cross-cutting issues that impact on a wide range of subject committees’ remits, and ask whether members in the new session, even before the new committee structure is established, could consider how those issues might fit together so that more coherent scrutiny across them is provided, and how the committees can work together. I am not sure whether that fits easily into an existing paragraph, or whether there needs to be a new one. Is it all right if we add something along those lines?

**Members indicated agreement.**

**The Convener:** As members have no suggestions to make on any of its seven pages, do we agree the draft legacy paper, subject to its being changed along the lines that I have suggested?

**Members indicated agreement.**

15:15

**The Convener:** Thank you very much. That brings us to the end of our final meeting of the session. I thank all of you for being a generally constructive and always pleasant committee to work with. I am very grateful to all of you for your engagement over the past four years, and I am sure that you would all want to join me in thanking all our colleagues in the clerking team, the Scottish Parliament information centre, security, broadcasting and the official report, who have all facilitated our meetings.

In particular, members might want to add a word of thanks to Robert Arnott from the official report, who is not expected to be with us in the next session, so this will be his last committee meeting. He has been with the Parliament since 1999, and I

think that the committee should join me in offering him our thanks and best wishes for the future.

**Robert Arnott (Scottish Parliament Research, Information and Reporting Group):** Thank you.

**The Convener:** If this is the only chance that you will have to get some words in the *Official Report*, take it or leave it.

**Robert Arnott:** I am sure that that never happens, convener.

**The Convener:** Thank you anyway.

I wish all of you—or most of you, at least—mostly well for the next few weeks. Thank you all very much.

**Charlie Gordon:** I think that the phrase is, “Good luck to everyone.”

**The Convener:** Good luck to everyone, in whatever we may do.

*Meeting closed at 15:17.*

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